

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 11 July 2018 at 10.00 am in the Bridges Room - Civic Centre

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held 20 June 2018 (copy previously circulated).
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
<b>4</b>	<b>Planning Applications (Pages 3 - 8)</b>
<b>4i</b>	<b>No. 1 - 36 Harewood Close, Whickham, NE16 5SZ (Pages 9 - 14)</b>
<b>5</b>	<b>Delegated Decisions (Pages 15 - 26)</b>  Report of the Strategic Director, Communities and Environment
<b>6</b>	<b>Enforcement Action (Pages 27 - 46)</b>  Report of the Strategic Director, Communities and Environment
<b>7</b>	<b>Planning Appeals (Pages 47 - 54)</b>  Report of the Strategic Director, Communities and Environment
<b>8</b>	<b>Planning Obligations (Pages 55 - 58)</b>  Report of the Strategic Director, Communities and Environment

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PLANNING AND DEVELOPMENT  
COMMITTEE  
11 July 2018

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

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

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### **Purpose of the Report**

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

#### **PART ONE:**

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

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

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

### **Recommendations**

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1.DC/18/00418/COU	36 Harewood Close Whickham Sunnyside	Whickham South and

## 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)

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

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

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**Committee Report**

<b>Application No:</b>	<b>DC/18/00418/COU</b>
<b>Case Officer</b>	<b>Chris Johnson</b>
<b>Date Application Valid</b>	<b>25 May 2018</b>
<b>Applicant</b>	<b>Mrs Joanne Lawlor</b>
<b>Site:</b>	<b>36 Harewood Close</b> <b>Whickham</b> <b>Whickham</b> <b>NE16 5SZ</b>
<b>Ward:</b>	<b>Whickham South and Sunnyside</b>
<b>Proposal:</b>	<b>Change of use from public open space to private garden</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Change of Use</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE APPLICATION SITE**

The application site is an area of public open space adjacent to 36 Harewood Close. It contains 3 mature trees and two smaller trees to the northern end of the site. Harewood Close is a residential area to the south of Whickham consisting of family homes with minimal boundary treatments and several areas of public open green space.

**1.2 DESCRIPTION OF THE APPLICATION**

The application proposes the change of use of the application site from its existing use as public open space to an area of private garden. The erection of a temporary post and rail fence is proposed to support the growth of a beech hedge which will enclose the majority of the site. This fence is to be removed once the hedge matures.

**1.3 RELEVANT PLANNING HISTORY**

DC/10/00452/HHA - Erection of conservatory at rear of dwellinghouse (retrospective application). Granted: 09.06.2010.

**2.0 Consultation Responses:**

None.

**3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of 23 representations have been received - 22 in objection to the proposal and 1 in support of the proposal.

3.2 The objections are summarised as follows:

- The proposal would be out of keeping with the streetscene.

- Harewood Close is characterised by its openness and contains several areas of public green open spaces such as the application site. The proposal would be prejudicial to this character.
- The proposal would result in the loss of high value mature trees.
- The proposal would be detrimental to residential amenity.
- The proposal would obstruct views into and out of the cul-de-sac and would threaten highway safety.
- The proposal would result in the loss of public open space for children to play.
- The proposal would result in the loss of wildlife habitat.
- The proposal would be overbearing for neighbouring properties.
- The proposal would cause a loss of views for neighbouring properties.
- The proposal will be harmful to the visual amenity of the area as the openness of the cul-de-sac provides pleasant views.
- The proposed beech hedge is an inadequate means of enclosure and will be unsightly.
- The proposal could affect the future saleability of neighbouring properties.
- Public open spaces should not be sold privately.
- Not enough people were consulted on the proposal.
- The site notice was displayed in the wrong place.
- The proposal sets a dangerous precedent and will result in more land being sold off and built on.

3.3 The point in support of the application is:

- The land is in poor condition and will be maintained more regularly than it currently is if it were privately owned.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

GPGSPD Gateshead Placemaking Guide SPG

CFR23 Protecting and Improving Existing Open Space

DC2 Residential Amenity

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

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

- 5.1 The main planning considerations relating to the proposal are; the loss of public open space; the impact of the works on the appearance and amenity of the area, and the impact on highway safety.
- 5.2 **LOSS OF PUBLIC OPEN SPACE**  
Open space includes all open space of public value, and can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development. Saved policy CFR23 of the Council's Unitary Development Plan (UDP) only permits the loss of public open space exceptionally, and any development or change of use proposal resulting in such loss will be assessed to ensure that, as far as possible, the open space in question is the lowest-quality area of public open space in the neighbourhood in which it is located, in terms of recreational value, accessibility, visual quality and biodiversity. Existing public open space will where possible be improved, especially to enhance visual quality, biodiversity, nature conservation interest and recreational opportunities.
- 5.3 An assessment of the neighbourhood has been carried out to determine if the application site can be considered the lowest-quality in the area. There are several public open green spaces within the neighbourhood. There are several areas which can be considered lower quality than the application site. These sites can be considered lower quality due to their size, shape and location. This reduces their recreational value, visual quality and accessibility. Therefore, the site is not the lowest quality in the neighbourhood and the proposal is contrary to policy CFR23.
- 5.4 Section 8 of the National Planning Policy Framework (NPPF) aims to promote high quality public spaces, which encourage the active and continual use of public areas. Existing open space should not be built on unless: an assessment has been undertaken which has clearly shown the open space is surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 5.5 There is no assessment or evidence to suggest that the open space is surplus to requirements. Conversely, there have been a number of written objections to the proposal from neighbours citing the value of the application site as an area for children to play and as a habitat for wildlife. There has been no indication that any alternate open space is to be provided elsewhere to replace what is lost as a result of the development. Neither is there any indication that the development is for alternative sport or recreation, the need for which would outweigh the loss as a result of the development. The proposed use of the site is a private garden. Therefore, the proposal does not meet the aims and objectives of the NPPF.

- 5.6 Policy CS14 of the Core Strategy and Urban Core Plan (CSUCP) promotes the wellbeing and health of communities by improving access for all to green spaces, gardens, play, exercise and recreation opportunities. The application site provides an open green space which offers exercise and recreation opportunities and a space in which children can play. The loss of this public open space can be considered prejudicial to policy CS14 of the CSUCP.
- 5.7 Overall, it is considered that that the proposed development and loss of public open space would have an unacceptable detrimental impact on the neighbourhood. The proposal conflicts with saved policy CFR23 of the UDP, policy CS14 of the CSUCP and the aims and objectives of the NPPF.
- 5.8 **AMENITY AND APPEARANCE**  
Where development has an adverse impact on the amenity or character of an area; causes undue disturbance to nearby neighbours and residents; or conflicts with other adjoining uses, planning permission will generally be refused. The application site forms an important part of the street scene. It provides a sense of openness and this is a key characteristic of Harewood Close, a product of the low boundary treatments and several open green spaces within the neighbourhood. It makes a positive contribution to the area. Enclosing this area would have an adverse impact on the amenity of the area. The area provides space for informal play for children and improves the area aesthetically. It is prejudicial to saved policy DC2 of the UDP, policy CS15 of the CSUCP and the aims and objectives of the NPPF.
- 5.9 **HIGHWAYS**  
The application site is on adopted highway and while the Local Highway Authority have not objected to the principle of the stopping up of this area of highway, if planning permission was granted for the change of use to private garden, the applicant would be required to make an application to the Secretary of State for the highway to be stopped up under section 247 of the Town and Country Planning Act 1990. The relocation of the existing lighting column adjacent to 35 Harewood Close and diversion of any utilities infrastructure in this area may be required as part of the process, the applicant will be required to meet all associated costs.
- 5.10 Policy CS13 aims to mitigate the effects of development on existing transport networks. A number of objectors to the application have claimed that the proposal threatens highway safety, as the lack of boundary treatment at present provides good driver/pedestrian visibility which the proposal would reduce.
- 5.11 The proposed hedge would not run along the perimeter of the application site but would be set back by 2m from the south western (outer front) corner and 5m from the back of the pavement (in line with the existing garage) to the front of the house. Along the side of the house, the land outside of the proposed hedge tapers down until the hedge meets the back of the pavement immediately adjacent to the driveway to no 35 Harewood Close. This would limit the inter-visibility of vehicles reversing off the driveway of no 35 and pedestrians using this section of the footpath.

- 5.12 Consequently, if Members were minded to grant permission, it would be recommended that a condition was imposed to ensure that an appropriate visibility splay of 2.4m x 2.4m was provided for the drive at 35 Harewood Close.
- 5.13 Overall, subject to the imposition of a condition to secure a suitable visibility splay, it is considered that the proposal could comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP and that highway safety should not therefore be a reason for refusal.
- 5.14 **OTHER MATTERS**  
Other planning considerations raised by residents includes the loss of high value trees. The trees on the application site are neither protected under Tree Protection Orders nor within a conservation area, and as such, currently, have no formal protection. The application plans do not indicate that any works to the trees is intended. However, should planning permission be granted, and the land then become private garden, the Local Planning Authority would have to consider whether it would be appropriate for a Tree Preservation Order to be made.
- 5.15 Several objectors claimed there were not enough neighbours notified and that the site notice was too far away from the application site. A site notice was displayed on Harewood Close, close to the application site as well as 27 neighbours being notified of the proposal. This exceeds the statutory requirement for such an application. It is considered that all of those who would be affected by the proposal have been given ample time in which to comment on the application.
- 5.16 Several objectors have stated that the proposal would result in the loss of views from their property and that the proposal would affect the future saleability of their property. Neither of these concerns are material planning considerations and cannot be given any weight in the decision-making process.
- 5.17 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule. The proposal is not CIL chargeable development.

## **6.0 CONCLUSION:**

Taking all relevant planning considerations, objections and letters of support into account it is recommended that planning permission should be refused. It is considered that the loss of public open space and the detriment to amenity as a result of the development would be unacceptable. The proposal conflicts with saved policies CFR23 and DC2 of the UDP, policies CS14 and CS15 of the CSUCP, and the aims and objectives of the NPPF.

## 7.0 Recommendation:

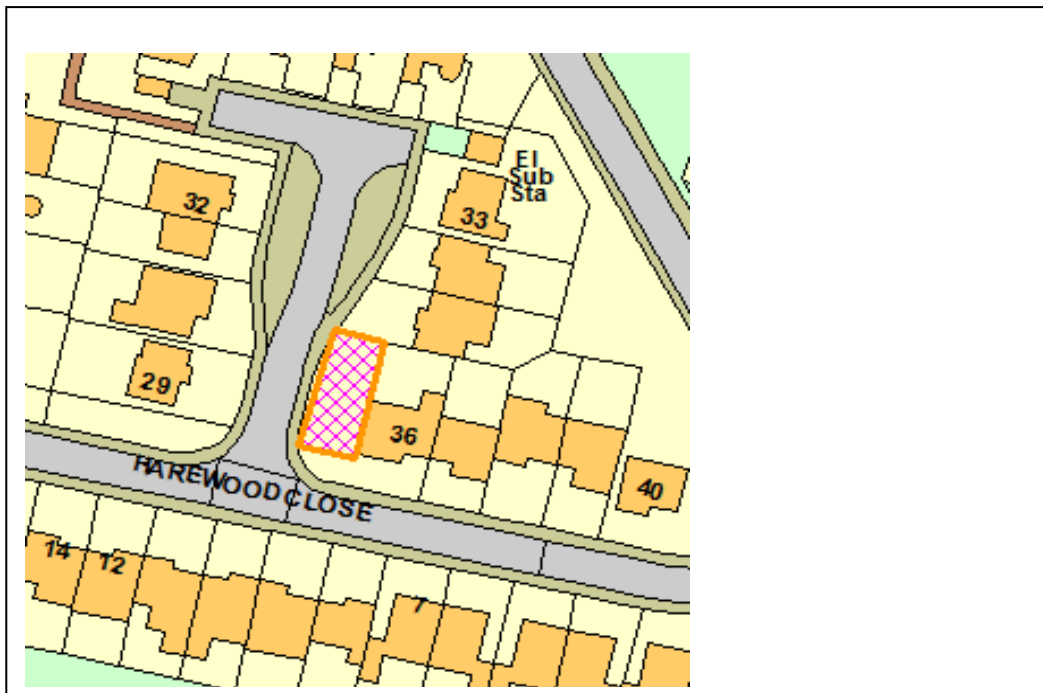
That permission be REFUSED for the following reason(s).

1

The proposed development would result in an unacceptable loss of public open space. This is contrary to saved policy CFR23 of the Unitary Development Plan, the National Planning Policy Framework and policy CS14 of the Core Strategy and Urban Core Plan.

2

The application site forms an important part of the street scene. Enclosing this area as private garden would have an unacceptable detrimental impact to the amenity of the area. This is contrary to saved policy DC2 of the Unitary Development Plan, policy CS15 of the Core Strategy and Urban Core Plan and the aims and objectives of the National Planning Policy Framework.



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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 11 JULY2018

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

<b>Application ref.</b>	<b>Nature of proposed development</b>	<b>Location of proposed development</b>	<b>Decision</b>	<b>Ward</b>
DC/17/00352/HAZ	Revocation of applications 1090/92 - DEEMED HAZARDOUS SUBSTANCES CONSENT: Continued storage of high pressure natural gas in an underground array (pursuant to application 1090/92 approved 02.11.1992)	BRITISH GAS PLC, Redheugh Gas Holder Station,	Granted;	Dunston And Teams
DC/17/00695/OUT	Erection of Bungalow	Fellows House , Ryton Village,	Refused;	Ryton Crookhill And Stella
DC/17/01293/ADV	Display of 22.25m high internally illuminated LED feature display sign (additional info received 06/03/2018 and 10/04/2018).	Intu Metrocentre , Whickham,	Refused;	Whickham North

DC/17/01392/FUL	The erection and use of plant and equipment (Feed Hopper and Hot Storage Unit) to enable the importation, storage and distribution of coated roadstone material and new access to South Shore Road	Land Between Trident Uk And Lafarge , South Shore Road,	Granted;	Bridges
DC/18/00102/FUL	Building to house two biomass boilers and a pellet storage area in the south-west corner of the site, to provide up to 120kW energy to the Care Home (amended and additional plans received 22/02/18 and 02/05/18).	Eighton Lodge , Low Eighton,	Granted;	Lamesley
DC/18/00122/FUL	Demolition of existing house and construction of new house.	Butsfield , Durham Road,	Refused;	Lamesley
DC/18/00165/FUL	Formation of 555 space car park, to be enclosed by birds mouth fencing	Quarryfield Road, Gateshead,	Temporary permission granted;	Bridges
DC/18/00184/FUL	Change of use from Council Day Centre to dwelling (C3) including elevational alterations	5 York Close, Gateshead,	Granted;	Lobley Hill And Bensham
DC/18/00176/HHA	Front Dormer window (amended May 2018)	10 Lavender Gardens, Low Fell,	Granted;	Low Fell



DC/18/00266/HHA	Single storey rear extension, first floor side extension, side dormer and loft conversion (amended plans received 12.06.18, description amended 15.06.18)	12 Oakwood Avenue, Gateshead,	Granted;	Chowdene
DC/18/00276/HHA	First floor side extension, single storey rear extension to replace existing, extension to porch at front (amended 31.05.18)	4 St Helens Crescent, Low Fell,	Granted;	Low Fell
DC/18/00290/HHA	Creating a driveway for vehicular access, off road parking.	59A Derwent Water Drive, Blaydon On Tyne,	Refused;	Ryton Crookhill And Stella
DC/18/00296/FUL	Installation of new Dormer Window over roof to side of 82A Coatsworth Road (amended 16.05.2018) (partly retrospective).	82A Coatsworth Road, Gateshead,	Granted;	Bridges
DC/18/00310/COU	Change of Use of ground floor from mixed use B1/B2 (Sui Generis) to mixed use (Sui Generis) involving a flexible space used as a art gallery, event space, workshop area and cafe.	The Thought Foundation, Clairty House,	Granted;	Birtley
DC/18/00317/LBC	LISTED BUILDING CONSENT: Removal of graffiti and stickers	The High Level Bridge, Wellington Street,	Granted;	Bridges

DC/18/00320/COU	Change of use from B1 to a mixed use scheme comprising use A1 (Bakery Shop with ancillary bakery), A3 (Cafe), B1(Bicycle Repair Shop) and B1 (Photography studio with ancillary office) (Retrospective).	Old Derwent Brassworks , Quality Row,	Granted;	Whickham North
DC/18/00325/HHA	Single storey side and two storey rear extension (amended 14.06.18)	35 Chesmond Drive, Blaydon,	Granted;	Blaydon
DC/18/00349/FUL	VARIATION OF CONDITION 1 (Approved Plans) of planning permission DC/17/00095/FUL to allow alterations to the former maintenance first floor roof terrace to use as an external garden terrace, addition of seven sun pipes on the roof, flagged patios and window cill adjustments.	Derwentside, Woodhouse Lane,	Granted;	Whickham North
DC/18/00350/TPO	Felling of one tree in rear garden of 38 Heathfield Place.	38 Heathfield Place, Gateshead,	Granted;	Saltwell

DC/18/00374/HHA	Part retrospective proposal for two dormers, sun terrace with timber boarding balustrade, stepped access and iron railings to front, first floor pitched roof side extension and one new window to first floor in east elevation, two dormers and single storey flat roof Sukkah extension to rear (resubmission of DC/17/00765/HHA) (amended plans received 20.06.18, description amended 20.06.18)	1 Woodbine Place, Gateshead,	Granted;	Bridges
DC/18/00355/COU	Change of use from storage and distribution unit (Class B8) to outpatient haemodialysis treatment centre (Class D1).	N270d , Queensway,	Granted;	Lamesley
DC/18/00371/HHA	Single storey rear extension to infill the gap between existing extensions to the side and rear	18 Fellmere Avenue, Heworth,	Granted;	Pelaw And Heworth
DC/18/00372/CPE	CERTIFICATE OF EXISTING LAWFUL USE: Orangery on rear elevation (additional information received 21.05.2018)	11 Dunkeld Close, Felling,	Refused;	Wardley And Leam Lane
DC/18/00379/HHA	Two storey side extension	23 Windermere Gardens, Whickham,	Granted;	Dunston Hill And Whickham East

DC/18/00381/HHA	Single storey rear extension	11 The Cedars, Eighton Banks,	Granted;	Lamesley
DC/18/00383/HHA	Proposed single storey front, side and rear extension (amended 06.06.18)	30 Sunderland Road Villas, Heworth,	Granted;	Pelaw And Heworth
DC/18/00385/HHA	Single storey rear extension	49 Derwent Street, Chopwell,	Granted;	Chopwell And Rowlands Gill
DC/18/00405/LBC	Replacement of living room sash window (Window 1)	2 Bradley Court, Bradley Hall,	Granted;	Crawcrook And Greenside
DC/18/00398/FUL	Construction of a dry pallet store	Lamesley Sawmill , Smithy Lane,	Granted;	Lamesley
DC/18/00402/HHA	Retrospective detached garden room and raised patio area (description amended 11.05.18)	The Lodge, Moor Mill Farm,	Granted;	Lamesley
DC/18/00408/HHA	Removal of existing garage and replacement with two storey side extension.	30 Stella Hall Drive, Stella,	Granted;	Ryton Crookhill And Stella
DC/18/00409/HHA	Proposed single storey side and rear extension (amended plans received 08.06.18)	Ferndene, West Park Road,	Granted;	Saltwell
DC/18/00410/HHA	Garage conversion to a habitable room and a pitched tiled roof	74 Saltwell Road South, Gateshead,	Granted;	Low Fell

DC/18/00411/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front of property The laying of new paved/concrete base area to marry access ramp in with shared pathway	8 Emmaville, Barmoor,	Granted;	Crawcrook And Greenside
DC/18/00412/HHA	Front porch and canopy, garage conversion and rear single storey extension	8 Dockendale Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00414/FUL	Replacement of automatic doors with manual doors, re-instatement of fire escape doors on rear elevation and installation of new external fire escape stair with reduction of surrounding landscaped area	HSBC Maingate, Kingsway North,	Granted;	Lobley Hill And Bensham
DC/18/00416/HHA	Part demolition of garage and proposed single storey rear extension	169 Kells Lane, Low Fell,	Granted;	Low Fell
DC/18/00419/HHA	Single storey rear extension to provide accessible bedroom, and minor external alterations	Norbreck , Stannerford Road,	Granted;	Crawcrook And Greenside
DC/18/00421/HHA	Proposed Modular Steel Disabled Entrance Ramp	8 Larne Crescent, Sheriff Hill,	Granted;	High Fell

DC/18/00428/HHA	Conversion of garage to living accommodation with the construction of a pitched roof over. Single storey rear extension and alterations to driveway (amended 01.06.18)	Carisbrooke , Wrekenton Row,	Granted;	Lamesley
DC/18/00430/FUL	Single storey extensions to front and rear, to facilitate use of the premises as a restaurant (A3 use) (revised application).	Hadrian House, Front Street,	Granted;	Lamesley
DC/18/00444/HHA	Single storey rear extension to replace existing conservatory	1 Limetrees Gardens, Gateshead,	Granted;	Deckham
DC/18/00431/FUL	Siting of metal storage container on Performance Square for use as a stage for outdoor events	The Sage Gateshead, Performance Square , St Marys Square,	Temporary permission granted;	Bridges
DC/18/00448/HHA	Single storey rear extension to replace existing conservatory	12 The Brambles, Birtley,	Granted;	Lamesley
DC/18/00482/HHA	Two storey side extension	8 Otterburn Gardens, Gateshead,	Granted;	Dunston Hill And Whickham East

DC/18/00433/FUL	VARIATION OF CONDITION 1 (approved plans) OF DC/17/01096/FUL to allow variations to layout	Former Builders Depot , Edmund Place,	Granted;	Low Fell
DC/18/00434/ADV	Display of internally illuminated and non-illuminated fascia and projecting signs advertising, 'Card Factory'	37 Durham Road, Birtley,	Temporary permission granted;	Birtley
DC/18/00435/CPL	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT: Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, with a maximum height of 4m, and eaves height of 2.6m, as shown on plan '03 A Proposed Plans and Elevations Rev A' dated April 2018 and received 25.05.18 (amended plans received 25.05.18, description amended 29.05.18)	3 Firtree Road, Wickham,	Granted;	Wickham North
DC/18/00436/HHA	Single storey rear extension and conversion of existing garage into living accommodation	36 West Crescent, Wardley,	Granted;	Wardley And Leam Lane

DC/18/00438/HHA	Proposed front porch & garage extension (amended 14.06.18)	19 Dartmouth Avenue, Chowdene,	Granted;	Chowdene
DC/18/00495/HHA	Proposed single storey side and rear extension and new boundary wall (description amended 27.06.18)	22 Heathfield Place, Gateshead,	Granted;	Saltwell
DC/18/00446/LBC	LISTED BUILDING CONSENT: Display of temporary banner on north bound Tyne Bridge for a period of 10 weeks per year.	The Tyne Bridge, High Street,	Granted;	Bridges
DC/18/00449/CPL	CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT: Loft conversion with repairs to slate roof and installation of roof lights to the front (north) and rear (south) elevation as shown on plan 'Section A-A & Details' and 'Proposed Loft Structure GA's & Details' dated 22.03.18 and received 10.05.2018 (description amended 29.05.2018)	10 California, Winlaton,	Granted;	Blaydon
DC/18/00493/HHA	Proposed garage extension and extension of boundary wall (description amended 21.05.18)	13 Highfield, Birtley,	Granted;	Lamesley
DC/18/00496/HHA	Single storey rear extension and garage conversion	7 Thornley Avenue, Felling,	Granted;	Wardley And Leam Lane



DC/18/00450/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The laying of new paved pathway with handrail across front lawn area to marry access ramp in with public footpath.	11 Leam Gardens, Wardley,	Granted;	Wardley And Leam Lane
DC/18/00489/COU	Change of use from retail (A1) to a mixed use to include a coffee shop and a tearoom (A3).	3 Main Street, Crawcrook,	Granted;	Crawcrook And Greenside
DC/18/00497/HHA	Installation of a modular metal mesh access ramp to allow disabled access from rear door of domestic residence.	7 Oakwood Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/18/00520/HHA	Proposed first floor side extension, single storey rear extension, and rebuild front porch	3 Herd Close, Winlaton,	Granted;	Winlaton And High Spen
DC/18/00506/HHA	Proposed single storey rear extension and external timber balcony	18 Norwood Gardens, Low Fell,	Granted;	Deckham
DC/18/00507/HHA	Proposed Modular Steel Disabled Entrance Ramp	104 Chilside Road, Bog House Estate,	Granted;	Felling

DC/18/00510/HHA	Demolition of the existing conservatory and proposed single storey rear extension	68 Whaggs Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00527/HHA	Decking to rear of property	27 Corrofell Gardens, Heworth,	Granted;	Pelaw And Heworth
DC/18/00534/FUL	Revised layout for planning permission ref. DC/17/01212/FUL for erection of coffee shop with drive-through facility, associated landscaping and car parking.	Maingate Car Park, Kingsway North,	Granted;	Lobley Hill And Bensham
DC/18/00546/HHA	Loft conversion and proposed rear dormer (description amended 31.05.18)	6 Croxdale Terrace, Pelaw,	Granted;	Pelaw And Heworth
DC/18/00550/NMA	Proposed non material amendment of application number DC/17/01220/FUL to allow the change from metal standing seam roof to single ply membrane roof	Public Open Space Between Ramsay Street And, Commercial Street,	Granted;	Blaydon



**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**

**11<sup>th</sup> July 2018**

**TITLE OF REPORT: Enforcement Action**

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

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**Purpose of the Report**

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

**Background**

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

**Recommendations**

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

**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, Windy Nook And Whitehills, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

**9. BACKGROUND INFORMATION**

Nil.

APPENDIX 2

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

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

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				2015	2015				2015	However, a further Section 215 notice has been served requiring a hoarding to be erected around the site. Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing. A further notice has now been issued requiring the site to be tidied and a hoarding erected. Work to erect the hoarding is now complete. Following wind damage to the hoarding this has been repaired.	
				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.	
										<b>A site visit was undertaken on the 20<sup>th</sup> June, and the land has been tidied.</b>	
										<b>At the time of the visit contractors were on site, undertaking site investigations in preparation to submit details to discharge the relevant planning conditions.</b>	
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	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	

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	(Known as South West Farm Site Two)	Swalwell	Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	the potential Environmental Impact of the Development.  As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.	
	(Known as South West Farm Site Three)	Swalwell	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	The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.  The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency.  The associated legal action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3 <sup>rd</sup> November 2017.  The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6 <sup>th</sup> December	



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									29 <sup>th</sup> Sep 2018	<p>2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31<sup>st</sup> January 2018.</p> <p>The defendant pleaded not guilty at court on the 31<sup>st</sup> January. The case has been listed for the 29<sup>th</sup> 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 <sup>th</sup> January 2017	14 <sup>th</sup> February 2017	Y	N	20 <sup>th</sup> March 2017	15 <sup>th</sup> May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>A Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</p> <p>The majority of the requirements of the notice have been</p>	

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										<p>complied with.</p> <p>The owner is now actively marketing the property in the hope the unit will be brought back into use .</p> <p>As the premises has been on the market for some time the Council is now in contact with the agent to monitor the marketing and future occupation of the premises.</p>	
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</p>	

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										term strategy can be put in place for this site (lead officer Mandy Reed)	
7.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unightly Land	19 <sup>th</sup> October 2017	19 <sup>th</sup> October 2017	N	N	23 <sup>rd</sup> November 2017	4 <sup>th</sup> January 2018	<p>Complaints have been received regarding the condition of the garden.</p> <p>The property has been overgrown for a long period and is unsightly.</p> <p>A notice has been served requiring the garden be cut back, strimmed and all waste removed.</p> <p>No further work has been undertaken since the last site visit on the 13<sup>th</sup> December. A letter has been written to the owners. Files are being prepared for prosecution if works are not undertaken by the end of January.</p> <p>A site visit to confirm whether notice has been complied with will be undertaken the week commencing the 5<sup>th</sup> February, in the absence of this being complied with a prosecution file will be prepared.</p> <p><b>The defendant attended court on the 13<sup>th</sup> June and was found guilty and ordered to pay a £300 fine and £100 costs.</b></p>	

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8.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 <sup>TH</sup> November 2017	29 <sup>th</sup> November 2017	Y	N	29 <sup>th</sup> November 2017	26 <sup>th</sup> December 2017	<p>Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site.</p> <p>The Temporary Stop Notice has been issued to allow for full details of the conditions to be submitted and assessed.</p> <p>Correspondence has been sent to the developer asking them to confirm that they will not be recommencing work on site until the issues regarding the conditions have been resolved. A response was received on 09.01.18 and further legal action is being considered.</p> <p>A meeting has taken place between the developer and development management. A new application is to be submitted to discharge the conditions in the immediate future. The developer has confirmed that works will not re-commence</p>	

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										<p>on site until the details have been agreed.</p> <p>The developer is currently in discussions with the Council prior to submitting the discharge of conditions application.</p> <p>The discharge of condition application was submitted on the 23.03.18.</p> <p><b>The conditions were discharged on the 15<sup>th</sup> June. The Council are awaiting confirmation from the Developer to confirm when they are due to recommence works on site.</b></p>	
9.	Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG	Birtley	Unauthorised change of use	22 <sup>nd</sup> December 2017	22 <sup>nd</sup> December 2017	Y	Y	26 <sup>th</sup> January 2018	26 <sup>th</sup> March 2018	<p>Complaints have been received regarding the operation of a hot food take away without planning permission. A planning application was refused on 15th November 2017. The application was refused because the proposal would represent inappropriate development as it would lead to increased access to an unhealthy eating outlet, it would also lead to an overconcentration of such uses.</p> <p>An Enforcement Notice has been issued to cease the</p>	

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										<p>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 upheld. See separate planning enforcement appeals report</p> <p><b>The unit is being monitored and is currently advertised for sale</b></p>	
10.	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 <sup>th</sup> January 2018	12 <sup>th</sup> January 2018	N	N	16 <sup>th</sup> February 2018	16 <sup>th</sup> March 2018	<p>Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. Numerous letters and emails were written to the owners requesting the removal of the fence, but the fence remains in situ. The loss of open space is unacceptable and the fence is harmful to the amenity of the area. Therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and</p>	

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										<p>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 of the 14<sup>th</sup> May 2018</p> <p>As the posts are still in situ a prosecution file is being prepared.</p>	
11.	Land at Mill Road Gateshead NE8 3AE	Bridges	Unightly Land	19 <sup>th</sup> February 2018	19 <sup>th</sup> February 2018	N	N	26 <sup>th</sup> March 2018	7 <sup>th</sup> May 2018	<p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and the land to be enclosed by a hoarding.</p> <p>As there has been no activity on site, the agent has been contacted and the Council is awaiting confirmation of timescales for demolition. A demolition company has been instructed</p>	

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										and the section 81 counter notice has been issued. Works to erect a hoarding are due to start imminently  <b>Following a site visit on the 13<sup>th</sup> June, the hoarding has been erected and the demolition has commenced.</b>	
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 <sup>th</sup> April 2018	Despite communication with the occupiers and owners of the site, conditions relating to planning permission DC/12/01266/MIWAS have not been discharged.  Notice served in relation to breach of condition 12 to require submission of a noise monitoring scheme for all restoration activities. This condition has not been discharged  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.  Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing	



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										the information submitted.	
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	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	
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	

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17.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach 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 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	

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										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	
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 or leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays.  Confirmation has been received from the Consultant that the site working hours are now in accordance	

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										<p>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.</p> <p><b>A site visit was undertaken on the 20<sup>th</sup> June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.</b></p>	
25.	Dynamix Albany Road From Quarryfield Road To South Shore Road Gateshead	Bridges	Unauthorised Development	19 <sup>th</sup> April 2018	19 <sup>th</sup> April 2018	N	N	19 <sup>TH</sup> April 2018	16 <sup>th</sup> May 2018	<p>Despite communication with the owner and occupier regarding unauthorised groundworks, further works were being carried out (without permission) which have resulted in an odour issue. A Temporary Stop Notice has been served to ensure that work ceases so the impact of the work can be assessed and the test results of the materials involved are being carefully considered.</p> <p>Dynamix is working with the Council and the Environment Agency to remove the unauthorised materials</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
										from the site. <b>To date a large amount of the waste has now been removed from the site, the Environment Agency is currently monitoring this.</b>	
26.	16 Ashtree Close Rowlands Gill Tyne And Wear NE39 1RA	Chopwell And Rowlands Gill	Unauthorised change of use	30 <sup>th</sup> April 2018	1 <sup>st</sup> May 2018	N	N	4 <sup>th</sup> June 2018	2 <sup>nd</sup> 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 <sup>nd</sup> May 2018	22 <sup>nd</sup> May 2018	N	N	22 <sup>nd</sup> May 2018	19 <sup>th</sup> 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.  <b>The owners of the land are working with the council to submit a planning application to regularise the works</b>	
28.	43 Hillcrest Drive Gateshead NE11 9QS	Dunston Hill And Whickham East	Unauthorised development	01 <sup>st</sup> June 2018	01 <sup>st</sup> June 2018	Y	N	06 <sup>th</sup> July 2018	03 <sup>rd</sup> August 2018	Following refusal of retrospective planning permission by Committee on the 9 <sup>th</sup> May 2018 for the erection of a raised	

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
										decked area, an Enforcement Notice has been served to require the removal of the unauthorised development.	
29.	Land at Milbrook, Gateshead	Windy Nook And Whitehills	Unauthorised change of use	14 <sup>th</sup> June 2018	14 <sup>th</sup> June 2018	N	N	14 <sup>th</sup> June 2018	11 <sup>th</sup> July 2018	Complaints have been received that a caravan was occupied in the street causing wide spread anti social behaviour. A Temporary Stop notice has been served to require cessation of occupation.	



**TITLE OF REPORT:** Planning Appeals

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

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## **Purpose of the Report**

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

## **New Appeals**

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

DC/17/01087/FUL – Woodlands, Birtley Lane, Birtley DH3 2LR

The felling of 5 Tree Preservation Order (TPO) trees and the replacement with 7 new trees and the erection of a Use Class C3 detached dwelling-house, with three bedrooms and two floors (one within pitched roof void) on existing rear garden lands, with associated new access, hardstandings and car parking spaces (as resubmission and re-siting of DC/16/1289/FUL).

This application was a delegated decision refused on 1 February 2018

DC/17/01153/HHA - 65 King Oswald Drive, Stella, Blaydon NE21 4FD

Retrospective dropped kerb and provision of new path and parking space to front of property to provide disabled access.

This application was a delegated decision refused on 26 January 2018.

DC/18/00105/FUL - Smileys Car Wash, Nobles MOT Centre, Sunderland Road, Gateshead NE10 0NR

VARIATION OF CONDITION 2 (Hours of Operation) of permission

DC/12/00577/COU to allow opening Mon - Sat 08:00 -18:00 and Sunday 09:00 - 18:00 (currently limited to between 0900 and 1800 Monday to Saturday and between 0900 and 1600 on Sundays and Public Holidays).

This application was a delegated decision granted on 29 March 2018

## **Appeal Decisions**

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

DC/17/00654/HHA - 257 Coatsworth Road, Bensham, Gateshead NE8 4LJ  
Rear Extension

This application was a delegated decision refused on 17 November 2017

Appeal dismissed 25 June 2018

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

### **Appeal Costs**

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

### **Outstanding Appeals**

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

### **Recommendation**

6. It is recommended that the Committee note the report

**Contact: Emma Lucas Ext: 3747**



**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

**WARD IMPLICATIONS**

Various wards have decisions affecting them in Appendix 3

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

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## Appeal Decision

Site visit made on 19 June 2018

by **Michael Moffoot DipTP MRTPI DipMgt**

an Inspector appointed by the Secretary of State

Decision date: 25 June 2018

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**Appeal Ref: APP/H4505/D/18/3194587**

**257 Coatsworth Road, Bensham, Gateshead NE8 4LJ**

- 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 Joseph Ludzker against the decision of Gateshead Council.
  - The application Ref: DC/17/00654/HHA, dated 23 May 2017, was refused by notice dated 17 November 2017.
  - The development proposed is 'home improvements and extension'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. There is no dispute between the parties as to the acceptability of the proposed ground floor rear extension to form a succah. I am satisfied that this aspect of the proposal would cause no material harm and would not conflict with any development plan policies I have been referred to. I shall therefore confine my detailed considerations to the proposed kitchen extension and additional bedroom to the rear of the property.

### Main Issues

3. The main issues in this case are:
  - (i) the effect of the proposed development on the character and appearance of the area; and
  - (ii) the effect of the proposal on the living conditions of the occupiers of No 255 Coatsworth Road, with particular reference to outlook and daylight and sunlight.

### Reasons

#### *Character and appearance*

4. The appeal site comprises a substantial end-of-terrace residential property of brick construction under a slate roof and includes a three-storey offshoot, a flat-roofed garage, a small yard and a large box dormer to the rear elevation. The proposal includes a ground floor extension to form a succah and, over part of the existing garage, a two-storey extension to the offshoot to provide additional kitchen and bedroom accommodation.

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

5. In order to respect and enhance the appearance of the street scene, Supplementary Planning Document: *Household Alterations and Extensions* ('the SPD') aims to encourage good design by concentrating on issues of scale, height, massing, layout and parking. It states that two-storey rear extensions will not normally be permitted unless it can be demonstrated through careful design that there will be no detrimental effect on the street scene. These objectives accord with those parts of Policy CS15 of the Core Strategy<sup>1</sup> and saved Policy ENV3 of the UDP<sup>2</sup> which require high quality and sustainable design that responds to local distinctiveness and makes a positive contribution to the established character and identity of its locality in terms of, amongst other things, scale, massing and height.
6. The site is in a predominantly residential part of Bensham characterised by extensive terraces of large family dwellings arranged in a distinctive grid-plan which imparts a pleasing uniformity and visual 'rhythm'. Within this context the proposed two-storey extension would be a significant addition to the dwelling. It would extend the existing rear offshoot up to the boundary with the back lane and vertically to form a substantial, three-storey, flat-roofed wing. In doing so, it would be wholly out of keeping with the form and proportions of the host building, undermine the architectural rhythm of the terrace and dominate the street scene on this prominent corner site.
7. For these reasons, the proposal would seriously harm the character and appearance of the area contrary to Policy CS15 of the Core Strategy and UDP saved Policy ENV3. It would also conflict with the environmental role of the *National Planning Policy Framework* ('the Framework') which requires that the planning system protects and enhances the built environment.

*Living conditions*

8. One of the core principles of the Framework requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
9. The SPD does not normally permit two-storey rear extensions unless it can be demonstrated through careful design that there will be no unacceptable reduction in daylight and sunlight and no visual intrusion. To avoid an overbearing visual impact on adjacent properties it advocates that such extensions should not project beyond a 45° line extending from the centre of a neighbour's ground floor habitable room window. Although the proposed extension would effectively be three storeys in height (rather than two) and the neighbouring window is at first floor level, I consider it appropriate to apply the SPD guidance in this case.
10. No 255 has a first floor succah infill extension at the back of the property which is almost flush with the rear of the existing outshoot on the appeal site. The proposed extension would project some 4.3m beyond the succah in clear breach of the 45° guideline. It would be an oppressive structure in close proximity to the window serving the succah, which I regard as habitable room. The resultant loss of outlook would unacceptably harm the neighbours' living conditions.

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<sup>1</sup> *Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030* (adopted 2015)

<sup>2</sup> *Gateshead Unitary Development Plan 2007*

11. To prevent excessive loss of daylight or overshadowing the SPD states that, irrespective of the 45° guideline, rear extensions should be a maximum depth of 3m in the case of terraced dwellings. The proposal would breach this depth by some 1.3m, resulting in severe curtailment of daylight and sunlight reaching the succah to the detriment of the occupants' enjoyment of the room.
12. As such, the proposal would materially harm the living conditions of the occupiers of No 255 Coatsworth Road. It would conflict with Policy CS15 of the Core Strategy and saved Policy DC2 of the UDP which, amongst other things, require development proposals to deliver high quality and sustainable design, safeguard light for existing residential properties and ensure a high quality of amenity for existing and future residents.

**Other Matters**

13. In coming to these findings I have had regard to the previous permission for extensions to the appeal property. However, they are not on the same scale as the appeal proposal and comparison between the two schemes is therefore of limited relevance to my decision.
14. I have also taken into account the recent permission for rear extensions to No 261 Coatsworth Road drawn to my attention by the appellant. However, the scheme does not, in my view, constitute an example of appropriate development in a residential area in terms of visual impact and neighbours' living conditions. It does not therefore justify the appeal proposal.

**Conclusion**

15. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

*Michael Moffoot*

Inspector

### APPENDIX 3

#### OUTSTANDING APPEALS

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
DC/17/00473/HHA	17 Limetrees Gardens Low Fell Gateshead NE9 5BE	First floor extensions to side and rear	Written	Appeal in Progress
<b>DC/17/00654/HHA</b>	<b>257 Coatsworth Road Bensham Gateshead NE8 4LJ</b>	<b>Rear Extension</b>	<b>Written</b>	<b>Appeal Dismissed</b>
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

<b>DC/17/01087/FUL</b>	<b>Woodlands Birtley Lane Birtley DH3 2LR</b>	<b>The felling of 5 Tree Preservation Order (TPO) trees and the replacement with 7 new trees and the erection of a Use Class C3 detached dwelling-house, with three bedrooms and two floors (one within pitched roof void) on existing rear garden lands, with associated new access, hardstandings and car parking spaces (as resubmission and re-siting of DC/16/1289/FUL)</b>	<b>Written</b>	<b>Appeal in Progress</b>
<b>DC/17/01153/HHA</b>	<b>65 King Oswald Drive Stella Blaydon NE21 4FD</b>	<b>Retrospective dropped kerb and provision of new path and parking space to front of property to provide disabled access.</b>	<b>Written</b>	<b>Appeal in Progress</b>
<b>DC/18/00105/FUL</b>	<b>Smileys Car Wash Nobles MOT Centre Sunderland Road Gateshead</b>		<b>Written</b>	<b>Appeal in Progress</b>



## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

11 July 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 has been **one** new planning obligations:

DC/17/01168/FUL - Undertaking of off-site ecological compensatory works to create an area of replacement habitat in a part of the Councils administrative area that the Council considers will provide the most appropriate replacement habitat  
Land To The East Of Marigold Avenue, Gateshead  
Proposed erection of 41 dwellings with associated open space, landscaping and infrastructure

4. Since the last Committee there has been **one** new payment received in respect of planning obligations:

DC/11/00498/FUL - £5077.50 paid for sustainable transport contribution  
Cemex Concrete Products, St Omers Road, Gateshead NE11 9EJ  
Erection of concrete batching plant with associated structures and areas of hardstanding for access manoeuvring and car parking.

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 11 July 2018.

### Recommendations

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





**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

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