

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 20 June 2018 at 6.00 pm in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 30 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 - Durham Road Baptist Church, Gladstone Terrace, Gateshead NE8 4EA (Pages 9 - 34)
4ii	No. 2 - Durham Road Baptist Church, Gladstone Terrace, Gateshead NE8 4EA (Pages 35 - 54)
4iii	No. 3 - Gateshead Council, Quarryfield Road, Gateshead (Pages 55 - 66)
5	Delegated Decisions (Pages 67 - 76) Report of the Strategic Director, Communities and Environment
6	Enforcement Action (Pages 77 - 96) Report of the Strategic Director, Communities and Environment
7	Enforcement Appeals (Pages 97 - 104) Report of the Strategic Director, Communities and Environment
8	Planning Appeals (Pages 105 - 116) Report of the Strategic Director, Communities and Environment

9 | **Planning Obligations** (Pages 117 - 118)

Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
20 June 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/18/00092/FUL	Durham Road Baptist Church Gladstone Terrace	Bridges
2. DC/18/00093/LBC	Durham Road Baptist Church Gladstone Terrace	Bridges
3. DC/18/00165/FUL	Quarryfield Road Gateshead	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 Dwellinghouses	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared dwellinghouses occupied by between 3 and 6 unrelated individuals who share 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.

Committee Report

Application No:	DC/18/00092/FUL
Case Officer	Lois Lovely
Date Application Valid	6 February 2018
Applicant	B&R Developments
Site:	Durham Road Baptist Church Gladstone Terrace Gateshead NE8 4EA
Ward:	Bridges
Proposal:	Conversion of Church, erection of mezzanine floor and installation of 10 rooflights to create 12 no apartments, demolition of single storey extension, erection of first floor extension in Church Hall, creation of a seating gallery, hall and office at first floor, replacement windows, to provide religious and community facilities, removal of section of existing wall and railings and erection of extension to existing ramp (additional information received 27/04/18 and 09/05/18 and amended 04.06.18).
Recommendation:	GRANT
Application Type	Full Application

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

Durham Road Baptist Church and Hall occupy a prominent corner plot at the junction of High West Street and Gladstone Terrace situated at the intersection of High Street West, Gateshead Highway (A167) and Durham Road. Directly opposite the north entrance to the church is the former Swallow Hotel.

Adjacent to this are Gateshead Indoor Bowling Club, a multi storey car park, and a garage/ car hand wash at the top of the street fronting Prince Consort Road. To the east is the elevated A167 with car showrooms beyond.

- 1.2 High West Street is one way, south to north. Recent highways improvements along Durham Road / High Street West have created an off road cycle path adjacent the footpath. The new treatment extends from the bus stop at the end of Hartington Street, past Durham Road Baptist Church, to the junction with the B1426 (High West Street). Outside the church, a grass verge provides a buffer between the cycle / footpath and High West Street. An embankment and retaining wall separates this street from the dual carriageway (A167).

100 metres from the site are footbridges which provide access across the large roundabout and Gateshead Highway (A167). There is a pedestrian crossing across Durham Road / Gateshead Highway 200 metres to the south of the church. There are three bus stops within three minutes walk of the church.

- 1.3 The Durham Road Baptist Church is listed Grade II. The listing comprises the large former Sanctuary to the north of the site (completed in 1878) that is physically linked to the Church Hall, adjoining to the south (former Sunday school and original place of worship, built in 1877).
- 1.4 **DESCRIPTION OF THE PROPOSAL**
The proposal is to create 12 residential units with a combined overall floor area of 788sqm comprising of studios, one beds and two beds (7 x 2 bed, 2 x 1 bed, 3 x 1 bed maisonettes) and a refurbished church hall with a floor area of 450sqm for worship and community use.
- 1.5 It is proposed to demolish the modern, single storey extension to provide safe access to the service yard from the rear lane.
- 1.6 The residential element is proposed within the former Sanctuary building. The number and size of units responds to the scale of the internal volume and the fenestration pattern.
- 1.7 The Church Hall to the rear of the Sanctuary building is proposed to be adapted to provide flexible gathering spaces for church and community use, improved catering facilities and better access to the upper level.
- 1.8 The access to the Church Hall is proposed to have a separate disabled access door. The ramp is to be adapted to reach the main entrance to create a single entrance for all users.
- 1.9 Repair and maintenance works are proposed throughout including the refurbishment of roofs and replacement of windows with matching conservation windows. These works are covered either through Ecclesiastical Exemption or Listed Building Consent.
- 1.10 **Layout**
Ten of the residential units are accessed from the shared historic entrance and lobby, and a new central corridor.
- 1.11 The ground floor level consists of two studio apartments, three one bed apartments and one two bed apartment.
- 1.12 There is also stair access to four of the two bed first floor apartments off the central corridor. The two remaining first floor units have dedicated entrances as they are accessed using the original gallery entrances and curved staircases.
- 1.13 The first floor apartments all include a mezzanine level to maximise appreciation of the volume while allowing the church windows to be read. The layout of the apartments creates living space with generous volumes and vibrant open plan spaces encompassing retained historic interior elements.

- 1.14 The internal alterations to the Church Hall do not require planning permission, nor would it result in a material change of use and therefore this element of the development is not for consideration through this application.
- 1.15 **Landscape**
The mature trees and planting to the north of the site will be retained. The original gates, railings and boundary walls will be mostly retained. A small area of railing will be removed to the south east corner of the site to create a small area of hard standing for the church to engage with the recently improved public realm.
- 1.16 Shared bin storage for the church and residents and 19 cycle racks are proposed in the alley to the west of the Sanctuary. This will include the resurfacing of the curved path which leads to the alley, and some cutting back of vegetation which currently encroaches on this path to ensure safe, secure, level access for residents.
- 1.17 Although dealt with separately through the listed building consent process, the halls and former sanctuary are considered as a whole throughout the development of the proposals.
- 1.18 **PLANNING HISTORY**
DC/18/00093/LBC Conversion of Church, erection of mezzanine floor and installation of 10 rooflights to create 12 no apartments, demolition of single storey extension, erection of first floor extension in Church Hall, creation of a seating gallery, hall and office at first floor, replacement windows, to provide religious and community facilities, removal of section of existing wall and railings and erection of extension to existing ramp. Considered elsewhere on this agenda.
- 1.19 The application is supported by the following documents:
Design and Access and Heritage Statement
Mechanical and Electrical Survey report
Preliminary Risk Assessment
CMRA
Flood Risk Assessment
Transport Assessment and Travel Plan
Bat and Barn Owl Survey
Potential for contaminated land
Coal mining legacy
Drainage Information

2.0 Consultation Responses:

Historic England	In heritage terms the benefits of bringing this building back into use outweigh the harm caused by the subdivision and loss of space and in this regard satisfies the requirements of the NPPF on providing clear and convincing justification (paragraph 132) and securing its optimum viable
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use (paragraph 134).

North Of England Civic Trust

This scheme involves painful compromise.

There is a grandeur to the present interior which would be almost wholly lost .The only internal feature that appears to be retained is the plaster decorative arch that frames the organ.

The building is important to the street scene and is to remain but does this offset the loss of internal features.

Has the search for an alternative use been extensively exhausted?

Northumbria Water

No comments

Tyne And Wear Archaeology Officer

The Durham Road Baptist Church will require an Historic England Level 3 Building Recording prior to its conversion. A specification can be written on request.

Coal Authority

No objection

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.

3.2 A press notice was published in The Journal on the 21st February and a notice was posted on site on the 12th February 2018 in addition to direct neighbour notification letters being sent.

3.3 Two letters of objection have been received. The concerns relate to car parking.

3.4 A letter of support has been received from the Minister of Durham Road Baptist Church on behalf of the congregation. The Minsiter has said that the plans allow the congregation to fund the repair and reordering the Hall and provide a modern, bright, comfortable and very flexible space that allows the Church to build a community, hold services and host a wide variety of different groups and activities.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS11 Providing a range and choice of housing

H9 Lifetime Homes

H10 Wheelchair Housing

CS17 Flood Risk and Waste Management

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

H15 Play Areas in Housing Developments

CFR28 Toddlers' Play Areas

H13 Local Open Space in Housing Developments

ENV3 The Built Environment - Character/Design

CS15 Place Making

ENV11 Listed Buildings

CS13 Transport

ENV61 New Noise-Generating Developments

CS14 Wellbeing and Health

DC2 Residential Amenity

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

5.1 PRINCIPLE

Range and choice of housing

The Local Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure.

5.2 Family Homes

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 proposal is to create 12 apartments consisting of five x one bedroom and seven x two bedrooms, which does not satisfy this policy objective.

5.3 Affordable Homes

This proposal falls below the policy threshold within CSUCP CS11 (5).

5.4 Lifetime Homes and Wheelchair accessible homes

This proposal falls below the policy threshold within CSUCP CS11 (2) and saved UDP policies H9 and H10.

5.5 Suitable accommodation for the elderly

Policy CS11(3) relates to increasing the choice of suitable accommodation for the elderly population. No specific provision has been made in relation to this policy, nevertheless, it would be desirable to request that some of the proposed dwellings are designed to Lifetime Homes Standard, or M4(2) "accessible and adaptable" Building Regulations Standard, in lieu of this policy requirement, so increasing the range of housing that sustains independent living.

5.6 Residential space standards

The proposal should satisfy Policy CS11(4) which requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". With regard to this requirement, it should be noted that in March 2015 DCLG published nationally described space standards for new housing. The dimensions of individual rooms do not accord with NDSS. However, as the Council does not have adopted space standards this cannot be given any weight.

5.7 Given the above, the constraints of this as a listed building mean that the development has been designed to work with the building rather than necessarily incorporate specific features such as being to Wheelchair or Lifetime Home Standards and the dwelling sizes have been dictated by the form of the building. The family homes objective is a Borough wide target over the whole plan period. Therefore whilst the proposal is contrary to CSUCP policy CS11 and Saved UDP policies H9 and H10 the proposal to convert the Sanctuary into residential use is considered to be acceptable as it will bring the listed building back into use and stop the process of deterioration..

5.8 FLOOD RISK AND DRAINAGE

The application site is within flood zone 1 so has low flood risk probability.

5.9 Surface water flow routes are identified at the 1 in 1000 year storm event within the highway of Gladstone Terrace and rear lane and High West Street.

5.10 The submitted flood risk assessment concludes that there is a low flood risk for the application and reflects the Council mapping data.

- 5.11 The drainage proposals are acceptable and there is no requirement for conditions.
- 5.12 Given the above the proposal is acceptable in terms of flood risk and in accordance with national and local policies.
- 5.13 **PLAY AND OPEN SPACE**
 Provision should be made for play facilities and open space provision as a result of this development. However, in accordance with paragraph 173 of the National Planning Policy Framework (NPPF), policies H9, H10, H13, H15 and CS11 should not be applied without taking due account of viability. However, if the contributions in question are required to make the development acceptable (see paras. 203 to 206 of the NPPF), it may be that the development is unable to proceed unless they are secured.
- 5.14 Pooling restrictions were introduced by the Community Infrastructure Levy 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.
- 5.15 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Therefore, whilst the proposal is considered to be unacceptable in terms of on-site open space and play space provision and does not accord with saved UDP policies CFR 20, CFR21, CFR22, CFR28, CFR29 and CFR30, it is also not possible to require any contribution for either play or open space provision in this case, based on the above assessment. The provision of an on-site toddler play area, to be maintained by the developer is however to be welcomed as part complying with saved UDP policy H15.
- 5.16 **HERITAGE ASSETS**
 The proposal is for the conversion of the Sanctuary into residential use and the modernisation of the Hall. The adaptation of places of worship for high impact uses such as residential, most notably, multiple residential uses, proves particularly challenging, as the loss of public access, the fragmentation of the space and loss of fixtures and fittings required for its adaptation can have a strong negative impact upon its significance.
- 5.17 However, the proposal to convert the church into residential use will bring it back into use and stop the process of deterioration of the building. The proposal has sought to minimise the harm to the building at many levels
- a number of significant internal details are retained within the new units including panelling and dado, window reveals, curved gallery stairs and the organ arch.
 - the structural system of choice; a load bearing timber stud system, ensures its reversibility and guarantees that the impacts upon the building's fabric are kept to a minimum; floors and partitions take account of existing architectural features;

- the proposal retains some fixtures and fittings and incorporates them into the design of the proposal; and finally,
 - the proposed opening of the west alley will result on a positive improvement for the building and the street scene.
- 5.18 In heritage terms, the benefits of bringing this building back into use outweigh the harm caused by the subdivision and loss of space, and in this regard, the proposal satisfies the requirements of the National Planning Policy Framework on providing clear and convincing justification (paragraph 132) and securing its optimum viable use (paragraph 134).
- 5.19 Given the relevance of the building as a landmark in the area, the success of the scheme will depend on its careful detailing in particular in respect of the windows and the proposed solution for the exhaustion and ventilation ducts from bathrooms and kitchens through the roof. These details are important to guarantee that the appearance of the building is not impacted negatively.
- 5.20 The application is supported by a structural report, details of the timber structure, schedules of roof repairs, stonework repairs and repointing, a method statement and materials including samples of any new slate or stone and mortar mix to be used, window repairs, all of which are recommended to be secured by conditions on the listed building consent (DC/18/00093/LBC) considered separately on this agenda.
- 5.21 The scheme proposes 12 units each with, central heating, a kitchen and a bathroom all of which will require a flue and extract grille/vent. No outputs onto either the East or the North elevations are proposed as these have significant architectural value within the street scene. The final details are recommended to be secured by conditions on the listed building consent (DC/18/00093/LBC) considered separately on this agenda.
- 5.22 Details of the 10 conservation roof lights have been provided, however, they are considered to be too large and a further, smaller rooflight detail is required. The final details are recommended to be secured by conditions on the listed building consent (DC/18/00093/LBC) considered separately on this agenda.
- 5.23 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with the heritage requirements of the NPPF, particularly of paragraphs 132 and 134 and Saved UDP policies ENV3 and ENV11 and CSUCP policy CS15.
- 5.24 HIGHWAYS
The twelve proposed flats will not be provided with off-street parking spaces. There is no scope to introduce parking however the site is in a highly sustainable location on the edge of Gateshead Town Centre with its wide variety of amenities and fronts onto the A167 Durham road which is a major bus route with very regular services, and it is also a major cycle route that has recently been the subject of significant upgrade works.

- 5.25 The applicant has submitted an evening parking survey (completed by an independent Transport Consultant) which demonstrates that on-road parking is available in the streets adjacent to the development site. To verify this, officers completed an independent parking survey on the evening of 26 February 2018 between approximately 20:15 to 21:15 hours that confirmed that the applicant's surveys and subsequent conclusions are valid.
- 5.26 Whilst it is acknowledged that weekday morning and afternoon parking can be very heavy in the adjacent streets due to commuter parking, the peak periods for residential parking are likely to fall outside the peak periods for daytime/commuter parking.
- 5.27 As mitigation for the absence of private parking facilities, it is important that excellent cycle storage is provided on the site and that a strong Travel Plan is put in place to encourage the use of sustainable modes of travel.
- 5.28 **Cycle Storage**
The service yard area to the west of the building has secure/lockable gates at both its southern and northern ends that use a keypad entry system as part of the cycle storage strategy. The northern gates are wide enough to allow a cycle through and of a type that remain open whilst users manoeuvre cycles through. It is recommended that the proposed cycle storage is in place prior to occupation of the flats (CONDITION 9).
- 5.29 A full travel plan is not normally an absolute requirement for developments of this size, but due to the absence of any private parking a resident's Travel Guide and Welcome Homes pack that explains the absence of parking and promotes local facilities, bus and metro access is required and can be secured by condition (CONDITION 10).
- 5.30 Given the above and subject to the recommended conditions the proposal is considered to be acceptable in highway terms and is in accordance with CSUCP policy CS13.
- 5.31 **URBAN DESIGN / VISUAL AMENITY**
The scheme does not propose any significant changes visually to the exterior of the building.
- 5.32 **RESIDENTIAL AMENITY / NOISE**
There is a potential for noise disturbance from traffic affecting residential amenity to the apartments facing east overlooking the A167 flyover. The applicant has referred to replacement windows with narrow cavity double glazing units. It is considered necessary to impose a condition to require the internal noise values of properties do not exceed British Standard levels (CONDITION 11).
- 5.33 To the west of the building is a large extension to the rear of the adjoining building on Gladstone Terrace. It is understood that these are dormitories and as such the privacy and overlooking of these windows is a consideration to ensure the residential amenities of these rooms are not harmed. Obscure

glazing to the west elevation would protect the amenities of the adjacent building whilst not resulting in an inadequate outlook to the proposed habitable rooms. As such it is recommended that a condition requiring details of obscure glazing be imposed (CONDITIONS 17 - 18).

- 5.34 Condition 5 is proposed to protect residential amenity during construction.
- 5.35 Given the above and subject to the recommended condition the proposal is considered to be acceptable and in accordance with Saved UDP policies DC2 and ENV61 and CSUCP policy CS14.
- 5.36 ECOLOGY
A Bat Survey undertaken in November 2017 has been submitted in support of the application. The survey work was not undertaken at an ideal time and thus a number of conditions are recommended to ensure protection of bats and roosts and in order to comply with policies ENV46 and ENV47 of the UDP and CSUCP policy CS18 (CONDITIONS 7 and 12 - 16).
- 5.37 A condition is recommended to ensure any vegetation clearance is undertaken outside of the bird breeding season (CONDITION 8).
- 5.38 Tree protection measures are recommended to be conditioned to protect the prominent mature tree to the front of the building (CONDITION 3, 4 and 6).
- 5.39 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policies ENV46 and ENV47 and CSUCP policy CS18.
- 5.40 CONTAMINATED LAND
The earliest historic OS plans show that the site was a Nursery garden until a Baptist Church was constructed on the site from 1895. The area surrounding the site was heavily developed from 1895 with residential properties, other places of worship, railway infrastructure and schools. The A167 was built in the early 1970s which is located to the east of the site.
- 5.41 The risk of contamination affecting the proposed development is low. The only potential area of risk to site end users would be in the area of proposed soft landscaping.
- 5.42 The Coal Mining Risk Assessment submitted in support of the application has highlighted that there is a high risk that shallow coal mining is evident underlying the site. To ensure shallow coal mining is not present underlying the site, it is recommended that intrusive investigation is carried out in the form of rotary open-hole drilling. This can be secured by condition (CONDITIONS 27 - 29). This will confirm if voids broken ground etc. (all indicative of shallow coal mine workings) are indeed present. If this is the case, the drilling will also inform if the workings are open, collapsed or backfilled which will have a direct effect on the grout quantities that potentially may be used as a mitigation strategy to ensure the site is safe and stable prior to the proposed conversion of the existing church building.

5.43 Due to the change of end use to residential, ground contamination testing, within the soft landscaping to the side of the existing building, needs be included into the design of any intrusive investigation works. Therefore considering the above, conditions are recommended for a Phase 2 intrusive site investigation requiring the submission of a Phase 2 Detailed Risk Assessment report to assess potential contamination at the site (in future soft landscaping areas), inform foundation matters and to investigate potential shallow mine workings; submission of a Remediation Strategy and a Remediation Verification Report (CONDITIONS 21 - 26).

5.44 Given the above, subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with Saved UDP policies DC1 and ENV54 and CSUCP policy CS14.

5.45 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.

6.0 CONCLUSION

6.1 Taking all of the above into consideration, the proposal to convert the former Sanctuary into residential use will bring the building back into use and stop the process of deterioration whilst minimising the impacts upon the building's fabric. Subject to the recommended conditions the proposal is considered to be acceptable and in accordance with national and local planning policies.

7.0 Recommendation:

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

1

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

DR-A-1001 REV P2 LOCATION PLAN

DR-A-3007 REV P2 PROPOSED SITE PLAN

DR-A-3004 REV P14 PROPOSED GA PLANS - CHURCH HALL
GROUND FLOOR

DR-A-3005 REV P11 PROPOSED GA PLANS - CHURCH HALL FIRST
FLOOR

DR-A-3006 REV P7 PROPOSED GA PLANS – ROOF

DR-A-3603 REV P3 PROPOSED EAST ELEVATION

DR-A-3604 REV P3 PROPOSED NORTH AND WEST ELEVATIONS

DR-A-3001 REV P6 PROPOSED GA PLANS - RESIDENTIAL
DR-A-3801 REV P6 PROPOSED SECTIONS - RESIDENTIAL
DR-A-9004 REV P1 INTERNAL DETAILS

DR-A-3011 REV P1 DEMOLITION PLANS

DR-A-3012 REV P1 SITE ACCESS DIAGRAM
DR-A-9003 REV P4 PROPOSED CYCLE STORAGE
DR-A-6302 REV P01 WINDOW AND GLAZING BAR DETAILS
DR-A-6303 REV P1 ROOFLIGHT DETAIL
DR-A-6301 REV P01 EXTERNAL GLAZING SCHEDULE
DR-A-6001 REV P01 EXTERNAL DOOR SCHEDULE

DR-A-3702 REV P1 WEST ELEVATION STONEMWORK REPAIR
SCHEDULE
DR-A-3701 REV P1 NORTH AND EAST ELEVATION STONEMWORK
REPAIR SCHEDULE

S.001 PROPOSED GROUND FLOOR LOAD BEARING STUD
LAYOUT
S.002 PROPOSED GROUND FLOOR LAYOUT SHOWING
STRUCTURE SUPPORTING FIRST FLOOR
S.003 PROPOSED FIRST FLOOR LOAD BEARING STUD LAYOUT
S.004 PROPOSED FIRST FLOOR LAYOUT SHOWING STRUCTURE
SUPPORTING MEZZANINE FLOOR

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

Reason

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

2

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

Reason

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

3

No development or any other operations shall commence on site until a scheme for the protection of the existing trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in

writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies DC1 and ENV44 of the Unitary Development Plan and CSUCP policy CS18.

4

The protective fencing approved under condition 3 must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies DC1 and ENV44 of the Unitary Development Plan and CSUCP policy CS18.

5

The following construction control measures shall be implemented and maintained at all times during the construction of the development hereby approved.

a) Unless otherwise approved in writing by the local planning authority, all works and ancillary operations in connection with the construction of the development, including the use of any noisy equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

b) Before the development hereby permitted commences a scheme for the control of noise and dust during construction shall be submitted to and approved by the local planning authority.

c) Details of the location and layout of the compound area shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site.

Reason

In order to protect the amenities of local residents during construction and in order to comply with policy DC2 of the UDP and CSUCP policy CS14.

6

Prior to commencement of development a Careful Working Method Statement shall be submitted for the consideration and written approval of the Local Planning Authority. The Method statement shall thereafter

be implemented with all contractors involved in undertaking tree works on site being made aware of the potential presence of bats prior to commencing works on site and must adhere at all times to the approved Careful Working Method Statement.

The removal/replacement of roof covering (roof tiles, ridge tiles, sarking, roofing timbers, roofing felt, soffits, fascia, barge-boards and guttering, etc.) will be done carefully by hand, checking for evidence of bats.

Should bats be encountered at any time during the works work in that area must cease immediately and a qualified ecologist and licensed bat worker must be contacted for urgent advice.

All contractors undertaking roofing works on site shall receive a 'tool box talk' on bats delivered by a suitably qualified ecologist/licensed bat worker in advance of commencing works on site.

Reason

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

7

All demolition, renovation (external) and roofing works, including the removal/replacement of windows and doors, dismantling of external stone/brick work and the removal/replacement of existing roofing materials, will be undertaken outside the hibernation period for bats (November to March inclusive).

Reason

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

8

All vegetation clearance works will be undertaken outside the breeding season for birds (March to August inclusive). Where this is not possible a checking survey for breeding birds must first be undertaken by a suitably qualified ecologist to determine the presence or otherwise of breeding birds. Where breeding birds are found to be present the area must remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

In order to protect breeding birds and their habitats and in order to comply with policies ENV46 and ENV47 of the UDP and CSUCP policy CS18.

9

The cycle storage indicated on DR-A-9003 REV P4 PROPOSED CYCLE STORAGE shall be implemented wholly in accordance with the

details prior to first occupation of the development hereby permitted and retained and maintained in accordance with the approved details.

Reason

In order to encourage sustainable travel and cycling and to comply with Saved UDP policy DC2 and CSUCP policy CS13.

10

The Travel Plan prepared by Tim Speed Consulting dated 26th April 2018 and a Welcome Travel Pack as set out at paragraph 4.4 of the Travel Plan shall be provided to all initial and successive residents by the Management Company at the time of marketing the apartments.

Evidence of the travel plans implementation over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

In order to encourage sustainable travel and in accordance with CSUCP policy CS13.

11

Internal noise levels to bedrooms of the development hereby permitted shall not exceed 35 dB LAeq, 16 hours between 07:00 - 23:00 (daytime); and 30 dB LAeq, 8 hour / 45 dB LAm_{ax} between 23:00 - 07:00 (night time) in accordance with BS 8233:2014.

Reason

In the interests of the amenity of nearby occupiers and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan and CSUCP policy CS14.

12

Works during periods of cold weather (night time temperatures below 5 degrees Celsius) outside the hibernation period must be avoided to prevent the disturbance of any torpid bats that may be present.

Reason

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

13

All contractors working on site will be made aware of the potential presence of bats and will be expected to work in accordance with the agreed Method Statement

Reason

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

14

All new and existing roofing timbers must be treated using only 'bat friendly' products such as permethrin or cypermethrin. If a membrane is to be provided beneath the roofing slates, a traditional bituminous sarking felt and appropriate system of ventilation will be used. Prior to their use, details of these products (or similar bat friendly timber treatments) must be submitted for the consideration and written approval of the Local Planning Authority. Thereafter the approved details shall be so implemented.

Reason

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

15

Prior to commencement of development a methodology and plan detailing the creation of no less than two new bat roosts permitting access to the internal roof void(s) of the building must be submitted for the consideration and written approval of the Local Planning Authority. All new bat roost(s) shall be created prior to first occupation and retained for the remaining life of the building.

Reason

In order to create bats roosts and in order to comply with policies ENV46 and ENV47 of the UDP and CSUCP policy CS18.

16

The recommendations included in the Bat Survey report prepared by E3 Ecology Ltd dated November 2017 shall be wholly implemented throughout the construction period of the development hereby permitted

Reason

In order to create bats roosts and in order to comply with policies ENV46 and ENV47 of the UDP and CSUCP policy CS18.

17

Prior to commencement of development and notwithstanding the details of translucent film indicated on drawing DR A 3601 Rev P2 details of a permanent solution to obscure glazing to windows and indicating those windows that open on the west elevation of the development hereby permitted shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

In the interests of protecting residential amenities of existing adjacent properties and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.

18

The details approved under condition 17 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained for the life of the development

Reason

In the interests of protecting residential amenities of existing adjacent properties and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.

19

Prior to commencement of development hereby permitted and notwithstanding the indication on drawing DR A 3601 Rev P2 of partial removal of the southern part of the boundary wall and railing on the east elevation, final details of the boundary treatment to include retention of the section identified for removal shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Policies DC2, ENV3 and ENV11 of the Unitary Development Plan and CSUCP policies CS14 and CS15.

20

The details approved under condition 19 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Policies DC2, ENV3 and ENV11 of the Unitary Development Plan and CSUCP policies CS14 and CS15.

21

No development hereby permitted shall be commenced until an intrusive site investigation is undertaken, to investigate the potential for contamination to exist at the site that could pose a risk to site end users in proposed soft landscaping areas and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits insitu testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation matters.

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

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

Reason

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

22

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 21 shall be implemented prior to commencement of the development hereby permitted.

Reason

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

23

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

NB The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in any soft landscaping areas.

Reason

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

24

The details of remediation measures approved under condition 23 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

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

Reason

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

25

Following completion of the remediation measures approved under condition 21 and 23 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted and maintained for the life of the development.

Reason

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

26

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. 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. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

27

No development hereby permitted shall be commenced until an intrusive site investigation is undertaken, to investigate the existence of shallow coal mining at the site that may need grouting and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of rotary open-hole drilling to ensure shallow coal mining is not present underlying the site and inform foundation matters.

The site investigation and Phase 2 Risk Assessment report shall identify possible areas which may require remedial works in order to make the site suitable for its proposed end use.

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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

28

If the intrusive investigation approved under condition 27 it is confirmed that there is a need for further remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed

development, full details of the remedial works shall be submitted to the Local Planning Authority for written approval.

Reason

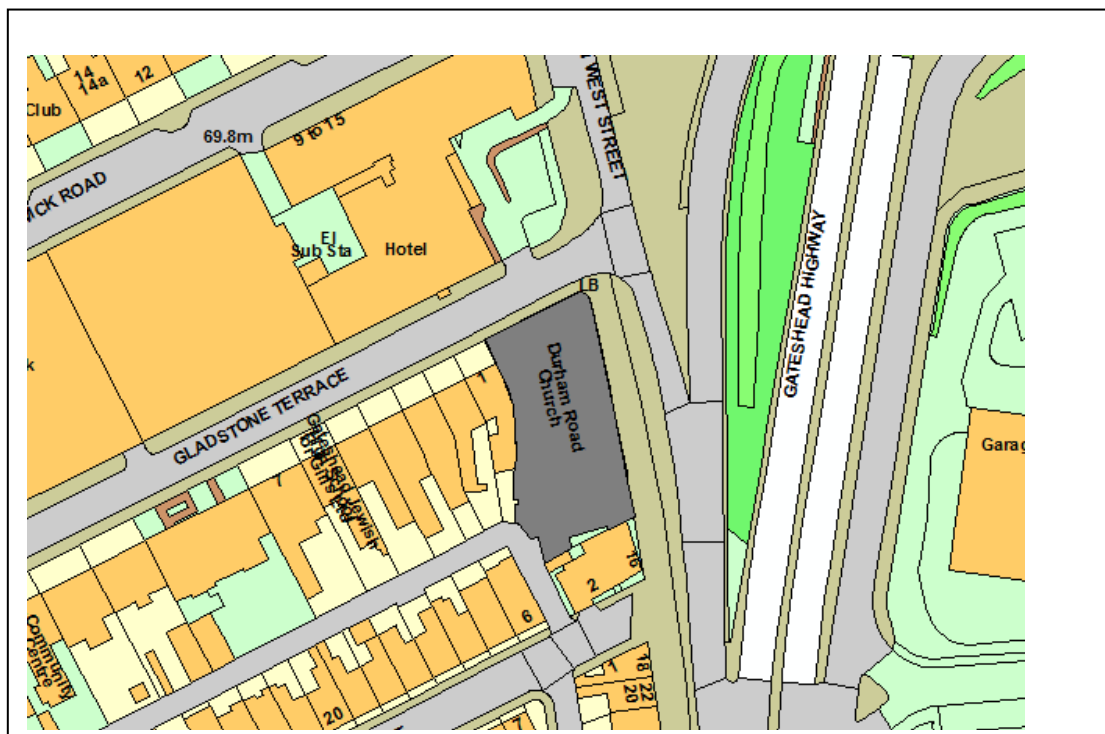
To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

29

The details of remedial measures approved under condition 28 shall be implemented as soon as practicable on discovery that they are required and maintained for the life of the development.

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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
20 June 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/18/00092/FUL
Site:	Durham Road Baptist Church Gladstone Terrace Gateshead NE8 4EA
Proposal:	Conversion of Church, erection of mezzanine floor and installation of 10 rooflights to create 12 no apartments, demolition of single storey extension, erection of first floor extension in Church Hall, creation of a seating gallery, hall and office at first floor, replacement windows, to provide religious and community facilities, removal of section of existing wall and railings and erection of extension to existing ramp (additional information received 27/04/18 and 09/05/18 and amended 04.06.18).
Ward:	Bridges
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Condition(s) added

30

Notwithstanding the bin store details indicated on drawing 3007 Rev P2 prior to first occupation of the development hereby permitted, full details of a ramp within the yard to enable the bins to be wheeled to the rear lane, shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, residential amenity and the appearance and design of the development and in accordance with Policies DC1, DC2, 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.

31

The ramp to the bin storage and collection facilities and arrangements approved under condition 30 shall be provided on site prior to the first occupation of the development and maintained as such thereafter.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, residential amenity and the appearance and design of the

development and in accordance with Policies DC1, DC2, 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.

SEE MAIN AGENDA FOR OFFICERS REPORT.

Committee Report

Application No:	DC/18/00093/LBC
Case Officer	Lois Lovely
Date Application Valid	6 February 2018
Applicant	B&R Developments
Site:	Durham Road Baptist Church Gladstone Terrace Gateshead NE8 4EA
Ward:	Bridges
Proposal:	LISTED BUILDING CONSENT: Conversion of Church, erection of mezzanine floor and installation of 10 rooflights to create 12 no apartments, demolition of single storey extension, erection of first floor extension to Church Hall, to provide religious and community facilities, removal of section of existing wall and railings and erection of extension to existing ramp (additional information received 27/04/18 and amended 04/06/18).
Recommendation:	GRANT
Application Type	Listed Building Consent

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

Durham Road Baptist Church and Hall occupy a prominent corner plot at the junction of High West Street and Gladstone Terrace situated at the intersection of High Street West, Gateshead Highway (A167) and Durham Road. Directly opposite the north entrance to the church is the former Swallow Hotel. Adjacent to this are Gateshead Indoor Bowling Club, a multi storey car park, and a garage/ car hand wash at the top of the street fronting Prince Consort Road. To the east is the elevated A167 with car showrooms beyond.

1.2 High West Street is one way, south to north. Recent highways improvements along Durham Road / High Street West have created an off road cycle path adjacent the footpath. The new treatment extends from the bus stop at the end of Hartington Street, past Durham Road Baptist Church, to the junction with the B1426 (High West Street). Outside the church, a grass verge provides a buffer between the cycle / footpath and High West Street. An embankment and retaining wall separates this street from the dual carriageway (A167).

1.3 100 metres from the site are footbridges which provide access across the large roundabout and Gateshead Highway (A167). There is a pedestrian crossing across Durham Road / Gateshead Highway 200 metres to the south of the church. There are three bus stops within three minutes walk of the church.

- 1.4 The Durham Road Baptist Church is listed Grade II. The listing comprises the large former Sanctuary to the north of the site (completed in 1878) that is physically linked to the Church Hall, adjoining to the south (former Sunday school and original place of worship, built in 1877).
- 1.5 **BACKGROUND AND DESCRIPTION OF THE PROPOSAL**
By the late twentieth century the congregation had dwindled to around 20. The Sanctuary, which can hold 850 people, became unsuitable for the church's needs. Therefore, around 15 years ago the congregation moved out of the Sanctuary for worship and back into the Hall.
- 1.6 Over the years the church group has explored a number of different options to enable them to sustain and grow the church and provide more community space. One of the options was to sell the Hall to finance the repair and reordering of the former Sanctuary. However, the cost of repairing and altering this part of the building to create the modern, comfortable, flexible spaces required far exceeds the potential proceeds from the sale of the Hall. This would also sacrifice the original worship area of the church (the Hall), which is the oldest part of the Grade II listed building.
- 1.7 The Church Hall is owned by the Baptist Union Corporation Limited. It has ecclesiastical exemption from LBC as it is a place of worship. Proposals for the Hall have therefore been submitted through the Baptist Union Listed Building Advisory Committee and approved in principle. The former Sanctuary is owned by B&R Developments and is not exempt from the need for LBC. Therefore, the proposals relating to the former Sanctuary require local planning authority LBC. Proposals for both parts of the building require planning permission.
- 1.8 B&R Developments is an organisation run by Baptist Christians who specialise in helping churches with unsustainable buildings. Working together, the church group, B&R and Ryder Architecture, have developed the scheme as submitted which provides:
- Improved and increased church and community facilities including a 200 capacity sanctuary / venue, separate rooms for children and youth work, kitchen and hospitality areas, a welcome area, library, office, storage and toilets
 - Improved accessibility to the church hall and community facilities
 - External social space for the church to interact with the local community
 - Repairs and refurbishment to the whole building including the church halls and former sanctuary, helping to conserve the heritage asset
 - Improvements to the local built environment at this key location, historically Amen Corner
 - 12 apartments which will fund the development and enable the continuing use of the building by the church, and increased community space
 - Increased appreciation of the heritage asset and awareness of community activities through engagement strategies with local residents and interpretation boards

1.9 The majority of the works for approval under this application are connected with the internal alterations necessary to form the 12 apartments, in the former Sanctuary.

1.10 **PLANNING HISTORY**

DC/18/00092/FUL Conversion of Church, erection of mezzanine floor and installation of 10 rooflights to create 12 no apartments, demolition of single storey extension, erection of first floor extension in Church Hall, creation of a seating gallery, hall and office at first floor, replacement windows, to provide religious and community facilities, removal of section of existing wall and railings and erection of extension to existing ramp. Considered elsewhere on this agenda.

1.11 The application is supported by the following documents:
Design and Access and Heritage Statement

2.0 Consultation Responses:

Historic England	In heritage terms the benefits of bringing this building back into use outweigh the harm caused by the subdivision and loss of space and in this regard satisfies the requirements of the NPPF on providing clear and convincing justification (paragraph 132) and securing its optimum viable use (paragraph 134).
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NE Civic Society	<p>This scheme involves painful compromise.</p> <p>There is a grandeur to the present interior which would be almost wholly lost. The only internal feature that appears to be retained is the plaster decorative arch that frames the organ.</p> <p>The building is important to the street scene and is to remain but does this offset the loss of internal features. Has the search for an alternative use been extensively exhausted?</p>
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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.

3.2 A press notice was published in The Journal on the 21st February and a notice was posted on site on the 12th February 2018 in addition to direct neighbour notification letters being sent.

- 3.3 Two letters of objection have been received. The concerns relate to car parking.
- 3.4 A letter of support has been received from the Minister of Durham Road Baptist Church on behalf of the congregation. The Minister has said that the plans allow the congregation to fund the repair and reordering the Hall and provide a modern, bright, comfortable and very flexible space that allows the Church to build a community, hold services and host a wide variety of different groups and activities.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV11 Listed Buildings

CS15 Place Making

ENV12 Demolition of Listed Buildings

5.0 Assessment of the Proposal:

- 5.1 Given the nature of the application the only issue for consideration is the impact of the proposal on the Grade II Listed Buildings.
- 5.2 **IMPACT ON THE LISTED BUILDING**
The National Planning Policy Framework states that protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development (paragraphs 6-10). The appropriate conservation of heritage assets forms one of the NPPF's 'Core Planning Principles' that underpin the planning system and outlined in paragraph 17 of the Framework.
- 5.3 Heritage specific policies are contained within the NPPF at paragraphs 126 to 141. The objective of these policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances their significance. That significance is the value of a heritage asset to this and future generations because of its heritage interest, which may be of archaeological, architectural, artistic or historic interest. This significance may derive not only from its physical presence but also from its setting. The Framework acknowledges that heritage assets are an irreplaceable resource and that applicants should describe the significance of any heritage asset affected, so as to understand the potential impact of the proposal on their significance (Paragraph 128).
- 5.4 This national policy approach is supported by policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) and saved Unitary Development Plan (UDP) policy ENV11. These policies require that (inter alia) development in relation to

listed buildings must preserve or enhance the building's special architectural or historic interest.

- 5.5 This planning policy framework is supportive of the statutory requirements set out in the Planning (Listed Buildings and Conservation Area) Act 1990 which compels Local Planning Authorities (LPAs) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they may possess.
- 5.6 In this case the application site is the Church and the Hall, however, due to the Ecclesiastical Exemption, this LBC application relates only to the interior and exterior works to the former Sanctuary in relation to its conversion to 12 apartments.
- 5.7 DCMS guidance states "A Church of England church is fully subject to the normal listed building and conservation area controls once it is closed for regular public worship under the Pastoral Measure 1983. For the other denominations- the Roman Catholic Church, the Methodist Church, the United Reformed Church and the Baptist Union- exemption ceases and local authority controls apply from when a building ceases to be in use for worship, i.e. following a final service. Secular controls also cover buildings vested in the Churches Conservation Trust, in most of which church services are still held on an occasional basis."
- 5.8 The Grade II listed Church (Sanctuary) does not benefit from ecclesiastical immunity. Had the church been in use within the last ten years the works to places of worship in use by exempt religious denominations, of which the Baptist Union of Great Britain is one, would have been exempt from the requirement of listed building consent but not exempt from the requirements of planning permission. However, the exemption does not apply and the practical effect is that LBC is required for the alteration or extension of a listed ecclesiastical building of any denomination as the building is not in use for ecclesiastical purposes before the works and would certainly not be following the works.
- 5.9 The Baptist Union of Great Britain has demonstrated to the satisfaction of the Secretary of State that they have the requisite systems and procedures in place to comply with The Operation of the Ecclesiastical Exemption and related planning matters for places of worship in England.
- 5.10 Prior to demolition of the extension to the rear or any internal features a programme of archaeological building recording is required to be completed, in accordance with a specification provided by the County Archaeologist. This can be secured by a condition (CONDITION 2).
- 5.11 **EXTERNAL WORKS**
The former Sanctuary roof is to be stripped of its slates and elements repaired or replaced as necessary including the reuse of Welsh slates where possible and the use of new Welsh slate. A roof repair schedule has been submitted however further details are required and a condition can secure these

(CONDITIONS 5 and 6). A further condition is recommended to secure samples of the new slate to be used (CONDITIONS 20 and 21).

- 5.12 Ten rooflights are proposed in both planes of the roof to light and ventilate the mezzanine floor. As shown on the plans these are considered to be too large and as such, final details of smaller rooflights are required and a condition is recommended to secure these (CONDITIONS 16 and 17).
- 5.13 The scheme proposes 12 units each with, central heating, a kitchen and a bathroom all of which will require a flue and extract grille/vent. No outputs onto either the East or the North elevations are proposed as these have significant architectural value within the street scene. Six flues are indicated on the western roof plane however, as shown on the plans these are considered to be excessive. As such, final details are recommended to be secured by condition (CONDITIONS 34 and 35).
- 5.14 A stonework repair schedule has been provided however there are elements that require clarification such as what is meant by localised repair particularly in reference to the damaged arch and cracked cills. Conditions are recommended to secure samples of materials, the proposed mortar specification, a sample of the proposed pointing on site and that there is no mechanical grinding of any joints with all repointing to be done by hand (CONDITIONS 7, 8 and 13).
- 5.15 A structural survey and statement have been provided prepared by James Christopher Consulting. The submitted report only refers to one repair which should be undertaken now before it can become a structural issue but there are no other structural issues. The report also discussed the underpinning/new strip foundation and infill wall to replace the organ. A condition is recommended to secure the details (CONDITIONS 18 - 19).
- 5.16 A window repair schedule has been provided to show the works required to each window. A full survey of the windows has been undertaken to gain an understanding of the sizes and profiles existing. Many of the windows are currently covered in plastic externally however the intention is to match the existing joinery. The majority of the large Sanctuary windows have an opening top panel which will be replicated in the replacement. It is important, to the significance of the building, that the existing pattern of windows and their joinery are replicated exactly. A condition is recommended to secure final details of window repair and / or replacement (CONDITIONS 9 and 10). The plans indicate the double-glazed units will be 16mm thick which is greater than a normal slim line unit. There is no objection in principle to double glazed units but the emphasis is on the thinness of the unit i.e. 10mm-14mm and the impact this has, if any, on the profile and section of the joinery. Therefore, the final details of the double-glazing units with a reduced gap of no more than 14mm are required and can be secured by condition. Where new windows are proposed all cills/lintels are to be constructed in natural sandstone (CONDITIONS 11 and 12).
- 5.17 Large scale details of the new door to the Church (east elevation) are provided however this should also include a section through the door not just an

elevation. A condition has been recommended to secure these outstanding details (CONDITIONS 14 and 15).

- 5.18 The proposals include removal of a part of the boundary wall and railing and this is considered to be unacceptable as it would harm the significance of the heritage asset. As such a condition is recommended to ensure that this boundary wall and railing is retained (CONDITIONS 32 and 33).
- 5.19 A number of conditions are recommended in respect of protecting the fabric of the listed building from damage from lack of weatherproofing, erection of scaffolding, attaching of vent extracts, aerials, alarm boxes, satellite dishes (CONDITIONS 22, 25, 26, 28, 29) and from stone cleaning (CONDITION 27).
- 5.20 INTERNAL WORKS
The proposal to create 12 residential units requires the removal of the organ and balcony from the Sanctuary to create a void in which a timber frame is proposed to be inserted to create three floors of residential accommodation. The number and size of units responds to the scale of the internal volume and the fenestration pattern.
- 5.21 Ten of the residential units are accessed from the shared historic entrance and lobby, and a new central corridor.
- 5.22 The ground floor level consists of two studio apartments, three one bed apartments and one two bed apartment.
- 5.23 There is also stair access to four two bed first floor apartments off the central corridor. The two remaining first floor units have dedicated entrances as they are accessed using the original gallery entrances and curved staircases.
- 5.24 The first floor apartments all include a mezzanine level, lit by rooflights, to maximise appreciation of the volume whilst allowing the church windows to be read. The layout of the apartments creates living space encompassing retained historic interior elements.
- 5.25 It is considered that the design of the scheme is sensitive to the fabric and integrity of the listed building and safeguards the significance of the listed building. However, to ensure the fabric and integrity of the listed building a schedule of work to repair significant architectural features in the residential conversion is considered to be necessary, for features such as the gallery stairs, panelling and dado, window reveals and plaster work including the organ arch and these can be secured by condition (CONDITIONS 3 and 4).
- 5.26 Given the above, and subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with Saved UDP policies ENV11 and ENV12 and CSUCP policy CS15.
- 5.27 Acoustics and fireproofing
It may be necessary to soundproof and fireproof the building and a condition is recommended to secure details of all measures necessary for the

soundproofing and fireproofing of the building, to include large scale details of the floor construction, protected route, smoke vent, and the implications of such works for the historic fabric of the building (CONDITIONS 30 and 31).

- 5.28 Given the above and subject to the recommended conditions it is considered the proposal is acceptable and in accordance with national and local planning policies.

6.0 CONCLUSION

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

7.0 Recommendation:

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

1

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

Reason

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

2

No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason

To ensure there is a building record in accordance with Saved UDP policy ENV23 and CSUCP policy CS15.

3

Notwithstanding drawing DR-A-9004 REV P1 INTERNAL DETAILS and prior to commencement of the development hereby permitted a schedule of repairs to architectural features shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

4

The details approved under condition 3 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained thereafter for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

5

Prior to commencement of development a schedule of repairs to the roof including a methodology and a plan illustrating where Welsh slate are proposed to be used shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

6

The approved details under condition 4 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained thereafter for the life of the development.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

7

Notwithstanding the submitted drawings DR-A-3702 REV P1 WEST ELEVATION STONERWORK REPAIR SCHEDULE and DR-A-3701 REV P1 NORTH AND EAST ELEVATION STONERWORK REPAIR SCHEDULE and prior to commencement of development a schedule of repairs to the stonework including a methodology for hand removal of pointing and a plan illustrating where pointing is to be removed and replaced shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

8

The details approved under condition 5 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted and retained thereafter for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

9

Prior to commencement of development a schedule of repairs to the existing windows, where windows are to be replaced including a methodology and a plan illustrating where the repairs are proposed to shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved

Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

10

The details approved under condition 9 shall be implemented wholly in accordance with the approved details

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

11

Notwithstanding the details indicated on drawing DR-A-6302 REV P01 WINDOW AND GLAZING BAR DETAILS and prior to commencement of the development hereby permitted large scale details of the design of the new double-glazing units, that shall be no more than 14mm thick, shall be submitted for the consideration and written approval of the Local Planning Authority. All new windows shall have cills/ lintels constructed of natural sandstone.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

12

The window details approved under condition 10 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted and retained thereafter for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

13

At no time in constructing the development hereby permitted shall existing pointing be ground out mechanically.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

14

Notwithstanding the details indicated on drawing SC-A-6001 Rev P01 and prior to commencement of the development hereby permitted details of the section of the Church Door shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

15

The details approved under condition 12 shall be implemented wholly in accordance with the approved details and retained thereafter for the life of the development.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

16

Notwithstanding the details indicated on drawing DR-A-3006 Rev P7 and DR-A-6303 Rev P1 details of the conservation rooflights shall be submitted for consideration and written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

17

The conservation rooflights approved under condition 14 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained thereafter for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

18

Where structures or features on the building have been, or still need to be removed (eg. extensions, pipes, vents) before the demolition works identified on drawing DR-A-3011 REV P1 DEMOLITION PLANS commence a schedule and methodology of repairs to the building to make good any damage caused, shall be submitted to and approved in writing by the Local Planning Authority,

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

19

The repairs approved under condition 8 shall be wholly implemented in accordance with the approved details

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

20

The development hereby permitted shall not commence until samples of all materials, colours and finishes to be used on all internal and external surfaces have been made available for inspection on site (in the form of a sample panel) and are subsequently approved in writing by the Local Planning Authority.

natural stone,
mortar mix (specification, texture finish and colour finish),

sample panel of proposed pointing
roof slate,
new stonework, sample panel of new ashlar including the pointing,

shall be submitted for the consideration and written approval of the Local Planning Authority. Thereafter, these materials shall be used in accordance with these approved details.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing listed building in accordance with the NPPF, saved policy ENV11 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

21

The materials approved under condition 16 shall be wholly implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

22

Scaffolding is not to be mechanically fixed to the masonry of the building unless otherwise approved in writing by the Local Planning Authority, and all elements in close proximity to masonry shall be fitted with plastic end caps and/or other measures appropriate for the protection of the masonry.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

23

Before the demolition works identified on drawing DR-A-3011 REV P1 DEMOLITION PLANS commence:

- 1) the detail of blocking up internal openings and the treatment of any surviving architrave, reveals or skirting;
- 2) the large scale detail of any proposed new openings internally;
- 3) large scaled of all new openings including lintel, cill and
- 4) the detail of the new staircases,

shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

24

The details approved under condition 19 shall be implemented wholly in accordance with the approved details prior to forsit occupation and retained for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

25

Before the demolition works identified on drawing DR-A-3011 REV P1 DEMOLITION PLANS commence, the details of any satellite and television aerials or dishes which may need to be installed in the building, to include cables, sensors and alarms, and the impact and appearance of these on its historic fabric, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

26

The details approved under condition 21 shall be implemented wholly in accordance with the approved details prior to the first occupation of the development and maintained and retained for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

27

No cleaning of the stonework on the site shall be undertaken without the prior written consent of the Local Planning Authority. Where it may be approved that some cleaning can take place, notwithstanding the submitted report on stonework restoration, this shall be carried out in accordance with a methodology for cleaning to include a plan showing the extent of cleaning proposed, which shall first have been submitted to and approved in writing by the Local Planning Authority, and been subject to the Council's inspection of a test panel, and the execution thereafter of the cleaning in accordance with the approved methodology and approved test panel.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

28

No opening up of the roof is to be carried out until adequate weather protection measures for the structure have been installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved weather protection measures shall remain in place until the building itself is waterproof and weather-tight.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

29

Before any construction vehicles, plant or machinery are brought onto the site, the listed building shall be adequately protected against accidental damage, in accordance with measures which shall first have been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented and maintained until the development hereby approved is complete

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

30

Prior to commencement of the development hereby approved details of all measures necessary for the soundproofing and fireproofing of the building, to include large scale details of the floor construction, protected route, smoke vent, and the implications of such works for the historic fabric of the building shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

31

The details approved under condition 27 shall be implemented wholly in accordance with the approved details prior to the first occupation of the development hereby permitted and retained for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

32

Prior to commencement of development hereby permitted and notwithstanding the indication on drawing DR-A-3004 Rev P14 of partial removal of the southern part of the boundary wall and railing on the east elevation, final details of the boundary treatment to include retention of

the section identified for removal shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

33

The details approved under condition 28 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

34

Notwithstanding the details indicated on drawings DR-A-3006 Rev P6 and DR-A-3601 Rev P2 details of the termination points of flues on the roof and vents and extract grilles and scaled elevations indicating their detailed appearance location on the building shall be submitted for consideration and written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

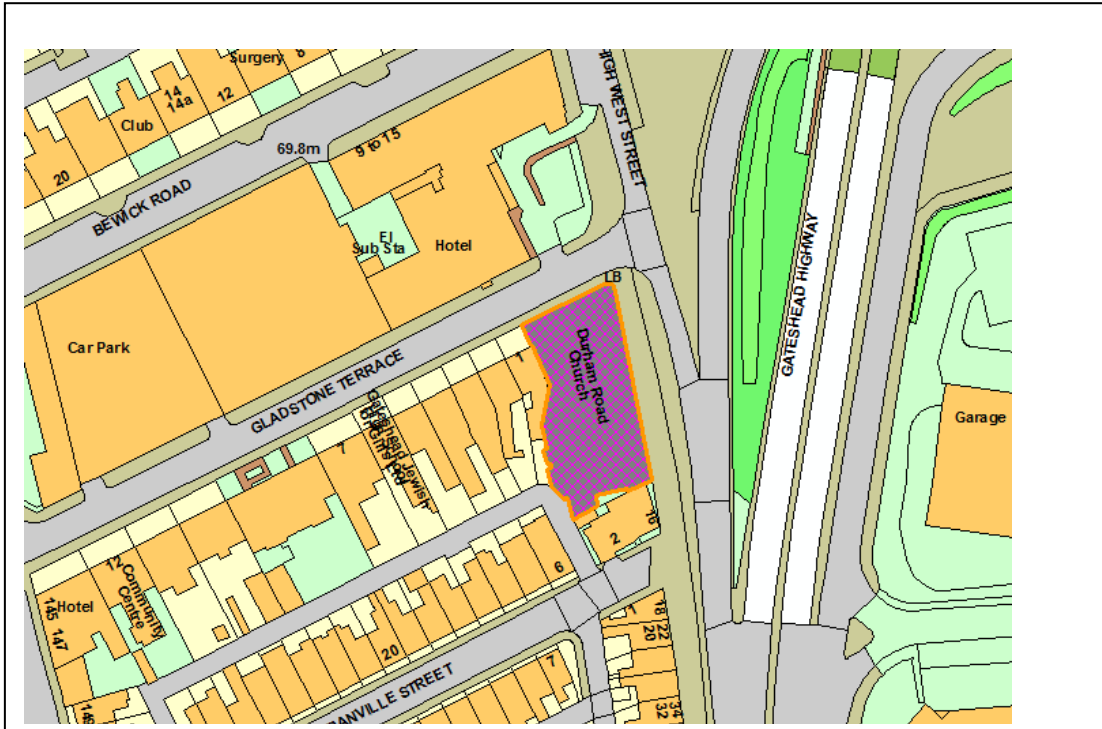
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The flues approved under condition 8 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.



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Committee Report

Application No:	DC/18/00165/FUL
Case Officer	Graham Stephenson
Date Application Valid	8 March 2018
Applicant	Gateshead Council
Site:	Quarryfield Road Gateshead
Ward:	Bridges
Proposal:	Formation of 555 space car park, to be enclosed by birds mouth fencing
Recommendation:	GRANT TEMPORARY PERMISSION
Application Type	Full Application

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

The application site sits on the western edge of the Baltic Business Quarter (BBQ) as designated in the Core Strategy and Urban Core Plan (CSUCP) policy QB3 (5). The site is bounded by Quarryfield Road to the west and the Boulevard into the BBQ to the north. Existing office buildings are accessed off this Boulevard. To the south west there is the recently constructed District Energy Centre which required the site subject to this application to be used as a works compound.

1.2 Works have already been carried out to the site to provide the car park, with the temporary surface laid and other associated works undertaken.

1.3 DESCRIPTION OF THE APPLICATION

This application subsequently seeks retrospective planning permission for the formation of a 555 space temporary car park. The car park is required to provide car parking for the Great Exhibition of the North as well as serving other surrounding developments. This is as a result of expected demand for car parking in this location and also due to a number of car parking spaces being lost at Mill Road and South Shore Road throughout the exhibition and potentially as a result of the Quays development in the future.

1.4 The car park is to be a public pay and display car park operated by Gateshead Council and will include 22 disabled bays.

1.5 Access to the car park is proposed to be off the entrance to the Boulevard, otherwise known as Abbots Hill. Sustainable Urban Drainage is proposed with a large detention basin proposed in the north east corner.

1.6 PLANNING HISTORY

There have been no recent planning applications approved on this specific site but it has been used as a works compound for the District Energy Centre.

2.0 Consultation Responses

No external consultations received.

3.0 Representations:

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

* Concerned at the large increase in the number of vehicles using Quarryfield Road to circumnavigate parts of the Felling Bypass Road and this along with the construction works could have an impact on Gateshead College.

* Request conditions addressing potential impact of construction traffic, noise during exams and keeping roads and footpaths free of debris during construction.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

QB3 Quays and Baltic Dev Opportunity Sites

5.0 Assessment of the Proposal:

5.1 The main planning issues to be considered in this case is the principle of development and impact on amenity, highway safety, flood risk and ecology.

5.2 PRINCIPLE

The area subject to this application has been a cleared site for a number of years and although allocated for commercial uses, within the Core Strategy and Urban Core Plan (CSUCP), the space available and the proximity to the Quayside makes it an attractive location for a temporary car parking to both serve the Great Exhibition of the North and re-provide any car parking lost as part of the exhibition. In addition it has always been envisaged that car parks would be provided on the BBQ to serve the needs of the Quarter and the surrounding area. Subsequently the principle of a car park in this location is considered to be acceptable and does not conflict with the relevant paragraphs in the National Planning Policy Framework (NPPF) as well as the aims and objectives of policy QB3 (5) of the CSUCP.

5.3 AMENITY

Due to the temporary nature of the car park it has been constructed in a way to reflect that i.e. temporary surfacing and fencing. However, the site has been cleared for a number of years and has been previously used as a works compound. Therefore, the temporary construction is not considered to create an issue in terms of visual amenity. In addition, as the car park is only proposed for upto 5 years it is considered reasonable to allow some flexibility in terms of materials and finish. Once this temporary permission expires it is hoped a more permanent form of development will have been approved in its place and requirements for landscaping etc can be addressed through future applications. If future development has not commenced the surface treatment, fencing, lighting and signage required for the use as a car park shall be removed, subject to details submitted via condition (CONDITION 2).

5.4 In terms of the amenity of nearby occupiers, the concerns raised centre more around construction traffic and these concerns have been passed on to the contractor.

5.5 As a result, it is considered the development does not conflict with the aims and objectives of Unitary Development Plan (UDP) policies DC2 and ENV3 or policies CS14 and CS15 of the CSUCP.

5.6 HIGHWAY SAFETY

As already raised, the car park is to act as a replacement car park for the spaces that are to be lost in the Mill Road and South Shore Road car parks. The lost spaces are expected to total 380. It is acknowledged that the car park as proposed would create an additional 175 spaces but this is to take into account the extra demand in parking created by the Great Exhibition of the North.

- 5.7 In terms of traffic generation given the limited traffic flow on Quarryfield Road, and with an immediate requirement to provide for traffic associated with the Great Exhibition of the North, the risks of significant highway problems are low. However as the proposals for the Quays and further development on Baltic Business Quarter emerge a more thorough examination of its impacts in the context of further development may be needed.
- 5.8 In the light of this a temporary permission is considered acceptable, with an extension of time dependent upon a fuller assessment in the context of wider development proposals in due course.
- 5.9 Thus, it is considered the temporary impact on traffic generation and highway safety is considered to be acceptable and in accordance with the relevant paragraphs in the NPPF as well as policy CS13 of the CSUCP.
- 5.10 DRAINAGE
The site is located in Flood Zone 1 and is not identified as being at a high risk of surface water flooding. However, it is a major application and therefore the use of a Sustainable Urban Drainage System (SuDS) is a material planning consideration.
- 5.11 In response to this a large detention basin is proposed for the north east corner of the site as part of a SuDS. This along with infiltration through the porous surface material is expected to ensure the surface run off is maintained at an appropriate Greenfield rate.
- 5.12 A flood risk assessment and drainage strategy has been submitted with the application. However further details are required to ensure the construction method and ongoing maintenance regime are appropriate and this can be conditioned (CONDITIONS 3 AND 4).
- 5.13 Therefore, it is considered as adequate drainage has been provided the development does not conflict with the aims and objectives of the relevant paragraphs in the NPPF or policy CS17 of the CSUCP.
- 5.14 ECOLOGY
The development of the car park, SuDS basin and relocation of excavated material does result in the direct loss of UK and local BAP priority habitat including the loss of fauna, including statutorily protected and priority species.
- 5.15 In accordance with the mitigation hierarchy in the NPPF as well as policies DC1, ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP, appropriate mitigation and/or compensation should be provided to address the impacts of the development.
- 5.16 The opportunities for on site mitigation at this stage are limited. Therefore, either off site compensatory measures or potentially an on site scheme that can be implemented as part of the restoration of the site, is recommended and this can be conditioned (CONDITIONS 5 AND 6). Should any future development

on the site come forward, ecological measures would be a material consideration.

- 5.17 Consequently, subject to an appropriate ecological mitigation/compensation scheme, it is considered the development of a temporary car park in this location, does not conflict with the aims and objectives of the NPPF, policies DC1, ENV46 and ENV47 of the UDP or policy CS18 of the CSCUP.

6.0 CONCLUSION

- 6.1 Taking all relevant issues into account it is recommended that in accordance with local and national planning policy, temporary planning permission is granted as the principle of development is acceptable as is, subject to conditions, the impact on amenity, highway safety drainage and ecology.

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 -

TS-0417-001, TS-0417-501, TS-03-04

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

Prior to the expiry of the temporary permission a restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all of the following:

- a) Restoration of the site including the removal of all temporary surface treatment, fencing, lighting and infrastructure
- b) Removal of the vehicular access and restoration of that land

The approved restoration scheme shall be completed to the satisfaction of the Local Planning Authority within six months of its approval.

Reason

To enable the Local Planning Authority to ensure that site is fully restored to its former condition in the interests of visual amenity and to re provide the temporarily lost recreation land in accordance with policies DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy.

3

Within 3 months of planning permission being granted a final surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a - A drainage statement setting out details of the design storm period and intensity; approach to modelling and a summary of results including modelling for climate change; conformity to the DEFRA Non-Statutory Standards for SuDS; confirmation of exceedance flow routes and volumes including demonstration that surrounding property is free from risk from runoff from this site; confirmation of drain down times of basin; confirmation of storage volumes within paving and basin, taking into account site gradients.
- b - A plan of proposed finished levels to demonstrate flow and exceedance routes.
- c - Drainage Construction Method Statement for the permeable paving and detention basin, and to demonstrate correct management of surface runoff during construction phase.
- d - Construction details of basin overflow and car park construction, plus details of soiling and seeding for the basin.
- e - the measures taken to prevent pollution of the receiving groundwater and/or surface waters, including consideration of the potential impact of infiltration on any contaminated ground.
- f - copy of full drainage model results and an electronic copy of the model;
- g - a management and maintenance plan for the lifetime of the development, including specification and schedule of maintenance; confirmation from maintenance operative that basin is acceptable to maintain; confirmation of maintenance access.

Reason

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

4

The drainage details shall be implemented and maintained in accordance with the details approved under condition 4.

Reason

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

5

Within 3 months of planning permission being granted details of an ecological compensation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail on and/or off site measures as well as a timetable for implementation, management plan and a monitoring regime.

Reason

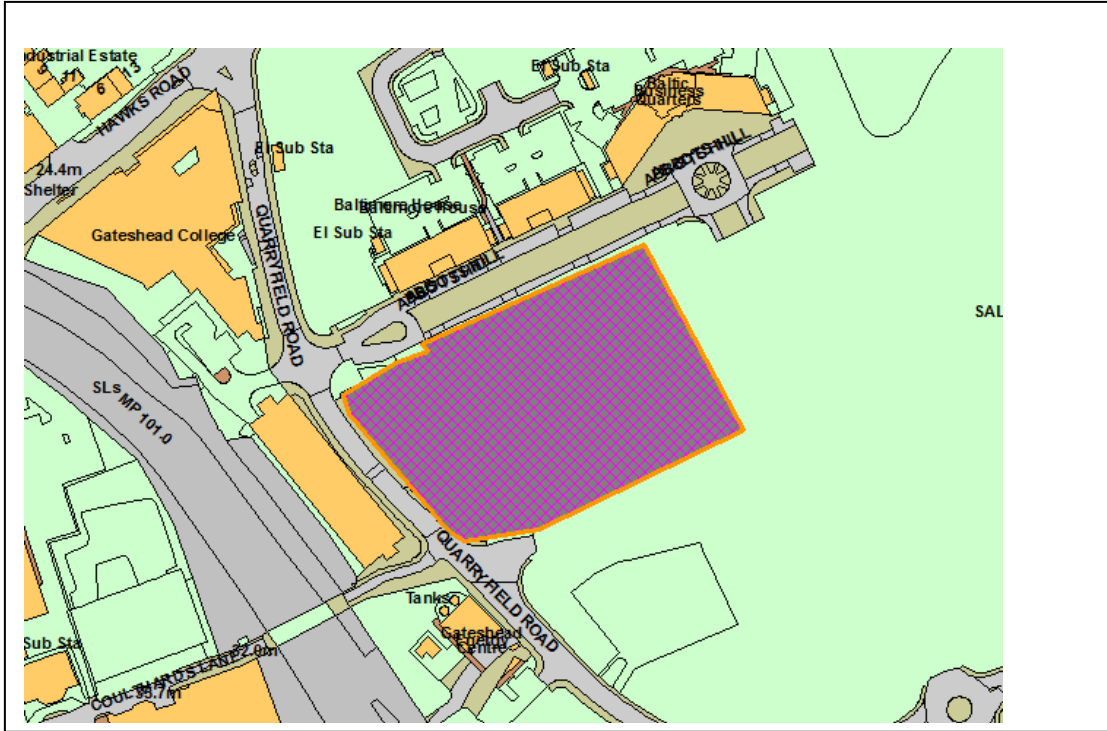
To ensure that a satisfactory balance is achieved between development of the site and the protection of nature conservation in accordance with policies DC1 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

The ecological compensation scheme shall be implemented in accordance with the details approved under condition 5.

Reason

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



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
20 June 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/18/00165/FUL
Site:	Quarryfield Road Gateshead
Proposal:	Formation of 555 space car park, to be enclosed by birds mouth fencing
Ward:	Bridges
Recommendation:	Grant Temporary Permission
Application Type	Full Application

Reason for Minor Update

Condition 2 is amended as follows:

2

The permission hereby granted shall be for a limited period only of 5 year(s) from the date of this decision notice and prior to the expiry of the temporary permission a restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all of the following:

- a) Restoration of the site including the removal of all temporary surface treatment, fencing, lighting and infrastructure**
- b) Removal of the vehicular access and restoration of that land**

The approved restoration scheme shall be completed to the satisfaction of the Local Planning Authority within six months of its approval.

Reason

To enable the Local Planning Authority to ensure that site is fully restored to its former condition in the interests of visual amenity and to re provide the temporarily lost recreation land in accordance with policies DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy.

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 20 JUNE 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/17/00139/LBC	LISTED BUILDING CONSENT: Replacement of windows.	24 Front Street, Winlaton,	Refused;	Winlaton And High Spen
DC/17/00634/FUL	Mixed use development consisting of 386 residential units (1,2 and 3 beds) with on-site facilities, café, retail and parking (Amended Plans 06.10.2017, increase in height, 27.10.2017 to re-introduce angled windows to windows on floors 1-6 facing the hotel and 31.10.2017, minor changes to elevation).	21 Mill Road, East Gateshead,	Granted;	Bridges
DC/17/01220/FUL	VARIATION OF CONDITION 2 of DC/17/00258/FUL to allow insertion of additional window in concierge's bathroom and VARIATION OF CONDITION 6 to allow restricted opening of obscure glazed windows	Open Space Between Ramsay Street And Commercial Street, Winlaton, ,	Granted;	Winlaton And High Spen

DC/18/00003/FUL	Alteration of approved design of dwellings approved under DC/17/00326/DPA and extension of building (amended plans received 25.04.2018 and 30.04.2018 and description amended 30.04.2018)	Bradley Hall Farm , Bradley Hall Farm,	Granted;	Crawcrook And Greenside
DC/18/00022/COU	Change of use from storage unit (Use Class B8) to Barber Shop (Use class A1)	2 Lambs Arms Buildings, Greenside Road,	Granted;	Crawcrook And Greenside
DC/18/00053/FUL	Installation of various artworks comprising of a Maple Gate entrance feature and Crocus Sculptures	Eastern Side Of Railway Underpass, Armstrong Street,	Granted;	Lobley Hill And Bensham
DC/18/00050/HHA	Removal of existing garage and erection of two storey side extension. Removal of rear bay window and erection of single storey rear extension (amended plans received 14.05.18)	9 St Helens Crescent, Low Fell,	Granted;	Low Fell
DC/18/00183/FUL	Erection of a Commercial vehicle repair centre (B2 Use) including office/welfare facilities and car parking	Durham Road Trading Estate, Birtley,	Withdrawn;	Birtley
DC/18/00186/HHA	Single storey rear extension (amended 22.05.18)	5 Robsons Way, Birtley,	Granted;	Lamesley

DC/18/00189/HHA	Demolition of part two storey rear extension,Two storey side and single storey rear extension (as amended 18.05.2018)	49 Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00220/HHA	1m metal railings to south and east boundaries (amended plans received 11.05.18, description amended 11.05.18)	16 Angel Way, Birtley,	Granted;	Lamesley
DC/18/00281/TPO	Felling of 1 Sycamore tree and works to 1 Sycamore tree on land to west of The Cedars Academy and south side of Ivy Lane.	Land To West Of The Cedars Academy And South Of Ivy Lane, Gateshead,	Granted;	Chowdene
DC/18/00243/FUL	Small scale electricity generation facility (20MW) and a battery storage facility (29MW) with associated infrastructure (additional information received 01/05/18 and 11/05/18 and amended plan received 09/05/18 and 11/05/18).	Derwenthaugh Ecoparc, Derwenthaugh Road,	Granted;	Blaydon
DC/18/00253/HHA	Two Storey Side Extension	21 Highfield Road, Mount Pleasant,	Granted;	Deckham
DC/18/00313/HHA	Single Storey Rear Extension	5 Wellfield Terrace, Bill Quay,	Granted;	Pelaw And Heworth
DC/18/00283/FUL	Conversion of upper floors of bed shop to four flats (retrospective)	282-284 , High Street,	Granted;	Bridges

DC/18/00291/HHA	Single storey rear extension and garage conversion	108 King Oswald Drive, Stella,	Granted;	Ryton Crookhill And Stella
DC/18/00302/HHA	Extension over existing garage, canopy to front and widen driveway	26 Berkdale Road, Gateshead,	Granted;	Low Fell
DC/18/00304/HHA	Demolition of existing extension and replacement with new single storey stone built extension and replacement of existing window within south elevation of host building with new sash (revised application).	Dene Head House, Ryton Village,	Granted;	Ryton Crookhill And Stella
DC/18/00305/LBC	LISTED BUILDING CONSENT: Demolition of existing extension and replacement with new single storey stone built extension and replacement of existing window within south elevation of host building with new sash (revised application).	Dene Head House, Ryton Village,	Granted;	Ryton Crookhill And Stella
DC/18/00314/HHA	Single storey side extension	25 Neville Crescent, Birtley,	Granted;	Lamesley
DC/18/00298/COU	Change of use from shop (A1 use) to micro pub/brewery.	Spencer House, Unit 2 , Market Lane,	Granted;	Whickham North

DC/18/00299/ADV	Display of non illuminated fascia and hanging signs on front elevation	Spencer House, Unit 2 , Market Lane,	Temporary permission granted; Granted;	Whickham North
DC/18/00311/HHA	Hip to gable roof enlargement, front and rear dormer, single storey rear extension and two storey side extension (amended plans received 22.05.18)	145 Bewick Road, Bensham,	Granted;	Saltwell
DC/18/00318/HHA	Single storey rear extension	13 Holmewood Drive, Rowlands Gill Central,	Granted;	Chopwell And Rowlands Gill
DC/18/00348/HHA	Single storey side extension	Papermill Cottages, Mount Escob Farm,	Granted;	Lamesley
DC/18/00351/HHA	Single storey side extension	55 Planesway, Whitehills,	Granted;	Windy Nook And Whitehills
DC/18/00352/HHA	Erection of boundary fence (as amended 21.05.18)	68 Hanover Drive, Winlaton,	Granted;	Winlaton And High Spen
DC/18/00356/HHA	Proposed part two storey part single storey rear extension (amended 23.05.18)	4 Radcliffe Street, Birtley,	Granted;	Birtley
DC/18/00358/HHA	Two storey side and rear extension, front porch and rear decking (description amended 02.05.18)	Evelyn , 88 Shibdon Road,	Granted;	Blaydon
DC/18/00391/HHA	Single storey rear extension that extends beyond side elevation	13 Lonnen Drive, Whickham,	Granted;	Whickham North

DC/18/00360/LBC	<p>Insertion of timber partition wall to create upstairs bathroom and walk-in wardrobe for master bedroom. Reopening of fireplace apertures, insertion of new doorways and creation of opening to walk in wardrobe from master bedroom</p> <p>On ground floor remove bathroom partition wall and suspended ceiling to reinstate the original room size for kitchen.</p> <p>Board and plaster modern doorway into bathroom and open bricked up fireplace for cooker. Removal of suspended ceiling will reveal cornice within this room.</p>	3 Claremont Place, Bensham,	Granted;	Lobley Hill And Bensham
DC/18/00362/COU	Temporary change of use from public open space to site compound	Land At Ramsay Street, Blaydon,	Temporary permission granted;	Blaydon
DC/18/00365/HHA	Conversion of existing garage to residential, pitched roof above garage, and single storey rear extension	7 Kendal, Vigo,	Granted;	Birtley
DC/18/00366/FUL	Demolition of one existing tyre fitting shed and erection of replacement shed	Tam Tyres, 2 Clockmill Road,	Granted;	Dunston And Teams

DC/18/00370/HHA	Two storey extension side and single storey rear extension	107 Church Road, Low Fell,	Granted;	Low Fell
DC/18/00376/HHA	Single storey rear extension	18 Marlowe Gardens, Gateshead,	Granted;	Bridges
DC/18/00394/HHA	Single storey side extension and pitched roof to front	15 Glendale Close, Winlaton,	Granted;	Winlaton And High Spen
DC/18/00413/HHA	Two storey side and front extension.	22 Wardley Drive, Felling,	Granted;	Wardley And Leam Lane
DC/18/00384/HHA	Proposed single storey rear extension and first floor front/side extension above garage.	10 Parkdale Rise, Fellside Park,	Granted;	Whickham North
DC/18/00386/HHA	Proposed single storey front and rear extensions.	8 Tamarisk Way, Beacon Lough,	Granted;	High Fell
DC/18/00387/FUL	Installation of external blast freezer (with protective bollard) in existing service yard	Derwent Court, Unit 5 , Earlsway,	Granted;	Lobley Hill And Bensham
DC/18/00389/HHA	Timber fencing to front boundary line and party line. Paved area to gardens.	31 Calder Walk, Sunnyside,	Granted;	Whickham South And Sunnyside

DC/18/00395/HHA	Two storey side extension and single storey rear extension. Porch and lean to roof above bay window at front of property. Conversion of loft space with dormer windows at rear and Velux roof windows at front of property.	Lesbury , High Heworth Lane,	Granted;	Pelaw And Heworth
DC/18/00397/HHA	The supply and installation of a modular metal mesh platform set at a 1 in 58 gradient with a stepped access to either side to allow disabled access to and from front door of domestic residence. Works to include the widening of the existing pathway and the installation of a handrail to guard drop off points to side of widened pathway.	10 Tyne View Gardens, Pelaw,	Granted;	Pelaw And Heworth
DC/18/00427/HHA	Single storey rear extension with succah roof	22 Granville Street, Gateshead,	Granted;	Bridges
DC/18/00403/HHA	Two storey extension to the side of the property	Hillside , Woodside Road,	Granted;	Ryton Crookhill And Stella
DC/18/00406/HHA	First floor side extension	9 Hollydene, Kibblesworth,	Granted;	Lamesley

DC/18/00407/HHA	Pitched roof over existing flat roof to front elevation. Garage conversion and minor external alterations	36 St Austell Gardens, Chowdene,	Granted;	Chowdene
DC/18/00415/FUL	Replacement of existing timber frame, single glazed window frames and shiplap timber cladding panels to main hall with aluminium framed double glazed units and new UPVC cladding panels	Barley Mow Village Hall , Bedford Avenue,	Granted;	Birtley
DC/18/00445/ADV	Display of temporary banner on north bound Tyne Bridge for a period of 10 weeks per year.	The Tyne Bridge, High Street,	Temporary permission granted;	Bridges

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
20th June 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	

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

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
				2015	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.	
				3 January 2017	4 January 2017			8 February 2017	8 April 2017, 8 May 2017 and 8 June 2017	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.	
										Further complaints have been received in regards to the condition of the site, this is being investigated.	
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	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	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
	(Known as South West Farm Site Three)	Swalwell	waste to a mixed use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste. Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	<p>now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.</p> <p>The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.</p> <p>The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency.</p> <p>The associated legal action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3rd November 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6th December 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31st January 2018.</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
									29 th Sep 2018	<p>The defendant pleaded not guilty at court on the 31st January. The case has been listed for the 29th 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</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										been on the market for some time the Council is now in contact with the agent to monitor the marketing and future occupation of the premises.	
6.	Site of Former Collinson Brothers Garage, Derwent Street, Chopwell	Rowlands Gill and Chopwell	Unightly Land	31 August 2017	1 September 2017	N	N	4 October 2017	29 November 2017	<p>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</p> <p>A notice has been issued to require improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems is securing compliance 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>	

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
7.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unightly Land	19 th October 2017	19 th October 2017	N	N	23 rd November 2017	4 th January 2018	<p>Complaints have been received regarding the condition of the garden.</p> <p>The property has been overgrown for a long period and is unsightly.</p> <p>A notice has been served requiring the garden be cut back, trimmed and all waste removed.</p> <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>	
8.	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	Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on	

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>site. The Temporary Stop Notice has been issued to allow for full details of the conditions to be submitted and assessed.</p> <p>Correspondence has been sent to the developer asking them to confirm that they will not be recommencing work on site until the issues regarding the conditions have been resolved. A response was received on 09.01.18 and further legal action is being considered. 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>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										The amended information as requested has been submitted and is now being assessed.	
9.	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	<p>Complaints have been received regarding the operation of a hot food take away without planning permission. A planning application was refused on 15th November 2017. The application was refused because the proposal would represent inappropriate development as it would lead to increased access to an unhealthy eating outlet, it would also lead to an overconcentration of such uses.</p> <p>An Enforcement Notice has been issued to cease the use of the takeaway and delivery to address the issues identified which resulted in the refusal of the application.</p> <p>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>Appeal decision has been made and notice has been</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										upheld. See separate planning enforcement appeals report	
10.	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 th January 2018	12 th January 2018	N	N	16 th February 2018	16 th March 2018	<p>Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. Numerous letters and emails were written to the owners requesting the removal of the fence, but the fence remains in situ. The loss of open space is unacceptable and the fence is harmful to the amenity of the area. Therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.</p> <p>As of the 14.03.18, the fence was still in situ, correspondence has been sent to the 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 Significant works have been undertaken to remove the fence. Only the posts are now in situ these should be removed as</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										of the 14 th May 2018 As the posts are still in situ a prosecution file is being prepared.	
11.	Land at Mill Road Gateshead NE8 3AE	Bridges	Unsightly 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 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</p> <p>Materials have been ordered and a site visit is to be undertaken on the 13th June to monitor compliance</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
12.	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	<p>Despite communication with the occupiers and owners of the site, conditions relating to planning permission DC/12/01266/MIWAS have not been discharged.</p> <p>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</p> <p>A Consultant has been employed by the owner and occupiers of the site to address the issues contained within each of the Notices. The Consultant is currently working with the Council to secure compliance.</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted.</p>	
13.	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	<p>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</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
14.	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	
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 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	
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 condition 23 to require Submission of details of a drainage system to deal with surface water drainage, and implementation of agreed scheme. This condition has not been discharged	
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 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	
18.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 25 to require the Submission of an up to date survey of Cell 2 in relation to	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										clearance heights beneath the electricity power lines. 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 condition 26 to require the submission of details for the illuminate activities on site. 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 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	
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 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	
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 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	

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
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 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	
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	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. 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.	
25.	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	

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>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.</p> <p>Dynamix is working with the Council and the Environment Agency to remove the unauthorised materials from the site.</p>	
26.	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 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.	
27.	Storage Land Forge Road Gateshead	Dunston And Teams	Unauthorised development	22 nd May 2018	22 nd May 2018	N	N	22 nd May 2018	19 th June 2018	Complaints have been received that groundworks are being carried out without any planning permission. A Temporary Stop Notice has been served to ensure the work ceases to allow the impact of the work to be assessed.	

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
28.	43 Hillcrest Drive Gateshead NE11 9QS	Dunston Hill And Whickham East	Unauthorised development	01.06.18	01.06.18	Y	N	06 TH July 2018	03 rd August 2018	Following refusal of retrospective planning permission by Committee on the 9 th May 2018 for the erection of a raised decked area, an Enforcement Notice has been served to require the removal of the unauthorised development.	

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE
20th June 2018

TITLE OF REPORT: Planning Enforcement Appeals

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

Purpose of the Report

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

New Appeals

2. There have been **no** appeals received since an update was provided to committee.

Appeal Decisions

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

Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG	Without planning permission, the change of use from a café (A3) to a mixed use, including café, hot food takeaway and hot food delivery.	Written	Appeal Dismissed
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4. Full copies of the Decision letters can be found attached to this report and details of outstanding appeals can be found in **Appendix 2**

Recommendations

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

CONTACT: John Bradley extension 3905

APPENDIX 1

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

WARD IMPLICATIONS –

Birtley

BACKGROUND INFORMATION

Appeal decision

Outstanding Enforcement Appeal Cases

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

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Appeal Decisions

Site visit made on 15 May 2018

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2018

Appeal A: APP/H4505/C/18/3193759

Da Vincis, 10 Harraton Terrace, Durham Road, Birtley, Chester-le-Street DH3 2QG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Afshin Pouresmaileh against an enforcement notice issued by Gateshead Council.
- The enforcement notice was issued on 22 December 2017.
- The breach of planning control as alleged in the notice is without planning permission the change of use from a cafe (A3) to a mixed use, including cafe, hot food take away and hot food delivery.
- The requirements of the notice are: (i) Stop using the Land for the purposes of a hot food take away and delivery and (ii) Remove from the Land all external and internal signage, visible from the outside of the premises, seeking to advertise use as a hot food take away and delivery.
- The period for compliance with the requirements is two calendar months.
- The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

Appeal B: APP/H4505/W/18/3193758

10 Harraton Terrace, Durham Road, Birtley, DH3 2QG

- 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 Afshin Pouresmaileh against the decision of Gateshead Council.
- The application Ref DC/17/00899/COU, dated 4 August 2017, was refused by notice dated 15 November 2017.
- The development proposed is change of use from A3 to A3 / A5 to allow for home delivery.

Summary of Decision: The appeal is dismissed.

Preliminary Matter

1. With regard to Appeal B, it was agreed by the parties that the address of the appeal site is 10 Harraton Terrace as specified above, and not 10a Harraton Terrace as specified on the application form.

Appeal A on ground (a) and Appeal B

Main Issue

2. The main issue is the effect of the development on the health of the local community in terms of the availability of unhealthy food.

Reasons

3. The National Planning Policy Framework (the Framework) supports strong, vibrant and healthy communities and states that local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population. Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2015 (CSUCP) is concerned with wellbeing and health. It seeks amongst other things to control the location of and access to unhealthy eating outlets. Saved Policy RCL6 of the Gateshead Unitary Development Plan 2007 (UDP) states that planning permission will be granted for hot food takeaways within an existing centre or locality provided they would not lead to an over-concentration of such uses in any one location.
4. Furthermore the Council has published the Hot Food Takeaway Supplementary Planning Document 2015 (SPD). This identifies that the Borough currently has a high level of obesity. It is undisputed by the main parties that levels of child obesity (measured in relation to year 6 pupils) are higher in the Borough (23%) and in Birtley ward (25%) compared to the national average (19%) and that a survey of takeaway food in Gateshead generally revealed a very high calorie and fat content in certain foods. The Council's point that the number of hot food takeaways per 1000 population in the Birtley ward (1.68) is nearly twice the national average (0.86) is also unchallenged. It therefore seems to me that there is strong justification for the Council objective, referred to in the SPD, of transforming health in Gateshead by supporting and encouraging people to take opportunities to improve their health and lifestyle.
5. The aims of the SPD include resisting new A5 use class development, where the primary use is the sale of hot food for consumption off the premises, within 400 metres of locations where children and young people congregate; in wards where more than 10% of the year 6 pupils are classified as obese and where the number of A5 units equals or exceeds the national average per 1000 population. If it is accepted that the proposal would introduce a new A5 use, then there is no dispute that it would be in conflict with these criteria. Furthermore the SPD also seeks to cap the number of A5 uses within commercial centres to 5% of the total commercial uses there. The relevant figure for the Birtley District Centre, where the appeal site is located, is undisputed to be 11.6%.
6. It was apparent from my visit that a range of fast food types can be purchased on the appeal site premises including pizzas, burgers and kebabs, with seating available to allow up to 20 customers to dine there. Signage promoting the availability of the delivery service, through the Just Eat website is also displayed outside. Whilst a takeaway service to passing trade is not promoted from the site, there is no obvious means of precluding this.
7. There is disagreement between the Council and appellant regarding the proportion of business generated through the A5 element, (the online delivery

service in particular). The Council state that the delivery service accounts for 80% of the business, with the appellant saying it is two thirds. Either way, there is no dispute that a clear majority of the business falls within the A5 use class.

8. Even if passing trade continues to account for a small proportion of the overall business, from the information provided I am in no doubt that the online delivery service results in fast food being made increasingly accessible and more convenient to obtain, compared to the premises remaining as a cafe for the consumption of food on the premises. The appellant does not seek to make the case that the fast food choices available would not constitute unhealthy products and I have not been provided with any evidence to suggest that the business has a significant customer base outside the Gateshead area. Notwithstanding the opportunity to purchase some healthier items such as salad and fruit, the A5 element of the business would translate into an increased availability of a generally unhealthy diet for local residents, obviously including but not limited to children.
9. Whilst the business would have a relatively limited impact in the context of the many similar services already available, it would nevertheless contribute to counteracting comprehensive and unambiguous policy objectives aimed at tackling and improving poor health within the Borough. Therefore the argument that the use, in itself, would have limited impact and would therefore be acceptable for this reason, would not be compelling in principle, as it could be repeated too often to the overall detriment of public health. This similarly applies to the argument that fast food could still be purchased and consumed on the premises due to the existing A3 Use Class relating to the Land. Whilst this is so, the limitation of the use serves to restrict the availability and convenience of access to unhealthy food, a limitation which the A5 element of the business would serve to undermine.
10. Whilst the SPD states that it is aimed at the control of hot food takeaways (A5 uses only), for the above reasons the argument that this should not encompass A5 uses that are part of a proposed mixed use and where a significant amount of the business derives from online ordering, is not persuasive.
11. I therefore conclude that the development would result in increased access to unhealthy food and would add to an over-concentration of such uses within the Borough, which would be detrimental to the health of the local community. Accordingly there would be conflict with the Framework; with Policy CS14 of the CSUCP; with Saved Policy RCL6 of the UDP and with the SPD insofar as they seek to promote healthy communities; control access to unhealthy eating outlets and avoid an over-concentration of such uses in any one location.

Other Matters

12. The appellant has raised a number of further matters in support of the development. These include that considerable wasted investment would have been made in the business which would struggle without the support of the A5 use, risking closure, job losses and another vacant commercial unit and that the business has a valuable social role in providing a meeting place for shoppers.
13. I acknowledge these benefits and potential impacts, and any wasted investment would be regrettable. However I have not been presented with any

compelling evidence that closure of the A3 element of the business with the consequent loss of a meeting place for shoppers and 'dead' frontage during the daytime, would inevitably follow. Whilst I afford these considerations moderate weight, in my view they do not justify setting aside the policy presumption against the development in this case, which is designed to protect and improve the health of the local population in the longer term and to which I therefore give significant weight.

14. The points raised that there is adequate parking for delivery vans to the rear of the site and that because the takeaway element of the business is focussed on delivery it would serve to mitigate potential littering and anti-social behaviour outside the premises are matters of harm avoidance rather than positive impact and therefore attract neutral weight in the planning balance. In terms of the possibility of the delivery service being able to operate from a different site in Birtley, this would only be true if an appropriate planning permission was in place.

Conclusion

15. For the reasons given above I conclude that Appeals A and B should not succeed.

Formal Decisions

Appeal A

16. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

17. The appeal is dismissed.

Roy Merrett

INSPECTOR

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/17/01142/ADV - Land At Abbotsford Road, Felling
Proposed siting of internally illuminated digital hoarding display.
This application was a delegated decision refused on 26 January 2018.

Appeal Decisions

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

DC/17/00899/COU - Da Vincis, 10 Harraton Terrace, Durham Road, Birtley, Chester Le Street, DH3 2QG
Change of use from A3 (food and drink) to A3/A5 to allow for home delivery (amended 05/09/17).
This application was a committee decision refused on 15 November 2017.
Appeal dismissed 23 May 2018.

DC/17/01109/HHA - 24 Wilsons Lane, Low Fell, Gateshead, NE9 5EQ
Proposed external rear roof terrace with bi-fold doors.
This application was a committee decision refused on 3 January 2018.
Appeal dismissed 18 May 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 Decisions

Site visit made on 15 May 2018

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2018

Appeal A: APP/H4505/C/18/3193759

Da Vincis, 10 Harraton Terrace, Durham Road, Birtley, Chester-le-Street
DH3 2QG

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- The appeal is made by Mr Afshin Pouresmaileh against an enforcement notice issued by Gateshead Council.
- The enforcement notice was issued on 22 December 2017.
- The breach of planning control as alleged in the notice is without planning permission the change of use from a cafe (A3) to a mixed use, including cafe, hot food take away and hot food delivery.
- The requirements of the notice are: (i) Stop using the Land for the purposes of a hot food take away and delivery and (ii) Remove from the Land all external and internal signage, visible from the outside of the premises, seeking to advertise use as a hot food take away and delivery.
- The period for compliance with the requirements is two calendar months.
- The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

Appeal B: APP/H4505/W/18/3193758

10 Harraton Terrace, Durham Road, Birtley, DH3 2QG

- 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 Afshin Pouresmaileh against the decision of Gateshead Council.
- The application Ref DC/17/00899/COU, dated 4 August 2017, was refused by notice dated 15 November 2017.
- The development proposed is change of use from A3 to A3 / A5 to allow for home delivery.

Summary of Decision: The appeal is dismissed.

Preliminary Matter

1. With regard to Appeal B, it was agreed by the parties that the address of the appeal site is 10 Harraton Terrace as specified above, and not 10a Harraton Terrace as specified on the application form.

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

Appeal A on ground (a) and Appeal B

Main Issue

2. The main issue is the effect of the development on the health of the local community in terms of the availability of unhealthy food.

Reasons

3. The National Planning Policy Framework (the Framework) supports strong, vibrant and healthy communities and states that local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population. Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2015 (CSUCP) is concerned with wellbeing and health. It seeks amongst other things to control the location of and access to unhealthy eating outlets. Saved Policy RCL6 of the Gateshead Unitary Development Plan 2007 (UDP) states that planning permission will be granted for hot food takeaways within an existing centre or locality provided they would not lead to an over-concentration of such uses in any one location.
4. Furthermore the Council has published the Hot Food Takeaway Supplementary Planning Document 2015 (SPD). This identifies that the Borough currently has a high level of obesity. It is undisputed by the main parties that levels of child obesity (measured in relation to year 6 pupils) are higher in the Borough (23%) and in Birtley ward (25%) compared to the national average (19%) and that a survey of takeaway food in Gateshead generally revealed a very high calorie and fat content in certain foods. The Council's point that the number of hot food takeaways per 1000 population in the Birtley ward (1.68) is nearly twice the national average (0.86) is also unchallenged. It therefore seems to me that there is strong justification for the Council objective, referred to in the SPD, of transforming health in Gateshead by supporting and encouraging people to take opportunities to improve their health and lifestyle.
5. The aims of the SPD include resisting new A5 use class development, where the primary use is the sale of hot food for consumption off the premises, within 400 metres of locations where children and young people congregate; in wards where more than 10% of the year 6 pupils are classified as obese and where the number of A5 units equals or exceeds the national average per 1000 population. If it is accepted that the proposal would introduce a new A5 use, then there is no dispute that it would be in conflict with these criteria. Furthermore the SPD also seeks to cap the number of A5 uses within commercial centres to 5% of the total commercial uses there. The relevant figure for the Birtley District Centre, where the appeal site is located, is undisputed to be 11.6%.
6. It was apparent from my visit that a range of fast food types can be purchased on the appeal site premises including pizzas, burgers and kebabs, with seating available to allow up to 20 customers to dine there. Signage promoting the availability of the delivery service, through the Just Eat website is also displayed outside. Whilst a takeaway service to passing trade is not promoted from the site, there is no obvious means of precluding this.
7. There is disagreement between the Council and appellant regarding the proportion of business generated through the A5 element, (the online delivery

- service in particular). The Council state that the delivery service accounts for 80% of the business, with the appellant saying it is two thirds. Either way, there is no dispute that a clear majority of the business falls within the A5 use class.
8. Even if passing trade continues to account for a small proportion of the overall business, from the information provided I am in no doubt that the online delivery service results in fast food being made increasingly accessible and more convenient to obtain, compared to the premises remaining as a cafe for the consumption of food on the premises. The appellant does not seek to make the case that the fast food choices available would not constitute unhealthy products and I have not been provided with any evidence to suggest that the business has a significant customer base outside the Gateshead area. Notwithstanding the opportunity to purchase some healthier items such as salad and fruit, the A5 element of the business would translate into an increased availability of a generally unhealthy diet for local residents, obviously including but not limited to children.
 9. Whilst the business would have a relatively limited impact in the context of the many similar services already available, it would nevertheless contribute to counteracting comprehensive and unambiguous policy objectives aimed at tackling and improving poor health within the Borough. Therefore the argument that the use, in itself, would have limited impact and would therefore be acceptable for this reason, would not be compelling in principle, as it could be repeated too often to the overall detriment of public health. This similarly applies to the argument that fast food could still be purchased and consumed on the premises due to the existing A3 Use Class relating to the Land. Whilst this is so, the limitation of the use serves to restrict the availability and convenience of access to unhealthy food, a limitation which the A5 element of the business would serve to undermine.
 10. Whilst the SPD states that it is aimed at the control of hot food takeaways (A5 uses only), for the above reasons the argument that this should not encompass A5 uses that are part of a proposed mixed use and where a significant amount of the business derives from online ordering, is not persuasive.
 11. I therefore conclude that the development would result in increased access to unhealthy food and would add to an over-concentration of such uses within the Borough, which would be detrimental to the health of the local community. Accordingly there would be conflict with the Framework; with Policy CS14 of the CSUCP; with Saved Policy RCL6 of the UDP and with the SPD insofar as they seek to promote healthy communities; control access to unhealthy eating outlets and avoid an over-concentration of such uses in any one location.

Other Matters

12. The appellant has raised a number of further matters in support of the development. These include that considerable wasted investment would have been made in the business which would struggle without the support of the A5 use, risking closure, job losses and another vacant commercial unit and that the business has a valuable social role in providing a meeting place for shoppers.
13. I acknowledge these benefits and potential impacts, and any wasted investment would be regrettable. However I have not been presented with any

compelling evidence that closure of the A3 element of the business with the consequent loss of a meeting place for shoppers and 'dead' frontage during the daytime, would inevitably follow. Whilst I afford these considerations moderate weight, in my view they do not justify setting aside the policy presumption against the development in this case, which is designed to protect and improve the health of the local population in the longer term and to which I therefore give significant weight.

14. The points raised that there is adequate parking for delivery vans to the rear of the site and that because the takeaway element of the business is focussed on delivery it would serve to mitigate potential littering and anti-social behaviour outside the premises are matters of harm avoidance rather than positive impact and therefore attract neutral weight in the planning balance. In terms of the possibility of the delivery service being able to operate from a different site in Birtley, this would only be true if an appropriate planning permission was in place.

Conclusion

15. For the reasons given above I conclude that Appeals A and B should not succeed.

Formal Decisions

Appeal A

16. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

17. The appeal is dismissed.

Roy Merrett

INSPECTOR



Appeal Decision

Site visit made on 24 April 2018

by **Graeme Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 May 2018

Appeal Ref: APP/H4505/W/18/3194170

24 Wilsons Lane, Low Fell, Gateshead NE9 5EQ

- 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 Michael Langdon against the decision of Gateshead Council.
 - The application Ref DC/17/01109/HHA, dated 6 October 2017, was refused by notice dated 3 January 2018.
 - The development proposed is proposed external roof terrace with bi-fold doors.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Low Fell Conservation Area; and
 - The effect of the proposed development on the living conditions of occupiers of neighbouring properties, with particular regard to privacy.

Reasons

Character and appearance

3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Paragraph 132 of the National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. The Low Fell Conservation Area (LFCA) covers a large area of varied uses and is of mixed character, from the commercial area of Durham Road to the predominantly residential areas on either side of it. The appeal site lies in an area of transition from the commercially-focused Durham Road to the residential streets of Kells Lane and the terraces beyond. Although residential properties lie opposite the site on Wilsons Lane, and to the rear on Rock Grove, the immediate area is dominated by the large and looming presence of Kells Lane Primary School on one side, and by the modern expanse of the former GPO sorting office, now occupied as offices, and surface car park on the other.

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

5. The building within which the appeal property lies is a relatively recent residential development, built with a traditional appearance to reflect the form and scale of the nearby terraces. The proposal relates to an upper floor apartment at first and second (roof) levels, where the bedrooms are arranged at first floor level, with a large open plan living area within the roof space. Rooflights front and rear provide light to, and outlook from, this area where the proposal to create a roof terrace within the rear facing roof elevation would make effective and efficient use of existing floor area which is largely unusable due to the internal fall of the roof slope.
6. However, the creation of the roof terrace would create a deep incursion into the otherwise plain roof form of the building. Further, the verticality of the terrace's balustrades would sit uncomfortably with the roof slope and the terrace's side walls would emphasise the extent of the incursion into the roof slope. Whilst the substantial but low-line roof structure of the modern office building at the rear of the building would screen this incursion from wider view from Lowrey's Lane, that is not to say that it would render the terrace hidden from view.
7. I acknowledge the suggested extent of visibility from Lowrey's Lane set out in the appellant's submissions¹, but it would also be a prominent roof-level feature in closer views on Rock Grove. Here, the conflicting angles and lines of the existing roof slope and the terrace's balustrade would be clearly seen, whilst the side walls of the roof terrace would make the depth of incursion harmfully recognisable and at odds with the building's otherwise simple roof form. So too, from the far side of the car park to the south of Lowrey's Lane and the terraces beyond it, where the interruption in the roofscape would also be clearly visible above the modern office building that lies in the appeal property's foreground. Here, the open expanse of the car park offers clear views through 360° of the surrounding roofscape. With one or two exceptions, that roofscape is very much typical of the terraced streets that typify the area, with simple and unadorned roofs. Where rear elevations are broken, it is in the form of two storey flat roofed off-shoot extensions, not at roof level.
8. The proposed roof terrace, with its deep incursion into the roof slope, side walls, metal balustrades, glazing and domestic paraphernalia associated with an outdoor space, would when taken together, introduce features alien to a simple and relatively plain roofscape. In doing so, it would also alter the viewer's perception of the building, adding a perceived sense of enlarged scale at odds with the rest of the terraced block. These factors would combine to create an obtrusive and incongruous incursion into an otherwise simple and plain roof form, and would do so in a manner at odds with the traditional roof form and roofscape associated with the terraces that typify much of the surrounding area.
9. I acknowledge that the modern built form and materials of the former GPO sorting office, and now office building, are a significant factor in views along Lowrey's Lane and towards the appeal property from the car park accessed from Lowrey's Lane. However, it appears to me that the building within which the appeal site lies represents a reasonably successful attempt at incorporating new development into the LFCA. The proposal would, in my judgement, compromise that and would, for the reasons I have set out, be an incongruous

¹ Referred to as 'an annotated satellite view' at paragraph 2.44 of the appellant's Grounds of Appeal and appended to that document

addition to the building resulting in harm to its character and appearance. In so doing, it would also fail to preserve or enhance the character or appearance of the LFCA, thereby causing harm to the heritage asset.

10. Whilst I have identified harm, that harm would be less than substantial. Paragraph 134 of the Framework states that in such circumstances harm should be weighed against the public benefits of the proposal. From my observations of the appeal property's internal layout, the proposal would facilitate a more efficient use of the second floor floorspace than is currently possible due to falling ceiling levels and restricted headroom. That, however, is a private, not public, benefit and I give that, and the matter of the site being previously developed land, little weight in the paragraph 134 balance.
11. My attention has been drawn to a recent appeal² which, it is suggested, demonstrated an 'exaggerated approach' by the Council to the impact of roof-level extensions. I do not however have the full details of that proposal before me and I can only give it limited weight. I have also been referred to a balcony alteration at a property in Frome Gardens. Once again, I do not have the full details of that proposal before me, but I saw that that property is very different in character, appearance and location to the appeal property. As such, it does not appear to me to provide a direct comparison to the appeal property or appeal proposal and so I also give it limited weight.
12. Thus, for the reasons set out, the proposal would be contrary to saved policies ENV3 and ENV7 of the Unitary Development Plan (UDP) and would fail to preserve or enhance the character or appearance of the LFCA. Whilst there would be private benefits arising from the proposal, there are no public benefits to weigh against the less than substantial harm that I have identified.

Living conditions

13. Rock Grove is a compact L-shaped terrace that lies to the rear of the appeal property. The Council's concern with regard to privacy is expressed in terms of Nos. 1 to 4, those being properties within the section of Rock Grove facing towards, but offset from, the appeal property. During my visit to the site I was able to observe the relationship between the respective properties from the existing rooflights. I also viewed the appeal property from directly in front of properties on Rock Grove.
14. The appellant does not dispute the Council's assessment of the separation distance between the proposed roof terrace and windows at Nos. 1 to 4. However, whilst those distances might fall short of the guidance set out in the Household Alterations and Extensions Supplementary Planning Document (HAESPD), the HAESPD does recognise that no two sites are the same and that sites, proposals, levels and relationships between neighbours need to be considered on their own merits.
15. I saw that Rock Grove is offset from the rear of the appeal property; the further east along that terrace the greater the offset, and therefore the distance between the appeal property and others, becomes. The outlook from the existing rooflights is downwards and across the face of Rock Grove. From my observations of this relationship actual overlooking, in the sense of visual penetration through those windows and into those rooms is limited. Moreover,

² APP/H4505/W/17/3171999

due to the nature of the rooflights and their position in both the roof slope and internally to No. 24, any overlooking is currently limited and incidental.

16. However, the proposal would extend the usable floorspace at second floor level. The roof terrace would, in the context of the existing roof slope, provide a large area in which occupants of the appeal property could sit out at an elevated level and in a conspicuous position. Whilst I consider it likely that the actual visual penetration into the windows and rooms of properties on Rock Grove from the terrace would be little different than that which currently exists, the perception may well be different.
17. Although I have no reason to believe that users of the proposed rooftop terrace would actively or deliberately choose to use this vantage point to consciously look into opposing properties, the incongruous nature and appearance of the proposal would be a strong visual reminder of its presence. This, together with the limited separation distances between No. 24 and Rock Grove leads me to conclude, despite the somewhat limited degree of visual penetration into the opposing windows, that the proposal would cause harm to the living conditions of occupiers of those properties closest to the rear of No. 24 with particular regard to privacy and overlooking. The proposal would be contrary to saved UDP policy DC2 and fail to secure the good standard of amenity for existing and future occupiers of land and buildings that the Framework seeks as one of its core planning principles.

Other Matters

18. The appellant refers to the redevelopment of a site elsewhere in Low Fell, upon which it is apparently proposed that apartments with balconies would be built. However, I am not familiar with the site referred to, nor have I been provided with any details of what is proposed in that instance. I give that matter limited weight.

Conclusion

19. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

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/17/00654/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 Dismissed
DC/17/01109/HHA	24 Wilsons Lane Low Fell Gateshead NE9 5EQ	Proposed external rear roof terrace with bi-fold doors.	Written	Appeal Dismissed
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/17/01142/ADV	Land At Abbotsford Road Felling	Proposed siting of internally illuminated digital hoarding display.	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



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

20 June 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 20 June 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