

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 1 August 2018 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

| Item | Business |
|----------|--|
| 1 | Apologies for Absence |
| 2 | Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 11 July 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 - L G Coffee Bar, The Gallery, Church Chare, Whickham NE16 4SH (Pages 9 - 24) |
| 4ii | No. 2 - L G Coffee Bar, The Gallery, Church Chare, Whickham NE16 4SH (Pages 25 - 36) |
| 4iii | No. 3 - Land at Barlow, Ashtree Lane, Rowlands Gill (Pages 37 - 50) |
| 5 | Delegated Decisions (Pages 51 - 60) Report of the Strategic Director, Communities and Environment |
| 6 | Enforcement Action (Pages 61 - 82) Report of the Strategic Director, Communities and Environment |
| 7 | Planning Appeals (Pages 83 - 106) Report of Strategic Director Communities & Environment |
| 8 | Planning Obligations (Pages 107 - 110) Report of Strategic Director Communities & Environment |

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PLANNING AND DEVELOPMENT
COMMITTEE
1 August 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/18/00525/FUL | L G Coffee Bar The Gallery | Dunston Hill And Whickham East |
| 2. DC/18/00526/LBC | L G Coffee Bar The Gallery | Dunston Hill And Whickham East |
| 3. DC/18/00577/FUL | Land At Barlow Ashtree Lane | Winlaton And High Spen |

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.

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Committee Report

| | |
|-------------------------------|---|
| Application No: | DC/18/00525/FUL |
| Case Officer | David Morton |
| Date Application Valid | 6 June 2018 |
| Applicant | Trafalgar Leisure Ltd |
| Site: | L G Coffee Bar The Gallery Church Chare Whickham Newcastle Upon Tyne NE16 4SH |
| Ward: | Dunston Hill And Whickham East |
| Proposal: | Proposed variation of Condition 1 (Approved Plans) of DC/16/01137/FUL to enable alterations to roof, windows and parking (amended 11/07/18). |
| Recommendation: | GRANT |
| Application Type | Full Application |

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

The application relates to the The Hall located on Church Chare, Whickham. The application site lies within Whickham Conservation Area and within Whickham District Centre. The building is Grade II Listed.

1.2 The building consists of two distinct components; the western block (former stables), and which most recently housed a gym, a dwelling and a café. The eastern block formerly housed a gym.

1.3 The property formerly provided stabling for Whickham Hall. The property dates from the late 18th century and has sandstone ashlar wall with plinths and quoins and a Welsh slate roof.

1.4 DESCRIPTION OF THE APPLICATION

The application seeks consent for the conversion of the premises to create four dwellings, while retaining the existing residential unit.

1.5 The application proposes the variation of an extant planning permission (DC/16/01137/FUL), the previous application allowed for *the 'conversion of commercial premises to create four dwellings'*, permission was granted under delegated powers in December 2016. Listed Building Consent was also approved for the works (DC/16/01138/LBC).

1.6 The application proposed the installation of a staircase, treatment of the existing arches (within the existing café), removal of part of roof to create

internal courtyard area, the reopening of windows and the addition/removal of rooflights.

- 1.7 The current application proposes several amendments to the previously approved scheme including;
- South elevation - alterations to fenestration details including additional rooflight and alteration to porthole window to become vent;
 - North elevation - replacement of existing lean-to extension (which was previously proposed to be demolished);
 - West elevation - A rooflight into the bathroom in Unit 3 has also been included but this is hidden from view behind the roof of Unit 4
 - East elevation - amendment to the existing large openings, alteration to treatment of carriageway entrances and alteration to proposed number of rooflights.
 - Parking arrangements have been amended to include parking on Coalway Lane and omit parking to the rear of the application site.

1.8 PLANNING HISTORY

- 1.9 The planning history associated with the application site is summarised as follows;
- 00467/83; Planning application refused for 'Change of use from bingo club to wine bar.' Date; 18 August 1983.
 - DC/13/00821/LBC; Listed building consent approved for 'Conversion of commercial premises to create four dwellings with associated car parking (amended 09/08/13).' Date; 10 September 2013.
 - DC/13/00820/FUL; Planning permission granted for 'Conversion of commercial premises to create four dwellings with associated car parking (amended 09/08/13).' Date; 18 October 2013.
 - DC/16/01137/FUL; Planning permission granted for 'Conversion of commercial premises to create four dwellings.' Date; 21 December 2016.
 - DC/16/01138/LBC; Listed building consent granted for 'Proposed conversion of commercial premises to create four dwellings.' Date; 21 December 2016.

2.0 Consultation Responses:

None

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A single individual objection and a petition with six signatories has been received, the issues raised are summarised as follows;

- Church Chare is extremely busy owing to the number of activities which take place at St Mary's Centre and Rectory Hall owing to parking issues;
- The access to the proposed parking (off Church Chare) would lead to conflicts between vehicles using the access and pedestrians and other vehicles;
- The proposed bin stores would lead to a lack of visibility for vehicles leaving the access lane onto Church Chare;
- The proposed gravel access would lead to issues with wheeling bins;
- The windows outlined on the eastern elevation are not in keeping with the existing building and;
- There are discrepancies within some of the information submitted by the applicant.
- The planning application fails to take account of a right of access to properties located on Church Chare.
- Vehicles using the access to the rear of the application site could cause damage to the Church Hall.
- The density of the development is out of character with Church Chare.
- The application does not provide information on construction methodology.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

H15 Play Areas in Housing Developments

RCL5 District and Local Centres

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV11 Listed Buildings

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS10 Delivering New Homes

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The main planning issues to be considered are the principle of the development, impact on heritage assets, visual amenity, highway safety, amenity, open space/play provision and any other matters arising.

5.2 PRINCIPLE

5.3 Housing demand and policy

As the application site is not specifically allocated for housing in the UDP, proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.

5.4 The site forms a windfall site. The NPPF states that "*... housing applications should be considered in the context of the presumption in favour of sustainable development.*"

5.5 There is no policy objection to housing development within the boundary of the retail centre. The application would not lead to the loss of any A1 (retail) floorspace within a centre, thus it is considered that the development accords with policy RCL5 of the UDP.

5.6 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. The application seeks to vary an existing extant permission (DC/16/01137/FUL) and there is no change in the number of dwellings to be created, as such the principle of a residential conversation and this quantum of development has been established and is considered to be acceptable, subject to all other material planning considerations being satisfied.

5.7 Housing choice

Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application would result in the creation of three, three-bedroomed dwellings and one two-bedroomed dwelling and as such the development is considered appropriate in the context of the NPPF, saved policy H4 of the UDP and policies CS10 and CS11 of the CSUCP.

- 5.8 Residential space standards
Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered based upon the submitted information that the application meets the above requirements.
- 5.9 VISUAL AMENITY/HERITAGE ASSETS
Policies ENV7 and ENV11 of the Council's Unitary Development Plan and The National Planning Policy Framework (NPPF) are most relevant to this proposal.
- 5.10 Heritage specific policies are contained within the NPPF at paragraphs 126 to 141. The objective of the policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances its significance. That significance is the value of a heritage asset to this and future generation because of its heritage interest, which may be archaeological, architectural, artistic or historic. This significance may derive not only from its physical presence but also from its setting.
- 5.11 The application site is Listed and is therefore a Heritage Site of National significance.
- 5.12 When determining applications, the authority should take into account the Government objectives as expressed in the overarching definition of sustainable development and particularly NPPF (paragraph 131):
- the desirability of sustaining and enhancing the significance of all heritage assets (whether designated or not) and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.13 Designated heritage assets are subject to specific policies within the NPPF that require (paragraphs 132 and 139):
- great weight to be given to their conservation in all decisions;
 - clear and convincing justification for any harm to significance however slight and whether through direct physical impact or by change to the setting;
 - substantial harm (direct or by change in the setting) to or total loss of Grade II listed buildings and registered parks and gardens is expected to be 'exceptional'; and
 - substantial harm to or total loss of Grade I or II* listed buildings and registered parks and gardens, protected wreck sites, battlefields, World Heritage Sites, scheduled monuments and undesignated sites of equivalent importance to scheduled monuments is expected to be 'wholly exceptional'.
- 5.14 Further, the LPA have a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.15 Saved UDP Policy ENV11 relates to listed buildings and states that alterations must preserve or enhance the buildings special architectural of historic interest.
- 5.16 Saved policy ENV7 (Development within a Conservation Area) of Gateshead Council's UDP states that development within Conservation Areas must preserve or enhance the area's special architectural or historic character and appearance.
- 5.17 A number of external alterations to the building have taken place e.g. insertion of windows and door opening. These alterations are most prevalent within the existing dwellinghouse (on the eastern elevation), further several alterations have taken place within the café area of the building.
- 5.18 The applicant sets out within their heritage statement that extensive amendments have taken place on the western elevation, therefore it is proposed to limit any further insertion of window openings to the original building to this elevation only. To reflect this, this scheme proposes a single additional rooflight on the west elevation that would not be visible from the public realm. Further to this, and where possible, the scheme continues to reuse openings to the eastern elevation, with just additional rooflights compared to the approved scheme.
- 5.19 The only other significant alteration to the eastern building block is the removal and replacement of the lean-to extension to the north and create new openings to the resulting gable.
- 5.20 Based on the nature of the work, it is considered that the proposal deals with the proposed conversion in a sensitive manner, the alterations where possible utilise existing openings on all elevations and would result in the removal and replacement of a lean-to extension which is of poor design. It is considered that any residual impact could be dealt with through the imposition of planning conditions (as set out below).
- 5.21 It is considered given the relatively minor nature of the proposed works, especially when compared to the extant scheme, that the proposed works would not lead to any harm to the special character and appearance of the Grade II listed building. All works have been proposed with minimal intervention into historic fabric. In addition, it is considered that the proposed conversation (if implemented) would aid in securing the long term future of the building.
- 5.22 The proposed alterations to the layout (in terms of the parking arrangement) and externals of the premises are minimal in the context of both the host property and the wider Conservation Area. It is considered that the works, taken either individually or a whole as a result of their minor nature, would not have any harm to the established character of the Whickham Conservation Area.

- 5.23 However, officers consider that further information is required (via conditions) in regard to some of the detailing of the application including;
- Final details of bin storage (Conditions 3 and 4);
 - Final details of proposed rooflights (Conditions 5 and 6) and;
 - Final details of timber cladding (Conditions 7 and 8).
- 5.24 Based on the above assessment it is considered that the overall effect of the proposal would be of long term benefit to the listed building while preserving the character and appearance of both The Hall and Whickham Conservation Area. Like the approved scheme, the changes now proposed results in development that is considered to comply with the requirements of the NPPF, saved UDP Policies ENV7, ENV11, Policy CS15 of the CSUCP and the requirement to the desirability of preserving the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.25 HIGHWAY CAPACITY AND SAFETY
The application site is located within Whickham District Centre in a highly sustainable location, the site benefits from excellent public transport links within a short walking distance.
- 5.26 The current lawful use of the application site is as a gym and café, both uses have currently ceased owing to the development aspirations of the applicant. It is considered that the proposed development would lead to a decrease in vehicle movements when compared with the current lawful use of the site.
- 5.27 The application seeks to create a total of seven spaces in total (five allocated spaces and two visitor spaces). It is considered that the level of parking is entirely appropriate for the scale and nature of development proposed. The parking arrangement has been amended from the approved scheme with parking spaces shown to the front of the building and on Coalway Lane; the previous application proposed all parking to the rear of the building.
- 5.28 While concerns have been raised by objectors regarding the level of parking currently taking place on Church Chare, it is considered that the proposal would not worsen this existing situation considering the parking levels proposed and the sustainability of the application site.
- 5.29 Concerns have also been raised regarding the access to the parking to the rear of the application site, with residents citing potential conflict between vehicles and pedestrians. Previously all four parking spaces were accessed from Church Chare, with no parking proposed off Coalway Lane. It is the view of officers that the potential for conflict (with vehicles and pedestrians on Church Chare and the associated access) is extremely limited, this view is formed owing to the reduced level of movements which would be associated with the access and the fact pedestrian access is limited to emergency access only (via a fire door).
- 5.30 Officers are of the view that the storage of bins adjacent to the private access could result in a visibility issue and as such it is required that the final details

(including location) of bin stores should be secured by condition (Conditions 3 and 4).

5.31 The proposal (subject to conditions) satisfies the aims and objectives of the NPPF and policy CS13 of the CSCUP.

5.32 AMENITY

Given the nature and scale of the proposed works and use, it is considered they will not have a detrimental impact upon the existing residential properties to the west and east of the premises in terms of overlooking or loss of privacy or noise and disturbance. This is because, there are no new windows proposed that would increase the potential for overlooking than the approved scheme and the number of dwellings isn't proposed to increase either.

5.33 The proposed units would provide a good level of residential amenity, offering spacious internal living space while also benefiting from good levels of natural light. The proposal would also provide a good amount of shared external amenity space to the rear of the property.

5.34 Therefore, it is considered that the proposed development is considered to comply with the aims and objectives of the relevant paragraphs in the NPPF, policy CS14 of the CSUCP and policy DC2 of the UDP.

5.35 OPEN SPACE/PLAY PROVISION

The NPPG (Paragraph: 031 Reference ID: 23b-031-20160519) is clear that tariff style contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

5.36 While it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.

5.37 CIL

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £30 per square metre for this type of development.

5.38 Planning legislation is clear that the only floor area of a variation of condition application which liable for CIL are those areas of additional liability i.e. where there has been an increase in floor spaced proposed compared to the original approved planning permission which was granted prior to CIL.

5.39 OTHER MATTERS

Concerns have been raised by objectors regarding discrepancies between the submitted plans and the information supplied by the applicant. The applicant's Parking and Refuse Report has now been superseded ensuring there is no longer any discrepancies within the application.

5.40 The issue of the right of access to properties on Church Chare is not a material planning consideration and is therefore not afforded weight in making the recommendation to committee.

5.41 It is considered that all material considerations raised by objectors have been addressed within the main body of the report.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning permission be approved.

6.2 The application proposes what officers consider to be relatively minor changes to extant planning permission DC/16/01137/FUL, all of which are considered to be acceptable. Further, the application does not propose any increase in the number of dwellings proposed and would result in an improving parking arrangement.

6.3 The application would secure the long-term future of a Listed Building, while responding positively to constraints of the site. Further, the application would create four new, good quality residential units adding to the housing stock in Gateshead.

6.4 The planning application has satisfactorily addressed the issues of the principle of the development, visual amenity, conservation, highway safety, residential amenity and open space/play provisions and on that basis, is considered to accord with national and local planning policies.

6.5 The recommendation is made taking into account all material planning considerations including objections from local residents.

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 -

2075-GA-PA-01 Rev 2 - Site plan

20700-1040 - As Existing Elevations and Sections

2075-ELE-E-601 - East Elevation

2075-ELE-N-601 - North Elevation

2075-ELE-S-601 Rev 2 - South Elevation

2075-ELE-W-601 Rev 2 - West Elevation
2075-SEC-AA - Sections through the site

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 20 December 2019.

Reason

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

3

Notwithstanding the submitted plans, prior to the occupation of any dwelling hereby approved a scheme for the provision of bin storage facilities within the site, for that unit shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include the location and appearance of the bin stores and surface finish.

Reason

To ensure that the development presents a satisfactory appearance and in the interests of highway safety in accordance with the NPPF, Policies CS13 and CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.

4

The bin storage facilities approved under condition 3 shall be implemented in full prior to the occupation of the dwelling hereby approved, that it relates to and thereafter they shall be retained as approved for the lifetime of the development.

Reason

To ensure that the development presents a satisfactory appearance and in the interests of highway safety in accordance with the NPPF, Policies CS13 and CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.

5

Notwithstanding the submitted plans, prior to the undertaking of any works pertaining to the installation of rooflights final details of all rooflights shall be submitted to and approved in writing by the Local Planning Authority.

The details shall demonstrate that they are flush fitting to the roof covering.

Reason

To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.

6

All rooflights shall be installed in full accordance with the details approved under Condition 5.

Reason

To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.

7

Notwithstanding the submitted plans, prior to the commencement of any works pertaining to the large arched openings (on the eastern elevation) details of the timber cladding to be used on the eastern elevation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

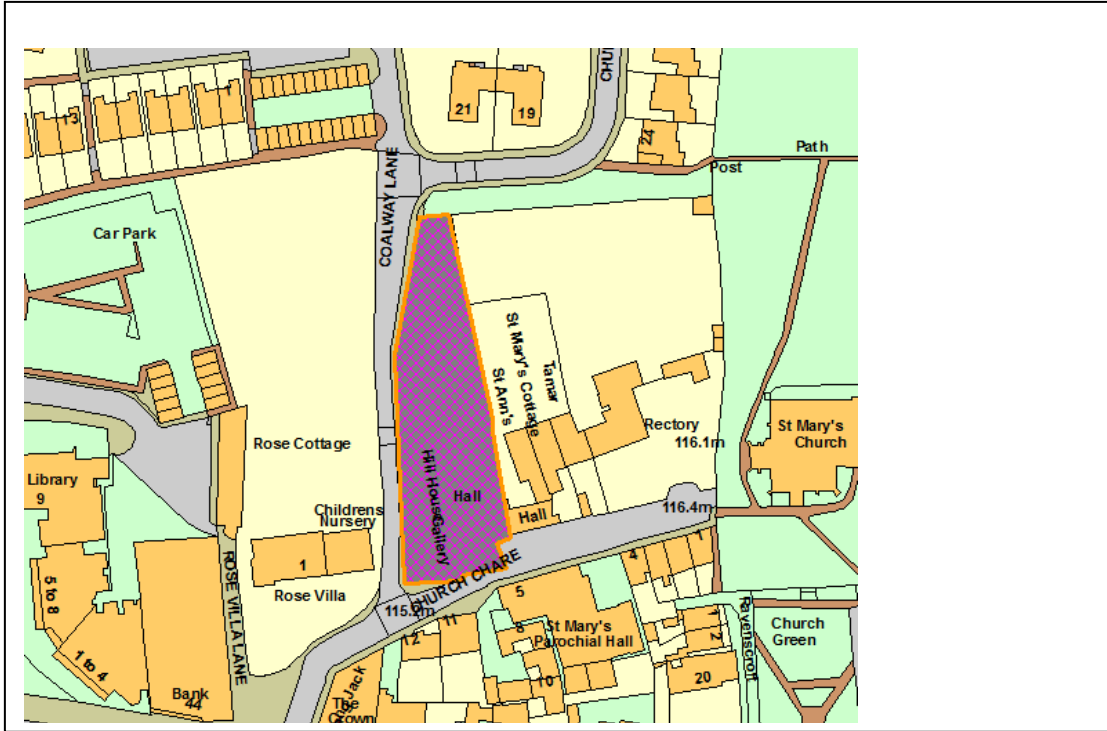
To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.

8

All works to the large openings on the eastern elevation shall be undertaken in full accordance with the details approved under Condition 7.

Reason

To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
1 August 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/18/00525/FUL |
| Site: | L G Coffee Bar The Gallery Church Chare Whickham Newcastle Upon Tyne NE16 4SH |
| Proposal: | Proposed variation of Condition 1 (Approved Plans) of DC/16/01137/FUL to enable alterations to roof, windows and parking (amended 11/07/18). |
| Ward: | Dunston Hill and Whickham East |
| Recommendation: | Grant Permission |
| Application Type | Full Application |

Reason for Minor Update

Note additional policy consideration & additional objection

Policy Consideration

The National Planning Policy Framework, the NPPF, was revised on 24 July 2018, after this Committee's agenda was finalised. The revised NPPF has immediate effect.

The paragraph numbers in the revised NPPF have changed and therefore the NPPF's paragraph numbers included in the application reports are no longer correct. Paragraphs relating to conserving and enhancing the historic environment are now numbered 184 to 202. As before, the revised NPPF should be read as a whole.

The revisions to the NPPF do not change the assessment of this application.

Additional Objection

A single further objection has been received and raises the following point/issues;

- If planning permission is granted the developer should be prevented from blocking the access lane (off Church Chare) in order to preserve a legal right of access.

The private access lane is protected as a right of access; therefore, the management of this lane is a civil legal matter is not afforded weight in the officers recommendation to committee.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

| | |
|-------------------------------|--|
| Application No: | DC/18/00526/LBC |
| Case Officer | David Morton |
| Date Application Valid | 6 June 2018 |
| Applicant | Trafalgar Leisure Ltd |
| Site: | L G Coffee Bar The Gallery Church Chare Whickham Newcastle Upon Tyne NE16 4SH |
| Ward: | Dunston Hill And Whickham East |
| Proposal: | Proposed variation of Condition 1 (Approved Plans) of permission DC/16/01138/LBC to enable internal works, alterations to roof, windows and parking (amended 11/07/18). |
| Recommendation: | GRANT |
| Application Type | Listed Building Consent |

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

The application relates to the The Hall located on Church Chare, Whickham. The application site lies within Whickham Conservation Area and within Whickham District Centre. The building is Grade II Listed.

1.2 The building consists of two distinct components; the western block (former stables), and which most recently housed a gym, a dwelling and a café. The eastern block formerly housed a gym.

1.3 The property formerly provided stabling for Whickham Hall. The property dates from the late 18th century and has sandstone ashlar wall with plinths and quoins and a Welsh slate roof.

1.4 DESCRIPTION OF THE APPLICATION

The application seeks consent for the conversion of the premises to create four dwellings, while retaining the existing residential unit.

1.5 The application proposes the variation of an extant Listed Building Consent (DC/16/01138/LBC), the previous application allowed for the '*Proposed conversion of commercial premises to create four dwellings*', permission was granted under delegated powers in December 2016. Planning permission was also approved for the works (DC/16/01137/FUL).

1.6 The current application proposes several amendments to the previously approved scheme including;

- South elevation - alterations to fenestration details including additional rooflight and alteration to porthole window to become vent;
- North elevation - replacement of existing lean-to extension (which was previously proposed to be demolished);
- West elevation - A rooflight into the bathroom in Unit 3 has also been included but this is hidden from view behind the roof of Unit 4
- East elevation - amendment to the existing large openings, alteration to treatment of carriageway entrances and alteration to proposed number of rooflights.
- Parking arrangements have been amended to include parking on Coalway Lane and omit parking to the rear of the application site.

1.7 PLANNING HISTORY

The planning history associated with the application site is summarised as follows;

- 00467/83; Planning application refused for 'Change of use from bingo club to wine bar.' Date; 18 August 1983.
- DC/13/00821/LBC; Listed building consent approved for 'Conversion of commercial premises to create four dwellings with associated car parking (amended 09/08/13).' Date; 10 September 2013.
- DC/13/00820/FUL; Planning permission granted for 'Conversion of commercial premises to create four dwellings with associated car parking (amended 09/08/13).' Date; 18 October 2013.
- DC/16/01137/FUL; Planning permission granted for 'Conversion of commercial premises to create four dwellings.' Date; 21 December 2016.
- DC/16/01138/LBC; Listed building consent granted for 'Proposed conversion of commercial premises to create four dwellings.' Date; 21 December 2016.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A single individual objection and a petition with six signatories has been received, the issues raised are summarised as follows;

- Church Chare is extremely busy owing to the number of activities which take place at St Mary's Centre and Rectory Hall owing to parking issues;
- The access to the proposed parking (off Church Chare) would lead to conflicts between vehicles using the access and pedestrians and other vehicles;

- The proposed bin stores would lead to a lack of visibility for vehicles leaving the access lane onto Church Chare;
- The proposed gravel access would lead to issues with wheeling bins;
- The windows outlined on the eastern elevation are not in keeping with the existing building and;
- There are discrepancies within some of the information submitted by the applicant.
- The planning application fails to take account of a right of access to properties located on Church Chare.
- Vehicles using the access to the rear of the application site could cause damage to the Church Hall.
- The density of the development is out of character with Church Chare.
- The application does not provide information on construction methodology.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV11 Listed Buildings

CS15 Place Making

5.0 Assessment:

- 5.1 The issues that can be considered when determining a Listed Building Consent application are the impact of the proposed works upon the character, integrity and fabric of the Listed Building.
- 5.2 **IMPACT UPON THE HALL**
Policy ENV11 of the Council's Unitary Development Plan and The National Planning Policy Framework (NPPF) are most relevant to this proposal.
- 5.3 Heritage specific policies are contained within the NPPF at paragraphs 126 and 141. The objective of the policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances its significance. That significance is the value of a heritage asset to this and future generation because of its heritage interest, which may be archaeological, architectural, artistic or historic. This significance may derive not only from its physical presence but also from its setting.
- 5.4 The application site is Listed and is therefore a Heritage Site of National significance.
- 5.5 When determining applications, the authority should take into account the Government objectives as expressed in the overarching definition of sustainable development and particularly NPPF (paragraph 131):

- the desirability of sustaining and enhancing the significance of all heritage assets (whether designated or not) and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.6 Designated heritage assets are subject to specific policies within the NPPF that require (paragraphs 132 and 139):
- great weight to be given to their conservation in all decisions;
 - clear and convincing justification for any harm to significance however slight and whether through direct physical impact or by change to the setting;
 - substantial harm (direct or by change in the setting) to or total loss of Grade II listed buildings and registered parks and gardens is expected to be 'exceptional'; and
 - substantial harm to or total loss of Grade I or II* listed buildings and registered parks and gardens, protected wreck sites, battlefields, World Heritage Sites, scheduled monuments and undesignated sites of equivalent importance to scheduled monuments is expected to be 'wholly exceptional'.
- 5.7 Further, the LPA have a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.8 Saved UDP Policy ENV11 relates to listed buildings and states that alterations must preserve or enhance the buildings special architectural or historic interest.
- 5.9 A number of external alterations to the building have taken place e.g. insertion of windows and door opening. These alterations are most prevalent within the existing dwellinghouse (on the eastern elevation), further several alterations have taken place within the café area of the building.
- 5.10 The applicant sets out within their heritage statement that extensive amendments have taken place on the western elevation, therefore it is proposed to limit any further insertion of window openings to the original building to this elevation only. To reflect this, this scheme proposes a single additional rooflight on the west elevation that would not be visible from the public realm. Further to this, and where possible, the scheme continues to reuse openings to the eastern elevation, with just additional rooflights compared to the approved scheme.
- 5.11 The only other significant alteration to the eastern building block is the removal and replacement of the lean-to extension to the north and create new openings to the resulting gable.

Based on the nature of the work, it is considered that the proposal deals with the proposed conversion in a sensitive manner, the alterations where possible utilise existing openings on all elevations and would result in the removal and replacement of a lean-to extension which is of poor design. It is considered that any residual impact could be dealt with through the imposition of planning conditions (as set out below).

- 5.12 It is considered given the relatively minor nature of the proposed works, especially when compared to the extant scheme, that the proposed works would not lead to any harm to the special character and appearance of the Grade II listed building. All works have been proposed with minimal intervention into historic fabric. In addition, it is considered that the proposed conversion (if implemented) would aid in securing the long term future of the building.

The proposed alterations to the layout (in terms of the parking arrangement) and externals of the premises are minimal in the context of the host property.

- 5.13 Officers consider that further information is required (via conditions) in regard to some of the detailing of the application including;
- Final details of bin storage (Conditions 3 and 4);
 - Final details of proposed rooflights (Conditions 5 and 6) and;
 - Final details of timber cladding (Conditions 7 and 8).

- 5.14 Based on the above assessment it is considered that the overall effect of the proposal would be of long term benefit to the listed building. The development is therefore considered to comply with the requirements of the NPPF, saved UDP Policy ENV11, Policy CS15 of the CSUCP and the requirement to the desirability of preserving the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.15 OTHER MATTERS

It is considered that all material planning consideration have been addressed within the main body of the report.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that listed building consent be approved.

The application proposes what officers consider to be relatively minor changes to extant Listed Building Consent DC/16/01138/LBC, all of which are considered to be acceptable.

- 6.3 The application would secure the long-term future of a Listed Building, while responding positively to constraints of the site. Further, the application would create four new, good quality residential units adding to the housing stock in Gateshead.

6.2 The application would secure the long-term future of a Listed Building, and it is considered to comply with the requirements of the NPPF, saved UDP Policy ENV11, Policy CS15 of the CSUCP and having special regard to the desirability of preserving the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.0 Recommendation:

7.1 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 shall be carried out in accordance with the approved plans and information set out below;

2075-GA-PA-01 Rev 2 - Site plan

20700-1040 - As Existing Elevations and Sections

2075-ELE-E-601 - East Elevation

2075-ELE-N-601 - North Elevation

2075-ELE-S-601 Rev 2 - South Elevation

2075-ELE-W-601 Rev 2 - West Elevation

2075-SEC-AA - Sections through the site

Reason

For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance with the National Planning Policy Framework and saved Policy ENV11 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan.

2

The development to which this permission relates must be commenced not later than 20 December 2019.

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.

3

Notwithstanding the submitted plans, prior to the occupation of any dwelling hereby approved a scheme for the provision of bin storage facilities within the site, for that unit shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include the location and appearance of the bin stores and surface finish.

Reason

To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS15 of the CSUCP and saved UDP Policy ENV11.

4

The bin storage facilities approved under condition 3 shall be implemented in full prior to the occupation of the dwelling hereby approved, that it relates to and thereafter they shall be retained as approved for the lifetime of the development.

Reason

To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS15 of the CSUCP and saved UDP Policy ENV11.

5

Notwithstanding the submitted plans, prior to the undertaking of any works pertaining to the installation of rooflights final details of all rooflights shall be submitted to and approved in writing by the Local Planning Authority.

The details shall demonstrate that they are flush fitting to the roof covering.

Reason

To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policy ENV11.

6

All rooflights shall be installed in full accordance with the details approved under Condition 5.

Reason

To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policy ENV11.

7

Notwithstanding the submitted plans, prior to the commencement of any works pertaining to the large arched openings (on the eastern elevation) details of the timber cladding to be used on the eastern elevation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

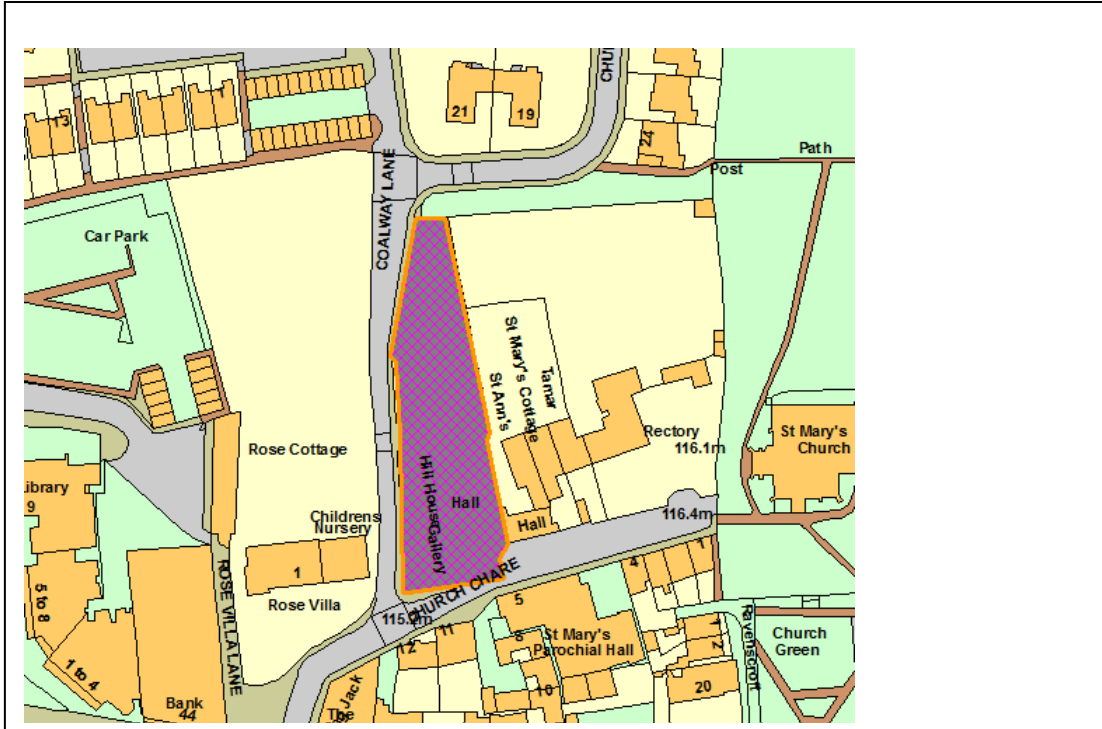
To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policy ENV11.

8

All works to the large openings on the eastern elevation shall be undertaken in full accordance with the details approved under Condition 7.

Reason

To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policy ENV11.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
1 August 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/18/00526/LBC |
| Site: | L G Coffee Bar The Gallery Church Chare Whickham Newcastle Upon Tyne NE16 4SH |
| Proposal: | Proposed variation of Condition 1 (Approved Plans) of permission DC/16/01138/LBC to enable internal works, alterations to roof, windows and parking (amended 11/07/18). |
| Ward: | Dunston Hill And Whickham East |
| Recommendation: | Grant Permission |
| Application Type | Listed Building Consent |

Reason for Minor Update

Note additional policy consideration & additional objection

Policy Consideration

The National Planning Policy Framework, the NPPF, was revised on 24 July 2018, after this Committee's agenda was finalised. The revised NPPF has immediate effect.

The paragraph numbers in the revised NPPF have changed and therefore the NPPF's paragraph numbers included in the application reports are no longer correct. Paragraphs relating to conserving and enhancing the historic environment are now numbered 184 to 202. As before, the revised NPPF should be read as a whole.

The revisions to the NPPF do not change the assessment of this application.

Additional Objection

A single further objection has been received and raises the following point/issues;

- If planning permission is granted the developer should be prevented from blocking the access lane (off Church Chare) in order to preserve a legal right of access.

The private access lane is protected as a right of access; therefore, the management of this lane is a civil legal matter is not afforded weight in the officers recommendation to committee.

SEE MAIN AGENDA FOR OFFICERS REPORT.

Committee Report

| | |
|-------------------------------|---|
| Application No: | DC/18/00577/FUL |
| Case Officer | Joanne Munton |
| Date Application Valid | 7 June 2018 |
| Applicant Site: | MS Agriculture Land At Barlow Ashtree Lane Rowlands Gill |
| Ward: | Winlaton And High Spen |
| Proposal: | Proposed construction of timber frame agricultural education building and associated car parking and site access adjacent to agricultural shed previously approved under application DC/17/00433/FUL (amended 03/07/18). |
| Recommendation: | REFUSE |
| Application Type | Full Application |

1.0 The Application:

1.1 DESCRIPTION OF SITE

The site is located at the south west corner of a field, on the northern side of Ashtree Lane. This part of Ashtree Lane runs parallel with Pawston Road (further north) between High Spen and Barlow and the site is located between these two roads.

1.2 The land in the wider context inclines from Ashtree Lane north to a crest of a hill then drops away again before Pawston Road further north.

1.3 Proposed plans show a U-shaped agricultural building permitted under DC/17/00433/FUL, however, at the time of the officer site visit, this permission had not yet been implemented.

1.4 The site is in the Green Belt.

1.5 DESCRIPTION OF APPLICATION

The application proposes the erection of a timber agricultural education building, the installation of hard standing south of the building to provide car parking and the creation of a new site access onto Ashtree Lane.

1.6 The proposed building would be located north east of the agricultural building permitted under DC/17/00433/FUL (which is not currently on site) and the hard standing for the car parking would be south east of the proposed education building (between the proposed building and the proposed new access onto Ashtree Lane). This application does not propose the change of

use of the agricultural building for use as part of this application and has therefore not been assessed.

- 1.7 The proposed building would be single storey with a dual pitched roof, 3.9m high to the ridge and 2.5m to the eaves. The length and depth of the building would both be 14m. The external appearance of the building is proposed to be a slate roof finish, timber cladding and double glazed timber doors and windows.
- 1.8 The proposed plans indicate the building would be made up of activity spaces, kitchen, toilets and a small office. The statement submitted with the application states that while the building would be a base for outdoor farming related activities, that is of a suitable size that would allow for activities to also take place within the building.
- 1.9 The car parking area would have a gravel finish and would include designated disabled bays close to the proposed building. Proposed plans show twenty-five parking spaces to be provided.
- 1.10 The new access would be onto Ashtree Lane to the south and the vehicle access gates would be located 8m back from the road.

1.11 RELEVANT PLANNING HISTORY

DC/17/00433/FUL - Construction of agricultural building (resubmission) - Granted 02.06.2017

1.12 Land east of this application site:

DC/16/01294/AGR - Erection of building (25 x 36m) for storage of livestock and agricultural machinery - Refused 23.12.2016

DC/17/00031/FUL - Erection of agricultural building - Withdrawn 23.03.2017

2.0 Consultation Responses:

None

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 An objection has been received from Councillor Simpson, who has also requested to speak at Planning Committee.
- 3.3 Eight objections have been received raising concerns regarding:

- increased traffic as a result of the proposal and impact on existing road users such as horse riders, cyclists, dog walkers, hikers and children;
- condition and single lane nature of existing road not adequate to accommodate traffic generated by proposal, including larger vehicles transporting more people;
- highway safety in terms of existing drivers speeding on Barlow Road and the potential for more traffic speeding on Barlow Road and other nearby roads;
- the potential for the proposed building to be run down and replaced by a dwellinghouse or other development;
- the Rising Sun Farm example of an existing project is not comparable as it has better access;
- visitors to rural areas cause litter issues;
- internal and external planned demonstrations impacting on residential amenity through additional noise and vibrations;
- other locations being more suitable for the proposal.

3.4 Four letters of support have been received, commenting that:

- development helping others should be encouraged, but further information is required regarding visitor numbers, soft landscaping and potential screening of the building, and there is concern regarding traffic speed and potential for further development on the land;
- the facility would be a beneficial asset in Gateshead/a valuable community resource;
- the location is rural but accessible;
- the proposal would create employment opportunities;
- the proposed building's appearance would be in keeping with the area.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS19 Green Belt

5.0 Assessment of the Proposal:

5.1 The main planning issues relating to this proposed development are considered to be Green Belt, highway safety and parking, visual amenity and residential amenity.

5.2 GREEN BELT

The site is in the Green Belt.
NPPF paragraph 79 states that:

'the essential characteristics of Green Belts are their openness and their permanence.'

5.3 NPPF paragraph 80 sets out the five purposes of the Green Belt:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

5.4 Policy CS19 of the CSUCP reflects the above.

5.5 NPPF paragraph 87 states that:

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

5.6 The below assessment of Green Belt separately considers the proposed new building and the proposed hardstanding and access.

5.7 In terms of the proposed new building, paragraph 89 of the NPPF states that:

'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.'

5.8 Although paragraph 89 also sets out exceptions to this, that includes buildings for agriculture, the proposed education building would be for education not agricultural use and would not fall within any of the exceptions in paragraph 89. It is therefore inappropriate development in the Green Belt.

5.9 In terms of the proposed hardstanding and access, paragraph 90 of the NPPF states that:

'Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are [amongst others]:

- engineering operations'

- 5.10 The hardstanding and access would be deemed engineering operations; however, it is considered that the area of the land covered by the hardstanding, the resulting number of vehicles that could be on site at one time, and the creation of a formal access would not preserve the openness of the Green Belt. Similarly, the proposed hardstanding and access would conflict with the purposes of the Green Belt, particularly assisting in safeguarding the countryside from encroachment and assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. Therefore, the proposed hardstanding would not fall within any of the exceptions in paragraph 90 of the NPPF. They are therefore inappropriate development in the Green Belt.
- 5.11 Whilst the proposed external materials for the building (timber and slate) would respond to the locality, the presence of an additional building/bulk where none currently exists would have an adverse effect on openness. Additionally, the regular use of the land for visiting members of the public would result in an increase in vehicles present, vehicle manoeuvring and movements on site, which would also harm the openness of the Green Belt.
- 5.12 The proposed new access would introduce formal boundary treatment and a break in the established boundary along Ashtree Lane. Post and rail fencing is proposed around the perimeter of the car park and along with the access works, these add further to the urbanising effect of the development and would impact on the openness of, and cause harm to, the Green Belt.
- 5.13 Additionally, the proposal would risk undermining the following purposes of the Green Belt: to assist in safeguarding the countryside from encroachment and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.14 The proposal would cause harm to the Green Belt as it would be inappropriate development in the Green Belt, would not preserve the openness of the Green Belt and would conflict with the purposes of the Green Belt.
- 5.15 Therefore, as stated above and in NPPF paragraph 87, in order for the proposal as a whole (new building, hardstanding and access) to be acceptable in Green Belt terms, very special circumstances must exist. In accordance with NPPF paragraph 88, very special circumstances:
- 'will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'
- 5.16 The applicant has put forward the following proposed very special circumstances:

- the proposal would allow rural businesses to grow and would therefore help to maintain a prosperous rural economy; it is anticipated that the proposed agricultural education centre could create up to five jobs;
- the proposal would enable the farm business to diversify and provide an additional income stream;
- the social benefit of the proposed scheme offering opportunities and experiences to vulnerable sections of society;
- there is a known demand for a centre of this kind in the Gateshead area and the applicant has been seeking suitable sites for such a centre for a considerable time;
- a centre such as this needs to be in a rural location with a suitable amount of agricultural land to make the centre viable, and at the same time be easily accessible to clients and their carers in urban areas for whom travelling considerable distances into the open countryside is not always possible;
- the proposed unit would become a designated Care Farm aiming to provide educational care services for individuals from a range of vulnerable groups, provide a programme of farming related activities for individuals with a defined need, provide supervised, structured care services on a regular basis for service users, and be commissioned to provide services by a range of referral agencies;
- there would be opportunity to expand the business model to include visits from urban schools to learn about food production and agriculture, to see where food comes from and be exposed to agriculture, animals and the countryside;
- the proposed use would be directly and inextricably linked to the agricultural use of the land; the only other farm land suitable in the Gateshead area (Bill Quay Farm) included rights of way running across it that allow general public access, which would create significant safeguarding issues for vulnerable clients.

- 5.17 Considering the above, it has not been demonstrated that the proposed diversification is required to make an existing farm business viable. Additionally, whilst job creation is welcomed, the provision of five jobs would not in itself outweigh the level of harm identified.
- 5.18 Although the social benefits of agricultural education and group work are recognised, no evidence has been submitted with the application of particular demand in this area for such a service for vulnerable individuals.
- 5.19 In any event, NPPG advises that:
- 'A condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building'
- 5.20 Social or educational benefits to certain/more vulnerable individuals would not constitute an exceptional case that would justify granting planning permission

subject to a condition restricting the use of the building to those people. Therefore, if granted, the services provided by the education building could not be restricted to a certain type of individual (regardless of the applicant's current specific intentions). In terms of the planning use, the building could provide education to school groups or other adult groups.

- 5.21 The proposal would provide opportunities in Gateshead for learning about agriculture and practical involvement. However, farm education is not uncommon and is widely available in general for school trips etc. There is no clear evidence submitted with the application to demonstrate that the proposed centre would be out of the ordinary or unique in the region, or that it has any specific locational requirements, beyond what the applicant describes as needing “to be in a rural location with a suitable amount of agricultural land to make the centre viable, at the same time be easily accessible to clients and their carers in urban areas...”.
- 5.22 While it is acknowledged that the nature of agricultural activities means that some associated land is necessary, the applicant has failed to justify the location in open countryside. In Gateshead, an open countryside location equates to being in the Green Belt and consequently, Green Belt policy needs to be applied and in this instance the proposal amounts to inappropriate development in the Green Belt.
- 5.23 The agricultural building shown as having planning permission (DC/17/00433/FUL) on the site plan is not yet built and there are no means through planning to require this permission is implemented. Consequently, the agricultural building may or may not be built. The application does not provide justification for the location of the proposal site in an open field as opposed to part of the main group of farm buildings, or why a new building is required rather than using or extending existing buildings. The agricultural building would need a change of use if it were to be used in connection with educational provision on the site, and as that has not been sought through this application, the agricultural building has not been assumed to be part of the proposal.
- 5.24 It is considered that the above points neither separately nor cumulatively would not constitute very special circumstances that would clearly outweigh the identified harm to the Green Belt. Any other harm arising from the development is considered below.
- 5.25 Therefore, the proposal would constitute inappropriate development in the Green Belt and would not comply with policy CS19 of the CSUCP and the NPPF.
- 5.26 HIGHWAY SAFETY AND PARKING
Anticipated numbers of visitors and trips to and from the site (for staff and visitors) are not clear from the detail submitted with the application. There is also no justification for the number of parking spaces proposed and why this would be appropriate for the proposed development.

- 5.27 Additionally, no information on the existing local traffic situation has been submitted with the application, which would be required to fully assess whether the proposed additional trips could be accommodated along Ashtree Lane and surrounding area.
- 5.28 The proposed layout also does not identify a turning facility for coaches or mini buses as these are likely to be used to transport groups to the education building. Nor is there any provision for refuse collection vehicles.
- 5.29 As such, it is considered that insufficient information has been submitted with the application to assess whether appropriate parking provision would be provided, whether the proposed additional trips could be accommodated along Ashtree Lane and surrounding area and whether the car parking area would allow for larger vehicles to turn in the site so they could exit in a forward gear.
- 5.30 Therefore, the proposal would not comply with the aims and requirements of policy CS13 of the CSUCP. Furthermore, the failure to demonstrate compliance with these policies, results in 'other harm' arising as a result of the development that further outweighs very special circumstances put forward by the applicant.
- 5.31 VISUAL AMENITY
The proposed building would be single storey and it is considered that the external materials would be sensitive to the rural character of the area. The proposed gravel surface for the car park would also respect the agricultural character of the immediate locality, being a softer, more natural material than tarmac or concrete. If the application was recommended to be approved, conditions would be recommended to be attached requiring final details of the external materials, including boundary treatment.
- 5.32 The proposed building and hardstanding would bring an element of formality to the agricultural site, and whether or not the agricultural building permitted under DC/17/00433/FUL is ever constructed, it is considered that in design terms the proposal would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.33 RESIDENTIAL AMENITY
The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.34 The nearest residential properties would be Pawston Birks Farm House 295m to the north west, Pawston Birks Bungalow 313m to the north west and dwellings at Barlow Crescent 470m to the north east.
- 5.35 Given these distances, it is considered that the proposal would not result in an unacceptable loss of outlook, loss of privacy, loss of light or overshadowing, overbearing impact or level of noise or vibration. Therefore, the proposal

would not have an unacceptable impact on residential amenity of neighbours in the surrounding area.

5.36 The proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.

5.37 **COMMUNITY INFRASTRUCTURE LEVY**

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

5.38 **OTHER MATTERS**

Each planning application is dealt with on its own merits and potential future development at the site would be considered at the appropriate time.

5.39 Additionally, it is considered that the proposal would not result in a significant amount of additional litter within the locality.

6.0 CONCLUSION

6.1 The proposal would not fall within any of the exceptions in paragraphs 89 or 90 of the NPPF and therefore amounts to inappropriate development in the Green Belt. Due to this harm and the harm to highway safety by the inability to demonstrate compliance with relevant policies, it is considered that very special circumstances do not exist in this case as the identified harm to the Green Belt and any other harm, has not been clearly outweighed by other considerations. Therefore, the proposal is unacceptable in principle.

6.2 As such, it is recommended that the application be refused as the proposal does not comply with the aims and requirements of policies CS13 and CS19 of the CSUCP and the NPPF.

7.0 Recommendation:

That permission be REFUSED for the following reasons:

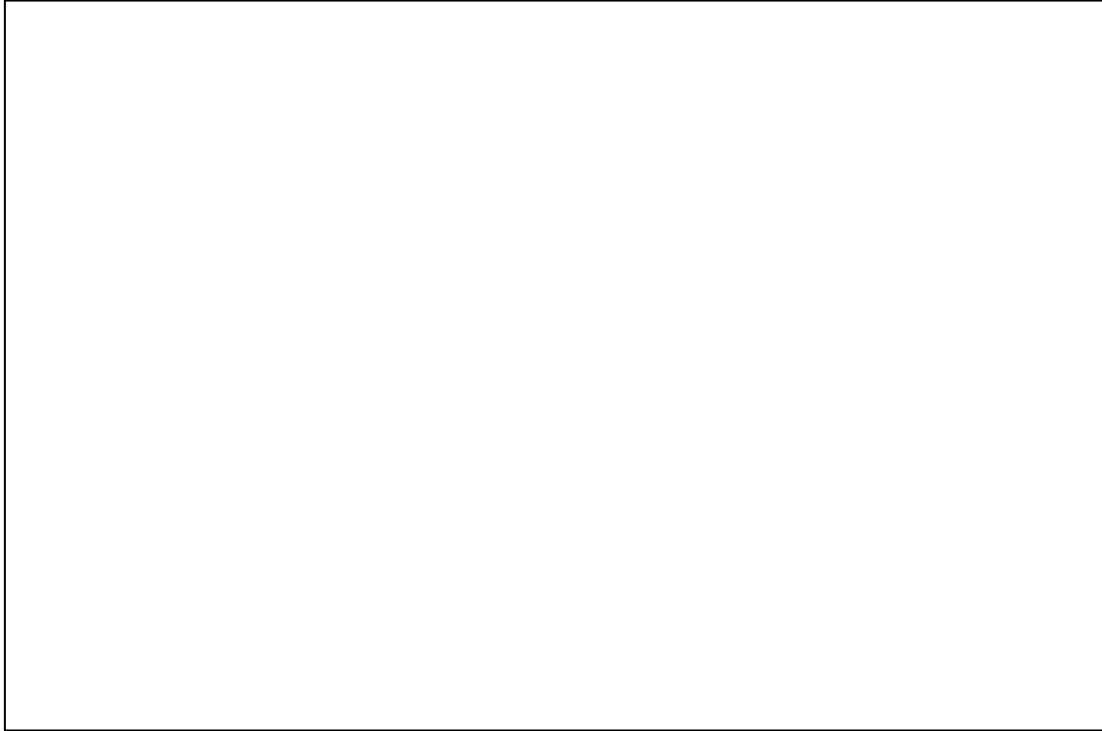
1

The proposal would be inappropriate development in the Green Belt and no very special circumstances exist that would clearly outweigh the harm to the Green Belt and any other harm. Therefore, the proposal would not comply with the aims and requirements of policy CS19 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

2

Insufficient information has been submitted with the application to assess whether appropriate parking provision would be provided, whether the proposed additional trips could be accommodated along Ashtree Lane and surrounding area and whether the car parking area

would allow for large vehicles, such as coaches, minibuses or refuse collection vehicles to turn in the site so they could exit in a forward gear. Therefore, the proposal would not comply with the aims and requirements of policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
1 August 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/18/00577/FUL |
| Site: | Land At Barlow Ashtree Lane Rowlands Gill |
| Proposal: | Proposed construction of timber frame agricultural education building and associated car parking and site access adjacent to agricultural shed previously approved under application DC/17/00433/FUL (amended 03/07/18). |
| Ward: | Winlaton And High Spen |
| Recommendation: | Refuse Permission |
| Application Type | Full Application |

Reason for Minor Update

Revised National Planning Policy Framework and further representation.

The National Planning Policy Framework, the NPPF, was revised on 24 July 2018, after this Committee's agenda was finalised. The revised NPPF has immediate effect.

The paragraph numbers in the revised NPPF have changed and therefore the NPPF's paragraph numbers included in the application reports are no longer correct. Paragraphs relating to protecting the Green Belt are now numbered 133 to 147. As before, the revised NPPF should be read as a whole.

The revisions to the NPPF do not change the assessment of this application.

One further representation has been received. The representation was received from a resident who was intending to address the Committee. They are no longer able to attend Committee due to prior arrangements but instead forwarded a written statement. The following is a summary of the main points contained within the submitted document:

- There will be an influx of traffic on Barlow Road, Barlow Fell Road, Barlow Crescent, Pawston Road and Ashtree Lane as a result of the proposal. These roads are not capable of coping with the increased demand. There is no provision made for the upkeep of the roads.**
- It has been proven that visitors to rural areas do not adhere to speed limits and often cause litter issues. No provision has been made to fund traffic calming speed bumps or barriers through the village.**

- **Barlow Fell Road, Barlow Crescent, Garesfield Lane, Hollinhill Lane and Ashtree Lane (most part) are single lane roads and are not equipped for additional traffic. These roads are used by cyclists, horse riders, hikers, dog walkers and children. No suggestion or provision has been made for these roads has been made. There is no mention of widening the roads or providing foot/cycle ways. Also, no provision has been made to allow for large passenger vehicles to pass through the village and surrounding single lane roads.**
- **Internal and external planned demonstrations will adversely affect the living conditions of those in the area due to the lack of external soundproofing throughout the 24 properties. Ground vibrations and noise have no limitations and this is a great concern for residents.**
- **The development is not comparable with the development at Rising Sun.**
- **Education buildings are beneficial to those with special needs but we should not simply accept something that would affect our village on a “just because” basis and without having provisions in place to take care of concerns first.**
- **There are more suitable locations for such a centre, where access is not an issue and surrounding residential homes will not be within close proximity to be affected by noise, traffic or access.**
- **This centre will not bring any benefits to our village and we fail to see any effective rural growth or local jobs being produced based on the information supplied.**

SEE MAIN AGENDA FOR OFFICERS REPORT.

REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 1 AUGUST 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/16/00916/HHA | Roof lights to north and west elevations | 48 Cedar Crescent, Gateshead, | Granted; | Low Fell |
| DC/17/00307/COU | Change of use of former yard to hand car wash facility (resubmission) (amended plans and additional information received 25/04/18). | Premier Shop At Ship Inn, High Heworth Lane, | Granted; | Pelaw And Heworth |
| DC/17/01267/FUL | Erection of 30 dwellings (Use Class C3) and associated access, landscaping and associated engineering works (resubmission) (amended 04/04/18). | Land North Of Gullane Close, Bill Quay, | Granted; | Pelaw And Heworth |
| DC/17/01362/FUL | Variation of Condition 1 of application DC/16/01079/FUL relating to house type 4 internal layout re-order. | Marley Hill Primary School , Church Street, | Granted; | Whickham South And Sunnyside |

| | | | | |
|-----------------|--|----------------------------------|----------|----------|
| DC/18/00217/FUL | Conversion of part of ground floor and whole first and second floors from office use (B1(a)) to residential use (C3) comprising 1 x one and 3 x two bedroom flats, replacement of existing modern rooflights with heritage rooflights, partial demolition of infill garage buildings in rear yard and creation of 5 parking spaces (amended 05.06.2018). | 5 Walker Terrace , Bensham Road, | Granted; | Bridges |
| DC/18/00218/LBC | LISTED BUILDING CONSENT: Conversion of and internal alterations to part of ground floor and whole first and second floors from office use (B1(a)) to residential use (C3) comprising 1 x one and 3 x two bedroom flats, replacement of existing modern rooflights with heritage rooflights, partial demolition of infill garage buildings in rear yard and creation of 5 parking spaces (amended 05.06.2018). | 5 Walker Terrace , Bensham Road, | Granted; | Bridges |
| DC/18/00230/HHA | Replace timber framed sliding sash windows with white grain uPVC in ground floor and 1st floor bay windows, 1st floor window above front door, and front dormer window (description amended 30.05.18) | 14 Saltwell View, Bensham, | Refused; | Saltwell |

| | | | | |
|-----------------|--|-------------------------------------|----------|----------------------------------|
| DC/18/00257/HHA | Single storey side extension and two storey rear extension (amended 28.05.18) | 3 Ennerdale Gardens, Sheriff Hill, | Refused; | High Fell |
| DC/18/00278/FUL | Demolition of existing bungalow known as Fairmead and the construction of two houses of identical design | Fairmead, Holburn Lane, | Granted; | Ryton Crookhill And Stella |
| DC/18/00322/FUL | Erection of storage/office building (as amended by plans received 28th June 2018). | 537 - 543 Durham Road, Gateshead, | Granted; | Low Fell |
| DC/18/00307/HHA | Wooden fence along front boundary (amended plans received 27.06.18) | 7 Connolly Terrace, Blackhall Mill, | Granted; | Chopwell And Rowlands Gill |
| DC/18/00326/FUL | Extension to side of bungalow and conversion into two semi-detached bungalows with associated boundary treatment and formation of driveway to front and side including erection of detached garage (Retrospective) | 3 Hilldyke, Gateshead, | Granted; | Lamesley |
| DC/18/00375/HHA | Two-storey side and rear extension with part single storey front and rear extensions | 13 Beechwood Avenue, Lyndhurst, | Refused; | Chowdene |
| DC/18/00401/HHA | Replacement gates to front of driveway adjacent to the path and road | Southfield , 43 Grange Road, | Granted; | Ryton Crookhill And Stella |

| | | | | |
|-----------------|--|--|-------------------------------|------------------------------|
| DC/18/00429/COU | Change of use of boarding house to dwelling including installation of dormer window in roofspace to the front of No.65 and erection of part single storey at rear of Nos. 63 and 65 and part three storey extensions at rear of No. 65 (amended 11/06/18). | Bewick House, 63 And 65 Bewick Road, | Granted; | Saltwell |
| DC/18/00441/TPO | Felling of Ash Tree at The Lodge 123 Whaggs Lane | The Lodge , 123 Whaggs Lane, | Refused; | Whickham South And Sunnyside |
| DC/18/00447/HHA | Single storey rear extension | 47 St Andrews Drive, Chowdene, | Granted; | Low Fell |
| DC/18/00452/HHA | Extension of driveway and removal of steps and railing to house (retrospective) | 48 Angel Way, Birtley, | Granted; | Lamesley |
| DC/18/00455/ADV | Display of 8 internally illuminated wall mounted signs, 1 non-illuminated wall mounted sign, 1 vinyl sign and 1 non-illuminated totem sign. (amended 12/07/2018) | First Storage Centres Ltd , Stoneygate Close, | Temporary permission granted; | Pelaw And Heworth |
| DC/18/00458/HHA | Conversion of grass area at the front of the property to a block paved driveway (retrospective) | 10 Cullen Drive, Northside, | Refused; | Lamesley |

| | | | | |
|-----------------|---|---|----------|----------------------------------|
| DC/18/00479/FUL | VARIATION OF CONDITION 1 of application DC/17/01305/FUL to regularise the position of the bin-store (amended 15/06/18). | Chad House , Sunderland Road, | Granted; | Bridges |
| DC/18/00483/HHA | Single storey rear extension and new rear wall | 2 Greenfield Place, Ryton, | Granted; | Ryton Crookhill And Stella |
| DC/18/00486/FUL | Erection of two bedroom dormer sustainable eco home | Site At Rear Of Garage And Substation Adj Meadow View, Woodside, Ryton, , | Refused; | Crawcrook And Greenside |
| DC/18/00487/FUL | Erection of part single storey, part two storey dwelling and car port on land to the rear of Thornlea, Normandene and Hillroyde with new detached garage to the rear of The Lodge | The Lodge, Kibblesworth Bank, | Granted; | Lamesley |
| DC/18/00491/HHA | Single storey rear extension to join house and garage | 37 Grange Drive, Ryton, | Granted; | Ryton Crookhill And Stella |
| DC/18/00494/FUL | Erection of two storey rear extension (as amended 12.07.2018) | Sunderland Talmudical College, Prince Consort Road, | Granted; | Saltwell |

| | | | | |
|-----------------|---|--|----------|--------------------------------------|
| DC/18/00503/HHA | Installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The laying of new paving to marry access ramp in with existing shared pathway | 2 Thornton Cottages, Ryton, | Granted; | Ryton Crookhill And Stella |
| DC/18/00504/FUL | Replacement of existing bungalow with two storey house | 41 Cornmoor Road, Whickham, | Granted; | Dunston Hill And Whickham East |
| DC/18/00505/HHA | Replacement of existing detached garage with single storey rear extension, and dormer window to the rear | 4 North View Bungalows, Rowlands Gill, | Granted; | Winlaton And High Spen |
| DC/18/00517/TPO | Works to various trees in garden of Chase Court | Chase Court, Whickham, | Granted; | Whickham North |
| DC/18/00519/HHA | Two storey side extension | 8 West Avenue, Rowlands Gill Central, | Granted; | Chopwell And Rowlands Gill |
| DC/18/00524/HHA | Proposed first floor side extension, single storey extension, retaining wall and level lawn to rear (amended plans received 22.06.18, description amended 25.06.18) | 27 Cherrytree Gardens, Low Fell, | Granted; | Low Fell |
| DC/18/00531/HHA | Single storey side extension | 17 Meldon Way, Winlaton, | Granted; | Winlaton And High Spen |

| | | | | |
|-----------------|---|---|-------------------------------|----------------------------|
| DC/18/00529/HHA | Conversion of Garage and single storey side and rear extension | 11 Elsdon Road, Whickham, | Granted; | Whickham North |
| DC/18/00548/ADV | Display of non illuminated hoarding sign bearing 35m long mural commemorating the history of the Redheugh gas holders | Redheugh Gas Holder Station, Team Street, | Temporary permission granted; | Dunston And Teams |
| DC/18/00554/HHA | Balcony to front and first floor extension to rear over garage | 30 Meldon Way, Winlaton, | Granted; | Winlaton And High Spen |
| DC/18/00555/TPO | Tree works at 13 Berkley Avenue. | 13 Berkley Avenue, Blaydon, | Granted; | Blaydon |
| DC/18/00545/HHA | Proposed single storey rear extension | Hollybush , Beechwood Avenue, | Granted; | Ryton Crookhill And Stella |
| DC/18/00552/HHA | Single storey rear extension | 16 Salkeld Gardens, Low Fell, | Granted; | Deckham |
| DC/18/00557/ADV | Display of 1 non-illuminated fascia sign, 3 internally illuminated fascia signs reading and 9 non-illuminated and internally illuminated freestanding signs around site (amended 04/07/2018). | Frankie And Benny's, Clasper Way, | Temporary permission granted; | Blaydon |
| DC/18/00559/HHA | Installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. | 9 South Lea, Hole In The Wall Estate, | Granted; | Blaydon |

| | | | | |
|-----------------|---|--|-------------------------------|-------------------|
| DC/18/00563/HHA | Demolish existing rear conservatory and replace with single storey extension | Glenshira , 78 Shibdon Road, | Granted; | Blaydon |
| DC/18/00585/HHA | Proposed Modular Steel Disabled Entrance Ramp | 8 Keir Hardie Avenue, Wardley, | Granted; | Pelaw And Heworth |
| DC/18/00590/ADV | Display of various lamp post signs via brackets, lamp post directional signage on correx boards, banners on railings/barriers and flags at various locations. | Various Locations Across Gateshead Town Centre, Gateshead, | Temporary permission granted; | Bridges |
| DC/18/00598/HHA | Single Storey Side Extension. | 18 Henderson Gardens, Felling, | Granted; | Pelaw And Heworth |
| DC/18/00611/HHA | Proposed Modular Steel Disabled Entrance Ramp to front of property | 16 Seaburn Gardens, Wrekenton, | Granted; | High Fell |
| DC/18/00618/DEM | Demolition of two storey disused office block | Tyne Marshalling Yard , Smithy Lane, | Granted; | Lamesley |
| DC/18/00620/FUL | Removal of concrete block infill panels to external balconies and installation of PVC windows to create internal space. Removal of ground level refuse chute door and opening bricked up. | Beacon Lough Road (5-27 Odds Nos), Penrith Gardens (25-35 (Odd Nos), | Granted; | High Fell |

DC/18/00630/ADV

Display of various internally and externally illuminated signs at various locations around Hillgate Quay.

Hillgate Quay, Gateshead,

Temporary permission granted;

Bridges

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

01 August 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, 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 | Winlton 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 | Winlton 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. A site visit was undertaken on the 20 th June, and the land has been tidied. At the time of the visit contractors were on site, undertaking site investigations in preparation to submit details to discharge the relevant planning conditions. | |
| | | | | 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. A site visit was undertaken on the 20 th June, and the land has been tidied. At the time of the visit contractors were on site, undertaking site investigations in preparation to submit details to discharge the relevant planning conditions. | |
| 4. | Land at Woodhouse Lane, Swalwell (Known as South West Farm Site) | Swalwell | Without planning permission the change of use of the land from agriculture to a mixed | 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 | |

| 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 |
|-------------|---------------------------------------|----------|--|--|-----------------|--------------------|------------------|------------------------------|--------------------------|---|----------------|
| | One) | | use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair | | | | | | | being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development. | |
| | (Known as South West Farm Site Two) | Swalwell | Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles 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 | 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 rd November 2017. | |
| | | | | | | | | | | The hearing at | |

| 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>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> <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</p> | |

| Item Number | Site | Ward | Alleged Breach of Planning Control | Date Approval given for Enforcement Action | Date Served | Plan App Rec'd Y/N | Appeal Rec'd Y/N | Date Notice comes into Force | End of Compliance Period | Current Status | Compliance Y/N |
|-------------|--|----------------------------|------------------------------------|--|------------------|--------------------|------------------|------------------------------|--------------------------|---|----------------|
| | | | | | | | | | | <p>specified period.</p> <p>The majority of the requirements of the notice have been complied with.</p> <p>The owner is now actively marketing the property in the hope the unit will be brought back into use .</p> <p>As the premises has been on the market for some time the Council is now in contact with the agent to monitor the marketing and future occupation of 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> | |

| 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 |
|-------------|--|-----------------------|------------------------------------|--|-------------------------------|--------------------|------------------|--------------------------------|------------------------------|--|----------------|
| | | | | | | | | | | 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) | |
| 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>The defendant attended court on the 13th June and was found guilty and</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 |
|-------------|---|---------|------------------------------------|--|--------------------------------|--------------------|------------------|--------------------------------|--------------------------------|--|----------------|
| | | | | | | | | | | ordered to pay a £300 fine and £100 costs. | |
| 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 | <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>The conditions were discharged on the 15th June. The Council are awaiting confirmation from the Developer to confirm when they are due to recommence works on site.</p> | |
| 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</p> | |

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|-------------|-------------------------------------|----------------------------|------------------------------------|--|-------------------------------|--------------------|------------------|--------------------------------|-----------------------------|--|----------------|
| | | | | | | | | | | <p>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>The unit is being monitored and is currently advertised for sale</p> <p>A letter has been sent to the owners confirming the date when the notice is to come in to force (23rd July) and setting out definition of a café use for planning purposes.</p> | |
| 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 | 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 | |

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| | | | | | | | | | | <p>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</p> <p>Significant works have been undertaken to remove the fence. Only the posts are now in situ these should be removed as of the 14th May 2018</p> <p>As the posts are still in situ a prosecution file is being prepared.</p> | |
| 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</p> | |

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| | | | | | | | | | | <p>agent has been contacted and the Council is awaiting confirmation of timescales for demolition.</p> <p>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>Following a site visit on the 13th June, the hoarding has been erected and the demolition has commenced.</p> | |
| 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</p> | |

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| | | | | | | | | | | Council to secure compliance. Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted. | |
| 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 | |

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| | | | | | | | | | | 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 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 | |

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| 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 | |
| 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. | |

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| | | | | | | | | | | <p>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.</p> <p>A site visit was undertaken on the 20th 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.</p> | |
| 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 | <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</p> | |

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| | | | | | | | | | | <p>the Environment Agency to remove the unauthorised materials from the site. To date a large amount of the waste has now been removed from the site, the Environment Agency is currently monitoring this.</p> <p>The case has been referred to the EA and as such it is requested that this is removed from the report.</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 | <p>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.</p> <p>The owners of the land are working with the council to submit a</p> | |

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| | | | | | | | | | | <p>planning application to regularise the works</p> <p>A planning application has been submitted for a "Change of use from amenity land to car wash and erection of canopy, portakabins and fencing"</p> | |
| 28. | 43 Hillcrest Drive Gateshead NE11 9QS | Dunston Hill And Whickham East | Unauthorised development | 01 st June 2018 | 01 st June 2018 | Y | N | 06 th July 2018 | 03 rd August 2018 | <p>Following refusal of retrospective planning permission by Committee on the 9th May 2018 for the erection of a raised decked area, an Enforcement Notice has been served to require the removal of the unauthorised development.</p> <p>The unauthorised development has now been removed and the notice complied with, permission is sought from Committee to remove it from the report.</p> | |
| 29. | Land at Milbrook, Gateshead | Windy Nook And Whitehills | Unauthorised change of use | 14 th June 2018 | 14 th June 2018 | N | N | 14 th June 2018 | 11 th July 2018 | <p>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.</p> <p>As the caravan has been removed it is requested that this item be removed from the report.</p> | |

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
1 August 2018**

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

Appeal Decisions

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

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).

This application was a committee decision refused on 3 January 2018.

Appeal dismissed 3 July 2018.

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 dismissed 29 June 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.

Appeal allowed 17 July 2018.

DC/18/00081/HHA - 16 Cowen Gardens, Allerdene, Gateshead NE9 7TY

Two storey side and front extension, rear ballustrade to first floor rear window and new boundary fencing and gates (revised application).

This application was a delegated decision refused on 29 March 2018.

Appeal dismissed 17 July 2018.

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

Appeal Costs

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

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).

The costs have been refused.

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 19 June 2018

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2018

Appeal Ref: APP/H4505/W/18/3196256

321 Rectory Road, Bensham, Gateshead NE8 4RS

- 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 Jomast Accommodation Ltd against the decision of Gateshead Council.
 - The application Ref DC/17/01110/COU, dated 2 October 2017, was refused by notice dated 3 January 2018.
 - The development proposed is planning permission for use as an 8 bedroom HMO.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - the effect on the character and appearance of the area, including the supply and choice of housing suitable for family occupation;
 - the effect on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance, and;
 - whether the proposal would provide a suitable living environment for its occupiers, with particular regard to internal living space.

Reasons

Character and appearance – including the supply and choice of housing

3. The appeal site consists of a large mid-terraced property located on the eastern side of a section of Rectory Road between Westfield Road and Saltwell View. The building was originally two separate properties (Nos. 321 and 323). However, internal changes have resulted in a single property comprising 8 bedrooms, including accommodation in a two storey rear outrigger and in converted roofspace which is served by roof lights. The property sits behind a shallow front yard and has a rear yard that wraps around the outrigger at different levels. The higher level of the rear yard towards the rear boundary has level access onto a shared rear passageway that runs the full length of the terrace. The surroundings are urban in character with terraced rows in back to back arrangements to each side of the shared rear passageway and an evident mix of individual dwellings, flats and houses in multiple occupation (HMOs) within each terraced row.

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

4. Policy CS9 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 - 2030 (CS&UCP), adopted March 2015, seeks that existing communities will be sustainable places of quality and choice. The policy indicates that this will be achieved by, amongst other things, preventing the loss of family homes through sub-division, change of use or redevelopment, and preventing an over concentration of shared accommodation. Nonetheless, paragraph 10.11 of its supporting text indicates that shared accommodation (including HMOs) forms a very significant and valuable part of the private sector and provides for market housing needs of a variety of people. It also identifies that permitted development rights will be removed where high concentrations of shared accommodation create problems in terms of environmental quality and residential amenity.
5. With regard to the above, there is no evidence before me that the Council has sought to remove permitted development rights under Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO). Schedule 2, Part 3, Class L of the GPDO, amongst other things, permits development consisting of a change of use of a building from a use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (houses in multiple occupation) of that Order. The Use Classes Order 1987 (as amended) defines Class C4 as use of a dwellinghouse by not more than six residents as a HMO.
6. The appellant has drawn to my attention that a licence had been granted separately in 2017 for the property to operate as a HMO by the Council's Licensing Team. During my visit, the building was partly occupied and it was evident that the conversion of the property from an 8-bedroom dwelling to a HMO had taken place given that each bedroom door was capable of being locked from the outside and communal facilities such as the showers and WCs at first floor level were as proposed within the submitted plans. Nonetheless, I observed that some bedrooms had been left vacant which could enable the use of the existing property within the definition of a HMO under Class C4. As the change of use to a HMO in Class C4 can take place under permitted development rights in the GPDO, it represents a fallback position should this appeal be unsuccessful. Consequently, I find that the proposal would not result in a harmful loss of a family dwelling and does not conflict with the related point 4 of Policy CS9 of the CS&UCP in that respect.
7. The Council has drawn to my attention that there are at least 19 HMOs within the longer section of Rectory Road between Whitehall Road and Saltwell View. However, during my visit it was evident that family housing remains the predominant property type within the local area. Based on my observations, the individual or cumulative effect of the property being used as a HMO would not reach a tipping point where the balance of accommodation in the area would be significantly altered. In any case, the proposal of itself would not cause a harmful increase in shared accommodation on Rectory Road, given the fallback position of the property operating as a HMO in Class C4 if the property were not occupied by more than six residents.
8. The proposal relates to a reconfiguration of the internal layout of the property to provide the 8-bedroom HMO with no external changes proposed. The exterior of the building and its communal outdoor amenity spaces are well-maintained and harmonise with the appearance of other residential properties

in Rectory Road and the surrounding area. Furthermore, there is no evidence to suggest that the quality of accommodation or the visual appearance of the property would deteriorate in the future through use as a HMO given that other similar properties assimilate appropriately with surrounding housing. The proposal would, therefore, maintain the residential appearance of the area.

9. The character of the area is not solely influenced by matters of appearance and visual impact. The development would consist of a total of 8 bedrooms which would be the same as the previous large family house or if used as a HMO falling within Class C4. However, based upon the evidence before me and the submitted plans, the proposal intends that each of the bedrooms would be let as a double that could be occupied by up to two people. The proposed use of the property as an 8-bedroom HMO, therefore, has the potential to result in up to 16 residents within the property. Consequently, there would be a significant intensification of the use of the building when compared with the property being occupied as a family dwelling (Class C3) or as a HMO (Class C4), both of which have a restriction of not more than 6 residents. It is, therefore, reasonable to consider that the use of a property as a large 8-bed HMO with the potential for a significant increase in number of residents and separate households would result in a greater number of comings and goings to the property. However, on balance, given the density of surrounding properties and the presence of shared accommodation and HMOs nearby, the proposal would not result in material harm to the character of the area in that respect.
10. I conclude that the proposal would not result in material harm to the character and appearance of the area or a detrimental impact upon the supply and choice of housing suitable for family occupation in the locality. The proposal, therefore, does not conflict with Policy CS9 of the CS&UCP.

Living conditions

11. Policy CS14 of the CS&UCP, amongst other things, seeks to prevent negative impacts on residential amenity from noise. Saved Policy DC2 of the Unitary Development Plan for Gateshead (UDP), adopted July 2007, amongst other things, also identifies that planning permission will be granted for new development that would not have an adverse impact on amenity and does not cause undue disturbance to nearby residents or conflict with other adjoining uses. In that respect, the adjoining properties in the terraced row are in residential use. Whilst I note that a HMO licence has been granted, there is no substantiated evidence before me that such a decision took account of the potential of the proposal to be occupied by up to 16 residents and the resultant effect upon the living conditions of occupiers of neighbouring properties.
12. The use of the appeal property as an HMO is markedly different from occupation as a family house. Although some tenants may be more considerate than others, the general level of activity associated with a HMO is significantly greater than a typical family house and therefore, increases the potential for noise and disturbance. As previously mentioned, the use of the property as an 8-bedroom HMO as proposed has the potential to result in up to 16 residents within the property, which would be a significant intensification of the use of the building and associated activity when compared with occupation as a single family dwelling under Class C3 or a HMO under Class C4, which are restricted to no more than 6 residents.

13. With regard to the above, the layout of the property has a communal dining / lounge area, kitchen and shower / WC facilities for up to 16 residents. It is reasonable to consider that residents of the HMO as proposed and visitors would use the internal communal areas and rear yard more intensively than a typical family terraced house or the fallback position of a much smaller number of occupants in a HMO falling under Class C4. This would result in a considerable increase in and concentrations of activity, particularly internally and externally at the rear with associated noise and disturbance that would result in significant harm to the living conditions of the occupiers of neighbouring properties.
14. There is no evidence before me that sound proofing works could mitigate the additional noise and disturbance from activity arising from an increase in up to 10 people occupying the property, so as to overcome the harm I have identified. Furthermore, a condition could not be reasonably imposed to limit the occupancy of bedrooms, as it would remove the benefit of the planning permission sought. In any case, such a condition would be too difficult to enforce given the nature of comings and goings in a HMO. Although the appellant has indicated that management arrangements are in place to respond to and address any noise and anti-social behaviour complaints, such a reactive approach would not of itself prevent the harm from occurring and would likely increase the burden upon the Council to also respond to complaints.
15. In reaching the above findings, I have taken account of appeal decisions drawn to my attention relating to retrospective change of use to a 7-bed HMO¹ and change of use of a dwelling into a 4-bed HMO (C4)² in Leeds. However, the individual circumstances of each of those proposals were considerably different to the proposal before me in terms of the potential increase in number of residents. Furthermore, the full details of the Council decisions relating to a large HMO at 80 Raby Street, Gateshead³ and an 8-bed HMO at 416 Sunderland Road, Gateshead⁴ are not before me and I cannot be certain that their locational circumstances or potential level of occupancy are a direct parallel with this appeal proposal. Consequently, it is necessary that I consider the appeal proposal on its own merits and reach my own conclusions.
16. I conclude that the development would have an unacceptable impact upon the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance. The proposal would, therefore, conflict with Policy CS14 of the CS&UCP and Saved Policy DC2 of the UDP. The policies are consistent with the core principle of the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Living Environment

17. Policy CS11 of the CS&UCP indicates that a good range and choice of accommodation will be achieved by, amongst other things, providing adequate space inside and outside of the home to meet the needs of residents. The Council's concerns relate specifically to proposed bedrooms 7 and 8 in the converted roofspace of the property. However, each of those bedrooms would have internal floorspace with suitable headroom of not less than 1.5m that

¹ Appeal Ref: APP/N4720/W/16/3155456 - Allowed with Conditions - 18 November 2016

² Appeal Ref: APP/N4720/W/17/3183537 - Allowed with Conditions - 22 January 2018

³ Council Ref: DC/16/00682/COU - Planning Permission Granted with Conditions - 24 August 2016

⁴ Council Ref: DC/16/00773/COU - Planning Permission Granted with Conditions - 28 September 2016

would exceed the floorspace of bedrooms 2, 4 and 5. During my visit, I observed that the individual bedrooms would clearly accommodate suitable furniture such as a double bed, wardrobe and chest of drawers/desk, with adequate circulation space remaining. Each bedroom would be served by a window, aside from bedrooms 7 and 8 which would be served by rooflights that nonetheless would provide appropriate outlook, light and ventilation.

18. The Council has not drawn any specific requirements to my attention in terms of WCs and washing facilities, kitchens and communal areas required for a certain number of bedrooms or residents in a HMO. It is, therefore, a matter of judgement. In that respect, it is not uncommon for 6 residents within a dwelling to have a suitable living environment whilst sharing single facilities. Consequently, to my mind, four showers, four WCs, together with a large kitchen and lounge as proposed on the submitted plans would adequately serve the 8 bedroom HMO consisting of double units suitable for up to 16 persons. Furthermore, there is no substantive evidence that the proposal would be incapable of compliance with Building Regulations with respect to fire safety.
19. The privacy and form of amenity space required to serve a dwelling functioning as a single household differs to the communal amenity space that characterises a HMO. There is no guidance before me with respect to standards relating to the provision of amenity space and private gardens to serve HMOs. The rear yard of the property would provide adequate communal space for occupants sit outside, dry clothes and store bins, and, therefore, would meet the needs of residents of the HMO. Parks and other open spaces within walking distance of the site also offer significant opportunities for amenity and recreation.
20. Taking all of the above into account, I conclude that the development would provide a satisfactory living environment for its occupiers. The proposal, therefore, would not conflict with Policy CS11 of the CS&UCP in that respect.

Other Matters

21. I have taken account of the potential benefits of the appeal proposal as part of a range of housing that meets the needs of local people and different groups in the community, including demand for HMOs. The proposal would also make a potential contribution to the creation of sustainable, inclusive and mixed communities in that respect and would prevent under-occupancy of bedrooms. However, the balance in this case, rests in favour of preventing harm to the living conditions of occupiers of neighbouring properties.
22. The property and those surrounding are reliant upon on-street parking and there are existing parking restrictions close to the site. During my site visit undertaken in the early morning, I observed low levels of traffic, together with significant availability of on-street parking close to the property and in the surrounding area. It is reasonable that demand at peak times (i.e. evenings and overnight) would likely be higher. However, I have no substantive evidence which would indicate that the local area is subject to significant parking pressure or that the increase in car parking demand arising from the development could not be adequately accommodated on-street.

Conclusion

23. I have found no material harm with respect to the character and appearance of the area, including the supply and choice of housing suitable for family occupation. The development would also provide a satisfactory living environment for its occupiers. Nevertheless, such matters do not justify the harmful effect of the development on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance, which would be significant and overriding.
24. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR



Appeal Decision

Site visit made on 12 June 2018

by **John Dowsett MA DipURP DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th June 2018

Appeal Ref: APP/H4505/Z/18/3196560

Land at Abbotsford Road, Felling Bypass, Gateshead NE10 0AZ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Khristos Oliver of Insite Poster Properties against the decision of Gateshead Council.
 - The application Ref: DC/17/01142/ADV, dated 16 October 2017, was refused by notice dated 26 January 2018.
 - The advertisement proposed is an internally illuminated digital hoarding display measuring 6m by 3m.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Town and Country Planning (Control of Advertisements) Regulations (England) 2007 (the Regulations) and the National Planning Policy Framework (the Framework) require that control over advertisements should only be in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. It is common ground between the parties that the proposed advertisement display would not cause harm to the amenity of the area. Therefore, the main issue in this appeal is the effect of the proposed advertisement on public safety.

Reasons

3. The appeal proposal is a 6 metre by 3 metre internally illuminated, pole mounted sign, with an overall height of 6 metres. The sign would use light emitting diode technology and the advertisement display would change approximately every ten seconds. The appeal site is an area of unused land on the south side of the A184 Felling By-pass (Abbotsford Road). It is situated adjacent to an acceleration lane next to the main carriageway that allows drivers egressing from a drive through restaurant to re-join the main road.
4. The A184 is a dual carriageway with a speed limit of 40 mph and is one of the principal routes into and through the Tyneside conurbation, linking the A19 to Gateshead town centre and the A1 in the west. The road curves round from a signalised junction at Heworth Station to the east, dropping in level toward the appeal site. Past the appeal site, to the west, the road level rises as it bridges over Stoneygate Lane.

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5. The Planning Practice Guidance (the Guidance) advises that all advertisements are intended to attract attention and that there are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, such as the area within which the appeal site is located. Nevertheless the Guidance also states that proposed advertisements at points where drivers need to take more care are more likely to affect public safety. It gives as examples, at junctions, roundabouts, pedestrian crossings, and on the approach to a low bridge or level crossing. In addition the Guidance identifies, among other matters, that advertisements that are subject to frequent changes of the display are most likely to cause a danger to road users.
6. The appeal site is located approximately half way along the acceleration lane and I note that the appellant's Highways Assessment comments that the acceleration lane appears to be very long in the context of the current speed limit on the main carriageway. Due to the nature of the road, the A184 carries a high volume of traffic. At the time of my site visit, in the early afternoon, the road was carrying a relatively high volume of traffic and due to the type of road and the function that it serves, it is likely that it does so for large parts of the day.
7. When I visited the site I saw that there were gaps in the flow of westbound traffic caused by the phasing of the traffic lights at the signalised junction at Heworth station. During the course of my site visit I observed a number of vehicles using the acceleration lane upon leaving the car park of the drive through restaurant. I saw that vehicles which left the site when there was a gap in the traffic flow re-joined the main carriageway almost immediately after leaving the car park area, whereas if there was traffic flowing on the main carriageway, drivers used the acceleration lane to match the speed of the traffic flow before joining. Due to the distance from the traffic lights to the appeal site, vehicle speeds on the main carriageway were relatively high by the time they had reached the appeal site.
8. The accident data provided by the appellant shows that there have been 24 accidents on this stretch of road in the past 20 years with roughly half occurring in each direction of travel. Whilst I note the appellant's point that none of the accidents involved vehicles using the acceleration lane, this is not determinative that the positioning of an illuminated advertising sign adjacent to it would not distract drivers. It is, however, indicative that the acceleration lane functions safely at present without advertising being present.
9. I also note that none of the accident data cites driver distraction as a cause, but am mindful that fewer than half of the accident records list causation factors and also of the comment of the Highway Authority that driver distraction is a very subjective causation factor which is rarely recorded.
10. The advice in the guidance is that advertisements near junctions and points where drivers need to take more care are more likely to affect public safety is relevant to this site. The proposed position of the advertisement is such that it may not cause a distraction at those times where there is a gap in the westbound traffic and driver can join the main carriageway almost immediately before accelerating. Nonetheless, at other times when drivers are obliged to use the acceleration lane to match speeds with the main carriageway, the potential for distraction is much greater due to the changing nature of the

display and the fact that the advertisement would be, if not in direct line of sight, prominent in the peripheral vision of drivers for longer.

11. Whilst I accept that drivers typically process a lot of information and that there are not a large number of other advertisements in the immediate area, those adverts that are present of a different nature to appeal proposal being totem pole type signs relating to various business premises and do not feature changing displays. I would also disagree with the appellant's suggestion that the proposed sign would not represent an unusual feature to passing motorists, as it is larger and the display changes. I saw during my site visit that there are no other signs of this nature on A184 between junction with A19 and Gateshead town centre and, consequently, the proposed advertisement would be very much an uncommon and novel feature in the area.
12. I have had regard to the case studies presented in the Highways Assessment which indicate in the circumstances of those cases that there does not appear to be a correlation between accidents and the presence of advertising. However, on the basis of the limited information that has been provided these none of the case studies address the situation where traffic is merging onto a dual carriageway and the circumstances are, consequently, not directly comparable to those in the case before me.
13. Within this context and from the evidence before me, my observations during the site visit, and having regard to the advice in the Guidance, I do not find the appellant's argument a persuasive one and find that in this location the proposed advertisement would be prejudicial to public safety. Although I would agree with the appellant that it is unlikely that the proposed advertisement would cause a distraction to eastbound motorists due to its orientation and speed that vehicles would be travelling at this point, this does not lead me to a different conclusion.
14. I therefore conclude that the proposed advertisement would cause harm to public safety in the vicinity of the appeal site.

Conclusion

15. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR



Appeal Decision

Site visit made on 10 July 2018

by **C L Humphrey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th July 2018

Appeal Ref: APP/H4505/D/18/3201049

65 King Oswald Drive, Stella, Blaydon NE21 4FD

- 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 David Burns against the decision of Gateshead Council.
 - The application Ref DC/17/01153/HHA, dated 19 October 2017, was refused by notice dated 26 January 2018.
 - The development proposed was originally described as 'Lowered curb to match with neighboring property to provide access to front of property. There is one parking space at the rear of the property but this is inaccessible for a wheelchair user. Part of the front garden will be taken up and replaced with gravel to provide direct parking and path to front door.'
-

Decision

1. The appeal is allowed and planning permission is granted for a vehicular access and hard surface at 65 King Oswald Drive, Stella, Blaydon NE21 4FD in accordance with the terms of the application Ref DC/17/01153/HHA dated 19 October 2017 and plans submitted with it subject to the following condition:
 - (1) The development hereby permitted shall be removed and all materials brought onto the land for the purposes of such development shall be removed within 60 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - (i) Within 3 months of the date of this decision a scheme for hard and soft landscape works shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - (ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

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

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the

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time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, based upon the submitted evidence it is clear that the development involves the formation of a means of vehicular access to the highway and the provision within the curtilage of the dwellinghouse of a hard surface. The development would therefore be more appropriately described as a vehicular access and hard surface. This revised description would not prejudice the parties involved and so I have considered the appeal on that basis.
3. At the time of my site visit the development had commenced.

Main Issues

4. The main issues are the effect of the development upon highway safety and the character and appearance of the area.

Reasons

Highway safety

5. The hard surface occupies the area between the front of the house and the back of the footway to the west of the path which leads to the front door. The adjacent property at 63 King Oswald Drive has a hard surfaced parking space to the front which is of a very similar overall depth, and I observed during my site visit that it is possible for a vehicle parked in that space to be wholly contained within the curtilage. Thus, if the entire length of the hard surfaced area was utilised, I see no reason why cars parked perpendicular to the road within the appeal property would be likely to overhang the footway and cause an obstruction to pedestrians. In any event, obstruction of the highway can be controlled via other legislation.
6. At the time of my site visit, which took place mid-afternoon on a weekday, traffic along King Oswald Drive was fairly light and speeds were low. Many properties fronting the road have vehicular accesses and drives to the front. Given the number and frequency of existing vehicular accesses along the road, drivers would be aware of the possibility that vehicles may manoeuvre in and out of the appeal site and would thus be vigilant. Similarly, pedestrians would be alert to the likelihood of vehicles entering and exiting the site and would exercise caution accordingly. Drivers seeking to manoeuvre in and out of the appeal site are unlikely to do so at speed.
7. I noted during my site visit that, on the inside of the bend just west of the appeal site, cars parked in the carriageway and planting and parking in front gardens limited openness and visibility. Thus, additional parking in the front garden of the appeal property would not worsen visibility for eastbound traffic. Visibility around the outside of the bend for vehicles travelling west would not be affected by the development.
8. Whilst the use of gravel would be likely to result in displacement onto the highway and thus potentially create an unsafe environment for pedestrians and cyclists, precise details of the hard surface materials could be controlled by condition to overcome this concern.

9. Overall in respect of the first main issue I conclude that, subject to a condition to secure a suitable hard surface material, the development would not have a harmful effect upon highway safety and so would accord with the transport and wellbeing aims of Policies CS13 and CS14 of the Gateshead and Newcastle upon Tyne Core Strategy and Urban Core Plan (CSUCP) and the Gateshead Council Household Alterations and Extensions Supplementary Planning Document (HAESPD)

Character and appearance

10. As many houses along the road have parking spaces within the front gardens the development is not uncharacteristic of the area. Moreover, the garden is wide and not entirely given over to hard surfacing. A scheme to ensure the use of suitable materials and supplementary soft landscaping could be secured by condition.
11. Therefore, with regard to the second main issue and subject to the condition outlined above, I conclude that the development would not have a harmful effect upon the character and appearance of the area and would accord with the design aims of CSUCP Policy CS15, Gateshead Unitary Development Plan Policy ENV3 and the HAESPD.

Conditions

12. The purpose of condition 1 is to require the appellant to comply with a strict timetable for dealing with details of hard and soft landscape works which needs to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matters because the development has already started. The condition therefore provides for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved either by the local planning authority or by the Secretary of State on appeal, and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.

Conclusion

13. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

CL Humphrey

INSPECTOR



Appeal Decision

Site visit made on 26 June 2018

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

an Inspector appointed by the Secretary of State

Decision date: 17th July 2018

Appeal Ref: APP/H4505/W/18/3199071

16 Cowen Gardens, Allerdene, Gateshead NE9 7TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Fenwick against Gateshead Council.
 - The application Ref DC/18/00081/HHA, is dated 29 January 2018.
 - The development proposed is two storey extension to side with forward projection and rear balustrade to first floor rear window, boundary fencing and gates.
-

Decision

1. The appeal is dismissed and planning permission for two storey extension to side with forward projection and rear balustrade to first floor rear window, boundary fencing and gates is refused.

Application for costs

2. An application for costs was made by Mr A Fenwick against Gateshead Council. This application is the subject of a separate decision.

Procedural Matters

3. I saw at my site visit that a single storey rear extension has been constructed at the host property which is not shown on the submitted existing or proposed plans. For clarification I have considered the appeal on the basis of the above description of development and the submitted proposed plans.
4. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted in the Council's statement and I have treated those as the basis of the decision the Council would have made, had it been empowered to do so. The Council is principally concerned by the effect on the Green Belt and the character and appearance of the area. I have drawn on the Council's concerns, together with other evidence before me to inform the main issues in this appeal.

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Main Issues

5. The main issues are:
- (i) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - (ii) The effect on the openness of the Green Belt and the purposes of including land within it.
 - (iii) The effect of the proposed development on the character and appearance of the area.
 - (iv) Would the harm by reason of inappropriateness, and any other harm be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the proposal would amount to inappropriate development

6. 16 Cowen Gardens is a semi-detached two storey property within a cul-de-sac that is washed over by the Green Belt. Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) (CS) states, amongst other things, that the Green Belt will be protected in accordance with national policy. Section 9 of the National Planning Policy Framework (the Framework) attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence.
7. Paragraph 89 of the Framework establishes that new buildings within the Green Belt are inappropriate, unless, amongst other things, it involves the extension of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building. The glossary within the Framework defines the 'original building' as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.
8. The appeal scheme comprises a two storey extension, approximately 3.7m in width, 8.4m in height and 6.4m in depth and features a facing gable projection of around 1.1m. A boundary wall with fence and gate would replace the existing boundary fence to the front of the property.
9. The Framework does not define 'disproportionate' in terms of a specific numerical threshold. Nor does Policy CS19. The Councils Supplementary Planning Document 'Householder Alterations and Extensions' (2012) (SPD) does set out that extensions which comprise development which is more than a third of its original volume will have an adverse effect on the Green Belt. However, I accept that this is guidance rather than being enshrined in policy.
10. Whilst each case must be considered on its merits, assessing proportionality is primarily an objective test based on size. The Council state that the existing volume of the property is approximately 261m² and that the proposed development would add a further 196m², representing an overall increase of some 75%. The appellant has not disputed these figures.

11. I note that there is an extant permission for a two storey extension similar to the appeal scheme with the exception of the facing gable projection. The appellant advances that the issue is whether the increase in size over and above the extant permission would be disproportionate. However, the test in the Framework is against the original building. That is a test to be done in the absence of whether or not the existing building could be enlarged. Nonetheless, I shall return to examine this fallback position within the 'other considerations' section below.
12. In light of the above, comparing the original building to the one that would result if the proposal were to go ahead would, in my view, result in disproportionate additions over and above the size of the original building.
13. The proposal would therefore be inappropriate development which is by definition harmful to the Green Belt, contrary the third bullet point of paragraph 89 of the Framework and in conflict with Policy CS19 of the CS. I attach substantial weight to this harm.

The effect of the development on the openness of the Green Belt and the purposes for including land within it

14. The fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. In that the footprint, general bulk and volume would be increased by additional built development the appeal scheme would have a greater effect on the openness of the Green Belt which would conflict with the Framework. Given the scale of the proposal, the removal of an existing shed and its location surrounded by residential development the loss of openness would be limited.
15. The appeal scheme would be contained within the existing residential plot and would not lead to any substantial encroachment on the countryside. Accordingly, it is concluded that the proposed development would not conflict with this purpose of the Green Belt as identified in the Framework. However, this does not override the limited harm that it would cause to openness.

Character and appearance

16. The appeal property belongs to the only pair of semi-detached properties within Cowen Gardens, the remainder of the cul-de-sac comprising blocks of terraced properties. Projecting facing gables are a prominent feature of the street scene.
17. The Councils Householder Extensions and Alterations Supplementary Planning Document (2012) (SPD) advises that as a general rule, side extensions should be no more than 50% of the width of the existing and two storey extensions on a semi-detached property should be set back from the main front wall and the roof set down from the ridge of the existing house.
18. The proposed side extension would be just over half of the existing width and features no set down or set back. Whilst not in strict accordance with the guidance within the SPD, given the cul-de-sac is characterised by blocks of terraces, an extension of this width and height would not look discordant, particularly given the angled position of the property relative to the street. The projecting gable would harmonise with those of its neighbours and would not have a detrimental impact on the pair of properties which do not present as strongly symmetrical given the step down in height and their orientation.

19. I therefore conclude that the proposal would not have a materially harmful impact on the character and appearance of the host property or surrounding area and find no conflict with Policy CS15 of the CS or Policy ENV3 of the Gateshead Unitary Development Plan. These seek, amongst other things, high quality design that makes a positive contribution to the established character and identity of its surroundings.

Other considerations

20. The appeal property benefits from an extant planning permission¹ for a two storey side extension. I have had regard to the approved plans and note that, contrary to the assertions of the Council, the plans do not include a garage, porch or rear extension.
21. The extension now proposed is similar in width and height to that already approved. However, the approved scheme would run flush with the front wall of the existing house and does not include the two storey gable projection. The appellant submits that the additional floor space within this element of the scheme amounts to only 12m² over and above that approved and a 55% increase in volume compared to the 75% increase if the appeal were to be allowed.
22. It is clear that the appellant intends on extending his home and I have no reason to doubt that there is a real prospect that what could be built as approved would actually be built and so this represents a valid fallback position. However, whilst acknowledging that the approved scheme also represents an increase of more than a third, I have come to the view that the appeal scheme would be inappropriate and have some effect on the openness of the Green Belt due to its size. It would be larger in both floorspace and volume than the extant permission and would therefore have a more harmful impact upon the openness of the Green Belt. Therefore, the fallback position would be less harmful than the proposal before me and I attach limited weight to this matter.
23. The appellant advises that the extension would significantly improve the way in which he and his aging parents live, enabling them to live together following his father's ill health. Whilst recognising the private benefits for the family, personal circumstances seldom outweigh general planning considerations. Moreover, although the dwelling is small, little evidence has been provided to support the assertion that the existing dwelling based on its current size and layout are unsuitable for modern living and as such I can only give limited weight to such matters.
24. The appellant has drawn my attention to other extensions within Cowen Gardens, in particular those constructed at 17 Cowen Gardens. However, I have not been provided with the background or circumstances that led to their construction and cannot therefore make direct comparisons. Moreover, I note that the planning permissions predate the Framework, the CS and the SPD which limits the weight that can be afforded.
25. I have had regard to the appeal decision² put forward by the appellant. However, the scheme in that case is not directly comparable to that before me given it relates to a basement construction in a different local authority area.

¹ Ref: DC/16/01022/HHA

² Ref: APP/N5090/D/17/3174495

In any case, each application and appeal must be considered on its own merits and I attach limited weight to this matter.

Conclusion

26. The Framework indicates that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. In addition, any harm to the Green Belt carries considerable weight. In this case, I have found harm from inappropriateness as well as a limited loss of openness to the Green Belt. Whilst I have found no harm in terms of the impact on character and appearance, nor have I identified any positive enhancement and I regard this as a neutral factor which does not weigh significantly either for or against the appeal. In addition, I give only limited weight to the other considerations referred to above. I consider that the substantial weight to be given to Green Belt harm is not clearly outweighed either individually or cumulatively by other considerations sufficient to demonstrate the very special circumstances that are necessary to justify inappropriate development in the Green Belt.
27. For the above reasons and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR



Costs Decision

Site visit made on 26 June 2018

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

an Inspector appointed by the Secretary of State

Decision date: 17th July 2018

Costs application in relation to Appeal Ref: APP/H4505/W/18/3199071 16 Cowen Gardens, Allerdene, Gateshead NE9 7TY

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr A Fenwick for a full award of costs against Gateshead Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for a two storey extension to side with forward projection and rear balustrade to first floor rear window, boundary fencing and gates.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant submits that it was unreasonable for the Council not to have determined the planning application within the prescribed period, failing to explain why this was the case. The applicant also considers that the Council have behaved unreasonably during the appeal process by causing delay. Furthermore, it is claimed that the Council's assessment and conclusion is inconsistent with other decisions it has taken, principally the fallback position for the appeal property and those at 17 Cowen Gardens.
4. The PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Given that the appeal has been dismissed, the Council has not prevented or delayed development which should clearly be permitted, having regard to its development plan, national policy and any other material considerations.
5. The appeal does relate to a non-determination of a planning application by the Council. The applicant states that he did not hear from the Council until the expiry date that a decision could not be reached in time and the reason for not being able to do so was due to the officer not being in the office until later that

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- week. That of itself is not a good reason for failing to determine an application and I can appreciate the applicants frustrations in this regard.
6. It is regrettable that the Council failed to determine the application within the prescribed period. Nonetheless, had the application been determined in all likelihood the Council would have refused permission. In that situation, I consider it probable that the applicant would have appealed the decision and he would have therefore incurred the costs associated with the making of an appeal in any event. It therefore follows that the Council's behaviour in this regard did not incur the applicant unnecessary expense in the appeal process.
 7. There has been no failure by the Council to produce timely and relevant evidence to substantiate its stance against the development during the appeal process. It has accorded with the timetable and submitted representations within the set deadlines and has therefore caused no delays to the appeal process.
 8. Turning to the matter of consistency. It can be seen from my decision that I have found harm to the Green Belt by way of inappropriateness and its impact on openness. I note that the Council mistakenly referred to the extant permission including a porch, rear extension and detached garage. I accept that this is frustrating. That said, the Council concluded that the appeal proposal amounted to disproportionate additions irrespective of the potential enlargements which is the correct test having regard to the National Planning Policy Framework. Furthermore, irrespective of the removed porch, rear extension and garage, the appeal proposal was clearly distinguishable from the extant permission, being larger in both floorspace and volume. The permissions approved at No 17 also predated both current national and local policy and it can be seen from my decision that I attached limited weight to both the fallback position and the permissions at No 17 in the overall planning balance.
 9. The applicant also contends that the Council were inconsistent in referencing that the proposed extension would exceed the 50% increase in width advocated in the Council's Supplementary Planning Document (SPD) when the extant permission is of the same width as that proposed. Whilst I do not dispute this is the case, the Council does not rely solely on this matter in their conclusions on character and appearance, referring to the scale of the proposal and its impact to the character of the original dwelling. Moreover, findings relating to character and appearance arise from a matter of judgement on a subjective issue. I find that the Council adequately substantiated their conclusions in this regard and I cannot find that the Council behaved unreasonably in reaching a different view to my own given the subjectivity of judgements made. For the aforementioned reasons, I cannot find that the Council behaved unreasonably in reaching different conclusions to previous decisions either at the appeal site or at No 17.
 10. I therefore conclude unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated, and an award of costs is therefore not justified.

Caroline Jones

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

| Planning Application No | Appeal Site (Ward) | Subject | Appeal Type | Appeal Status |
|--------------------------------|---|---|--------------------|----------------------|
| DC/17/00473/HHA | 17 Limetrees Gardens Low Fell Gateshead NE9 5BE | First floor extensions to side and rear | Written | Appeal in Progress |
| DC/17/01110/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 dismissed |
| DC/17/01142/ADV | Land At Abbotsford Road Felling | Proposed siting of internally illuminated digital hoarding display. | Written | Appeal dismissed |
| 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 dismissed |

| | | | | |
|-----------------|--|---|---------|-----------------------|
| 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) | Written | Appeal in Progress |
| 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. | Written | Appeal allowed |
| DC/18/00105/FUL | Smileys Car Wash Nobles MOT Centre Sunderland Road Gateshead | | Written | Appeal in Progress |



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

1 August 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/18/00237/OUT - Provision of offsite ecological mitigation within Shibdon Meadow or such alternative suitable site within the borough of Gateshead and upgrading traffic signal equipment at the Leam Lane/Lingey Lane Junction. Follingsby Park South, Follingsby Lane, Gateshead, NE10 8YA
Outline planning application for use class B8 (storage and distribution) and B2 (general industry) along with associated offices, internal roads, car parks, infrastructure and landscaping with all matters reserved except access and landscaping of the green infrastructure zone.

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

DC/13/01548/FUL - £24,559.00 paid for off-site junior play (£8797.00), off-site teen play (£6598.00) and off-site open space (£9164.00)
Land At Site Of The Lonnen, Ryton
Construction of twenty houses with associated gardens, parking and roads (amended and additional information received 13/03/14).

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 1 August 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

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