

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 30 May 2018 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on 9 May 2018 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 8) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Land North of Gullane Close, Bill Quay, Gateshead (Pages 9 - 48)
4ii	No. 2 - Wellburn Care Homes, Eighton Lodge, Low Eighton, Gateshead NE9 7UB (Pages 49 - 54)
4iii	No. 3 - Ethical Partnership, The Gateshead Chedar Ltd, Bede House, Sunderland Road, Gateshead NE8 3HY (Pages 55 - 66)
4iv	No. 4 - Durham Wildlife Trust, Shibdon Meadow Local Wildlife Site, Derwenthaugh Road, Blaydon (Pages 67 - 84)
4v	No. 5 - NewcastleGateshead Initiative, Pontoon Moored to the Jetty at HMS Calliope, South Shore Road, Gateshead NE8 3AE (Pages 85 - 98)
5	Delegated Decisions (Pages 99 - 110) Report of the Strategic Director, Communities and Environment
6	Enforcement Action (Pages 111 - 130) Report of the Strategic Director, Communities and Environment

- 7 **Planning Appeals** (Pages 131 - 140)
Report of the Strategic Director, Communities and Environment
- 8 **Planning Obligations** (Pages 141 - 142)
Report of the Strategic Director, Communities and Environment
- 9 **Permission in Principle on Application** (Pages 143 - 146)
Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
30 May 2018

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Paul Dowling, Strategic Director Communities
and Environment

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/17/01267/FUL	Land North Of Gullane Close Bill Quay	Pelaw And Heworth
2. DC/18/00213/ADV	Eighton Lodge Low Eighton	Lamesley
3. DC/18/00309/FUL	The Gateshead Cheder Ltd Bede House	Bridges
4. DC/18/00316/FUL	Shibdon Meadow Local Wildlife Site Derwenthaugh Road	Blaydon
5. DC/18/00388/FUL	Pontoon Moored To The Jetty At HMS Calliope	Bridges

DEVELOPMENT PLAN

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published in March 2012 by Communities and Local Government (CLG), and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied. The NPPF and the PPG can be accessed through this link

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN

In 2015 Gateshead Council and Newcastle City Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP). This Development Plan Document (DPD) sets area-wide Planning Policies for Gateshead and Newcastle, (including policies setting out the amount, and broad distribution of new development) and provides more detailed policies for the Urban Core of Gateshead and Newcastle.

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

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

Some UDP policies are supported by Interim Policy Advice notes (IPA), or Supplementary Planning Guidance (SPG). IPA 4 and 17 and SPG 4 and 5 excerpts, will continue to be used until they have been replaced by appropriate alternatives.

The Council is currently working on new draft detailed policies and land allocations for the new Local Plan. The DPD will be called Making Spaces for Growing Places (MSGP), which once adopted will replace any remaining saved UDP policies and designations/allocations.

UPDATES

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

SPEAKING AT COMMITTEE

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

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

SITE PLANS

The site location plans included in each report are for illustrative purposes only. Scale plans are available to view on the application file or via Public Access.

PUBLICITY/CONSULTATIONS

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

SITE VISITS

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority will not invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

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

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

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Committee Report

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

1.0 The Application:

1.1 BACKGROUND

This application was deferred at the meeting of the Planning and Development Committee on 09 May 2018 to allow the Committee to visit the site. Members visited the site on 24 May 2018.

1.3 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.

1.3 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.

1.4 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.

1.5 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.

1.6 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.

1.7 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 bed roomed private dwellings.

- 1.8 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.
- 1.9 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%)
- 1.10 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.
- 1.11 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.
- 1.12 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.
- 1.13 **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 316 individual objections have been received in addition to a petition of 499 signatures.
- 3.3 Two objections 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.'
 - 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.
- 3.4 A total of 313 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), the letter raises the following issues;

- A proposal for the development of the site has previously been dismissed; the concerns raised by the Inspector have not changed and;
 - The original refusal reasons remain valid and should actually carry more weight.
- 3.6 A number of other letters from constituents were also forwarded to the Council; these letters are counted in the 313 referenced above and are included in the summary below.
- 3.7 The remaining individual 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.
- 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.
- The decision should be deferred until scrutiny of the S106 and ecology information (in light of the objection from South Tyneside) has occurred and information associated viability has been released by the Council.

- 3.8 The objections raised within the 499 name petition 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.

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) during both 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 generate 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). Further, it is considered necessary to condition that the final details of the proposed turning head be submitted to and approved in writing, to ensure that a refuse vehicle can adequately turn within the site (conditions 47 and 48).
- 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. It is considered that the final details (location and number) of proposed visitor parking bays should be secured by condition in order to allow better distribution of bays though the site (conditions 49 and 50).
- 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). Officers have identified an area which has the potential to accommodate the compensatory measures within 1 km of the application site (within the Pelaw and Heworth Ward).
- 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. Camera traps were erected on site by the applicant as part of the ecological survey work, these traps were located on site for a consecutive 217 day period; these traps were triggered once by a fox, once by a dog walker and once by a resident tending to their garden. Further, 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. It is the view of officers that the existing railway line is likely to be of greater value in supporting ecological connectivity than the proposed development site. 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 infrastructure 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.

Viability information has been assessed by Officers and is considered to be sound as concluded in the main report. The viability information has not been released publicly in accordance with Council policy; the FOI request regarding this matter will be dealt with via the appropriate procedure.

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.

47

Notwithstanding the approved plans no dwellinghouse hereby permitted shall be occupied until final details of the proposed traffic calming measures to be installed within 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.

48

The traffic calming measures within the site shall be implemented in full in accordance with the details and timescales approved under Condition 47.

Reason

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

49

Notwithstanding the approved plans no development hereby permitted shall commence until the number and final details of visitor parking spaces within the application site and a timetable for implementation have been submitted and approved in writing by the Local Planning Authority.

Reason

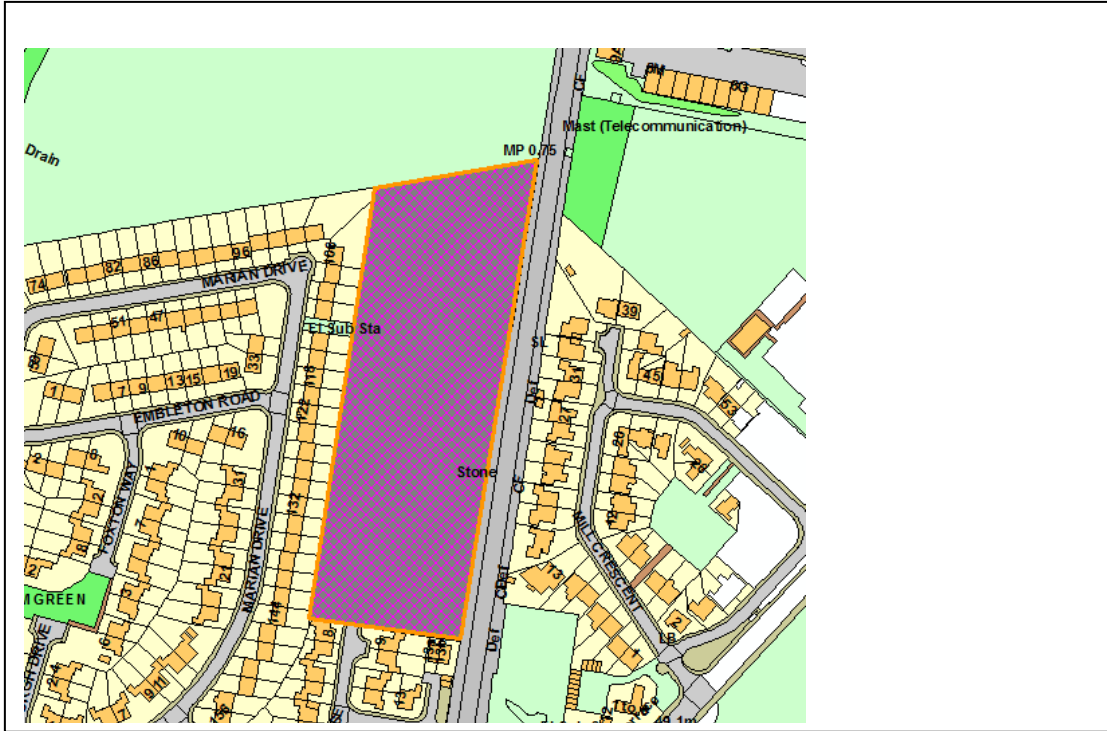
In the interests of highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

50

The visitor parking within the site shall be implemented in full in accordance with the details and timescales approved under Condition 47.

Reason

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



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UPDATE

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

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

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

MINOR UPDATE

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

Reason for Minor Update

Further representations received, amendment to agenda wording and points of clarity.

Additional Representations

Clarity has been offered by a local resident on their objection and the additional points raised are as follows;

- The S106 agreement prepared in relation to the application ought to be scrutinised by an independent ecologist;
- The fact the Council has not released the viability assessment/information prevents residents making representation on the application.

The objector feels the application ought to be deferred based on the above points.

Viability information has been assessed by Officers and is considered to be sound as concluded in the main report. The viability information has not been released in accordance with Council practice.

The impact of the proposal, in ecology terms, has been given due consideration and the objection from South Tyneside Council has been offered appropriate weight; the view of Officers is that any impact either in terms of movement of species or loss of habitat can be mitigated against through the use of planning conditions or planning obligations, as set out in the main agenda.

It is considered by officers that neither of the above matters, when considered individually or cumulatively, would necessitate the deferral of the planning application.

Amendment to Main Agenda

Further to paragraph 7.0, conditions 47 and 48 should refer to the final details of the proposed turning head. The words '*traffic calming measures*' should be replaced by '*turning head*' (traffic calming measures are addressed by conditions 16 and 17).

Point of Clarity

During the Committee Site Visit information was requested in regard to the separation distance between the proposed development and a property which is currently being extended (122 Marian Drive).

The property is currently being extended through the erection of a single storey rear extension and a first floor side extension; the separation distance between the proposed rear extension and the Plot 6 of the proposed development would be 21.4 metres (excluding the proposed garage element).

SEE MAIN AGENDA FOR OFFICERS REPORT.

REPORT NO 2

Committee Report

Application No:	DC/18/00213/ADV
Case Officer	Owain Curtis
Date Application Valid	7 March 2018
Applicant	Wellburn Care Homes
Site:	Eighton Lodge Low Eighton Harlow Green Gateshead NE9 7UB
Ward:	Lamesley
Proposal:	Display of two post mounted signs (retrospective)
Recommendation:	Advertisement Consent GRANTED
Application Type	Application to Display Adverts

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

This application concerns a detached care home within the village of Low Eighton. The surrounding area is predominantly residential however there is a public house on the opposite side of the access road into the settlement. Pedestrian and vehicular access is gained from a junction off Durham Road north of the A1 roundabout. The care home site is enclosed by various boundary treatments including a random stone wall and post and panel fence and views into the site are screened by a substantial amount of shrub and tree planting.

1.2 DESCRIPTION OF THE APPLICATION

This application seeks retrospective advertisement consent for the display of two post mounted signs advertising the 'Eighton Lodge Care Home' on the edge of the care home's curtilage. Sign 1 measures 2.4m in width x 2m in height and is located on the junction with Durham Road. Sign 2 measures 1.2m x 0.9m and is located at the entrance to the care home car park.

1.3 PLANNING HISTORY

There is no relevant planning history for this property.

2.0 Consultation Responses:

None.

3.0 Representations:

3.1 This application was advertised in accordance with Section 18B of the Planning Practice Guidance 2014 and Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3.2 The application is referred to the Planning and Development Committee for determination as 5 objections have been received raising the following concerns:
- There is a proliferation of signs
 - The signs are larger than necessary
 - The large sign is unsightly, overbearing and totally out of place for the community
 - It is imposing and completely out of character for this residential area
 - We have no street lights in our community and none of us would change that situation. The signs do not need to be illuminated.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

5.0 Assessment of the Proposal:

- 5.1 In accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the sole issues that can be considered are the impacts the signs have on amenity and public safety.
- 5.2 The National Planning Policy Framework (NPPF) makes reference to advertisements; acknowledging that "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment." Paragraph 67 continues "only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."
- 5.3 **AMENITY**
The NPPG provides helpful guidance on how 'amenity' is to be assessed. The NPPG advises that "...amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.
- 5.4 So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features."

- 5.5 In this case, the application site is not considered to be within a sensitive area. The site is not located within an area of particular scenic, historic, architectural or cultural importance; it is not within a Conservation Area and there are no Listed Buildings nearby that would be affected. The Angel of the North, a non-designated heritage asset, is some 260m from the site however the signage does not have any adverse impact on its appearance or setting.
- 5.6 Officers acknowledge the area is primarily residential in nature, nevertheless there is a small number of commercial advertisements within the area associated with the Eighton Lodge care home and the Angel View public house. It is considered the sign at the Durham Road junction is seen within the context of the main road which, at this location, is a dual carriageway with various roadside signage including a large direction panel sign therefore the scale and height of the sign is not considered to be out-of-keeping with the character of the area. The scale of sign 2, at the car park entrance, is also considered to be acceptable.
- 5.7 With regard to the illumination of the signs, the surrounding area is not lit by street lights and officers consider the white light emitted from the overhead LED lighting bar appears as unusually bright and stark in an otherwise dark area. This harm is compounded by the fact the prevailing colour of the signs is also pure white. Whilst the illumination does not pose a risk to highway safety, it has an appreciable negative impact on the overall visual amenity of the area. To remedy this, officers consider that advertisement consent can be granted subject to a condition requiring the dismantling and removal of the lighting bars to ensure the signs are non-illuminated in perpetuity (condition 1).
- 5.8 In summary, subject to condition 1, officers conclude that the advertisements are not detrimental to the interests of visual amenity.
- 5.9 **PUBLIC SAFETY**
The proposed signage would not result in features which would adversely impact on: the safety of persons using any highway; obscure or hinder the ready interpretation of any traffic sign; or hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle. It is therefore acceptable from a public safety point of view.
- 5.10 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**
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.

6.0 CONCLUSION

The proposed advertisements have been assessed with regard to their impact on amenity and public safety and also in the context of paragraph 67 of the NPPF. It is considered that there would be no detrimental impact on public safety and that the advertisements would not have a harmful impact on amenity, provided that they are not illuminated. Subject to a condition to require the removal of the installed external light source, it is recommended that advertisement consent be granted.

7.0 Recommendation:

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

1. Within 14 days of this application decision, the overhead lighting bars on the signs hereby approved shall be dismantled and removed in their entirety.

Reason

To safeguard the amenity of the area in accordance with the National Planning Policy Framework and National Planning Practice Guidance.



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Committee Report

Application No:	DC/18/00309/FUL
Case Officer	Lois Lovely
Date Application Valid	5 April 2018
Applicant	Ethical Partnership
Site:	The Gateshead Cheder Ltd Bede House Sunderland Road Gateshead NE8 3HY
Ward:	Bridges
Proposal:	Renewal of temporary planning permission (ref: DC/15/00034/COU) for use of building as a school (use class D1) (additional information 15/05/18).
Recommendation:	GRANT TEMPORARY PERMISSION
Application Type	Change of Use

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

Bede House, the application property, is a 12 storey tower block accessed from Sunderland Road by vehicles and pedestrians, additional pedestrian access is gained from the subway under the Gateshead Highway if approaching the building from High Street or from the elevated footway that spans the roundabout at the end of Sunderland Road and that passes beneath the flyover if approaching the site from High Street West.

1.2 It is one of three towers in this location adjacent to the Gateshead Flyover.

There are occupants in Aidan House, although it is not operating at full capacity. Chad House has recently been refurbished to create 89 apartments. The three blocks sit in a large grassed area that is crossed by footpaths.

1.3 Bede House comprises an undercroft car parking level that provides 43 spaces cycle parking and a bin store and on the deck above a play area for the pupils, that is partially under cover and partially open air. Both decks are secured by bespoke concrete and iron rails.**1.4** To the east of the tower block is an Aldi supermarket and beyond to the north east are residential properties on Chaucer Close, with further residential properties to the east and south east. However, to the east these properties are separated by Shelley Drive as well as the access road to Chaucer Close and to the south by Sunderland Road.**1.5** To the north of Bede House and west of Aldi is the remainder of the vacant Go Ahead depot.

1.6 The Aldi is accessed from Sunderland Road.

1.7 DESCRIPTION OF THE PROPOSAL

The application has been submitted on behalf of Gateshead Cheder Limited. This is the school that formerly occupied the former Felling Police Station on Sunderland Road but has been operating from Bede House since September 2016.

1.8 Although the school have been searching for alternative premises, to date no suitable building has been found. The temporary consent for the school expires on the 14th October. The proposal is for a further three years.

1.9 PLANNING HISTORY

DC/15/00034/COU Change of Use from Use Class B1 (office) to Use Class D1 non-residential institution (school) Temporary Consent granted 08.04.2015

Appeal of all conditions AP/15/00001 Allowed as Inspector changed the timescale condition to commence from the date of the Inspector's letter otherwise the conditions remained unchanged 15.10.2015

15/00034/DOC1 Conditions 3 (Works in highway), 4 (Works Submission), 5 (Car Park Management Plan), 7 (School Travel Plan), 9 (Servicing and Refuse arrangements), 11 (Sample of additional fence to upper deck, 13 (Assessment and mitigation if over 200 pupils), 14 (Mitigation if pupils 200+), 15 (Cycle parking details) of planning consent DC/15/00034/COU Discharged 22 June 2016.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 Publicity for this application was carried out in accordance with articles 15 (3) and 15 (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Site notices were posted in the vicinity of the site on the 18th April with a final date for comments as the 9th May 2018. No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CFR6 Jewish and Minority Group Education

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

CS2 Spatial Strategy for Urban Core

UC4 Homes

SG1 Southern Gateway Sub-Area

SG2 The Exemplar Neighbourhood Key Site

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

5.0 Assessment of the Proposal:

5.1 The main planning issues to consider are the principle of the continued change of use for a further temporary period and highway safety.

5.2 PRINCIPLE

Unitary Development Plan

UDP policy CFR6 (Jewish and Other Minority Group Education) specifically addresses the need to support the use of any appropriate sites or facilities in the Bensham area for the expansion of Jewish education facilities. However, the proposal site is not in the Bensham area; it is separated from it by the major physical, visual, psychological and social barrier of the A167 Gateshead Highway flyover. The policy takes its rationale from the need for facilities for the Jewish community to be accessible to, and located within or on the edge of, the area where that community is currently located. This site is outside Bensham and therefore the policy is not applicable. It is notable that previously the existing Cheder School had to find premises in Felling to meet their accommodation needs, suggesting that nowhere suitable in Bensham exists. The proposal is in accordance with saved UDP policy CFR6, as the proposal supports the use of any appropriate sites or premises which may become available in the Bensham area for the expansion of Jewish education facilities ... taking account of potential harm to residential amenity and of other local community needs. The site is not in Bensham, but is close to Bensham and the school is operating successfully for the applicant.

5.3 Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

The application is for a standalone, not strategic, non-residential scheme which is contrary to the planning policy and regeneration aspiration for the co-ordinated, residential development for this site that is set out in the emerging Core Strategy and Urban Core Plan and Exemplar Neighbourhood SPD.

Secondly, it further reduces the land available within the Exemplar Neighbourhood to achieve the housing target of 1000 homes.

- 5.4 The block is located in the Urban Core, and is located in the Southern Gateway Sub Area (Policy SG1) and forms part of the Exemplar Neighbourhood Key Site (Policy SG2).
- 5.5 The Exemplar Neighbourhood Key Site is a major area of change and the vision for the area is to create a new sustainable residential community. There are a number of policies in the Plan that will help achieve this vision:
- 5.6 Plan Policy CS2 allocates the Exemplar Neighbourhood for growth, and prioritises it within the Urban Core for housing; it also requires it to be brought forward in accordance with an approved masterplan to demonstrate a comprehensive and coordinated approach to site development and infrastructure provision.
- 5.7 Plan Policy SG1 allocates the Exemplar Neighbourhood Key Site for mixed use development.
- 5.8 Plan Policy SG2 sets out the development requirements to create a new sustainable neighbourhood at the Exemplar Neighbourhood Key Site. These include:
1. A minimum of 1,000 homes at an average of 50 dwellings per hectare.
 2. Provision of small-scale ancillary uses that support the needs of the new community including small shops, cafes and community facilities along primary pedestrian routes and other main routes.
 3. Mixed use development which will be directed to the ground floors of development on sites along the route of the future City Boulevard.
- 5.9 Exemplar Neighbourhood Supplementary Planning Document July 2013
- The site is also subject to the Exemplar Neighbourhood SPD which provides guidance for development within the Exemplar Neighbourhood site as identified in the emerging Local Plan. It sets out design principles which need to be adhered to and a framework masterplan which development will be expected to take account of and reflect.
- 5.10 Page 48 of the SPD acknowledges that there is scope to consider the conversion of the tower blocks alongside comprehensive redevelopment. It states that if the towers are retained:
- "it is essential that they are adapted so that they relate to and compliment the new developments which will surround them both in terms of architectural expression and use."
- "adaptation to alter the external appearance in particular would be strongly encouraged."
- 5.11 Due to multiple land ownerships and the continuing use of buildings, particularly in the High Street and Upper West Street areas, it is not practical to set out a detailed phasing approach for development in the Exemplar Neighbourhood.

Whilst it is expected that a significant part of the early stages of development would come forward on the Freight Depot site; likely to be followed by the East of Highway area, the development approach is to facilitate the delivery of development and infrastructure across the site in accordance with the policy and guidance set out in the Local Plan.

- 5.12 The application building is one of three office blocks at Tynegate Precinct and forms part of a wider site, the Exemplar Neighbourhood Key Site. The continued use of the building for a school should not be considered in isolation, rather it should be considered in relation to the wider regeneration objectives for the Exemplar Neighbourhood as set out in Core Strategy and Urban Core Plan policies CS2, SG1 and SG2.
- 5.13 As referred to above, the application is for a stand-alone, not strategic, non-residential scheme which is contrary to the aspiration for co-ordinated residential regeneration as set out in the Core Strategy and SPD. Although significantly smaller in footprint than the Sunderland Road Aldi planning permission (DC/14/00346/FUL), it further reduces the land available to achieve the housing target of 1000 homes. The plot is 1100sqm, which at housing density of 50/ha equates to a potential loss of 5 or 6 units, but, a change of use to residential is possible, where there is potential for approximately 89 one and two bed units.
- 5.14 As with the original application, this application does not demonstrate how:
1. The proposal does not prejudice development of the wider Exemplar Neighbourhood Key Site (CS2).
 2. The proposal will not undermine the delivery of 1,000 homes in the Exemplar Neighbourhood Key Site (UC4 & SG2), and can demonstrate how it will fit within a comprehensive and coordinated approach to site development and infrastructure provision.
 3. The proposal will relate to and complement future housing development that will surround it both in terms of architectural expression (appearance) and use, in accordance with the Exemplar Neighbourhood SPD (p48).
- 5.15 Given the lack of information referred to above it has not been possible for the proposal to be assessed against emerging policies CS2, UC4, SG2 of the CSUCP or Exemplar Neighbourhood SPD.
- 5.16 Despite this policy background, the school is making a valuable contribution to the social sustainability and wellbeing of Gateshead, as per paragraph 7 of the National Planning Policy Framework (NPPF).
- 5.17 Further, in paragraph 72 of the NPPF local authorities are tasked with executing the Government's aim of "ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education".

- 5.18 A three year temporary permission for the school was granted in 2015 in consideration of future proofing the site in light of the Core Strategy and Urban Core Plan policies for the development of the site as part of the Exemplar Neighbourhood. The Strategic Housing Land Availability Assessment (2017) identifies the site as not likely to be available until later in the Plan period. Therefore, a renewal of the permission for a further temporary period is appropriate.
- 5.19 This would enable the school to continue to search for permanent accommodation for the school. Despite the lack of supporting information in relation to this development's impact on the Exemplar Neighbourhood, and the consequential concern that the change of use would have harmful longer term impacts, occupation of the building by the school for a further three years would not fetter the aspirations and phasing of the Council bringing forward the Exemplar Neighbourhood.
- 5.20 Guidance contained in the NPPG states that a temporary planning permission may be appropriate for vacant buildings/land to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use). Further guidance states that there is no presumption that a temporary grant of planning permission should subsequently be granted permanently.
- 5.21 Therefore it is recommended that, a further temporary change of use be granted for another three year period (CONDITION 2), as this will balance the pressing accommodation requirements of the school, with the clearly stated longer term approach to the regeneration of this area, whilst also giving the applicant a meaningful period of use to off-set investment in, and internal alterations to the property and the sustainable transport measures required.
- 5.22 TRANSPORT
The pre-commencement and pre-occupation conditions (all of which were transport related) that were attached to DC/15/00034/COU were all discharged in June 2016. The proposal would not involve any changes to the plans approved under DC/15/00034/COU. The applicant has suggested that as the conditions were previously discharged there is no requirement to carry them forward to a new temporary permission.
- 5.23 However, whilst there is no objection from a transport perspective to the proposed further three year temporary planning permission, the details that were submitted to discharge some of the conditions from the original consent should be carried forward to ensure that the school continues to operate in accordance with those approved details. Conditions (CONDITION 3 - 8) are recommended to secure implementation of the approved details that related to the following conditions that were imposed on DC/15/00034/COU:

Condition 6 - Implementation and maintenance of Car Park Management Plan approved in Condition 5. (now conditions 3 and 4)

Condition 8 - Evidence of engagement in the Schools Go Smarter Programme approved in Condition 7. (now conditions 5 and 6)

Condition 10 - Implementation and maintenance of bin storage, refuse collection and servicing details approved in Condition 9. (now conditions 7 and 8)

- 5.24 Furthermore two conditions are carried forward (although renumbered to CONDITIONS 9 and 10) from the previous temporary consent:

Condition 13 - Additional details before school roll exceeds 200 to mitigate transport impacts. According to the latest Ofsted Report the school roll was 190 pupils in March 2017. (now condition 9)

Condition 14 - Implementation of any additional measures required in Condition 13. (now condition 10)

- 5.25 Given the above, subject to the recommended conditions it is considered that the temporary use can operate safely in highway terms and in accordance with CSUCP policy CS13.

5.26 **PERMITTED DEVELOPMENT**

The Town and Country Planning (General Permitted Development Order) 2015, Schedule 2, Part 3, Class Tallows, subject to certain site designations and limitations, for applicants to submit a prior approval notification for the change of use of premises in use class B1 (office) (amongst others) to change use permanently to a state-funded school, subject to prior approval covering highways and transport impacts, noise and contamination risks. Thus had the proposal been for a state funded school the change of use process would have been through a prior approval notification that must have included highways and transport impacts and noise. As this is not a state funded school, these Permitted Development Rights do not apply.

6.0 CONCLUSION

- 6.1 The original intention was to identify suitable alternative premises for the school in the period between the granting and expiration of the previous temporary planning permission. Thus far, the school has not been able to locate any suitable alternative sites within reasonable distance of Gateshead's urban core, in which much of the community the school serves are based.

- 6.2 At present, therefore, the most sensible option is for the school to remain in-situ at Bede House, as the school has become an established and much-valued asset to the community. Not only would this provide ongoing facilities for the school, it would also retain the usefulness of the otherwise vacant building and therefore has wider benefits within Gateshead. For this reason, the renewal of the temporary planning permission to allow the building to be used as a school for a further three years is considered to be acceptable.

6.3 Taking all of the above into consideration it is considered that whilst the principle of the proposal conflicts with saved policies, the pressing need for the Gateshead Cheder School to find accommodation has meant that a further temporary permission has been considered. A further three year temporary permission would not prejudice the relevant planning policies and would be acceptable as a 'meanwhile' use in advance of longer term regeneration. This will enable the school to continue for another three years whilst seeking more appropriate permanent accommodation whilst the objectives of the Exemplar Neighbourhood are not prejudiced. Thus subject to the recommended conditions it is considered that temporary planning permission should be granted for three years.

7.0 Recommendation:

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

1

The development shall be carried out in complete accordance with the approved plans as detailed below -

Proposed Ground Floor Plan
Proposed First Floor Plan
Proposed Second Floor Plan
Proposed Third Floor Plan
Proposed Fourth Floor Plan
Proposed Fifth Floor Plan
Proposed Sixth Floor Plan
Proposed Seventh Floor Plan
Proposed Eighth Floor Plan
Proposed Ninth Floor Plan
Proposed Tenth Floor Plan
Proposed North Elevation
Proposed South Elevation
Proposed East Elevation
Proposed West Elevation

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 Use hereby permitted shall be for a limited period only of 3 years from the date of this decision notice and on the expiration of this period the Use shall cease.

Any relevant Traffic Regulation Orders shall be revoked and any relevant traffic signs and road markings shall be removed within three months of the Use ceasing

Reason

To ensure that longer term regeneration plans for the area are protected and in compliance with policies SG1, SG2 and CS2 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

3

Within one calendar month of the date of this decision a Car Park Management Plan which shall include how vehicle, cycle and pedestrian movements at the site will be managed to avoid any potential conflict shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure an appropriate level of car parking is provided and in the interests of highway safety in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The Car Park Management Plan approved under condition 3 shall be implemented within two calendar months of the date of this decision and it shall be maintained as such thereafter.

Reason

To ensure an appropriate level of car parking is provided and in the interests of highway safety in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

Within one calendar month of the date of this decision a Statement of Commitment to engagement in the Schools Go Smarter (SGS) Programme or other subsequent similar initiatives aimed at promoting sustainable travel and reducing the number of car journeys made to and from school has been submitted to and approved in writing by the Local Planning Authority.

The Statement of Commitment to the SGS Programme (or similar initiative) should detail

1 the initiatives that the school will participate in (including Free Your Feet, Bikeability, Walk Once A Week, promotion of public transport, travel matters and Child Pedestrian Training)

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

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

4 a commitment to participation in the annual Schools Go Smarter Hands Up travel survey (or any equivalent annual survey requested by Gateshead Council) to provide monitoring information on pupil and staff journeys and evidence of continued engagement in the SGS Programme or other subsequent similar initiatives.

Reason

In the interests of the provision of appropriate modes of travel and highway safety and in compliance with the Gateshead Cycling Strategy and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

Evidence of engagement in the Schools Go Smarter programme or other subsequent similar initiatives (as required by condition 5) shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this decision.

Reason

In the interests of the provision of appropriate modes of travel and highway safety and in compliance with the Gateshead Cycling Strategy and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

Within one calendar month of the date of this decision details of bin storage, refuse collection and servicing arrangements for the building shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the provision of adequate refuse storage and servicing arrangements, in the interests of visual amenity and the appearance and design of the development and highway safety in accordance with Policies DC1, ENV3 and MWR28 of the Unitary Development Plan and policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

The bin storage, refuse collection and servicing arrangements approved under condition 7 shall be provided on site within two calendar months of the date of this decision and they shall be maintained as such thereafter.

Reason

In the interests of the provision of adequate refuse storage refuse collection and servicing arrangements, visual amenity and the appearance and design of the development and highway safety in accordance with Policies DC1, ENV3 and MWR28 of the Unitary Development Plan and policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

Before the pupil roll exceeds 200, details of the intended staff and pupil numbers and the ages of the children along with details of proportionate measures to ensure the transportation impacts and safety of these additional staff and pupils can be accommodated at the site, shall be submitted for the written approval of the Local Planning Authority.

The requirements of this condition shall be met at all such times as the pupil roll exceeds 200, or for any multiple of 30 pupil increase thereafter.

Reason

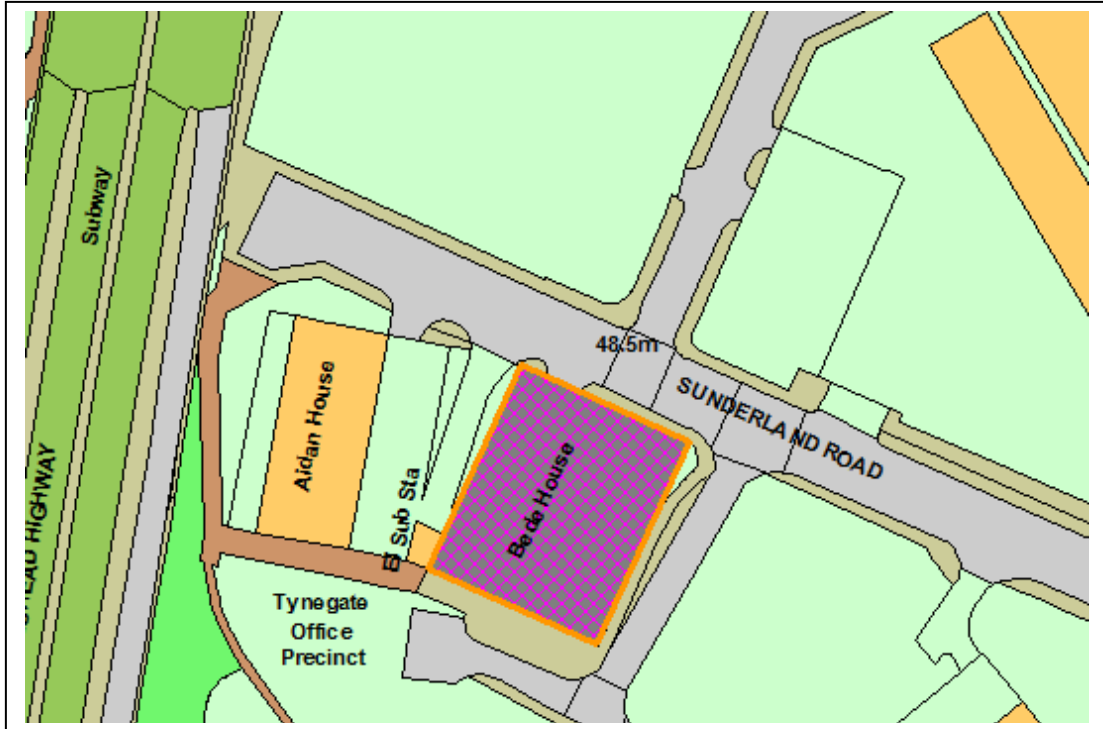
In the interests of the provision of adequate highway arrangements and in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

The physical provision, mitigation and / or management measures approved under condition 9 shall be implemented prior to the school roll exceeding 200 (or the relevant subsequent threshold thereafter)

Reason

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



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Committee Report

Application No:	DC/18/00316/FUL
Case Officer	Tracy Long
Date Application Valid	5 April 2018
Applicant	Durham Wildlife Trust
Site:	Shibdon Meadow Local Wildlife Site Derwenthaugh Road Blaydon
Ward:	Blaydon
Proposal:	Creation of Wetland Habitat Features and Installation of Two Bird Viewing Structures
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF APPLICATION SITE

1.2 The application site is the Shibdon Meadow Local Wildlife Site at Derwenthaugh Road in Blaydon which measures 9.2 hectares.

1.3 The site is relatively level and is currently an area of grassland which is species poor meadow and is grazed by horses. The site already contains wetland features and areas of vegetation. The site is enclosed by fencing with no public access. There is an existing vehicle access to the site along the north east boundary.

1.4 The surrounding area is commercial in nature. To the north of the site is the Derwenthaugh Eco Parc Recycling Centre, to the east is a Car Wash / Valeting business, to the south is The Premier Inn Hotel and Esso Petrol Filling Station with the A1 to the west.

1.5 DESCRIPTION OF APPLICATION

1.6 This planning application is for the enhancement of the existing Local Wildlife Site and proposes to create additional wetland habitat features on the whole site including the installation of two bird viewing structures. This will be achieved by reprofiling parts of the site to create swales, shallow ponds and bunds. The supporting information explains that the proposed habitats would benefit wading bird species currently using the River Tyne and the Shibdon Pond SSSI.

1.7 A concept plan has been submitted which shows the proposed works separated into 6 distinct units on the site. Each unit can be constructed independently. This will enable phasing of the various elements of the project with each unit being connected as the project progresses.

- 1.8 The proposed development will not be open to the public as it is not intended to be a visitor attraction or visitor centre. There will be no public access to or through the site.
- 1.9 The proposed habitats to be created for each unit area are summarised below :
- 1.10 Unit 1 - Marsh and Pool Habitat
This is located directly behind the hotel. It consists of deeper pools leading to shallow marginal habitat. Raising of some areas will create wild flower habitat and increase diversity.
- 1.11 Unit 2 - Wildlife Pond with Islands and Marginal Habitat
This is a deeper water body with refuge islands and marginal habitat. Areas around the pond will be raised for wild flower habitat.
- 1.12 Unit 3 - Backwater and Treatment Marsh
A deep backwater area will be created with connections to the main ditch. The surface water drain from the petrol filling station will be broken out and converted into a treatment marsh to remove any pollutants.
- 1.13 Unit 4 - Grip Network and Wet Meadow
An area of grips and shallow scrapes will be created with islands of wild flower habitat. Small drop board sluice structure will enable water control and retention.
- 1.14 Unit 5 - Embankments and Bunds
A bund will be created along the eastern edge of the site to protect the road. This will connect with the existing bank that is adjacent to the hotel. This bank will be enlarged as required to balance the cut and fill for the project.
- 1.15 Unit 6 - Scrapes and Pools
A series of small scrapes and pools are scattered around the southern western part of the site. These will be shallow depressions in the existing ground.
- 1.16 Two bird viewing screens are also proposed on the southern boundary of the site. The exact locations are not known at this stage so this will be controlled by planning conditions (CONDITIONS 3 and 4). Given that there is no public access onto or across the site anyone wishing to use the proposed bird viewing screens would do so from outside of the site from the southern boundary adjacent to the Premier Inn Hotel.
- 1.17 This planning application has been submitted with the following accompanying information :
- Archaeological report
 - Flood risk assessment
 - Planning statement including a transport note
 - A contaminated land report

1.18 RELEVANT PLANNING HISTORY

1.19 None

2.0 Consultation Responses:

Environment Agency No objections

Highways England No objections

Northern Gas Networks Object to the planning application as the protection given to the gas plant on site may be diminished by the proposed works.

Northumbria Water Have no comments to make.

Archaeology Officer No objection subject to planning conditions for archaeological excavation and recording.

Newcastle Airport No objection.

3.0 Representations:

3.1 The Council sent out neighbour notification letters to 11 properties surrounding the site as well as displaying 3 site notices at the site. A notice also appeared in the Newcastle Journal on 18 April 2018. No representations have been received.

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

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

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

5.0 Assessment of the Proposal:

5.1 The main planning issues are considered to be archaeology, flood risk / drainage issues, ecology issues, highway safety, airport safety and the potential for contaminated land.

5.2 URBAN GREEN SPACE

The western part of this site is allocated as Urban Green Space on the Council's Local Plan Policies Map. Saved policy ENV27 of the Council's Unitary Development Plan relates to urban green space and states that such areas will, where appropriate, be safeguarded, improved and increased. This policy explains that improvement will be achieved by enhancing tree cover and green space which provides opportunity to establish green corridors, create habitats for wildlife and strengthen and improve wildlife corridors.

5.3 Whilst the development would involve works to the allocated green space to create more wetland features, Council officers are of the opinion that the sites value as green space would be enhanced. The proposed development is therefore considered to accord with saved UDP policy ENV27.

5.4 ARCHAEOLOGY

This site is situated within an area of potential archaeological importance. The Council's Archaeologist has stated that the site is one of the few historic undeveloped parts of the landscape in this area. Evidence of medieval agricultural practices in the form of ridge and furrow is known from historic aerial photographs and still exists on site. Beneath the ridge and furrow earlier archaeological features or remains may exist. Prehistoric activity is well known in the area of Axwell Park to the south west.

5.5 A geophysical survey has therefore been carried out and the report submitted with this application. The results suggest that the site has limited archaeological potential. The Council's Archaeologist has therefore stated that they have no objections subject to a number of planning conditions (CONDITIONS 5-6) which relates to archaeological excavation and recording. Subject to these conditions the proposal is considered to be acceptable from an archaeological

point of view and accord with the NPPF, saved policy ENV22 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

5.6 FLOOD RISK / DRAINAGE

This application proposes that parts of the site will be reprofiled to create swales, shallow ponds and bunds. Drainage on the site will therefore be altered to allow water to flow through the site, making use of the created features.

5.7 The site is located within flood zones 2 and 3 which is at high risk of flooding. A Flood Risk Assessment (FRA) has been submitted with the application. The proposal is considered to be a water compatible use which is appropriate in flood zones 2 and 3. Council officers consider that the FRA shows that there will be no increase in surface water flood risk and that the proposal will act as a sustainable drainage system attenuating surface water. The Environment Agency has also stated that they have no objections as the proposal will not increase flood risk on or off the site.

5.8 Council officers are of the opinion that some additional information and minor changes are required to the drainage for the site. A number of conditions are therefore recommended (CONDITIONS 7-12) relating to approving the final drainage scheme, a drainage construction method statement and a drainage management plan. Subject to these conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and accords with the NPPF, saved policies DC1(j) of the UDP and policy CS17 of the CSUCP.

5.9 ECOLOGY

Council officers are of the opinion that the proposed habitat creation, restoration and enhancement works will result in a significant enhancement of the Local Wildlife Site's ecological value and function. Council officers are also of the view that the proposal will also improve the ecological connectivity and have a positive effect on the adjacent Shibdon Pond SSSI.

5.10 Two planning conditions (CONDITIONS 13-14) have been recommended to approve an ecological method statement for the proposed works and require its implementation. These planning conditions will ensure that the ecological improvement works are implemented in such a way to minimise any short term impact on individual protected and / or priority species including breeding birds, otter and amphibians

5.11 In terms of maintenance this would be through livestock grazing with live stock taken on and off the site twice a year.

5.12 The proposal is therefore considered to be a significant enhancement of the existing Local Wildlife Site and accords with the ecological aims and objectives of the NPPF, saved policies DC1 (d), ENV46, ENV49 and ENV51 of the UDP and policy CS18 of the CSUCP.

5.13 HIGHWAY ISSUES

There is an existing vehicle access to the site along the north east boundary, which is to be retained. The proposed development will not be open to the

public as it is not intended to be a visitor attraction or visitor centre. There will also be no public access to or through the site. It is therefore considered that there will not be any traffic movements to the site apart from during initial engineering works and then for periodic maintenance. No dedicated parking is to be provided within the site. For the initial engineering works the site would be accessed from the existing vehicle access along the north eastern boundary, where there is an existing wooden field gate. This would allow vehicles and excavation equipment to be parked and stored within the site. Periodic maintenance is intended to take place twice a year with a live stock trailer to take livestock on and off the site, via a corral which is to be installed.

- 5.14 A planning condition (CONDITION 15) has been recommended to require the gated access from the road to the site to open inwards only in the interest of highway safety. Conditions have also been recommended to approve the final locations of the bird viewing screens. Subject to these planning conditions the proposal is considered to be acceptable from a highway safety point of view and accords with the NPPF and policy CS13 of the CSUCP.
- 5.15 **AIRPORT SAFETY**
This site is within the 13km zone around Newcastle International Airport where there is a general assumption against the development of open bodies of water. Newcastle International Airport have therefore been consulted and they have stated that they have no objection to this scheme. They consider the proposal to be in a low risk area in terms of the orientation of the runway and the height of the aircraft when passing close to the site. Newcastle International Airport have therefore confirmed that a bird strike assessment is not required to be undertaken to assess this proposal.
- 5.16 **LAND CONTAMINATION**
The site is considered to be potentially contaminated due to historic uses. A Phase 1 Contaminated Land Desk Top Study has therefore been submitted as part of the application. This report recommends that a Phase 2 site investigation and risk assessment is undertaken. Council officers agree with the findings of this report.
- 5.17 It is therefore considered that a number of planning conditions (CONDITIONS 16-20) are necessary to require a Phase 2 Risk Assessment Report to be undertaken, the submission/implementation of a remediation strategy and verification report as well as controlling any previously unidentified contamination that may be discovered on the site.
- 5.18 Subject to these conditions, it is considered the proposed development is acceptable from a contaminated land point of view and accords 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.
- 5.19 **NORTHERN GAS**
There is a main gas pipe which runs across the site in a north south direction. Northern Gas Networks have therefore been consulted. They have objected to the proposed development on the grounds that the protection given to the gas

plant on site may be diminished by the proposed works. The applicant is currently in discussions with Northern Gas to agree a safe way of working - with a view to this current objection being withdrawn. In the event that the current objection is not withdrawn the applicant will need to agree a safe way of working with Northern Gas prior to works commencing on site. This will be passed onto the applicant as an informative

5.20 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing development. As such no CIL charge is liable.

6.0 CONCLUSION

6.1 It is considered that the proposal would significantly enhance the biodiversity on the site and improve the current area of urban green space. Council officers are therefore of the opinion that this would provide a valuable future asset within the Borough.

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

7. Recommendation:

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

1

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

Site location plan	GHC02E(--)
Design general arrangement plan	GHC02E(32)
Concept plan	GHC02C(32)001
Bird hide design	GHC02E(39)001
Hard standing design	GHC02E(40)001
Unit 1 proposed contour plan	GHC02E(36)002
Unit 1 proposed sections	GHC02E(37)001
Unit 1 proposed sections	GHC02E(37)002
Unit 1 proposed sections	GHC02E(37)003
Unit 2 proposed contour plan	GHC02E(36)003
Unit 2 proposed sections	GHC02E(37)004
Unit 2 proposed sections	GHC02E(37)005
Unit 2 proposed sections	GHC02E(37)006

Unit 3 proposed contour plan	GHC02E(36)004
Unit 3 proposed sections	GHC02E(37)007
Unit 3 proposed sections	GHC02E(37)008
Unit 4 proposed contour plan	GHC02E(36)005
Unit 4 proposed sections	GHC02E(37)009
Unit 4 proposed sections	GHC02E(37)010
Unit 4 proposed sections	GHC02E(37)011
Unit 5 proposed contour plan	GHC02E(36)006
Unit 5 proposed sections	GHC02E(37)012
Unit 5 proposed sections	GHC02E(37)013
Unit 5 proposed sections	GHC02E(37)014
Unit 6 proposed contour plan	GHC02E(36)007
Unit 6 proposed sections	GHC02E(37)015
Unit 6 proposed sections	GHC02E(37)016

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

Notwithstanding the submitted drawings the bird viewing structures as shown on approved drawing :GHC02E(39)001 shall not be provided on site until the location of the structures have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

4

The bird viewing structures shall be provided on site in accordance with the details shown on approved drawing : GHC02E(39)001 and the locations approved under condition 3.

Reason

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

5

No groundworks or development shall commence until a programme of archaeological fieldwork (to include earthwork recording, trial trench evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason

The site is located within an area of potential archaeological interest and to accord with the NPPF, saved policy ENV22 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

6

The proposal hereby approved shall not be brought into use until a final report of the results of the archaeological fieldwork undertaken under condition 5 has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area of potential archaeological interest and to accord with the NPPF, saved policy ENV22 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

7

No development shall commence on each phase/unit area of the development until a detailed surface water drainage scheme for that phase / unit area including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

8

Each phase / unit area of the development shall be implemented in accordance with the drainage scheme for that phase of the development and the timetable for implementation approved at condition 7.

Reason

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

9

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

Reason

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

10

Each phase / unit area of the development shall be implemented in accordance with the Drainage Construction Method Statement for that phase / unit area of the development approved at condition 9.

Reason

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

11

Prior to each phase / unit area of the development being brought into use a Drainage Management Plan for that phase / unit area of the development shall be submitted to and approved in writing by the Local Planning Authority.

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.

12

The drainage scheme provided for each phase / unit area of the development shall be managed and maintained in accordance with the Drainage Management Plan approved at condition 11.

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.

13

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

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.

14

The ecology method statement approved at condition 13 shall be provided for each phase / unit area of the development in accordance with the approved details.

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.

15

The gated access to the site shall only open inwards.

Reason

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

16

No development (except that necessary to carry out archaeological investigation) shall commence on each phase / unit area of the development until an intrusive site investigation is undertaken for that phase / unit and a Phase 2 Risk Assessment report of the findings submitted to and approved in writing by the Local Planning Authority.

The site investigation will consist of a series of shallow boreholes / trial pits, soil sampling, and chemical testing to assess potential contamination issues.

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 recommendations with regard to an appropriate remediation scheme which will ensure safe redevelopment.

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.

17

No development shall commence on each phase / unit area of the development until a detailed remediation scheme to bring that phase / unit area of the development to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken for that phase, 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 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.

18

No development (except that necessary to carry out archaeological investigation) shall commence on each phase / unit area of the development until the remediation measures for that phase / unit area of the development approved under condition 17 have been implemented.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works for each phase / unit area of the development.

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.

19

Following completion of any remediation measures approved under condition 17 on each phase / unit area of the development, a verification report that demonstrates the effectiveness of the remediation carried out for that phase / unit area must be submitted to and approved in writing by the Local Planning Authority prior to that phase / unit area being brought into use.

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.

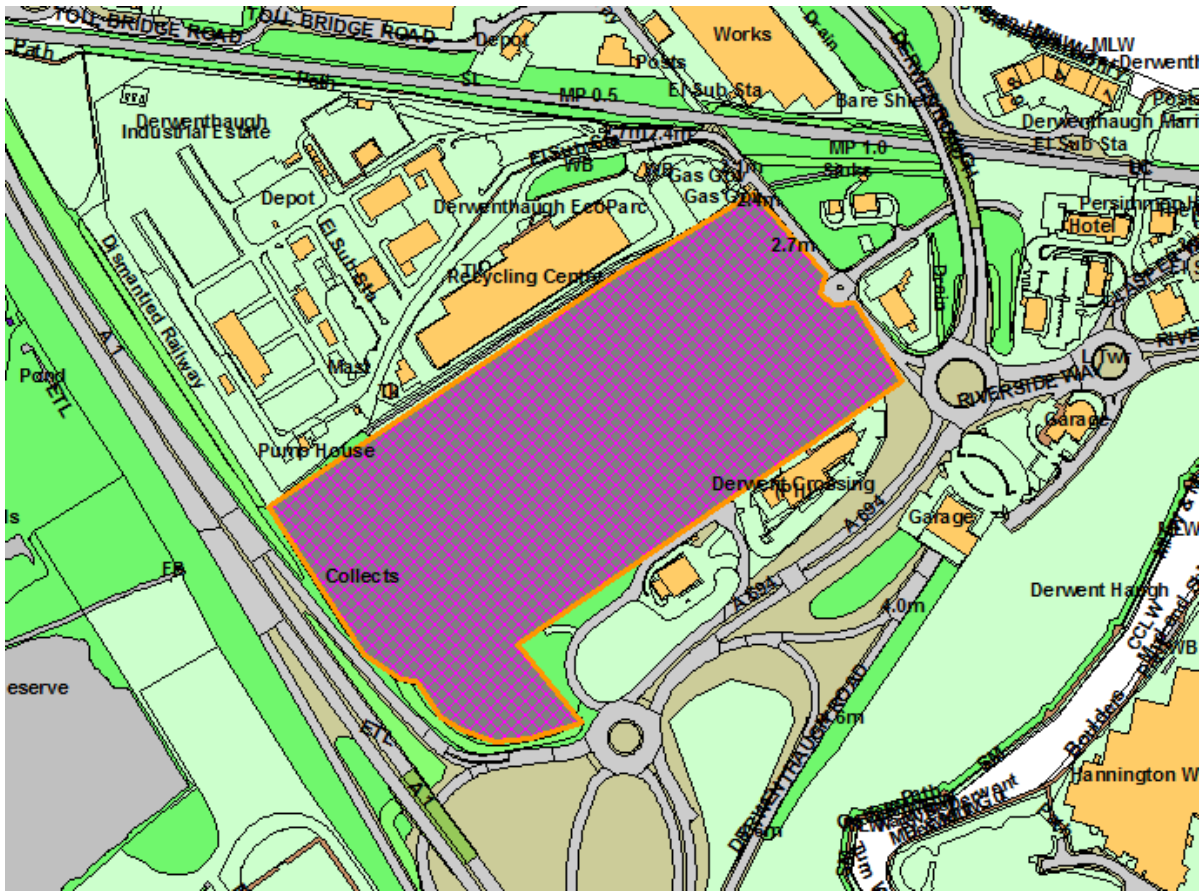
20

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.



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UPDATE

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

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

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

MINOR UPDATE

Application No:	DC/18/00316/FUL
Site:	Shibdon Meadow Local Wildlife Site Derwenthaugh Road Blaydon
Proposal:	Creation of Wetland Habitat Features and Installation of Two Bird Viewing Structures
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further consultation response received

Northern Gas have withdrawn their objection to the planning application.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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REPORT NO 5

Committee Report

Application No:	DC/18/00388/FUL
Case Officer	Lois Lovely
Date Application Valid	3 May 2018
Applicant Site:	NewcastleGateshead Initiative Pontoon Moored To The Jetty At HMS Calliope South Shore Road Gateshead NE8 3AE
Ward:	Bridges
Proposal:	Temporary installation of water sculpture on River Tyne, along with pontoon, secure compound and associated infrastructure (additional information received 04/05/18 and 10/05/18).
Recommendation:	GRANT TEMPORARY PERMISSION
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site comprises 4.1 hectares of the River Tyne between the Millennium Bridge and the Tyne Bridge, a jetty adjoining the quayside at HMS Calliope and the existing car park of HMS Calliope on the Gateshead side of the river. The site is bounded by Newcastle's Central Conservation Area to the north, and is in the Bridges Conservation Area. A number of listed buildings are also situated in close proximity to the application site, including the Tyne Bridge and St Mary's Heritage Centre.

1.2 DESCRIPTION OF THE PROPOSAL

This application has been submitted on behalf of NewcastleGateshead Initiative, for the temporary installation of a water sculpture on the River Tyne between Newcastle upon Tyne and Gateshead. The water sculpture forms part of the Great Exhibition of the North, which begins on 22 June 2018, and is proposed to remain in place until September 2018.

1.3 The sculpture will be an illuminated choreographed display to music, played through an App to the individual, of 30 rocket jets that will project vertical columns of water between 25m and 50m (equal to the height of the Gateshead Millennium Bridge) from discreet sockets within the floating pontoon to create a display.

1.4 The Angel of the North inspires the layout of the proposed display with the wings spanning 75m. The central body of the sculpture is 15m square. The

wings are 29.5m long each and 3.5m wide. A satellite pontoon is proposed for incoming power source and high pressure air pipes.

- 1.5 The pontoon itself is proposed to be built and moored from the jetty at HMS Calliope using a modular pontoon system. The jets will then be installed and when initial testing is complete the pontoon will be moved into position and anchored. A mesh will surround the structure to prevent floating items in the river colliding with the pipes.
- 1.6 Each jet is 800mm by 599mm width. A total of 30 x 25m rocket jets and 1 x 50m high rocket water jet, used for the projection of water, will be fixed to the pontoon, powered by a generator located in a secure compound proposed to be created in the grounds of HMS Calliope. The compound will hold a number of shipping containers that will be used as the control centre. Welfare facilities are also to be provided within HMS Calliope.
- 1.7 The water sculpture is proposed to be illuminated from light cells located on the pontoon and controlled by a programmable system from the shore.
- 1.8 The Water Sculpture is proposed to play 3 choreographed displays. The effect will last for approximately 4-6 minutes and will happen every hour on the hour from 10am until 11pm daily. The opening event on the 22nd of June is yet to be finalised but will use all three pieces of music during the performance. During the opening live event there will be a significant break between each of the three pieces. The final timings are not yet set.
- 1.9 An anemometer, to take a wind speed meter readings, will be attached to the container within the HMS Calliope compound and the system will reduce the height of the jets at speeds of 10kmph and will 'cut-out' at 20kmph.
- 1.10 The system uses compressed air to achieve the heights of the individual jets. 4 No. 18Kw compressors located on at HMS Calliope in a dry location will provide the compressed air to 6 air storage tanks. From the storage tank compressed air is supplied onto the pontoon via hoses.
- 1.11 River water is proposed to be used directly from the Tyne. The system does not have filtration or chemical treatment. However, on the water inlets to the rocket jets there is a 10mm perforated screening filter to prevent debris ingress. Additionally, there will be a mesh around each unit to act as a screen.
- 1.12 **PLANNING HISTORY**
There is no relevant planning history.
- 1.13 The application is supported by the following documents:
Flood Risk Assessment
Heritage Asset and Design and Access Statement

2.0 Consultation Responses:

Natural England	No Objection
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3.0 Representations:

- 3.1 Publicity for this application was carried out in accordance with articles 15 (3) and 15 (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Site notices were posted in the vicinity of the site on the 30th April 2018 and the Press Notice was posted in The Journal on Wednesday 2nd May 2018.

4.0 Policies:

NPPF National Planning Policy Framework

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV11 Listed Buildings

ENV61 New Noise-Generating Developments

DC2 Residential Amenity

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

UC13 Respecting and Managing Views

UC17 Public Art

QB1 Quays and Baltic Sub-Area

NPPG National Planning Practice Guidance

5.0 Assessment of the Proposal:

- 5.1 The main planning issues for consideration are the principle of the proposed water sculpture, the impact upon Heritage Assets, Flood Risk, Water Quality

and Health and Well Being, Highways, Residential Amenity, Noise and Ecology.

5.2 BACKGROUND

On 22nd June 2018 The Great Exhibition of the North will open. It is a free and family friendly event. Opening with the 'Get North' weekend, it finishes with the Great North Run and the 'Creating the Future' closing weekend on 8th and 9th September 2018.

5.3 Set to be the biggest event in England this year, the Great Exhibition of the North will showcase world-class art, culture, design and innovation from the North. Three trails across NewcastleGateshead will be complemented by an opening programme against the iconic Quayside backdrop, a summer camp for families, exhibits, inspired technology, vibrant street performance, cutting edge culture and a business expo.

5.4 Throughout the summer of 2018, the Great Exhibition will actively engage communities and innovative businesses across the North, and by forging new partnerships across the world, it aims to enhance the profile of the North nationally and internationally, inspiring people to study, work and invest in the North of England now and into the future.

5.5 PRINCIPLE

Policy UC17 and Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne requires public art to enhance the character and local distinctiveness of Key Sites. Policy QB1 identifies the Quays as a key site.

5.6 Therefore, the principle of installation of art work in this location is acceptable and in accordance with CSUCP policies UC17, CS15 and QB1.

5.7 HERITAGE ASSETS

The development of this site has the potential to affect the setting of a number of heritage assets, both individually and collectively and this is to be assessed as set out in NPPF paragraph 128. In addition, CSUCP Policy UC13 requires that any proposal should respect views across and into the Tyne Gorge and CSUCP Policy UC14 requires that a proposal takes into account the character and appearance of the historic environment.

5.8 The scheme has been designed to minimise the effect on the significance of, including any contribution derived from setting, the following heritage assets:

- o Bridges Conservation Area - views, character and appearance
- o Newcastle Central Conservation Area (the boundary is the middle of the River Tyne therefore this proposal may affect setting or views identified as being significant.)
- o Tyne Bridge - grade II listed building - setting
- o Quay Wall - archaeological significance

5.9 The Bridges Conservation Area Character Appraisal (CACA) and draft Conservation Area Management Strategy (CAMS) note that views out of the

area are important to the significance of the conservation area and that the main views are those to the north, to Newcastle. The grouping of the five bridges in views through the Tyne Gorge is of national significance for their cultural value as a landmark which immediately identifies Newcastle and Gateshead. This added layer of significance is in addition to that derived from architecture or historic interest.

- 5.10 The CACA states that, 'the bridges are constantly within sight and often interplay with the panoramic views creating interesting glimpses through the arches. From St Mary's Church and round, on the middle ground of the riverbank, an extraordinary view of almost all of the main section of Newcastle Quayside can be seen with the Tyne Bridge forming a border to the west. The skyline of the city creates intriguing views and the city's landmark buildings and features can often be seen. From the riverside at Pipewellgate, the views are of the bridges towering overhead creating heavy structures within the buildings bordering the river and a panoramic view in sharp perspective of Newcastle Quayside in the background.'
- 5.11 The draft CAMS sets out enhancement opportunities. In order to protect the important and unique character of the Tyne Gorge, new development within the area of the Gorge (defined on the Proposals Map) must safeguard or enhance its setting in terms of scale, design, landform and integration within the existing urban context-in line with the Tyne Gorge Study and IPA4'.
- 5.12 The 1990 Planning (Listed buildings and Conservation Areas) Act s.72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when determining planning applications.
- 5.13 The NPPF paragraph 132 requires that great weight is given to the conservation of designated heritage assets. New development within conservation areas should seek to enhance or better reveal its significance (paragraph 137). Harm or loss of significance as a result of development requires clear and convincing justification (paragraphs 132, 133, 134). Core Strategy policy CS15 reflects the NPPF and is a material consideration.
- 5.14 The Bridges CACA provides an understanding of the significance of the conservation area and its component parts.
- 5.15 The water sculpture and associated physical infrastructure associated with the installation will have little impact upon the appearance of the area, would be in place for a temporary period of three months, and the scale and massing would have no permanent physical impact upon the fabric of any listed buildings or the setting of Bridges Conservation Area. Moreover, for the duration of the Great Exhibition of the North, the installation will attract tourists and visitors to the area, and provide new opportunities for the appreciation of the surrounding historic buildings and wider area.
- 5.16 Given the installation will be in place for a temporary period only, will result in no physical changes to the fabric of any buildings within Bridges Conservation

Area, then it is considered that the proposal would not result in any harm to the significance of any heritage asset within the vicinity and is considered to be acceptable and in accordance with the NPPF, CSUCP policy CS15 and Saved UDP policies ENV7 and ENV11.

5.17 FLOOD RISK

The majority of the application site comprises the River Tyne itself, it is technically situated within Flood Zone 3. However, the water sculpture itself is situated on a floating pontoon, and will therefore be unaffected by the rise and fall of river levels.

5.18 No new permanent infrastructure is proposed on the riverbank, and the proposed water sculpture and associated infrastructure does not comprise a vulnerable use. What infrastructure is proposed on the riverbank (for example the site compound) is located outwith Flood Zone 3.

5.19 The proposal will not increase the risk of flooding elsewhere, and does not require the construction of any new drainage infrastructure for either surface water or foul waste.

5.20 Given the above and that the installation will be in place for a temporary period only, and gives rise to no flood risk, and proposes no new drainage infrastructure, the proposal is considered acceptable from a flood risk and drainage perspective and in accordance with the CSUCP policy CS17.

5.21 WATER QUALITY AND HEALTH AND WELLBEING

To ensure there is no cross contamination from the concrete and pontoon in terms of moving it from another waterbody to the Tyne a large quantity of the pontoon elements will be new and those that are not go through a rigorous process to remove any foreign bodies.

5.22 The anchoring is made up of concrete dead weights produced as required therefore there is no cross contamination risk; mud anchors, a chain and 10 to 20mm ropes. All ropes used for anchoring are new therefore there is no cross contamination risk.

5.23 There is a Health and Safety requirement for sampling and testing of water quality, however, this is done under the remit of other relevant legislation, rather than through the planning system.

5.24 The impact of the proposed water sculpture and associated infrastructure on health and well being is still under consideration and recommendations will be made in an update report.

5.25 HIGHWAYS

The proposed water sculpture itself would have no impact upon highway safety. The secure compound to be located on the existing HMS Calliope car park means the displacement of a number of car parking spaces. It is understood that NGI are to mitigate and offset the loss of parking.

- 5.26 Given the above and the temporary nature of the proposal the scheme is considered to be acceptable and in accordance with CSUCP policy CS13.
- 5.27 RESIDENTIAL AMENITY
Whilst the water sculpture display is to be illuminated therefore there will be some disturbance expected to the residents of Quayside properties, the duration of each display at 4 to 6 minutes and only between the hours of 10am and 11pm it is considered would not be the cause of unacceptable noise and disturbance to residential amenity.
- 5.28 Given the above the proposal is considered to be acceptable and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.
- 5.29 NOISE
All power to the equipment on the Quays and on the pontoon is provided by a generator. The generator will be located adjacent to the compound or further away in the Boneyard (both in HMS Calliope car park). The average noise of the generators is between 64 and 68 db at 7 metres. The measures proposed to dampen noise and vibration from the generators/other equipment include setting the equipment on to steel deck platforms with sacrificial panels to allow securing provided by NGI. Each compressor, 4 in total have a Db range of 68 and will not be running permanently due to the frequency of the display being every hour. During testing at LA3 3PU pipe vibration for the 25m rocket jets was not experienced. The pressure is restricted to a maximum of 6bar. All pipework from the quayside to the pontoon is rubber and rated at 20 bar. A condition is recommended to ensure the noise levels of the plant and equipment are acceptable (CONDITION 5).
- 5.30 Given the above, subject to the recommended condition, the proposal is considered to be acceptable and in accordance with national and local planning policies.
- 5.31 ECOLOGY
Mitigation measures are proposed in an Ecological Assessment report submitted in support of the proposal. It is considered the impact of the proposed water sculpture and associated infrastructure on the biodiversity of the river and the nesting kittiwakes will be addressed by the proposed mitigation measures that are:
- At commencement of display a jet of water at half pressure (3 bar) will present to a height of 10-12 m at either end of the pontoon and also centrally on the pontoon to alert birds on the wing to the water feature's presence;
 - After stage 1 (above) the display will be initiated at full pressure (6 bar). This will occur 5 seconds after stage 1; and
 - The jets will be monitored during operation. The jets can be switched off at any given time. In the unlikely event that adverse effects to birds are noted the jets will be shut down and the Tyne Kittiwake Partnership consulted in order to address these effects.

5.32 Given the above and subject to the recommended condition (CONDITION 4) the proposal is considered to be acceptable and in accordance with national and local planning policies.

6.0 CONCLUSION

6.1 Taking all of the above into consideration, the proposal is considered to be acceptable subject to the final consideration of the water quality concerns.

6.2 An update report will be presented that addresses the outstanding matters in this report.

7.0 Recommendation:

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

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -
1:1250 site plan, A3 proposed compound plan, pipework ladder

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

Reason

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

2

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

Reason

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

3

The permission hereby granted shall be for a limited period only of 4 months from the date of this decision notice and within three months of the expiry of this permission or the cessation of the development for which permission is hereby granted whichever is the sooner, the site shall be cleared of all shipping containers,

buildings, plant, machinery and all other structures and materials connected with the temporary use and the land returned to its former condition, or such alternative scheme as may be first submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the proper restoration of the site is achieved in the interests of the amenities of the area to accord with policies DC1, DC2, ENV3, ENV7 of the Unitary Development Plan and CSUCP policies CS14, CS15 and CS18.

4

The mitigation measures at Chapter 6 of the Ecological Impact Assessment prepared by Golder Associates (UK) Ltd dated May 2018 shall be wholly implemented for the duration of the development

Reason

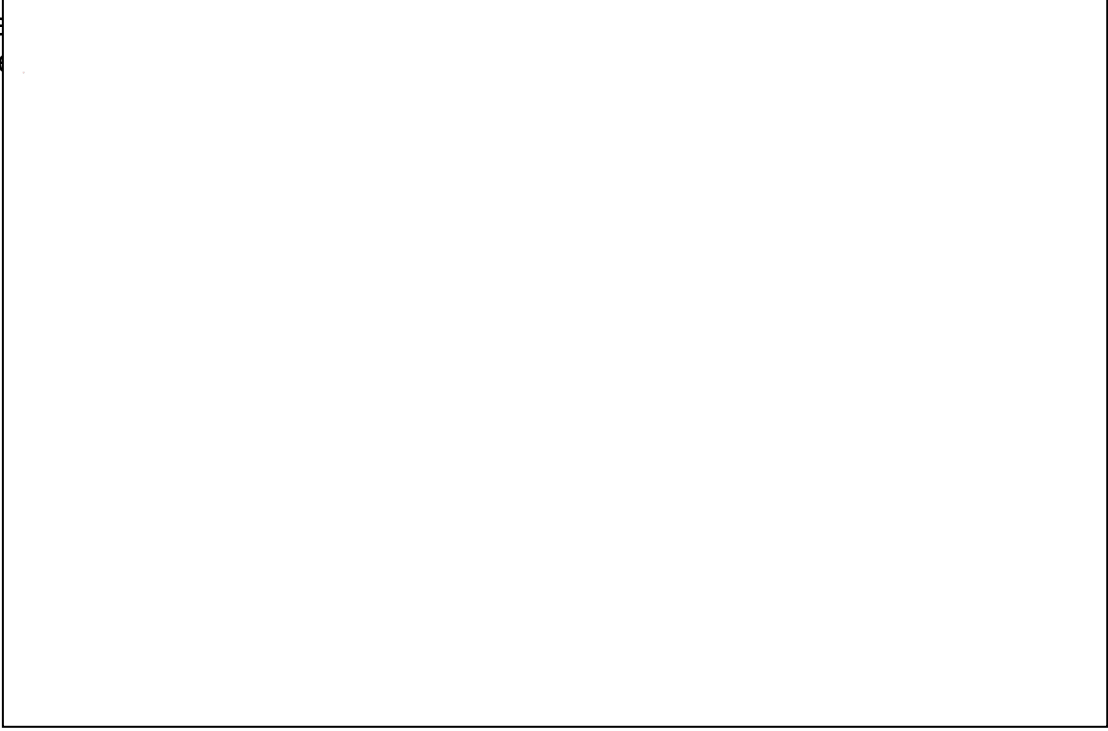
In order to protect protected species and in order to comply with policies ENV46 and ENV47 of the UDP and CSUCP policy CS18.

5

The rating level of the noise emitted from the site shall not exceed the prevailing background noise level, by more than 5dB between 8am and 11pm Monday to Sunday. The noise levels shall be determined at the nearest noise sensitive receptor. Any measurements and assessment shall be made according to BS4142: 2014.

Reason

To ensure that the emission of noise is controlled in the interests of the amenity of
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UPDATE

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

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

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

MINOR UPDATE

Application No:	DC/18/00388/FUL
Site:	Pontoon Moored To The Jetty At HMS Calliope South Shore Road Gateshead NE8 3AE
Proposal:	Temporary installation of water sculpture on River Tyne, along with pontoon, secure compound and associated infrastructure (additional information received 04/05/18, 10/05/18 and 15/05/18).
Ward:	Bridges
Recommendation:	Grant Temporary Permission
Application Type	Full Application

Reason for Minor Update**Further consultation response received**

Officers are now satisfied that significant steps are being taken to assess risks from water borne bacteria and viruses, and that appropriate controls and safe working systems will be put in place by the organisers to protect the public and river users to an acceptable degree. Based on this work by the organisers, the construction and testing of the proposed water sculpture is considered to be acceptable and in accordance with CSUCP policy CS14.

Conditions

Due to a formatting error, the reason for condition 5 is obscured on the report. The reason for condition 5 is as follows

Reason

To ensure that the emission of noise is controlled in the interests of the amenity of nearby residents, in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan and CSUCP policy CS1

SEE MAIN AGENDA FOR OFFICERS REPORT.

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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 30 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.

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/17/00193/ADV	Installation of a 2m x 1m sign next to existing signage (amended 05/02/18 and description amended 28.03.2018).	Sands Road, Swalwell,	Temporary permission granted;	Whickham North
DC/17/00536/FUL	Demolition of existing warehouse and construction of part 8, part 7 storey residential development including 82no. residential studios and ancillary facilities. (Amended 23.08.2017 Relocation of loading bay onto Hopper Street)	Contex Office Services Ltd , Hopper Street,	Granted;	Bridges
DC/17/01104/FUL	Extension and alterations to the Rowers Hotel, including 17 additional bedrooms (resubmission) (amended 09/01/18 and 27/03/18).	Rowers Hotel , St Omers Road,	Granted;	Dunston And Teams

DC/17/01130/FUL	Creation of new shared vehicular access from Zion Terrace and dedicated off-street parking to the front of 20 and 21 Zion Terrace (amended 19/01/18).	20 And 21 Zion Terrace, Winlaton,	Refused;	Blaydon
DC/17/01344/HHA	Erection of two storey glazed extension (amended 20.04.2018)	19 Brockwell Drive, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/18/00129/HHA	First floor side extension over garage (amended 09.05.18)	7 Limetrees Gardens, Low Fell,	Granted;	Deckham
DC/18/00141/HHA	Two storey side extension, single storey rear extension. As amended 10.04.18. All materials to match existing	17 Orchard Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00143/TPO	Various works to different types of trees at Sycamore House Springwell Road (as amended Arboricultural Statement from Olivers Tree Services dated 14.04.18)	Sycamore House , Springwell Road,	Granted;	High Fell
DC/18/00148/FUL	Demolition of existing commercial unit and erection of two detached bungalows.	Sermac, Pennyfine Road,	Granted;	Whickham South And Sunnyside

DC/18/00158/FUL	VARIATION OF CONDITION 2 (hours of operation) of DC/16/00922/FUL to allow opening between 08:00 and 23:00 Monday to Thursday, 08:00 to 00:30 on Fridays and Saturdays and 10:00 to 23:30 on Sundays and Bank Holidays and VARIATION OF CONDITION 11 (use of Beer Garden) of DC/16/00922/FUL to allow the use of the Beer Garden for the consumption of meals and drinks and/or as a designated smoking area only between the hours of 10:00 to 21:00 daily. The rear garden area shall not be used outside of these hours for any other use other than a means of emergency escape/access (Amended Description 13.03.2018 and 11.04.2018).	The Bank Bar Bistro, 516 Durham Road,	Granted;	Low Fell
DC/18/00171/FUL	Building to house a biomass boiler system and pellet storage area, to provide up to 180kW energy to the Care Home (amended 11/04/18).	Ryton Tower Residential Home , Whitewell Lane,	Granted;	Ryton Crookhill And Stella

DC/18/00173/HHA	To site 2 temporary metal containers (8ft x 8ft x12ft) within the property boundary whilst development to the property is taking place (retrospective).	Hilltop Bungalow , Fell Bank,	Refused;	Birtley
DC/18/00178/HHA	Single storey side and rear extension	6 Bracken Drive, Dunston ,	Granted;	Dunston Hill And Whickham East
DC/18/00190/HHA	Rear single storey extension and vehicle access and off-road parking to front garden (amended plans received 24.04.18)	16 Fossefeld, Leam Lane Estate,	Granted;	Pelaw And Heworth
DC/18/00203/HHA	Proposed loft conversion with two pitched dormers to the front elevation and one flat roof box dormer to the rear (amended plans received 23.04.18, description amended 24.04.18)	14 Hawesdale Crescent, Winlaton,	Granted;	Winlaton And High Spen
DC/18/00216/HHA	Demolition of conservatory, workshop and garage, erection of new single storey side and rear extension. Minor external alterations (amended plans received 23.04.18)	Holly Ridge , 20 Barlow Road,	Granted;	Winlaton And High Spen
DC/18/00224/HHA	Two storey side and rear extension with part single storey rear extension	3 Windermere Avenue, Heworth,	Granted;	Pelaw And Heworth

DC/18/00233/HHA	Single storey front, side and rear extension	4 Falsgrave Place, Whickham,	Granted;	Whickham South And Sunnside
DC/18/00234/HHA	Replace existing white upvc windows with dark grey upvc, replace existing red front door with dark green composite door, demolition of existing rear conservatory and replace with single storey extension	37 St Cuthberts Park, Marley Hill,	Granted;	Whickham South And Sunnside
DC/18/00235/HHA	Replace rendered brick wall with glass balustrade to second floor	26 Cromwell Ford Way, Blaydon On Tyne,	Granted;	Ryton Crookhill And Stella
DC/18/00240/HHA	Front and rear extension to garage, flat roof first floor side extension, conversion of garage to bedroom, front extension to existing outbuilding (amended plans received 27.04.18)	35 Neville Crescent, Northside,	Granted;	Lamesley
DC/18/00242/FUL	Change of use of storage building to dog day care and grooming service (sui generis) for up to 10 dogs	Northside Farm, North Side,	Granted;	Lamesley
DC/18/00246/FUL	Proposed single storey building with rooms in the roof space, to be used for Retail/Commercial purposes (amended 27/04/18).	Land Behind 62 Front Street, Sandhill, Winlaton,	Granted;	Winlaton And High Spen

DC/18/00252/TPO	Works to 1 Scots Pine tree and 1 Willow tree in garden of 23 Axwell Park Road.	23 Axwell Park Road, Blaydon On Tyne,	Granted;	Blaydon
DC/18/00247/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from domestic property, widen existing pathway, new paving to form hard standing and base area adjacent to existing footpath.	19 Greenbank, Winlaton,	Granted;	Blaydon
DC/18/00249/COU	Change of use from Engineers' Workshop (Use Class B2) to mixed retail and cafe (use classes A1/A3)	Cushtea Crustys, 18 Carlisle Street,	Granted;	Felling
DC/18/00263/HHA	Replace rendered brick wall with glass balustrade to second floor	28 Cromwell Ford Way, Blaydon On Tyne,	Granted;	Ryton Crookhill And Stella
DC/18/00259/HHA	Proposed front sun room extension	Inglesyde , Kellfield Avenue,	Granted;	Low Fell
DC/18/00260/OUT	Demolition of existing buildings and erection of six dwellings, associated site work and new highways access, with access and layout to be considered and all other detailed matters reserved (description amended 28.03.2018)	Grove House, Glossop Street,	Refused;	Winlaton And High Spen

DC/18/00264/HHA	Erection of a two storey side extension	13 Orchard Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00265/HHA	Installation of a modular metal mesh access ramp to the rear to allow disabled access to and from property. The laying of new paving to create base area to marry in with existing pathway	22 Axwell View, Winlaton,	Granted;	Winlaton And High Spen
DC/18/00267/FUL	Proposed erection of art installation within Gibside garden (location: adjoining orangery) for a temporary period not exceeding seven months.	Land Adj The Orangery, Gibside Estate,	Granted;	Whickham South And Sunniside
DC/18/00269/HHA	Proposed two storey side extension	8 Whickham Lodge Rise, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00272/HHA	Installation of a modular metal mesh access ramp to the front to allow disabled access to and from property.	1 Heddon View, Ryton,	Granted;	Ryton Crookhill And Stella
DC/18/00277/FUL	Conversion and extension of storage/garage area at side of building to self-contained house.	4 West Way, Winlaton,	Refused;	Blaydon

DC/18/00274/HHA	Internal improvements, formation of new bathroom in roofspace, demolition of existing porch, installation of new timber windows in place of existing UPVC, increase in height of outhouse to form new kitchen and installation of velux rooflights in roof at rear.	Cox Close Cottage , Ravensworth Park Access Road,	Granted;	Whickham South And Sunnside
DC/18/00275/LBC	LISTED BUILDING CONSENT: Internal improvements, formation of new bathroom in roofspace, demolition of existing porch, installation of new timber windows in place of existing UPVC, increase in height of outhouse to form new kitchen and installation of velux rooflights in roof at rear.	Cox Close Cottage , Ravensworth Park Access Road,	Granted;	Whickham South And Sunnside
DC/18/00280/HHA	Rebuild existing second floor dormers. Replacement of window, fascia, soffit and rainwater goods. Replace/make good existing garage and kitchen roofs. Replace existing garage door, external doors and patio doors. Replace existing sun tunnel with Velux window. Install two new Velux windows and bi-fold doors to rear elevation	Horncliffe , Kellfield Avenue,	Granted;	Low Fell

DC/18/00289/HHA	Two storey side extension to replace existing single storey side extension	9 Longniddry Court, Gateshead,	Granted;	Low Fell
DC/18/00293/COU	Change of use from a mechanical garage to an MOT station	Unit 7, Parker Court,	Granted;	Dunston And Teams
DC/18/00297/HHA	Two storey rear extension including basement level	8 Alexandra Drive, Swalwell,	Granted;	Whickham North
DC/18/00295/HHA	Single storey side and single storey rear extension (description amended 03.04.18)	47 Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00301/FUL	VARIATION OF CONDITIONS: 3 5 7 8 9 11 15 16 17 18 19 21 22 of Application DC/17/01026/FUL, to enable the conversion of the public house element of this scheme to go ahead lawfully, without the compliance with many of the conditions which relate to breaking ground and the new built houses which were also approved under this permission (description amended 10.05.2018)	Maiden Over Public House And Lands Surrounding, Low Heworth Lane,	Granted;	Pelaw And Heworth
DC/18/00321/OHL	Installation of terminal pole and removal of three spans of LV overhead network	Church Street, Marley Hill,	Observations	Whickham South And Sunnyside

DC/18/00315/HHA	Two storey side extension and single storey rear extension	91 Calderwood Crescent, Gateshead,	Granted;	Chowdene
DC/18/00328/HHA	Single storey rear extension	25 Beamish View, Birtley,	Granted;	Birtley
DC/18/00319/TPO	Works to 3 Sycamore trees in rear garden of 341 Durham Road.	341 Durham Road, Gateshead,	Granted;	Low Fell
DC/18/00327/HHA	Single storey rear extension	25 Callaley Avenue, Whickham,	Granted;	Whickham South And Sunnyside
DC/18/00323/HHA	Two storey side extension	113 Celandine Way, High Heworth,	Granted;	Windy Nook And Whitehills
DC/18/00329/HHA	Two-storey side extension with part single storey front and rear extensions (amended plans received 02.05.18)	8 Cleasby Gardens, Low Fell,	Granted;	Low Fell
DC/18/00331/HHA	Proposed single storey side and rear extension	10 Blackburn Green, Felling Central,	Granted;	Felling
DC/18/00357/HHA	Single storey rear extension with sukka roof	26 Lincoln Street, Gateshead,	Granted;	Bridges

DC/18/00353/HHA	Demolition of existing side extension and garage, proposed side and rear extension. Block paving to front and concrete paving to rear, and decking to rear (description amended 13.04.18)	50 Gleneagles Road, Chowdene,	Granted;	Low Fell
DC/18/00363/AGR	DETERMINATION OF PRIOR APPROVAL: Erection of Cattle shed	Old Ravensworth, AJ Marr _ Son,		Lamesley
DC/18/00369/DEM	Demolition of former bakery	Former ALLIED BAKERIES GATESHEAD, F28,	Granted;	Lobley Hill And Bensham

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

30th May 2018

TITLE OF REPORT: Enforcement Action

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

Purpose of the Report

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

Background

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

Recommendations

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

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

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

8. WARD IMPLICATIONS

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

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

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

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

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				2015	2015				2015	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	and provide an Environmental Statement with an subsequent appeals. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency. The associated legal action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3 rd November 2017. The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6 th December 2017. The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31 st January 2018. The defendant pleaded not guilty at court on the 31 st January. The case has been listed for the 29 th	

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

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										the premises.	
6.	Site of Station House, Green Lane, Gateshead	Pelaw and Heworth	Breach of Planning Condition	16 th March 2017	16 th March 2017	Y	N	16 th March 2017	10 th April 2017	Complaints have been received regarding the use of the site which has planning permission to change to a scaffolding yard. Permission was granted subjected to a number of pre commencement conditions, however the use has commenced without the conditions being discharged. Officers have significant concerns regarding highway safety, therefore a Temporary Stop Notice was issued requiring the use to cease until the conditions are discharged.	
			Breach of Planning Conditions	19 th April 2017	20 th April 2017	Y	N	20 th April 2017	18 th May 2017	A Breach of Condition Notice was issued and the required information has been submitted. The submitted details have now been agreed. The occupier has until the 18.12.17 to implement the details. These details have still not been fully implemented. Discussions are taking place between the agent and the	

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			Breach of planning conditions	14 th March 2018	14 th March 2018	Y	N	14 th March 2018	11 th 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>Following a site visit on 23rd 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.</p> <p>The notice has now been fully complied with; permission is sought from Committee to remove this from the report.</p>	

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7.	Site of Former Collinson Brothers Garage, Derwent Street, Chopwell	Rowlands Gill and Chopwell	Unsightly Land	31 August 2017	1 September 2017	N	N	4 October 2017	29 November 2017	<p>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</p> <p>A notice has been issued to require improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems in securing compliance with the notice</p> <p>Site visit is to be undertaken following expiry of the compliance period.</p> <p>Barbed wire has been removed from the boundary treatment.</p> <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>	
8.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unsightly Land	19 th October 2017	19 th October 2017	N	N	23 rd November 2017	4 th January 2018	<p>Complaints have been received regarding the condition of the garden.</p> <p>The property has been overgrown for a long period and is unsightly.</p> <p>A notice has been served requiring the</p>	

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

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										<p>to confirm that they will not be recommencing work on site until the issues regarding the conditions have been resolved. A response was received on 09.01.18 and further legal action is being considered.</p> <p>A meeting has taken place between the developer and development management. A new application is to be submitted to discharge the conditions in the immediate future. The developer has confirmed that works will not re-commence on site until the details have been agreed.</p> <p>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.</p> <p>The amended information as requested has been submitted and is now being assessed.</p>	
10.	Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG	Birtley	Unauthorised change of use	22 nd December 2017	22 nd December 2017	Y	Y	26 TH January 2018	26 th March 2018	Complaints have been received regarding the operation of a hot food take away without planning permission. A planning application was refused on 15th	

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										<p>November 2017. The application was refused because the proposal would represent inappropriate development as it would lead to increased access to an unhealthy eating outlet, it would also lead to an overconcentration of such uses.</p> <p>An Enforcement Notice has been issued to cease the use of the takeaway and delivery to address the issues identified which resulted in the refusal of the application.</p> <p>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>See separate planning enforcement appeals report</p>	
11.	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 th January 2018	12 th January 2018	N	N	16 th February 2018	16 th March 2018	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	

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										<p>loss of open space is unacceptable and the fence is harmful to the amenity of the area. Therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.</p> <p>As of the 14.03.18, the fence was still in situ, correspondence has been sent to the land owner advising of the date of compliance. 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>Significant works have been undertaken to remove the fence. Only the posts are now in situ these should be removed as of the 14th May 2018</p>	
12.	Land at Mill Road Gateshead NE8 3AE	Bridges	Unightly Land	19 th February 2018	19 th February 2018	N	N	26 th March 2018	7 th May 2018	<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</p>	

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										activity on site, the agent has been contacted and the Council is awaiting confirmation of timescales for demolition. The agent has been contacted again but the Council is still awaiting an update. A demolition company has been instructed and the section 81 counter notice has been issued. Works to erect a hoarding are due to start imminently	
13.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28 th 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 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	

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										Council to secure compliance. Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted.	
14.	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	
15.	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	
16.	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	
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 condition 23 to require Submission of details of a drainage system to deal with surface water drainage, and implementation of agreed scheme. This	

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										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 condition 24 to require submission of a timetable and a maintenance scheme to the Council for the installation and maintenance of the drainage system. This condition has not been discharged	
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 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	
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 26 to require the submission of details for the illuminate activities on site. 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 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	

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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 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	
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 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	
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 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	
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	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 of leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays.	

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										Confirmation has been received from the Consultant that the site working hours are now in accordance with the requirements of condition 51. Further complaints have been received that HGV's are entering the site prior to 06:30, this is currently being investigated.	
26.	Dynamix Albany Road From Quarryfield Road To South Shore Road Gateshead	Bridges	Unauthorised Development	19 th April 2018	19 th April 2018	N	N	19 th April 2018	16 th May 2018	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. Dynamix is working with the Council and the Environment Agency to remove the unauthorised materials from the site.	
27.	16 Ashtree Close Rowlands Gill Tyne And Wear NE39 1RA	Chopwell And Rowlands Gill	Unauthorised change of use	30 th April 2018	1 st May 2018	N	N	4 th June 2018	2 nd July 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>the private garden. The loss of open space is unacceptable, therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.</p>	

TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

DC/18/00081/HHA - 16 Cowen Gardens, Allerdene, Gateshead, NE9 7TY
Two storey side and front extension, rear ballustrade to first floor rear window and new boundary fencing and gates (revised application)
This application was a delegated decision refused on 29 March 2018.

Appeal Decisions

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

DC/17/00724/HHA - 26 Colegate, Leam Lane Estate, Felling, NE10 8PN
Drop kerb from classified road to allow access to drive
This application was a delegated decision refused on 23 October 2017.
Appeal dismissed 25 April 2018.

DC/17/00817/ADV - Land At Askew Road West, Gateshead
Removal of existing 5no illuminated 48 sheet advertising displays and replacement with 1no 48 sheet digital LED advertisement (amended 24.08.17).
This application was a delegated decision refused on 13 October 2017.
Appeal allowed 25 April 2018.

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

Appeal Costs

4. There have been **no** appeal cost decisions.

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 17 April 2018

by Caroline Jones BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2018

Appeal Ref: APP/H4505/D/17/3189318

26 Colegate, Leam Lane Estate, Felling NE10 8PN

- 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 Steven Graham against the decision of Gateshead Council.
 - The application Ref DC/17/00724/HHA, dated 23 June 2017, was refused by notice dated 23 October 2017.
 - The development proposed is a vehicle crossing to allow access to hardstanding drive on property from a classified road.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the adjacent street tree.

Reasons

3. The character and appearance of this part of Colegate is in part derived from the regularly spaced mature trees within the highway verge. The trees form a distinctive feature within the street scene and make a positive contribution to the character and appearance of the road.
4. One of the street trees lies immediately to the front of the appeal property close to the position of the proposed crossover. The crown spread of this tree extends over the area in which works would take place and at my site visit I saw that the roots of the tree lie very close to the surface.
5. The appellant states that the risk to the tree is low. However, there is no compelling evidence before me, such as an arboricultural report, to support this contention or to demonstrate that the loss of any roots would not adversely affect the long-term health of this tree. I cannot therefore be certain that the proposed crossover would not prejudice the long term health and retention of this tree. The loss of this tree would have a detrimental impact on the character and appearance of the area.
6. The appellant has drawn my attention to a number of locations where highway crossovers or tarmacking close to trees does not appear to have damaged the health of the tree. However, I have not been provided with the background or circumstances that led to such development and cannot be sure whether these

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were approved on the basis of technical advice to demonstrate that there would be no adverse impact on the trees or were constructed using specific techniques to mitigate any potential harm. In any event, the depth and spread of roots are specific to each individual tree and the presence of the other crossovers does not justify the appeal proposal.

7. I note that the proposal would be of benefit to the appellant in facilitating off street parking and that it would reduce on street parking. However, these matters do not outweigh the harm that I have identified.
8. In the absence of any technical evidence to the contrary, I conclude that there is an unacceptable risk that the proposed development would prejudice the long-term retention of this tree to the detriment of the character and appearance of the area. The proposed development therefore conflicts with Policies ENV3 and ENV44 of the Gateshead Unitary Development Plan and Policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015). Together these seek, amongst other things, that development makes a positive contribution to the established character and identity of its locality, that trees should be protected and that works that will damage or lead to the loss of trees which contribute to the amenity of an area will not normally be permitted.
9. For the reasons given above and taking all matters into account, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR



Appeal Decision

Site visit made on 17 April 2018

by **Caroline Jones BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th April 2018

Appeal Ref: APP/H4505/Z/17/3191150

Land at Askew Road West, Gateshead, Newcastle upon Tyne NE8 2JX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Paul O'Sullivan, Insite Poster Properties Ltd against the decision of Gateshead Council.
 - The application Ref DC/17/00817/ADV, dated 21 July 2017, was refused by notice dated 13 October 2017.
 - The advertisement proposed is removal of existing 5no illuminated 48 sheet advertising displays and replacement with 1no 48 sheet digital LED advertisement.
-

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following *additional* conditions:
 1. No individual advertisement shall be displayed for a duration of less than 10 seconds.
 2. The advertisements on display shall be static. No advertisement display on the LED screen shall contain moving images, animation, intermittent or full motion video image or any images that resemble road signs or traffic signs.
 3. At all times the display shall contain a mechanism that will turn the screen off in the event that the display experiences malfunction or error.
 4. The intensity of the illumination of the display shall not exceed 300cd/m² at any time.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

3. The appeal site is located on a prominent corner plot on a busy roundabout close to the A184. The site currently contains 8no illuminated advertising displays which wrap around the north west, south west and southern boundaries of the plot. At present there are 3no 96 sheet displays and 5no 48 sheet displays, all of which are externally illuminated. The proposal comprises the removal of the 5no 48 sheet displays, replacing the display on the southern

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boundary with a 48 sheet digital display. The 3no 96 sheet displays would be retained.

4. The surrounding area is mixed in character and the advertisements are a prominent feature in the street scene. The approaches to the roundabout differ in character and as a result the adverts are seen in different contexts depending on their orientation. The approach from the south, Cuthbert Street, has a more spacious and green feel than those from the north, east and west with the hoarding lying adjacent to open space. That said, Cuthbert Street is a busy road with sweeping views of the city of Newcastle upon Tyne across the river. The presence of the A184 is noticeable with the slip road close to the appeal site and street furniture is common place including streetlights, road signs, barriers, a bus shelter and a mobile phone mast.
5. The digital display would be mounted on the southern boundary of the hoarding facing south along Cuthbert Street. The dimensions would be around 6m in width and 3m in height. The illumination brightness of the display would be controlled via a light sensor which monitors ambient light. As proposed, it would be restricted to a maximum brightness of 300cd/m² at night and 600cd/m² during the day in accordance with guidelines by the Institute of Lighting Professionals. The transition between displays would be instantaneous and the display would be fitted with a safety mechanism that would turn the screen off in the event of a malfunction or error.
6. The proposed display would be partially screened from longer range views down Cuthbert Street by the recording studio which lies to the south of the appeal site. From this direction, it would also be viewed in the context of the cityscape and associated lighting as a backdrop. Although in closer views the display would be more prominent, its size and position would be the same as the existing advertisement. Therefore there would be no material change in the appearance of the street scene as a consequence of the proposal. The difference would be the nature of the illumination. However, the appellant states that he is willing to accept a maximum brightness of 300cd/m² during the day which means that the intensity would be no more than the existing sign. Furthermore, the brightness would also be controlled via a light sensor monitoring ambient light levels.
7. These factors lead me to conclude that the proposed advertisement would not appear more prominent or dominant than the existing display. A display of the same size and position but with modernised illumination would have a neutral effect on the character and appearance of the street scene and surrounding area.
8. I have considered the Council's argument that the granting of consent would set a precedent for proposals of a similar nature. However, no directly similar/comparable sites to which this might apply were put forward. Each application and appeal must be determined on its individual merits and a generalised concern of this nature does not justify withholding consent in this case.
9. For the aforementioned reasons, I conclude that the proposal would not cause demonstrable harm to the visual amenity of the surrounding area and I find no conflict with the National Planning Policy Framework in this regard.

Conditions

10. The conditions I have imposed are based on those suggested by the Council albeit with minor variations in wording in the interests of clarity and in line with the Planning Practice Guidance. Those relating to sequencing, the images to be displayed and the malfunction mechanism are necessary to ensure the proposal is designed and operated in a manner that does not cause an undue distraction to drivers. That relating to brightness is necessary in the interests of public safety and to protect the character and appearance of the area. I have amended the wording of this condition so that the intensity of the illumination does not exceed that of the existing at all times.

Conclusion

11. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity.

Caroline Jones

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/17/00473/HHA	17 Limetrees Gardens Low Fell Gateshead NE9 5BE	First floor extensions to side and rear	Written	Appeal in Progress
DC/17/00724/HHA	26 Colegate Leam Lane Estate Felling NE10 8PN	Drop kerb from classified road to allow access to drive	Written	Appeal Dismissed
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 Allowed
DC/17/00654/HHA	257 Coatsworth Road Bensham Gateshead NE8 4LJ	Rear Extension	Written	Appeal in Progress
DC/17/00899/COU	Da Vincis 10 Harraton Terrace Durham Road Birtley	Change of use from A3 (food and drink) to A3/A5 to allow for home delivery (amended 05/09/17).	Written	Appeal in Progress
DC/17/01109/HHA	24 Wilsons Lane Low Fell Gateshead NE9 5EQ	Proposed external rear roof terrace with bi-fold doors.	Written	Appeal in Progress
DC/17/01110/COU	321 And 323 Rectory Road Bensham Gateshead NE8 4RS	Change of use from dwelling (use class C3) to an eight-bedroom house in multiple occupation (HMO) (sui generis use)	Written	Appeal in Progress

DC/18/00081/HHA	16 Cowen Gardens Allerdene Gateshead NE9 7TY	Two storey side and front extension, rear ballustrade to first floor rear window and new boundary fencing and gates (revised application)	Written	Appeal in Progress
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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

30 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 30 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



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE 30 May 2018

TITLE OF REPORT: Permission in Principle on application

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

Purpose of the report

1. This report sets out the background and procedures for the Council, in its capacity as Local Planning Authority, to discharge new statutory duties to determine applications for Permission in Principle (PIP) for residential development.

Background

2. The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) comes into force on 1st June 2018. This allows small (9 dwellings or less) housing schemes to apply to the Council for PIP. The granting of PIP along with a subsequent Technical Details Consent (TDC) provides an implementable planning permission.
3. PIP establishes whether the principle of housing on a site is acceptable along with the number of dwellings (expressed as a range) that can be accommodated on the site. The TDC deals with the detailed issues such as detailed design, layout and parking.
4. Once a site has been granted PIP, the developer or landowner has 3 years to seek TDC. The Council as Local Planning Authority (LPA) is under no obligation to approve TDC; however it cannot re-consider the principle of development on the site or the number of dwellings that the site can accommodate. A TDC application can only be submitted as a single application and not broken up into parts.
5. Members may recall a previous report to Planning and Development Committee on 6 December 2017 for PIP to be granted for housing on sites in the Brownfield Register. The Order differs from that approach in that applications can be made for both brownfield and greenfield sites although they are restricted to 9 dwellings or less.

Proposals

6. As required by the Order, from 1 June 2018, developers or landowners will be able to apply for PIP and subsequent TDC for development of 9 dwellings or fewer.
7. An application for PIP would be submitted to the Council as LPA (Development Management section). As part of the determination of this application, internal and external consultation would take place.
8. Whilst the Order sets out that the minimum level of neighbour notification is a site notice displayed in the local area, it is considered that for applications in Gateshead, neighbour notification should include writing to neighbouring properties. This is so the

notification process is consistent with that for PIP through the Brownfield Register and standard planning applications.

9. Consideration would then be given to any representations received and a decision (or where relevant recommendation) would be made whether to grant PIP. The decision would be made either by the Service Director, Development, Transport and Public Protection under delegated authority or by the Planning and Development Committee, consistent with the Council's scheme of delegation for planning applications. The scheme of delegation for the Planning and Development Committee in the Council's constitution would need to be amended to allow this and a report has been taken to Cabinet on 22 May 2018.
10. For applications for TDC, following a grant of PIP on application, it is proposed that these be considered in the same way, albeit that the principle of development and amount of housing would not be relevant considerations.
11. In regard to timescales, the LPA must determine a PIP application and any subsequent TDC application within 5 weeks unless otherwise agreed in writing.
12. For PIP applications, the LPA cannot impose any planning conditions, nor can any Section 106 agreement be applied, nor CIL charge levied. However, at TDC stage, these can be applied if relevant.
13. If a PIP or TDC application is refused there is a right of appeal. This differs to PIP through the Brownfield Register where there is no right of appeal.

Recommendations

14. It is recommended that Committee:
 1. Approve the recommendation for consultation on PIP applications to go beyond the statutory level to include writing to neighbouring residents and occupiers in the same way as PIP through the Brownfield Register and standard planning applications.
 2. Note the report for information.

Contact: Iain Armstrong - extension 3445

APPENDIX 1

FINANCIAL IMPLICATIONS

The cost of determining the applications will be met through application fees. The granting of PIP and subsequent TDC will support the delivery of housing within the borough helping to provide additional revenue to the Council in future years in the form of Council Tax receipts and greater certainty around capital receipts.

RISK MANAGEMENT IMPLICATIONS

Nil.

HUMAN RESOURCES IMPLICATIONS

As for financial implications, the determination of applications will require additional officer time.

EQUALITY AND DIVERSITY IMPLICATIONS

Nil.

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

It is considered that the proposals will have positive sustainability implications by helping to deliver housing in the Borough.

HUMAN RIGHTS IMPLICATIONS

Nil.

WARD IMPLICATIONS

Nil.

BACKGROUND INFORMATION

The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

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