

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 29 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 1 August 2018 (copy previously circulated). |
| 3 | Declarations of Interest Members to declare interests in any agenda items |
| 4 | Planning Applications (Pages 3 - 8) |
| 4i | No. 1 - 4 Clavering Way, Axwell Park, Blaydon NE21 5NT (Pages 9 - 16) |
| 4ii | No. 2 - Meynell House, Dipwood Road, Rowlands Gill NE39 1DA (Pages 17 - 28) |
| 4iii | No. 3 - Whickham School and Sports College (Academy Trust), Burnthouse Lane, Whickham, Newcastle upon Tyne NE16 5AR (Pages 29 - 52) |
| 4iv | No. 4 - Storage Land, Forge Road, Dunston, Gateshead, NE8 2QU (Pages 53 - 64) |
| 5 | Delegated Decisions (Pages 65 - 76) |
| 6 | Enforcement Action (Pages 77 - 98) Report of the Strategic Director, Communities and Environment |
| 7 | Planning Appeals (Pages 99 - 102) Report of the Strategic Director, Communities and Environment |
| 8 | Planning Obligations (Pages 103 - 104) Report of the Strategic Director, Communities and Environment |

9

Changes to the National Planning Policy Framework 2018 Revision (Pages 105 - 110)

Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
29 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/18/00332/HHA | 4 Clavering Way Axwell Park | Blaydon |
| 2. DC/18/00512/FUL | Meynell House Dipwood Road | Chopwell And Rowlands Gill |
| 3. DC/18/00565/FUL | Whickham School And Sports College (Academy Trust) Burnthouse Lane | Whickham North |
| 4. DC/18/00610/COU | Storage Land Forge Road | Dunston And Teams |

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 June 2018 by Ministry of Housing, Communities and Local Government (MHCLG) 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.

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 Development Management.

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 basic 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/18/00332/HHA |
| Case Officer | Josh Woollard |
| Date Application Valid | 1 May 2018 |
| Applicant | Mr Philip Todd |
| Site: | 4 Clavering Way Axwell Park Blaydon NE21 5NT |
| Ward: | Blaydon |
| Proposal: | Addition of a first-floor to create a dormer bungalow, single storey rear extension, raised patio to rear, and block paved front driveway (description amended 25.05.18, amended plans received 25.06.18) |
| Recommendation: | GRANT |
| Application Type | Householder Application |

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

Clavering Way is a small cul-de-sac within the Axwell Park private estate. The host property is located at the top of the cul-de-sac in the south-east corner.

1.2 The application site is a bungalow located within a residential street. The property in question is built in red brick featuring beige coloured timber windows, entrance and garage doors. The front elevation faces north onto Clavering Way with a small Cherry Blossom tree located in the north west corner of the site. There are no properties in the immediate vicinity to the rear (south), with the area taken over by woodland.

1.3 Land levels slope downwards from south to north. Due to the uneven land levels, the northern section of the site is approximately 0.6m lower than the southern section. In relation to neighbouring properties, the property is higher than its adjacent neighbour, number 5, to the north, but lower than the most prominent property on the street, number 3, to the west.

1.4 Of the six bungalows along Clavering Way, two feature dormer windows which face onto the street. Number 5 has a small pitched dormer window above the garage, whilst number 2 has two larger pitched dormers in the centre of the roof slope.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks to raise the roof of the bungalow by approximately 1.2m, install two dormers to the front roof slope above the existing bay windows, and two dormers in the rear roof slope. In addition, the scheme proposes a single storey flat roof extension projecting 4m beyond the rear elevation with a maximum height of 3.6m.

- 1.6 The scheme also seeks permission for block paving to the front and a raised patio area running around the perimeter of the property.
- 1.7 The Cherry Blossom tree at the front of the property, along with two larger trees to the rear are proposed to be removed.
- 1.8 The application proposes to use red/brown facing brickwork, white/grey render, anthracite UPVC/aluminium doors, UPVC windows, cement roof tiles, and UPVC fascias, soffits and rainwater goods.

2.0 Consultation Responses:

None received.

3.0 Representations:

- 3.1 Neighbour consultations were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 Neighbour notification letters were sent on 17th May. Following an amendment to the description of the application, a second letter, notifying neighbours of the change, was sent out on 25th May. 4 objections were received.
- 3.3 Following receipt of amended plans, neighbour notification letters were sent on 27th June. 3 objections have been received.
- 3.4 The objections received are summarized as follows:
 - Change in height and façade is totally at odds with the other bungalows and the spirit of the Deeds of Mutual Covenants
 - Proposed development is not in-keeping with the bungalows of Clavering Way and would set a precedent for other properties to convert to houses
 - Proposed black tile use is unsuitable for use in that cul-de-sac and out of line with current bylaws
 - Impact on natural light
 - Out of character with other bungalows
 - Road designated as bungalows only and revised plans will create a house
 - Development has many courses of brickwork added above the windows. This converts it to a house
 - Grey slate roof tiles are out of character
 - Garage infill will set a precedent emphasising the height of the proposal and introduces a window shape that is at odds with the other properties
 - Proposal does not confirm use of white window frames
 - Overbearing in its proportion, design and choice of materials

3.5 In addition, a petition containing 7 signatures has been received raising concerns with regard to:

- Proposed height increase would dominate our street exaggerated by the radically different design proposals for the facia
- Proposed height increase will have a very negative impact on amount of sunlight

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS14 Wellbeing and Health

CS15 Place Making

ENV3 the Built Environment - Character/Design

DC2 Residential Amenity

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

5.1 The main issues are the impact on the street scene and residential amenity.

5.2 IMPACT ON STREET SCENE

Saved UDP policy ENV3 along with policy CS15 of the CSUCP requires that new development must be of a high quality sustainable design that makes a positive contribution to the established character and identity of the local area. This is echoed by section twelve of the NPPF which places a strong emphasis on the requirement for good design.

5.3 Policy ENV3 further requires that all development will be expected to recognise established design principles with regard to such factors as scale, massing, height, materials, density, legibility, views and vistas. The relationship between buildings and the spaces around and between them must be handled in a sensitive manner.

5.4 As previously outlined, the application proposes to increase the ridge height of the property by 1.2m thus creating a second storey of accommodation within the loft, and erecting a modest rear extension. In relation to the property to the north, number 5, and the property to the west, number 3, the spaces in between these properties will not be encroached upon. The scheme is considered to be in line with policy ENV3 in that the design respects the spaces between

buildings whilst also meeting the aims of paragraph 127 of the NPPF in optimising the potential of the site.

- 5.5 Moving towards the wider impact on the street scene, changing land levels on site are more gradual when compared to the properties to the north. With specific reference to number 1 Clavering Way, the western section of the property appears to be a single storey bungalow whereas the eastern section reads as a two-storey dwellinghouse. It is therefore considered that the scale and legibility of properties on the street varies because of land levels. Furthermore, number 3 Clavering Way, the property adjacent to the west, is set on a higher land level and as a result is the most prominent property within the cul-de-sac. The host property, in comparison, is set back and is more innocuous. As such, despite the increased scale of the property, it is not considered to be out of character.
- 5.6 Objections received raise concerns regarding brickwork introduced above the bay windows. The existing property currently does not feature brickwork above the bay windows, however it is not an uncommon feature on the street. A number of properties (number 2 and 5) have one soldier course of brick between the roof and the windows, whilst number 3 has a soldier course and an additional 2 courses above that. Recognising that the proposed scheme will introduce a larger course of brickwork, a considered design has been employed to mitigate its effect. Above the bay windows a soldier course will be introduced, in-keeping with the character of the street, and above a pitched roof shall be constructed. Together with a large soffit, much of the newly incorporated brickwork will be hidden or shadowed. The property will appear as a dormer bungalow.
- 5.7 Further objections question the proposed materials. Bungalows on the street are characterised by white UPVC windows. The existing property features beige timber windows, garage and entrance doors. The renovation of the property and introduction of new Anthracite Grey UPVC units is considered to be more in-keeping with how the area has progressed and modernised over time.
- 5.8 Number 2 and number 5 Clavering Way have also introduced sections of render to the front elevation producing a crisper, more modern finish. The proposed section of render is restricted to the entrance to the property and a strip where the existing garage doors will be removed. The rendered finish is considered to contrast well with the red brick, as established at number 2 and number 5.
- 5.9 The applicant has advised the Council that the ground floor window within the section of render will provide light to an accessible shower room. As such, any larger pane of glass could be detrimental to the users of the room. Gateshead Council's HAESPD advises that any potential negative impact the proposals has in terms of the original property, adjacent properties, general street scene will be balanced against the extent to which the proposed will improve an individual's quality of life. It is considered that although the window design is uncommon when compared to other properties, the presence of a feature

window within an expanse of render is not uncommon. On balance, therefore, the unique window design is not considered to warrant a refusal reason in and of itself.

- 5.10 Objections also raise concerns about the anthracite tiles that are proposed as they are out of character and not in line with bylaws. It is considered that the anthracite tiles will be in-keeping with the dark shade of tile that is predominant along Clavering Way. Axwell Park Committee bylaws are a non-material planning consideration and no weight has been attached to this matter.
- 5.11 Taking into account all of the above, the scheme is considered to recognise established design principles with regard to scale, massing, height, materials...and legibility, in line with Saved policy ENV3, policy CS15 of the CSUCP, and the NPPF.
- 5.12 RESIDENTIAL AMENITY
Policy CS14 of the CSUCP seeks to prevent negative impacts on residential amenity. Saved policy DC2 of the UDP ensures that planning permission will be granted for new development where it:
- a) Does not have an adverse impact on amenity or character of an area, and does not cause undue disturbance to nearby residents or conflicts with other adjoining uses;
 - b) Safeguards the enjoyment of light and privacy for existing residential properties;
 - c) Ensures a high quality of design and amenity for existing and future residents.
- 5.13 Gateshead Council's HAESPD advises that 'if it is considered that an extension would have an overbearing or oppressive effect over neighbouring dwellings, this may result in the application being refused planning permission. Loss of outlook will be assessed in a similar way to overshadowing'. In making an assessment, 'full account will be taken of the position of neighbour's windows and the way they relate to the extension; alongside the orientation of the extension to the path of the sun'.
- 5.14 When considering the outlook of number 5 Clavering Way, the side elevation faces south towards the host property. One window is located within the ground floor of this elevation and it faces onto an existing retaining wall. As such, the outlook and amount of light into this window is already considered to be low, and any additional impact as a result of the proposed works is considered to be limited.
- 5.15 When considering overbearing and overshadowing, the host property is not built in a linear arrangement. The eastern section of the property is set back from number 5 whilst the western section is set slightly forward. As a result of this relationship between the two properties, it is not considered that the development would have an overbearing impact on number 5. All habitable room windows within the principal elevation are set forward of the host property, and none face towards it. In terms of the rear of number 5, the host property is

located to the south west almost in line with the rear elevation of number 5. As such, any overshadowing that currently occurs would be restricted to late evening and within the southernmost corner of number 5's rear garden. Taking into account the proposed works, it is not considered that they would amount to an unacceptable impact on the residential amenity of number 5.

- 5.16 Moving towards number 3 Clavering Way, the host property is located to the east and set down on a lower land level. As such, the proposed works are not considered to have an unacceptable impact on the residential amenity of the occupants of number 3.
- 5.17 In terms of the wider street, a number of large trees border the front boundary of number 1 Clavering Way and at least 22.5m separates number 4 from number 2.
- 5.18 Considered the above, the proposed scheme is not considered to have an unacceptable impact in terms of outlook, overshadowing, overbearing, or loss of light. It is therefore considered to be compliant with policy CS14 of the CSUCP, policy DC2 of the UDP, and Gateshead Council's HAESPD.
- 5.19 **HIGHWAY SAFETY**
The proposal would not have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with policy CS13 of the CSUCP.
- 5.20 **OTHER MATTERS**
A number of non-material planning considerations were raised during the neighbour consultation process, ranging from Axwell Park Committee bylaws, designations, and Deeds of Mutual Covenants. No weight has been attached to these issues as part of the decision-making process.

6.0 CONCLUSION

- 6.1 Taking into account all the relevant issues, it is considered that the proposal is compliant with the aims and objectives of the NPPF, Saved UDP policies ENV3 and DC2, policies CS13, CS14, and CS15 of the CSUCP, and Gateshead Council's HAESPD.

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 -

4 Clavering Way - Location Plan (1-1250)

4 Clavering Way - Location Plan with Topo (1-200)

- 4 Clavering Way - Dwg 01 - Ex Flr Plan
- 4 Clavering Way - Dwg 02 - Ex Elevations
- 4 Clavering Way - Dwg 03 (Rev B) - Proposed Site Plan (1-200)
- 4 Clavering Way Revised Plans Elevations (Rev C - 2018.06.25)

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

Reason

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

2

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

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on the submitted Application Form.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

Prior to the commencement of works (including demolition) on site a Bat Method Statement will be submitted to and approved in writing by the Council. Thereafter the agreed Bat Method Statement will be implemented in full for the duration of the demolition (including in part) and construction phase(s) of the development.

Reason

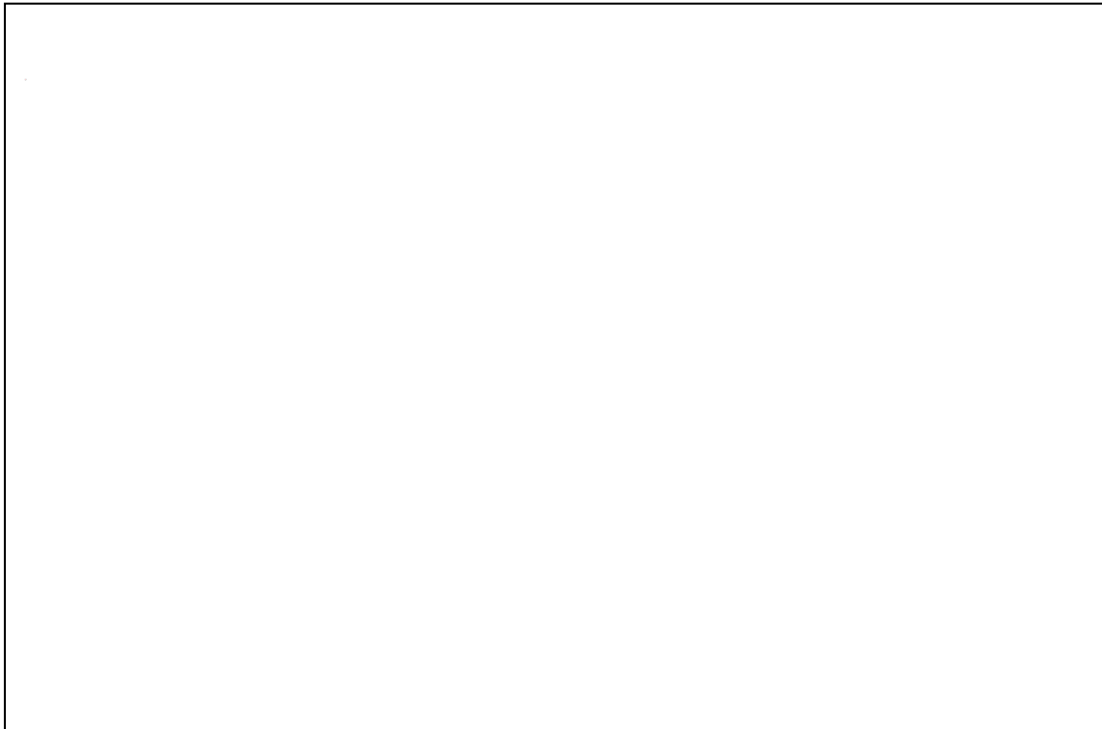
To reduce the residual risk of harm to individual bats and their roosts in accordance with the requirements of the NPPF and policies CS18, DC1(d) & ENV46.

5

Prior to occupation 1 no. Schwegler Bat Box will be installed under ecological supervision at a minimum height of 3m above ground level on the south facing elevation of the building. Thereafter the installed potential bat roost feature will be retained for the life of the development.

Reason

To provide replacement potential bat roost features and deliver a net gain in biodiversity in accordance with the requirements of the NPPF and policies CS18 & ENV46.



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Committee Report

| | |
|-------------------------------|---|
| Application No: | DC/18/00512/FUL |
| Case Officer | Tracy Long |
| Date Application Valid | 31 May 2018 |
| Applicant | Ms Irene Carmichael |
| Site: | Meynell House Dipwood Road Rowlands Gill NE39 1DA |
| Ward: | Chopwell And Rowlands Gill |
| Proposal: | Demolition of existing detached garage and shed buildings and erection of 5-bedroom detached house in garden of dwellinghouse with new vehicular and pedestrian access onto Derwent Avenue (description amended 14 June 2018). |
| Recommendation: | REFUSE |
| Application Type | Full Application |

1.0 The Application:

1.1 DESCRIPTION OF THE APPLICATION SITE

The application site is the eastern part of the existing garden area to Meynell House, a two storey, semi detached, residential property, at the junction of Dipwood Road and Derwent Avenue, within Rowlands Gill Conservation Area. The existing Meynell House site is roughly square in shape and measures 0.17 hectares. The site is generally level. The site is within a residential area of Rowlands Gill and is surrounded by other residential properties.

1.2 DESCRIPTION OF THE APPLICATION PROPOSAL

This planning application proposes the sub-division of the existing garden to Meynell House and the erection of one new house in the south eastern area of the garden. The proposed house would be a two storey (with loft accommodation), 5 bedroom, detached house with an attached garage. The application also proposes the demolition of the existing detached garage and shed buildings within the garden area.

1.3 The planning application has been submitted with the following supporting information

- Heritage statement
- Design and access statement
- Tree survey / report
- Preliminary Risk Assessment (contamination)

1.4 RELEVANT PLANNING HISTORY

DC/03/00263/FUL

Planning permission for the sub-division of the garden at Meynell House and the erection of 1 new detached 4 bed house was REFUSED planning permission on 7 April 2003 on the grounds of harm to the Conservation Area.

- 1.5 This decision was subsequently appealed. The appeal was DISMISSED on 28 May 2004 on the grounds of harm to the Conservation Area.

2.0 Consultation Responses:

Archaeology Officer No archaeological investigation or monitoring is required as part of this scheme.

3.0 Representations:

- 3.1 The Council sent neighbour notification letters to 9 properties surrounding the site, as well as displaying a notice opposite the site along Dipwood Road. A notice also appeared in the Journal on 13 June 2018.

- 3.2 5 representations letters have been received from local residents.

- 3.3 4 letters of support have been received on the following grounds :

- It would be good for / enhance the area
- It would remove 3 unsightly buildings
- Would ensure that nothing inappropriate could be built on the site in future
- The gardens of Meynell House are too large for the owners to maintain
- There have been several similar applications approved in the Conservation Area

- 3.4 1 letter has also been received which neither objects to nor supports the application. This representation states that there is no major objection to the proposal assuming that the development is an appropriately sized property to allow the sense of space and light to prevail within the area.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV10 Dev in Gdns/Grounds in Conservation Area

ENV44 Woodland, Trees and Hedgerows

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H5 Housing Choice

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

5.1 The main material planning considerations are considered to be the impact on the Conservation Area, impact on trees, residential amenity, highway safety and the potential for contaminated land.

5.2 NPPF
The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 11 states that there is a presumption in favour of sustainable development.

5.3 HERITAGE / DESIGN ISSUES
This site is situated within Rowlands Gill Conservation Area, which is a designated heritage asset.

5.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications within a

Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

- 5.5 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset (such as Rowlands Gill Conservation Area), great weight should be given to the assets conservation. Paragraph 194 of the NPPF goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 5.6 Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 5.7 Paragraph 196 of the NPPF explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.8 Saved Policy ENV10 of the Council's Unitary Development Plan (UDP) states that planning permission will not be granted for development (especially that which would involve sub-division) in gardens and grounds which make a contribution to the character of a conservation area.
- 5.9 Policy CS15 of the Council's Core Strategy and Urban Core Plan (CSUCP) also seeks the conservation and enhancement of the historic environment / heritage assets.
- 5.10 The main issue in assessing such a proposal is therefore the effect of the development on the significance of the designated heritage asset – Rowlands Gill Conservation Area.
- 5.11 With regards to the proposed demolition of the existing detached garage and garden shed buildings. All the buildings are of a considerable age and in need of maintenance. However the existing garden buildings form part of the domestic paraphernalia normally associated with a dwelling. It is considered that their removal would not detract from the overall appearance of the area as the garden would remain intact. The removal of the three existing outbuildings in the garden is therefore considered to be acceptable from a heritage point of view.
- 5.12 With regards to the subdivision of the existing garden and the construction of an additional new house. The pattern of development at this part of the conservation area is characterised by large properties within substantial plots. Meynell House is a large semi detached house, on a corner plot at the junction of Dipwood Road and Derwent Avenue, with a substantial garden area. The road frontage to this site is wide and spacious. The garden area around the building is also large and spacious. Council officers are therefore of the opinion

that the garden of Meynell House does make a positive contribution to the character of the conservation area, as character is defined not just by buildings and structures but also by the spaces and views between them.

- 5.13 The house opposite to the east (The Poplars) is a large detached house set in a spacious plot. The grouping of The Poplars and Meynell House then leads to a considerable length of undeveloped woodland, which borders the road along Dipwood Road. It is therefore considered that this site makes a significant contribution to the Conservation Area as a whole.
- 5.14 Council officers are of the opinion that the sub-division of this spacious corner garden site and the building of a new house in the side garden of Meynell House would interrupt this pattern of development and alter it significantly. The width of the roadside frontage would diminish and the density of the development pattern in this location would intensify. The street frontage would therefore become more built up and would erode the sense of openness that currently exists, which is significant to the character and appearance of the conservation area. Council officers are therefore of the opinion that the proposal would substantially harm the character and appearance of this part of the conservation area, and its significance taken as a whole.
- 5.15 The proposed scale and massing of the proposed house is greater than that of Meynell House. It has a particularly dominant roof which features a large hipped roof with high ridge line and pitched gable projections. The proposed ridge height measures 9.4 metres high and the eaves height measures 5.2 metres high. The proposed external materials include red brick, natural slate and white (timber or plastic) sliding sash windows. The proposed scale and design of the house is considered appropriate for the locality. The proposed external materials (subject to the use of timber not plastic for the windows) are considered typical of the area.
- 5.16 It is acknowledged that the proposed development would bring some benefits in terms of providing an additional new family house in the Borough and removing 3 existing dilapidated buildings from the garden. Council officers have considered the benefits that would arise from the proposal but do not consider that the benefits would outweigh the substantial harm that would be caused by the development to the significance of the heritage asset.
- 5.17 It is therefore recommended that planning permission be refused for the proposal on the grounds of substantial harm to the Rowlands Gill Conservation Area, that would not be outweighed by substantive public benefits, contrary to the aims and objectives of the NPPF, saved policy ENV10 of the UDP and policy SC15 of the CSUCP.
- 5.18 TREES
There are a number of large trees on the site which provide a green frontage and contribute to the character and appearance of the Conservation Area. All of the trees on the site are protected given that they are situated within a Conservation Area. Therefore no tree works should be carried out to the trees without the prior written approval of the Council.

- 5.19 An Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted as part of the planning application. These reports identify that 3 trees (trees 9, 10 and 11) as well as 2 hedges (hedges 3 and 4) will need to be removed to build the proposed development. Council officers do not consider their loss to be a significant loss of amenity to the area as a whole, as the trees in question are not particularly valuable in amenity terms.
- 5.20 However the proposed dwelling is to be constructed very close to an Atlantic Cedar (tree T12). This tree has been classified in the submitted tree report as having a categorisation of A Good - a tree of high quality with a remaining safe useful life expectancy of more than 40 years. Council officers are of the opinion that the construction process for the proposed development will have a negative impact on the health and amenity provided by this tree, as its rooting environment could be damaged by the construction process and its form negatively impacted by the need to perform cyclical pruning in order to accommodate the growth of the tree which has the potential to grow very big (currently 15m in height but has significant potential to grow to 20 plus metres).
- 5.21 The submitted Arboricultural Method Statement has described how to theoretically protect this tree using ground protection. However Council officers are of the opinion building a dwelling so close to such a large tree will compromise the health and form of the tree. Cyclical pruning of trees is also not recommended as it can have a detrimental effect on the health, form and function of a tree. Council officers are also of the view that this tree is very likely to be the subject of a significant level of post development resentment from future occupiers of the proposal, as it will block light to habitable rooms and the garden.
- 5.22 Council officers are therefore of the opinion that the proposed development will have a negative impact on one high value tree (tree T12 the Atlantic Cedar) in terms of compromising its health and the form of the tree. It is therefore recommended that planning permission be refused on the grounds that the proposed development would harm a tree of high value contrary to the NPPF, saved policy ENV44 of the UDP and policy CS18 of the CSUCP, which seek to protect trees of value.
- 5.23 RESIDENTIAL AMENITY
Given the remaining distances between the proposed house and the existing properties surrounding the site and also taking into account the existing trees and hedges that provide an element of screening around the proposed house, it is considered that the development would not cause any significant harm to the living conditions of adjacent residents or the living conditions of future occupiers of the proposed house through loss of light, overshadowing or visual intrusion.
- 5.24 The proposed development is therefore considered to be acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the UDP and policy CS14 of the CSUCP, which seek to protect residents living conditions.

5.25 HIGHWAY ISSUES

5.26 Access

There are two existing vehicle accesses to Meynell House – one off Dipwood Road to the north and a second off Derwent Avenue to the east. The existing vehicle access off Dipwood Road to Meynell House would be retained to serve only Meynell House. The existing vehicle access off Derwent Avenue which is very close to the junction with Dipwood Road would be closed as part of the proposed development to improve highway safety at the junction. The final details of the closure of the existing access would need to be approved by the Council as it would require the reinstating of the footway and the provision of full kerbs. These details could be covered by a planning condition should planning permission be granted. A new vehicle and pedestrian access is proposed off Derwent Avenue to serve the new proposed house. The proposed access arrangements for both the existing Meynell House and proposed house are considered to be acceptable.

5.27 Traffic Generation

Council officers are of the opinion that the traffic movements associated with one new house would be limited and can be safely accommodated on the surrounding roads.

5.28 Car Parking Provision

The proposed car parking provision for the new house includes an attached garage with an associated block paved driveway within the site. The proposed car parking provision is considered to be acceptable.

5.29 Cycle Parking Provision

The submitted Design and Access Statement and proposed site layout drawing show that an existing shed in the rear garden of the proposed house could be used as secure cycle parking storage – which Council officers consider to be acceptable.

5.30 Bin Storage /Collection

The proposed layout shows an enclosed bin store immediately adjacent the new driveway, with easy access for bin lorries to collect from along Derwent Avenue. The proposed bin storage and collection arrangements are therefore considered to be acceptable.

5.31 The proposed development is therefore considered to be acceptable from a highway safety point of view and accords with the aims and objectives of the NPPF, policy CS13 and of the Council's CSUCP and the Council's Cycling Strategy.

5.32 LAND CONTAMINATION

The risk of the proposed development being affected by contamination is considered to be low given that the site is within a garden area. A Phase 1 Desk Top study report has been submitted as part of this planning application. This report recommends that a soils investigation which includes for soil gas

monitoring and some limited contamination testing should be undertaken. Council officers agree with these recommendations.

- 5.33 Given that the site has some potential to be contaminated and given the future sensitive residential land use, planning conditions will be required should planning permission be granted to ensure that further investigations with a Phase II detailed risk assessment and where required remediation, monitoring and verification reports are carried out.
- 5.34 Council officers are however of the opinion that any issues relating to gas monitoring and gas mitigation measures will be covered by Building Regulations and it is therefore not considered necessary in this instance to also require the proposed gas monitoring and mitigation measures by planning conditions as well.
- 5.35 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accords with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.36 **OPEN SPACE/PLAY PROVISION**
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.37 The NPPG (Paragraph: 031 Reference ID: 23b-031-20161116) is clear that tariff style contributions should not be sought from residential developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000sqm.
- 5.38 While it cannot be concluded that the proposed development would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, it is considered it is not possible to require any contribution for either play or open space in this case based on the above assessment.
- 5.39 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for qualifying housing related development. As such this development is CIL charge liable.
- 5.40 **OTHER ISSUES**
- 5.41 **Maintenance of Garden**
The submitted Design and Access Statement explains that the applicant finds the site difficult to maintain. Whilst this may be the case Council officer do not

consider that this outweighs the substantial harm that would be caused as a result of the proposed development.

5.42 Consistency

The submitted Heritage Statement states that saved policy ENV10 of the UDP is subject to interpretation. In regard to saved policy ENV10 there is not a blanket objection to the development of gardens or grounds in Conservation Areas. The test / consideration is whether a development site / proposal contributes positively to the significance of the Conservation Area.

5.43 In addition the applicant considers that the Council has been inconsistent in applying this policy when considering and determining planning applications. A number of local residents have also written in support of the proposed development on the grounds that similar developments have been approved in the Conservation Area.

5.44 The Design and Access Statement refers to five other planning applications for new houses which were granted permission between 2008 and 2015 in Rowlands Gill Conservation Area.

5.45 Council officers have reviewed the five examples provided but do not consider these cases to be directly comparable to the current proposal. The examples given do not relate to spacious corner plots which contribute positively to the Conservation Area, were recommended for refusal by the Council and / or were dismissed at Appeal by the Planning Inspectorate. In addition planning policy has changed significantly particularly in relation to heritage assets since the introduction of the NPPF in 2012.

5.46 The details of the sites are provided below.

5.47 The Poplars, Dipwood Road – DC/08/00052/FUL

Planning application to sub-divide rear garden (not a corner plot but with a road frontage) and construct 1 new detached two storey with roof accommodation) house. This was recommended for approval by officers on the grounds that the site was historically two separate plots as shown on the Ordnance Survey map of 1939. The application was refused permission by Planning Committee on 3 April 2008 on the grounds of harm to the Conservation Area and trees. This decision was subsequently appealed where it was allowed by the Planning Inspectorate on 22 October 2008. The house has since been built and is known as Yewdale House. The Planning Inspectorate placed emphasis on clear historic mapped evidence that the side garden was previously two separate plots in allowing the appeal. Council officers are of the opinion that the reasons for allowing this appeal on the grounds of re-instating the historic plot layout to be a different set of circumstances to the current proposal at Meynell House. Planning policy has also changed significantly since with the introduction of the NPPF in 2012.

5.48 The Poplars Dipwood Road – DC/09/00393/FUL

Planning application to demolish the existing two storey dental surgery and construct a new two storey semi detached house (not a corner plot but with a

road frontage). This was recommended for approval by officers and was approved under delegated powers on 6 July 2009. This proposal was approved on the grounds that the replacement of a flat roof two storey dental surgery with an appropriately designed house would enhance the Conservation Area. Council officers are of the opinion that the reasons for approving this development (replacement of existing building with a more appropriately designed building) to be a different set of circumstances to the current proposal at Meynell House. Planning policy has also changed significantly since with the introduction of the NPPF in 2012.

- 5.49 Lennox Lodge, Lintzford Road – DC/06/01445/OUT
Outline application to sub-divide rear garden (not a corner plot) and construct 1 new detached bungalow. This was recommended for refusal by officers and was refused permission by Planning Committee on 15 February 2007 on the grounds of insufficient information to assess the impact on the Conservation Area and trees. This decision was subsequently appealed where it was allowed by the Planning Inspectorate on 14 January 2008. This permission has not been implemented. The consent has since expired and planning policy has changed significantly since with the introduction of the NPPF in 2012.
- 5.50 4a Orchard Avenue – DC/13/00225/FUL
Planning application to sub divide garden (not a corner plot but with a road frontage) and construct 1 detached 3 storey house. This was recommended for refusal by officers and was refused permission by Planning Committee on 17 July 2013 on the grounds of harm to the Conservation Area. This decision was subsequently appealed where it was dismissed by the Planning Inspectorate on the grounds of harm to the Conservation Area. Given that this appeal was dismissed, the principle of sub-division has not been agreed at this site.
- 5.51 Holmside, Stirling Lane – DC/15/00861/FUL
Planning application to sub divide garden (back land site in rear garden with no site frontage - not a corner plot) and construct 1 detached, two storey house. This was recommended for approval by officers and was granted permission by Planning Committee on 20 November 2015. In this instance the decision was taken that the development site on its own did not positively contribute to the significance of the Conservation Area.

6.0 CONCLUSION

- 6.1 Taking all the relevant material planning issues into account, including the comments made by local residents in support of the application and the comments made by the applicant in their submitted documents, Council officers are of the opinion that the proposed development would cause substantial harm to the Conservation Area and a high value tree (tree T12). It is acknowledged that the proposed development would bring some benefits in terms of providing an additional family house and removing some existing dilapidated buildings from the garden. However Council officer do not consider that these benefits outweigh the substantial harm that would be caused by the proposed development. It is therefore recommended that planning permission be refused

as the proposed development is contrary to both national and local planning policies.

7.0 Recommendation:

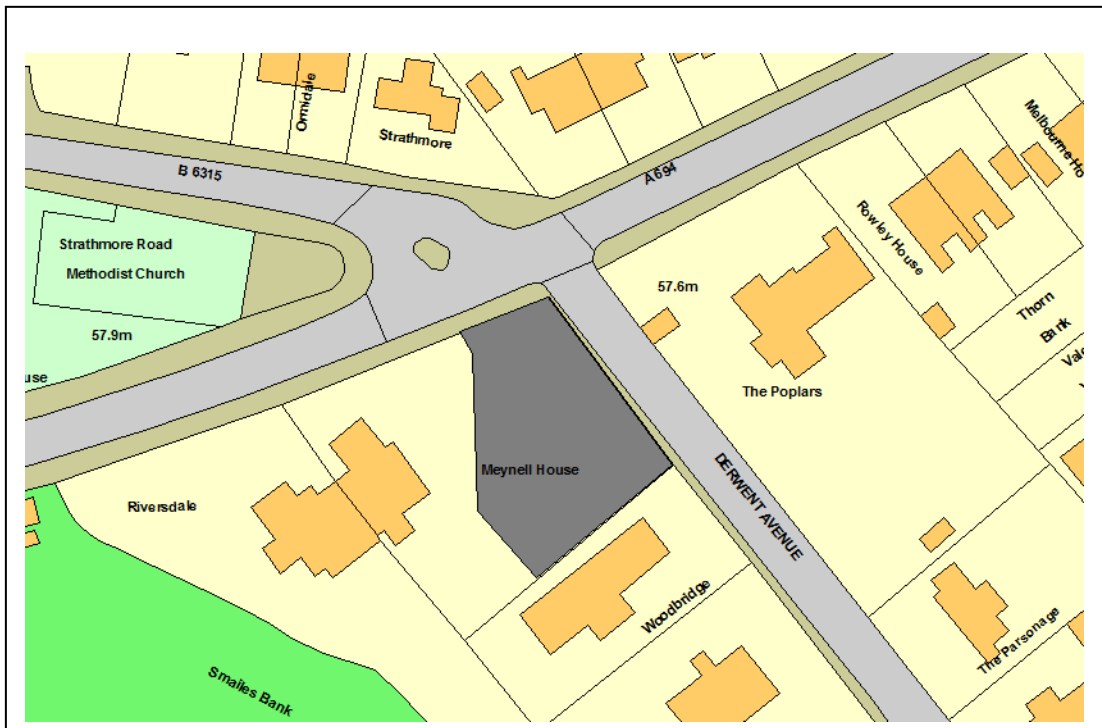
That permission be REFUSED for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary

1

The sub-division of the existing garden and the construction of a new house would result in substantial harm to the significance of the Rowlands Gill Conservation Area, that would not be outweighed by substantive public benefits, contrary to the aims and objectives of the National Planning Policy Framework, saved policy ENV10 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

2

The proposed development due to the position of the proposed house will have a negative impact on one very high value tree (tree T12 the Atlantic Cedar) in terms of compromising its health and the form of the tree, contrary to the aims and objectives of the National Planning Policy Framework, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.



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Committee Report

| | |
|-------------------------------|--|
| Application No: | DC/18/00565/FUL |
| Case Officer | David Morton |
| Date Application Valid | 8 June 2018 |
| Applicant | Bam Construction Limited |
| Site: | Whickham School And Sports College (Academy Trust) Burnthouse Lane Whickham Newcastle Upon Tyne NE16 5AR |
| Ward: | Whickham North |
| Proposal: | Demolition of existing school buildings and development of a replacement school building, along with car parking and hard and soft landscaping. |
| Recommendation: | GRANT |
| Application Type | Full Application |

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

The application relates to the site of Whickham School and Sports College located on Burnthouse Lane, Whickham.

1.2 The site is surrounded to the north and east by residential properties. Immediately adjacent to the south is Gibside School, with a group of mature trees separating the site from a small number of residential properties. Burnthouse Lane forms the western boundary of the site, with Fellside Primary School and associated playing fields just beyond.

1.3 The area is generally made up of brick build properties with some rendered facades. Roofs are either clay tile or slates. The adjacent dwellings and schools are a mix of one and two storeys.

1.4 The application site has been extensively developed; the site consists of the original school building and a number of blocks which have been added to provide additional accommodation.

1.5 To the north of the site is the main bulk of existing school buildings, with the southern part of the site accommodating artificial sports pitches and multi-use games areas.

1.6 The site is accessed through a singular vehicular access point from Burnthouse Lane, with an adjacent pedestrian entrance providing access. A secondary pedestrian access point is located to the north of the site via Firtree Road providing access for students.

1.7 DESCRIPTION OF PROPOSAL

The application seeks full planning permission for the demolition of a number of existing school buildings and redevelopment of the site. This redevelopment would include the erection of a replacement school building, the creation of car parking and changes to hard and soft landscaping, including the creation of a replacement sports area.

1.8 The proposed new school building will provide circa 7,000sqm internal area across a three and four-storey building. The building would be made up of a several interconnecting blocks; to the north a four storey block encompasses the teaching wing to the west, the main body of accommodation is located in the connecting three storey element to the south of this with the Sports Hall and Activity Studio connecting further to the south.

1.9 Textured buff and dark brickwork are the predominant materials, however a light coloured cladding infill is introduced between first, second and third floor windows. The building entrance is articulated as a glazed plinth with dark cladding and long glazed slots. The proposed sports facility is identified with the use of dark cladding at higher level, over a brick plinth.

1.10 The tennis courts and multi-use games area lost to the development of the new building are replaced to the north of the site.

1.11 Existing car parking and access will remain and operate as currently, with temporary parking provided during the construction period to facilitate the creation of a construction access. Existing cycle parking provision is unaffected by the proposals.

1.12 PLANNING HISTORY

There have been a number of planning applications approved for developments relating to extensions to the main school building, new classroom buildings, temporary/portable classrooms, palisade fencing and the laying out of sports pitches/tennis courts.

2.0 Consultation Responses:

| | |
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| Sport England | No objection subject to conditions pertaining to a pitch audit and a community use agreement. |
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| | |
|-----------------|--|
| Natural England | Natural England has no comments to make on this application. |
|-----------------|--|

| | |
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| Coal Authority | No objection subject to conditions pertaining to further site investigation works. |
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| | |
|--------------------|--|
| Northumbrian Water | No issues to raise with the above application, provided the application is |
|--------------------|--|

approved and carried out in accordance with the submitted document entitled "Flood Risk Assessment and Outline Drainage Strategy".

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 total of three objection, alongside a request to speak from a Ward Councillor (Councillor Marilyn Ord).

3.2 The objections are summarised as follows;

- The proposed building would be out of keeping with the surrounding area;
- The scale, bulk and choice of materials create a development which is over-dominant and;
- The consultation event undertaken by the applicant was biased and posed leading questions.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CFR5 Loss of School Playing Fields to Dev

DC1P Contamination, derelict land, stability

DC1J Substrata Drainage-Water Quality

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Importance - Potential

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The detailed planning considerations are the principle of the proposed development, design and appearance, impact on residential amenity, car parking and highway safety, ecology, trees and landscaping, flood risk and drainage, ground conditions, waste and archaeology.
- 5.2 **PRINCIPLE OF DEVELOPMENT**
The NPPF sets out that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should therefore take a proactive, positive and collaborative approach to meeting this requirement. The NPPF states that the Local Planning Authority should give great weight to the need to create, expand or alter schools and to identify and resolve key planning issues before applications are submitted.
- 5.3 The site comprises an established school and its associated playing fields. Saved Policy CFR5 (Loss of School Playing Fields to Development) of the UDP is of relevance and states that the loss of educational playing fields, without replacement will only be permitted if there is, or would be as a result of the development, no identified deficiency of outdoor recreation facilities or public open space in the area.
- 5.4 Whilst the new educational block would be sited in the location of an existing MUGA, the MUGA will be re-provided within the site (to the north) and as such no objections are raised. Furthermore, Sport England have not raised any objection to the re-provision of the sports pitches, subject to conditions requiring compliance with the submitted pitch audit (Conditions 3) and a production of community use agreement (Conditions 4 and 5).
- 5.5 Based on the above assessment and subject to the conditions as detailed above, it is considered that the proposed development complies with the requirements of the NPPF and saved Policy CFR5 of the UDP.
- 5.6 **DESIGN AND APPEARANCE**
The existing school buildings are not considered to be of any architectural quality and are typical of school buildings; there is no objection to their demolition. The redevelopment of the school provides the opportunity for a more prominent building that adds townscape interest and integrates the school with the wider and well established residential community raising the physical profile of the school.
- 5.7 The use of materials creates legibility and clearly defines entrances. The proposed design of the build will help ensure the building has a greater physical presence than the current school. Where possible, the applicant has sought to retain existing landscaping within the site aiming to soften any visual impact of the proposed development.
- 5.8 It is considered that the proposed design would create an attractive built form and elevations that are well animated with multiple window openings and elements of brick and cladding. Further, the proposal would re-provide sport facilities, retain mature trees and introduce areas of landscaping.

- 5.9 The NPPF states that new development should respond to local character and history, reflecting the identity of local surroundings and materials while not preventing or discouraging appropriate innovation. The CSUCP reflects the aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Core Strategy policy CS15 refers specifically to quality of place and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD. The Gateshead Placemaking SPD amplifies Saved UDP Policy ENV3 and CSUCP Policy CS15.
- 5.10 In this case, as noted above, the design, scale and massing are considered to be acceptable. The use of approved materials can be secured via an appropriately worded planning condition (Condition 6). It is considered some further details need to be reserved via condition including implementation and maintenance of the proposed landscaping scheme (Conditions 7 and 8) and the implementation of works in accordance with the submitted tree survey (Conditions 9 and 10).
- 5.11 On this basis of the above, it is considered that the proposal would accord with the design policies of the NPPF, UDP policy ENV3 and CSUCP Policy CS15.
- 5.12 RESIDENTIAL AMENITY
The new school building would be located to the south west corner of the school site. Furthermore, the building would be of greater height than those on the site at three and four storeys.
- 5.13 The closest residential property to the proposed school building is The Garth and its associated annexe located to the south of the application site. The proposed building would be located 25 metres from the gable elevation of the The Garth Annexe; this separation distance in conjunction with the offset relationship and the existence of mature tree planning is considered adequate to ensure no unacceptable impact would occur.
- 5.14 Given the above and taking into account the non-residential use to the south (Gibside School) and the separation distances afforded to the east and north no unacceptable impact it is considered that the proposal would not adversely affect the amenity of adjacent residents, through loss of privacy, overlooking, loss of light or overshadowing.
- 5.15 The application proposes the relocation of the school's sport facilities to the north of the application site, where previously school buildings existed. The applicant has provided lighting details for the proposed sports area; these details are considered to be acceptable and demonstrate no light spillage (beyond the site) would occur. It is considered necessary to impose a compliance condition in regard to the proposed lighting details (Condition 11).
- 5.16 The site is already a school and so residents will be subject to an element of noise and activity during school hours. It is not considered that either the

school, as redeveloped, would have any greater impact on residents than at present.

- 5.17 A construction methodology has been submitted as part of the current application, this methodology is considered acceptable by officers. It is considered necessary to condition compliance with the submitted methodology (Condition 12).
- 5.18 It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.19 HIGHWAYS
A Transport Statement (TS) and a Travel Plan (TP) have been submitted in support of the application, these documents seek to identify and limit the impact of the proposed development in highways terms.
- 5.20 While significant works are to be carried out as part of the proposals the application proposes that the final scheme will not result in an immediate increase in staff or pupil numbers. The application has not undertaken any assessment as to the potential highways impact were an increase in numbers to occur. Therefore, it is considered necessary to condition that the overall number of pupils attending the school be limited to 10% above the current capacity (Condition 13).
- 5.21 Parking
At present, it is considered that the broad approach to car parking i.e. the provision of 125 spaces post construction; this represents a rationalisation of the existing parking arrangement and is considered to be acceptable. However, it is considered necessary to impose conditions requiring the final parking scheme for both the construction phase and the post-construction phases of the development (Conditions 14, 15, 16 and 17).
- 5.22 Construction Management
The applicant has submitted a construction management plan in support of their application; the information is acceptable in highways terms (other than parking provision). It is considered necessary to condition compliance with the submitted methodology, in all regards other than parking details (Condition 12).
- 5.23 Travel Plan
A detailed travel plan has been submitted as part of the application, however further information is required before the final travel plan can be approved, this requirement will be secured via planning condition (Conditions 17 and 18).
- 5.24 It is therefore considered that subject to the above conditions and the provision of additional information in regard to parking the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.

5.25 FLOOD RISK AND DRAINAGE

The Environment Agency's Updated Flood Map for Surface Water also identifies that pockets of the site are at risk of surface water flooding during 1 in 30 year, 1 in 100 year and 1 in 1000 year events. This has been identified in the submitted Flood Risk Assessment (FRA) and it is proposed to be managed by the drainage system.

5.26 The principle of the drainage strategy is considered to be acceptable but a number of further details are deemed necessary to ensure that the development accords with the NPPF and policy CS17 of the CSUCP. These further details include detailed drawings, electronic drainage model, adoption plan, detailed health and safety and construction method statement to ensure the required discharge rate for the site is achieved. It is considered that these amendments can be dealt with via conditions (conditions 20, 21, 22, 23, 24 and 25).

5.27 Subject to these planning conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.

5.28 GROUND CONDITIONS

5.29 Contaminated Land

The site is considered to be situated on potentially contaminated land based on previous historic uses. A Contaminated Land Risk Assessment and Remediation Strategy have been submitted in support of the application. However, this report only addresses "Phase I" of the development i.e. construction of the new school building and does not address 'Phase II' i.e. the re-provision of the schools playing fields.

5.30 Further to the submitted report, it is considered that the contamination on site can be dealt with through the imposition of conditions requiring the submission of additional site investigation, an appropriate remediation strategy and subsequent verification report (Conditions 27, 28, 29, 30, 31 and 32).

5.31 Further, it is considered necessary to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (Condition 33).

5.32 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.

5.33 Land Stability

The application site falls within the defined Development High Risk Area and therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. As a result, the applicant has

submitted a Coal Mining Risk Assessment, which has been assessed by the Coal Authority.

5.34 The Coal Authority is satisfied with the broad conclusions of the report, informed by the site investigation works; however it is considered necessary to condition that an intrusive investigation is undertaken to identify any potential remedial works required. Subject to appropriate conditions (Conditions 34 and 35), The Coal Authority does not object to the proposed application.

5.35 The development is, therefore, considered to comply with policy CS15 of the CSUCP and saved policy ENV54 of the UDP.

5.36 ECOLOGY

It is considered that the proposed development unlikely to have a significant adverse impact on biodiversity including protected and priority species. The application is supported by a full bat survey which confirmed no bat roosts within the building at the time of survey and low levels of bat activity (i.e. foraging and commuting) within the site generally.

5.37 Section E3.1 of the submitted bat survey report sets out the procedures to be adopted in the unlikely event of bats and/or evidence of bats being discovered during the demolition/construction phase of the development; it is considered necessary to condition the recommendations of the report (Condition 36).

5.38 ARCHAEOLOGY

The Council's archaeology officer has confirmed that there are no archaeological conditions to impose on this scheme accords with the aims and objectives of the NPPF, policy ENV22 of the UDP and Policy CS15 of the Core Strategy.

5.39 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.

5.40 OTHER MATTERS

It is considered that all material planning considerations, including those raised in the letters of representation, 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 should be approved as the proposal would involve the demolition of existing outdated school buildings and provide an appropriately designed development which would make a positive contribution to the school and the wider area.

- 6.2 There would be no detrimental impact upon residential amenity, nor would the development have a harmful impact upon the character and appearance of the area. The proposal is considered to be acceptable, or can be made so through the use of appropriate planning conditions, in terms of any potential impacts on highways, flood, drainage, ground conditions and archaeological.
- 6.3 Given the above, it is recommended that planning permission be granted subject to the planning conditions set out below.

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

137360-ONE-Z0-XX-DR-L-1003-D5-P01 – Landscape General Arrangement

137360-ONE-Z0-XX-DR-L-1006-D5-P01 - Existing & Proposed Playing Fields Arrangement

137360-ONE-Z0-XX-DR-L-1007-D5-P01 – Existing Block Plan

137360-ONE-Z0-XX-DR-L-1008-D5-P01 – Proposed Block Plan

137360-ONE-Z0-XX-DR-L-1401-D5-P01 - Proposed Indicative Landscape Levels

137360-ONE-Z0-XX-DR-L-1402-D5-P01 – Existing and Proposed Site Sections

137360-ONE-ZZ-XX-DR-L-0002-D5-P01 – Proposed Site Plan

137360-RYD-00-00-DR-A-30001-D5-P03 - GA Plan - Level 00

137360-RYD-00-01-DR-A-30002-D5-P03 - GA Plan - Level 01

137360-RYD-00-02-DR-A-30003-D5-P03 - GA Plan - Level 02

137360-RYD-00-03-DR-A-30004-D5-P03 - GA Plan - Level 03

137360-RYD-00-RF-DR-A-30005-D5-P05 - GA Plan Roof

137360-RYD-00-ZZ-DR-A-36002-D5-P04 - GA Elevations Sheet 1

137360-RYD-00-ZZ-DR-A-36004-D5-P03 -GA Elevations Sheet 3

137360-RYD-00-ZZ-DR-A-36005-D5-P03 - GA Elevations Sheet 4

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

Reason

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

2

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

Reason

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

3

The replacement courts and Artificial Grass Pitch shall be provided in full accordance with submitted specification (A specification for the construction of block of tennis courts and an artificial grass pitch at Whickham School, Gateshead. July 2018) and shall be available for use within 12 months of the commencement of use of the new school building.

Reason

To ensure adequate replacement of existing sport facilities in accordance with the NPPF and Saved UDP policy CFR5.

4

Use of the proposed school building and associated sport facilities shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the proposed tennis courts and small-sided artificial grass pitch and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review.

Reason

To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport, in accordance with the National Planning Policy Framework.

5

The sports facilities shall not be used otherwise than in strict compliance with the community use agreement approved under Condition 4.

Reason

To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport, in accordance with the National Planning Policy Framework.

6

The development shall be undertaken using the materials specified within the submitted materials schedule (Whickham School: Building External Finishes Schedule, July 2018).

Reason

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

7

All landscaping shall be undertaken in accordance with the details on approved plan 137360-ONE-Z0-XX-DR-L-1003-D5-P01 - Landscape General Arrangement and in accordance with a schedule of implementation which shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

8

The landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

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

9

No development shall commence on site until the tree protection measures shown at Appendix 1 of the submitted pre-development tree constraints assessment (prepared by E3 Ecology, January 2018) have been installed. The approved scheme shall remain in situ until completion of the development.

Reason

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

10

The approved tree protection plan (Appendix 3 of Arboricultural Impact Assessment (prepared by All About Trees, October 2017) shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked daily with a record of the daily checks being kept on file in the site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the LPA being obtained all construction operations should stop until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason

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

11

All external lighting shall be installed in full accordance with approved plan TLZ-H-01964788-EX-R0-160218 – “External Lighting”.

Reason

In the interests of the amenities of the neighbouring residents in accordance with the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.

12

The construction/demolition (other than the laying out of the temporary car park) shall be undertaken in full accordance with the submitted construction control plan (Project Management Plan, June 2018).

Reason

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

13

The number of pupils attending the school shall not exceed 1,925.

Reason

In the interest of highway safety and in order to accord with the NPPF and Policy CS13 of the Core Strategy.

14

Notwithstanding the submitted information, no development shall take place until final details of the temporary construction phase car park has been submitted to and approved in writing by the LPA.

Reason

In the interest of highway safety and in order to accord with the NPPF and Policy CS13 of the Core Strategy.

15

The temporary construction phase car park details approved under condition 14 shall be implemented in full and retained as approved until the permanent car park is operational.

Reason

In the interest of highway safety and in order to accord with the NPPF and Policy CS13 of the Core Strategy.

16

Notwithstanding the submitted information, the use of the extension hereby approved shall not commence until final details of the permanent car park has been submitted to and approved in writing by the LPA.

Reason

In the interest of highway safety and in order to accord with the NPPF and Policy CS13 of the Core Strategy.

17

The permanent car park details approved under condition 16 shall be implemented in full and retained as approved unless otherwise approved in writing by the LPA.

Reason

In the interest of highway safety and in order to accord with the NPPF and Policy CS13 of the Core Strategy.

18

Prior to the occupation of the extension hereby permitted a Travel Plan (including timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall detail the delivery mechanism for its implementation in order to provide for the following:

- 1) Reduction in car usage and increased use of public transport, walking and cycling;
- 2) Reduced traffic speeds within the site and improved road safety and personal security for pedestrians and cyclists;
- 3) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.
- 4) Timescales for implementation of the travelplan.

Reason

In the interests of highway safety and to promote sustainable travel in accordance with the NPPF and policy CS13 of the CSUCP.

19

The Travel Plan approved in Condition 18 shall be implemented in full within the timescales approved under Condition 18. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

In the interests of highway safety and to promote sustainable travel in accordance with the NPPF and policy CS13 of the CSUCP.

20

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

Reason

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

21

The final drainage scheme shall be carried out in full accordance with the details approved under condition 20 (including timings for implementation).

Reason

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

22

No work in relation to any proposed drainage features shall take place until a long-term management plan for the drainage scheme approved under condition 20 has been submitted to and approved in writing by the LPA.

Reason

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

23

The drainage scheme approved under condition 20 shall be managed in full accordance with the management plan approved under condition 22 for the lifetime of the development.

Reason

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

24

No work in relation to any proposed drainage features shall take place until a construction management plan for the drainage scheme approved under condition 20 has been submitted to and approved in writing by the LPA.

Reason

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

25

The drainage scheme approved under condition 20 shall be constructed in full accordance with the construction management plan approved under condition 24.

Reason

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

26

No part of the development hereby approved shall be brought into use until a sprinkler suppression system has been installed within the development hereby approved in accordance with BSEN 12845 incorporating TB221 for schools from the LPCB.

Reason

In order to protect safety and integrity of the building in accordance with the NPPF and Policy CS15 of the CSUCP.

27

Phase I of the development shall take place in full accordance with the approved remediation statement (Phase 3 Remediation Statement, February 2018) and shall be maintained for the life of the development.

Reason

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

28

Following completion of the remediation measures approved under remediation statement (Phase 3 Remediation Statement, February 2018) a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted and maintained for the life of development.

Reason

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

29

No development pertaining to Phase II of the development (other than demolition) shall commence until an additional Phase 2 intrusive site investigation has been undertaken by a suitably qualified person(s), to investigate the potential for contamination to exist within the whole site area or within each phase and subsequent phase, as part of an agreed timetable. A Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

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

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users

of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide, where applicable, recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment. Ground gas monitoring should be undertaken at the site and a Gas Risk assessment report produced and submitted to the Local Authority with recommendations for ground gas mitigation measures.

Reason

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

30

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

Reason

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

31

The remediation measures shall be carried out in full accordance with the details approved under condition 30 and shall be maintained for the life of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that

the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

32

Following completion of the remediation measures approved under condition 30 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted and maintained for the life of development.

Reason

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

33

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

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

34

Prior to the commencement of the development hereby approved intrusive site investigation works shall be undertaken in order to

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

Reason

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

35

Any remedial works identified under Condition 34 shall be implemented in accordance with the timescale set out in the approved findings.

Reason

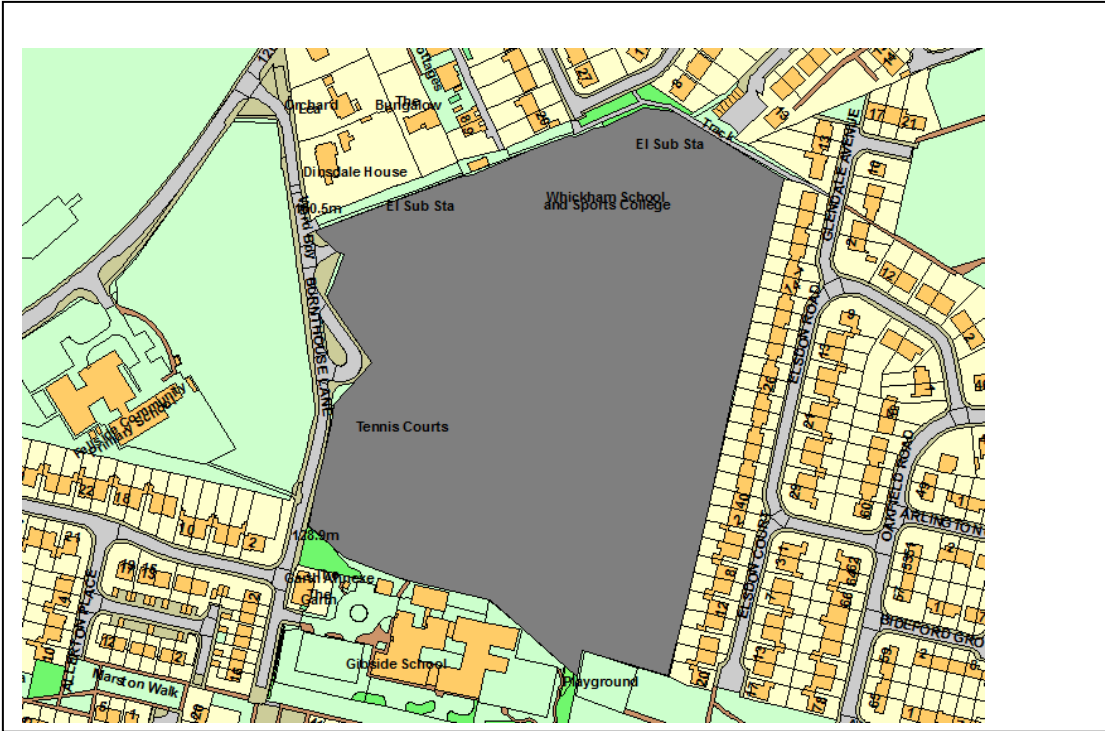
To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1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

36

All works, including demolition, shall be undertaken in accordance with section E3.1 of the submitted Bat Survey Report (Dendra Consulting Ltd, August 2017). A copy of the report will be retained on site duration of the demolition/construction phase of the development.

Reason

To reduce the residual risk of harm to individual bats and/or their roosts in accordance with the NPPF and saved UDP policies DC1(d) & ENV46.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
29 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/18/00565/FUL |
| Site: | Whickham School and Sports College (Academy Trust) Burnthouse Lane Whickham Newcastle Upon Tyne NE16 5AR |
| Proposal: | Demolition of existing school buildings and development of a replacement school building, along with car parking and hard and soft landscaping. |
| Ward: | Whickham North |
| Recommendation: | Grant Permission |
| Application Type | Full Application |

Reason for Minor Update

Amended report wording

The reference to conditions 17 and 18 at paragraph 5.23 of the main agenda should read conditions 18 and 19.

Conditions added/deleted/amended

Further to paragraphs 5.33 – 5.35 additional information has been provided by the Applicant regarding land stability and coal mining legacy issues. The information is considered to be acceptable, therefore is recommended that Conditions 34 and 35 become compliance conditions (not requiring the submission of any further information).

Further to paragraphs 5.28 – 5.32 an additional consultee comment has been received regarding land contamination. Based on the comments, it is considered further information is required in regard to the submitted remediation strategy for 'Phase I' of the development. It is therefore recommended that condition 27 should be amended to require the submission of further information.

In all other regards the report and recommendation remains unchanged.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

| | |
|-------------------------------|--|
| Application No: | DC/18/00610/COU |
| Case Officer | David Morton |
| Date Application Valid | 25 June 2018 |
| Applicant | Mr Satiar Arif |
| Site: | Storage Land Forge Road Dunston Gateshead NE8 2QU |
| Ward: | Dunston And Teams |
| Proposal: | Change of use from amenity land to car wash and erection of canopy, portakabins and fencing |
| Recommendation: | REFUSE |
| Application Type | Change of Use |

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is located on Forge Road, close to the roundabout with Derwentwater Road. The application site shares a boundary with Jennings Harley-Davidson to the north, the site is bound by highway to the south and east and by open space and the Teams Cycleway to the west.

1.2 Until recently the application site was covered in vegetation, the majority of which has been removed from the site.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for a change of use to a car wash including the erection of a canopy, portacabins and fencing.

1.4 The application proposes that there would be four parking spaces to the east of the site and three to the west; there would be a separate access and egress onto Forge Road to the south.

1.5 The application provides limited information regarding the equipment to be used on the application site and the application does not set out proposed operating hours.

1.6 The applicant indicates within their submission that the proposal would create six full-time jobs.

1.7 RELEVANT PLANNING HISTORY

The relevant planning history is set out as follows:

- 528/81; Planning permission granted for 'Demolition of existing joinery workshop and erection of a single-storey factory unit (amended plan).' Date; 12 August 1981.

- 01327/83; Planning permission granted for 'Change of use from warehouse to light industrial (manufacture and storage and distribution of furniture) and showroom.' Date; 02 December 1983.
- 00163/90; Planning permission refused for 'Construction of two-storey bus depot building, installation of diesel storage tank, provision of hard surfacing for parking of 51 buses and 36 space staff car park and erection of 2.1m high chainlink fence adjacent to north and east perimeter'. Date; 29 March 1990.

2.0 Consultation Responses:

Northumbrian Water No objection subject to conditions

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 total of 63 letters of objection were received including two from Ward Councillors (Councillors Gary Haley and Brenda Clelland). A single letter of support was also received.

3.2 These are summarised below:

- The portacabins would be unacceptable in such a prominent location;
- The proposal would lead to highway safety issues given the proximity to a local school;
- There is no need for another carwash;
- Water will flow onto the highway and cause accident;
- Car washes are a high risk for mistreatment of workers;
- The carwash would make an already busy roundabout busier;
- The carwash would interfere with parents dropping off children at school;
- The proposal would impact on other similar businesses within the area;
- Works were undertaken on the application without planning permission;
- The proposal would impact on people's ability to work at nearby businesses and;
- The chemical uses in the vehicle cleaning would cause harm to drains.

3.3 The letter of support states that the contributor supports the proposed development.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

DC1H Pollution

DC2 Residential Amenity

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

5.0 Assessment:

5.1 The main planning issues to be considered are the principle of the proposed development, design, residential amenity, surface water/flooding and highway.

5.2 PRINCIPLE

The proposed use comprises the creation of a car wash business. The application site is not allocated for a particular use in the Local Plan for Gateshead nor are there specific policies relating to the type of use proposed. On this basis, it is considered that there is no reason to withhold planning permission in land use terms subject to satisfying all other material planning considerations.

5.3 VISUAL AMENITY

While there is evidence that the application site has previously been developed the site has been vacant for a significant period and has the appearance of an undeveloped site. It is considered that the proposed development would significantly change the character and appearance of the application site.

5.4 Given the prominence of the site and its role as a gateway into Dunston on a busy roundabout, it is considered that the proposal would have an unacceptable visual impact on both the site and the wider area. While the proposed development would be located within a commercial area, the use of portacabins and canopies (all of which have a temporary appearance) on a tarmac surface would result in a very stark appearance. The application proposes fencing, while also proposing to install clear splash guards. It is considered the installation of splash guards would add to the visual impact of the proposed development.

5.5 The application fails to comply with the requirements of the NPPF (Paragraph 130) which states;

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions..."

5.6 Officers consider that the proposed development would be harmful to the visual amenity of the application site and the wider area. The application would fail to

comply with the aims and objectives of the NPPF, policy CS15 of the CSUCP and saved policy ENV3 of the UDP.

5.7 AMENITY

The NPPF states that planning decisions should *"avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development"* and that decisions should *"mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions."*

5.8 It gives guidance to local authorities on the use of their planning powers to minimise the adverse impact of noise and outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which will generate noise.

5.9 As a reflection of the national planning policies and specific guidance of noise generating development, UDP policy ENV61 (new noise-generating development) states that new noise generating development will not be permitted if it causes an unacceptable increase in noise levels.

5.10 It is considered that the proposed use has the potential to produce noise both from the comings and goings associated with the use as well as the use itself (namely the use of vehicle cleaning equipment). In this case, the nearest existing noise sensitive receptors (the offices associated with Jennings Harley-Davidson) beyond the site boundary are located on the northern boundary of the site. This minimal separation distance when considered alongside the levels of noise which are likely to be produced has the potential to result in significant amenity concerns.

5.11 While it is acknowledged a business premises cannot be afforded the same level of protection as a residential property, British Standard 8233:2014 identifies that an "executive office" should be between 35-40dB LAeq, T. The Council's Environmental Health Service have indicated that based on the information provide it is likely that complaints would be made by the occupier of this office due to an intrusion of external noise from the car wash, given the orientation of their offices i.e. being immediately adjacent to the proposed site with no buffer.

5.12 It is considered that the applicant should have provided a satisfactory noise assessment for the development of a car valeting business in this location, which would likely require mitigation to prevent any adverse effect on both the operation of Jennings Harley-Davidson. In this case the applicant has not provided any noise mitigation information or any details of the equipment proposed for use. Officers consider that such information is crucial to the assessment of the application and hence it is unacceptable without it.

5.13 Therefore, on that basis, the proposal is considered to be contrary to the aims and objectives of the NPPF, saved policy ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

5.14 HIGHWAY SAFETY

The submitted plans appear to indicate that both of the vehicle access/exit points are existing, however only one access appears to be in situ on site (and has an appropriate dropped kerb). The western access is not existing and this would be considered as a new access to the site.

5.15 While broadly there is no objection to the use of two site accesses, due to the number of movements which could be expected at a car wash both the new and existing access should be constructed with fully kerbed radii with associated crossing points. These details are not included on the submitted plans.

5.16 Further to the above, the level of visibility which could be achieved at the proposed exit from the site is not clear due to the planting which exists to the east and the location of the access. On this basis, final details of this site access (including the achievable visibility splay) would need to be submitted to and approved by officers, this could be done through an appropriately worded condition.

5.17 Forge Road in the vicinity of the site is known to be well used for parking, particularly during the school drop off and collection times due to the proximity to St Philip Neri School. As such to ensure that a suitable level of visibility is retained for drivers emerging from the site it would be necessary for the applicant to fund the installation of double yellow 'no waiting at any time' restrictions on the north side of Forge Road from the roundabout to the western access to the development site.

5.18 Sufficient parking is proposed within the site for both staff and customers and the proposed one-way system would allow vehicles to pass through the site in an orderly manner.

5.19 It is considered that final details of the site entrance(s) (including visibility splay), drainage, parking restrictions, drainage and highway signage could be controlled through appropriately worded planning conditions.

5.20 Therefore, subject to conditions, it is considered that the proposal would comply with the requirements of the NPPF and policy CS13 of the CSUCP.

5.21 DRAINAGE/SURFACE WATER

The applicant has indicated their intention to provide drainage channels, which will connect to a drainage tank and subsequently to a petrol/oil interceptor. Limited information (beyond the above) has been provided by the applicant regarding the drainage system. Northumbrian Water have indicated they have no objection to the proposal subject to conditions requiring the final drainage design to be approved.

5.22 Officers are of the view that conditions pertaining to drainage could be attached to make the acceptable in drainage terms, therefore, it is considered that the proposal complies with the NPPF, policy CS17 of the CSUCP and saved policy DC1(h).

5.23 ECOLOGY

The application site is located approximately 150m west of the River Team and is situated entirely within a Wildlife Corridor. Prior to the submission of the current planning application the site was stripped of vegetation resulting in the loss of an area of mosaic of ephemeral/short perennial grassland and scrub. Given the vegetation clearance took place prior to the submission of the application no weight can be afforded to its loss in deciding this application.

5.24 OTHER MATTERS

Issues of competition and the fact that works (site clearance and earth moving) have commenced without planning permission are not material planning considerations, as such they have not been afforded weight.

5.25 It considered that matters of highway safety, drainage, visual and general amenity 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 refused as it would have a detrimental impact visually on the site and the wider area. In addition, insufficient information has been submitted to assess the impact of the proposal in terms of noise.

6.2 The applicant has failed to submit any supporting information that would outweigh officers' concerns. It is considered that the proposed development does not accord with national and local planning policies and as a result it is recommended that planning permission be refused. The recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 Recommendation:

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

1

By virtue of its location and design, the proposed development would cause an unacceptable visual impact on the application site and wider area. As a result the development is contrary to the National Planning Policy Framework, policy CS15 of the Core Strategy and Urban Core Plan and saved policy ENV3 of the Unitary Development Plan.

2

A carwash business in this location is considered likely to require mitigation to prevent any adverse effect on nearby operations. The applicant has not provided any form of noise assessment, noise mitigation information or any details of the equipment proposed for use. Therefore, it is considered that insufficient information has been submitted to say that the development would safeguard amenity and

thus it is contrary to the NPPF, saved policy ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
29 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/18/00610/COU |
| Site: | Storage Land Forge Road Dunston Gateshead NE8 2QU |
| Proposal: | Change of use from amenity land to car wash and erection of canopy, portakabins and fencing |
| Ward: | Dunston And Teams |
| Recommendation: | Refuse Permission |
| Application Type | Change of Use |

Reason for Minor Update

Further representations made

A further 17 letters of support have been received, they are summarised as follows;

- The proposal would support local businesses;**
- The facility would be used by local residents;**
- The proposal would not impact on local residents and;**
- The development would be located in an accessible location;**

In the view of officers, the matters raised in support of the application are not sufficient to outweigh the harm caused. As such, the recommendation to committee remains unchanged.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 29 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/17/01162/HHA | Rear kitchen extension, side garage & utility room with dormer bedroom over & front bay window. | Braeside , 7 West High Horse Close, | Granted; | Winlaton And High Spen |
| DC/18/00250/FUL | Erection of 1100mm high wrought iron railings to rear of plots 105-112 and removal of existing unauthorised close-boarded timber fence to the rear of plots 105-112. | Former Gateshead College Site, Durham Road, | Granted; | Saltwell |
| DC/18/00324/HHA | Decking to front of property | 4 Dishforth Green, Gateshead, | Granted; | Chowdene |
| DC/18/00335/COU | Change of use from vacant land to B8 (Storage and Distribution) including laying of permeable crushed stone surface and installation of pole-mounted CCTV equipment, siting of three portakabins and ancillary structures (retrospective) | Land At Portobello Road, Birtley, | Temporary permission granted; | Birtley |

| | | | | |
|-----------------|--|--|----------|--------------------------------------|
| DC/18/00442/COU | Change of use from seven bedroom house in multiple occupation (sui generis use) to seven bedroom supported accommodation for young people aged 16-21 (use class C2) (retrospective). | The Old Manse Guest House, 2 Station Lane, | Granted; | Birtley |
| DC/18/00440/TPO | Felling of one Sycamore tree in garden of 9 Axwell Park Road. | 9 Axwell Park Road, Axwell Park, | Refused; | Blaydon |
| DC/18/00451/LBC | Fixing of a standard heritage plaque (commemorating a First World War soldier) on one of the entrance gateposts of the Churchyard | St Albans Church, Windy Nook Road, | Granted; | Windy Nook And Whitehills |
| DC/18/00485/HHA | First floor side extension (amended 24.07.2018) | 23 Meldon Way, Winlaton, | Granted; | Winlaton And High Spen |
| DC/18/00499/HHA | Installation of 1No rooflight to front elevation; Installation of 2 No rooflights to rear elevation (as amended 21.06.2018) | 17 Mansion Heights, Dunston Hill, | Granted; | Dunston Hill And Whickham East |
| DC/18/00518/HHA | Proposed part two-storey, part single-storey side and rear extension | 19 Morven Drive, Bill Quay, | Granted; | Pelaw And Heworth |
| DC/18/00556/HHA | Proposed two storey rear extension (amended plans received 24.07.18) | 28 Grayling Road, Gateshead, | Granted; | Lobley Hill And Bensham |

| | | | | |
|-----------------|--|--|----------|------------------------------|
| DC/18/00539/HHA | Two storey side extension, flat roof to pitched to front | 15 Weymouth Gardens, Chowdene, | Granted; | Chowdene |
| DC/18/00543/HHA | Single storey side extension and two storey rear extension, and new vehicular access to rear | Roseville , 23 The Crescent, | Granted; | Whickham South And Sunnyside |
| DC/18/00558/HHA | Single storey extension and dormer window to rear | Fenwood , 22 Fellside Road, | Granted; | Whickham North |
| DC/18/00564/HHA | New conservatory to the rear to replace the existing one | Westfield, 2 Orchard Road, | Granted; | Chopwell And Rowlands Gill |
| DC/18/00571/HHA | Single storey side extension | 9 Woodstock Road, Harlow Green, | Refused; | Chowdene |
| DC/18/00572/COU | Change of use from public amenity space to land for use of Derwenthaugh Marina, enclosure by extension of existing security fencing and formation of new tarmac surface to provide additional boat storage | Derwenthaugh Marina Residential Accommodation , Derwenthaugh Road, | Granted; | Blaydon |
| DC/18/00579/FUL | Removal of Condition 2 of Application Reference Number CA39327 to allow removal of agricultural occupancy restriction. | Riding Chase , Garesfield Lane, | Granted; | Winlaton And High Spen |

| | | | | |
|-----------------|--|---------------------------------------|----------|------------------------------|
| DC/18/00588/LBC | Internal alterations to facilitate disabled access, introduction of new lobby, new suspended ceiling, new LED lighting modulars, removal of screen in auditorium | Hollywood Bingo Hall, Holly Hill, | Granted; | Felling |
| DC/18/00582/COU | Change of use from dwelling (Class C3) to sui-generis (6 bedroom - 7 Person) HMO | 6 Hedley Street, Gateshead, | Granted; | Lobley Hill And Bensham |
| DC/18/00583/HHA | Installation of a modular metal mesh access ramp to allow disabled access to front of property. The laying of new paving to form base area and pathway to rear of property. | 6 Sheriffs Hall Villas, Sheriff Hill, | Granted; | High Fell |
| DC/18/00584/LBC | Continued creation of plant theatre frame on internal (north east) elevation of the Walled Garden (renewal of DC/15/01122/LBC). | Adjacent Garden House, Hillhead Lane, | Granted; | Whickham South And Sunnyside |
| DC/18/00587/HHA | Structural alterations and new pitched roof to rear extension | 87 Parkfield, Ryton Central, | Granted; | Ryton Crookhill And Stella |
| DC/18/00592/COU | Change of use from shop (Use class A1) to micro pub and brewery (with a maximum of 50 occupants) including minor internal alterations | Spencer House, Unit 1 , Market Lane, | Granted; | Whickham North |

| | | | | |
|-----------------|---|-------------------------------------|----------|-----------------------------|
| DC/18/00594/HHA | Erection of part two storey, part single storey rear extension, and dormer extension to front and rear | 39 Windermere Street West, Bensham, | Granted; | Saltwell |
| DC/18/00604/HHA | Part two storey part single storey rear extension (amended 01.08.18) | 7 Richmond Terrace, Gateshead, | Granted; | Saltwell |
| DC/18/00625/COU | Change of use of dwelling (use class C3) to mixed C3 (residential) / A1 (retail) to allow hair and beauty salon to operate from ground floor study | 1 Police Houses, Gateshead Road, | Granted; | Whickham South And Sunnside |
| DC/18/00601/HHA | First floor side extension | 1 Laburnum Grove, Sunnside, | Granted; | Whickham South And Sunnside |
| DC/18/00603/HHA | Single storey Sukka extension to rear (amended 12.08.18) | 18 Denmark Street, Bensham, | Granted; | Bridges |
| DC/18/00608/HHA | Demolition of existing single storey rear extension. Proposed two storey rear extension, single storey rear extension, front and rear dormer, and rear Juliet balcony | 114 Durham Road, Gateshead, | Granted; | Saltwell |
| DC/18/00609/HHA | Demolition of existing garage and construction of new garage and raised decking to rear | 2B Beaconsfield Avenue, Low Fell, | Granted; | Low Fell |

| | | | | |
|-----------------|---|--|----------|----------------------------------|
| DC/18/00612/FUL | Proposed demolition of existing care home and erection of four (3 bed, 2 storey) semi-detached dwellings (amended and additional information received 24/07/18 and 06/08/18). | Beechwood Care Home, Beechwood Gardens, | Granted; | Lobley Hill And Bensham |
| DC/18/00614/COU | Change of use from former petrol filling station to hand car wash and car valeting facility (Sui Generis Use) | Land Adjacent Rose Cottage , High Street, | Refused; | High Fell |
| DC/18/00615/FUL | Removal of concrete block infills to external balconies and installation of uPVC windows to create internal space. Bricking up of refuse chute access at ground level. | Queen Elizabeth Avenue (29-51 Odd Nos), Vallum Place (9-14), | Granted; | High Fell |
| DC/18/00616/FUL | Removal of concrete block infill panels to external balconies to be replaced with uPVC windows to create internal space | Kendal Crescent (38-48 Even Nos) (26-36 Even Nos) (41-63 Odd Nos), Gateshead, | Granted; | High Fell |
| DC/18/00619/HHA | Porch to front (revised application) | 15 Spencers View, Blaydon On Tyne, | Granted; | Ryton Crookhill And Stella |

| | | | | |
|-----------------|--|--|----------|--------------------------------------|
| DC/18/00621/FUL | Removal of honeycomb shaped concrete block infill panels to external balconies and installation of uPVC windows to create an internal space. | Grisedale Gardens (9-31 Odd Nos), Yewdale Gardens (7-17 Odds Nos), Dovedale Gardens (33-43 Odd Nos) (42-52 Evens No), Eskdale Gardens (1-11 Odd Nos), , | Granted; | Chowdene |
| DC/18/00622/FUL | Removal of honeycomb shaped concrete blocks infill panels to external balconies and installation of uPVC windows to create internal space | Springwell Road(102-112 Even Nos), Seaburn Gardens (1-11 Odds Nos) (13-35 Odd Nos) (37-47 Odd Nos) (49-52) (20-42 Even Nos), Wallace Gardens (13-35 Odd Nos) (1-11 Odd Nos), Aycliffe Avenue (1-11 Odd Nos), , | Granted; | High Fell |
| DC/18/00629/HHA | Proposed front, rear and two side dormers | 8 Beech Avenue, Whickham, | Granted; | Dunston Hill And Whickham East |
| DC/18/00634/HHA | Two storey side extension and single storey rear extension | 91 Garden House Estate, Ryton, | Granted; | Crawcrook And Greenside |
| DC/18/00680/HHA | Proposed two storey side extension and single storey rear extension and pitched roof to front (description amended 10.07.18) | 2 Redesdale Avenue, Winlaton, | Granted; | Winlaton And High Spen |
| DC/18/00633/HHA | Proposed front extension, rear extension and rear dormer (amended plans received 03.08.18) | 90 Marian Court, Bensham, | Granted; | Lobley Hill And Bensham |

| | | | | |
|-----------------|--|---|----------|----------------------------------|
| DC/18/00638/HHA | New driveway to front | 21 Derwent Water Drive, Blaydon On Tyne, | Granted; | Ryton Crookhill And Stella |
| DC/18/00642/TPO | Works to two Sycamore trees in garden of The Sycamores. | The Sycamores, Bates Lane, | Granted; | Blaydon |
| DC/18/00637/FUL | Erection of portal framed car shelter canopy to rear of existing car auction hall | Wilson's Auctions , Portobello Industrial Estate, | Granted; | Birtley |
| DC/18/00639/HHA | The supply and installation of a modular metal mesh access ramp plus paved base area and pathway to allow disabled access ramp to rear door of domestic residence. | 1 Lothian Close, Vigo, | Granted; | Birtley |
| DC/18/00640/HHA | Decking in rear garden (retrospective) | 28 Greenford, Kibblesworth, | Granted; | Lamesley |
| DC/18/00641/HHA | Proposed single storey rear extension | 3 Sandhill Mews, Winlaton, | Granted; | Winlaton And High Spenn |
| DC/18/00649/COU | Change of use from amenity land to private garden (C3) use | Grassed Area Between Caxton House And High Street, High Street, | Granted; | Felling |
| DC/18/00651/HHA | Demolition of existing rear extension. Proposed single storey wrap-around extension, box dormer and patio area to rear, and two Velux windows to front | 8 Lyndhurst Crescent, Gateshead, | Granted; | Chowdene |

| | | | | |
|-----------------|--|---|-------------------------------|----------------------------|
| DC/18/00655/FUL | Change of use of mall floorspace (Sui Generis) to an area for external seating associated with adjacent restaurant | Mall Space Adjacent To , 43A Garden Walk, | Granted; | Whickham North |
| DC/18/00658/HHA | Conservatory to the rear | 4 Butterfield Close, Crawcrook, | Granted; | Crawcrook And Greenside |
| DC/18/00661/COU | Change of use from office (B1) to mixed retail/Cafe (use class A1/A3) | Malones Electricals Ltd, O383C, | Granted; | Lamesley |
| DC/18/00663/ADV | Display of fascia and projecting signs, both internally illuminated | 37 Jackson Street, Gateshead, | Temporary permission granted; | Bridges |
| DC/18/00721/HHA | Proposed single storey side and rear extension, driveway enlargement and new fencing | Linden Villa, Stirling Lane, | Granted; | Chopwell And Rowlands Gill |
| DC/18/00665/HHA | Single storey side extension | 43 Sherburn Way, Wardley, | Granted; | Wardley And Leam Lane |
| DC/18/00670/HHA | First floor extension above garage | 12 Haswell Close, Wardley, | Refused; | Wardley And Leam Lane |
| DC/18/00672/HHA | Proposed porch and block paving to front, first floor side extension, and single storey rear extension | 92 Marian Drive, Bill Quay, | Granted; | Pelaw And Heworth |
| DC/18/00676/HHA | Re-roof rear single storey part of building | Highburn House , High Heworth Lane, | Granted; | Pelaw And Heworth |

| | | | | |
|-----------------|--|---|----------|--------------------------------|
| DC/18/00677/HHA | First floor extension over garage, single storey rear and front extension | 18 Grasmere Road, Whickham, | Granted; | Dunston Hill And Whickham East |
| DC/18/00678/FUL | Change of use from a service corridor (Sui Generis) to an ATM Cash Point Facility | Service Corridor Adjacent To , 5 The Parade , | Granted; | Whickham North |
| DC/18/00693/HHA | Detached garage in rear garden | 12 South Sherburn, Rowlands Gill, | Granted; | Chopwell And Rowlands Gill |
| DC/18/00684/HHA | Proposed two storey side extension (amended plans received 07.08.18, description amended 14.08.18) | 42 Holmside Avenue, Dunston, | Granted; | Dunston And Teams |
| DC/18/00688/FUL | Erection of a 3.5m high external racking | CCF Ltd, Kingsway, | Granted; | Lobley Hill And Bensham |
| DC/18/00690/HHA | Loft conversion and proposed rear dormer | Mews Cottage , 2 Broom Lane, | Granted; | Dunston Hill And Whickham East |
| DC/18/00720/LBC | Cleaning and refurbishment of Cenotaph | Gateshead Centotaph, Durham Road, | Granted; | Saltwell |
| DC/18/00713/LBC | Restoration and renovation of of Cenotaph and surrounding enclosure | Birtley War Memorial Cenotaph Gardens, Durham Road, | Granted; | Birtley |

DC/18/00759/CPE

CERTIFICATE OF LAWFULNESS
FOR EXISTING USE OR
OPERATION: Use as hand car
wash.

Supershine Car Wash, Tyne View
House,

Granted;

Lobley Hill And
Bensham

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
29th 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 | Winlaton and High Spen | Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies. | 25 March 2013 | 25 March 2013 | N | N | 29 April 2013 | 29 June 2013 | Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the land owner to reach a satisfactory conclusion no sustained improvement was secured. Therefore an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect. A visit to obtain quotes is being arranged in order to look at the costs of carrying out work in default. | |
| 2. | Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead | Winlaton and High Spen | Erection of a breeze block building | 25 March 2013 | 25 March 2013 | N | N | 29 April 2013 | 29 June 2013 | Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During the course of investigations it was established that a building had been erected without | |

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

| Item Number | Site | Ward | Alleged Breach of Planning Control | Date Approval given for Enforcement Action | Date Served | Plan App Rec'd Y/N | Appeal Rec'd Y/N | Date Notice comes into Force | End of Compliance Period | Current Status | Compliance Y/N |
|-------------|---|----------|---|--|-----------------|--------------------|------------------|------------------------------|--------------------------|--|----------------|
| | | | | 2015 | 2015 | | | | 2015 | <p>However, a further Section 215 notice has been served requiring a hoarding to be erected around the site.</p> <p>Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing.</p> <p>A further notice has now been issued requiring the site to be tidied and a hoarding erected.</p> <p>Work to erect the hoarding is now complete.</p> <p>Following wind damage to the hoarding this has been repaired.</p> <p>A site visit was undertaken on the 20th June, and the land has been tidied.</p> <p>At the time of the visit contractors were on site, undertaking site investigations in preparation to submit details to discharge the relevant planning conditions.</p> <p>A discharge of condition application was submitted on the 8th July and is currently being assessed</p> | |
| 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 |
|-------------|--|-------------------------|------------------------------------|--|--------------------------------|--------------------|------------------|------------------------------|---------------------------|--|----------------|
| | | | | | | | | | | <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>29th Sep 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 | Unsightly Land | 31 August 2017 | 1 September 2017 | N | N | 4 October 2017 | 29 November 2017 | <p>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</p> <p>A notice has been issued to require improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems 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 |
|-------------|--|-----------------------|------------------------------------|--|-------------------------------|--------------------|------------------|--------------------------------|------------------------------|---|----------------|
| | | | | | | | | | | <p>A referral is being made to the Councils land development group to see if a long term strategy can be put in place for this site (lead officer Mandy Reed)</p> <p>An update has been requested from litigation regarding this site.</p> | |
| 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</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>prepared.</p> <p>The defendant attended court on the 13th June and was found guilty and ordered to pay a £300 fine and £100 costs.</p> <p>Estimates are being obtained to do works in default.</p> | |
| 8. | Gleeson's housing site, formally grazing land between Portobello Road Birtley | Birtley | Breach of Planning Conditions | 29 TH November 2017 | 29 th November 2017 | Y | N | 29 th November 2017 | 26 th December 2017 | <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</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>application is to be submitted to discharge the conditions in the immediate future. The developer has confirmed that works will not re-commence on site until the details have been agreed.</p> <p>The developer is currently in discussions with the Council prior to submitting the discharge of conditions application.</p> <p>The discharge of condition application was submitted on the 23.03.18.</p> <p>The 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 | 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 | |

| 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>such uses.</p> <p>An Enforcement Notice has been issued to cease the use of the takeaway and delivery to address the issues identified which resulted in the refusal of the application.</p> <p>An appeal against the Enforcement Notice has now been received. The start date is 20.02.18. The appeal is written representations, neighbours have now been notified.</p> <p>Appeal decision has been made and notice has been upheld 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 what the definition of a café use is.</p> <p>Following a further site visit, the unit has now ceased trading, and the notice complied with. Permission is sought from Committee to remove this item from the agenda</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 |
|-------------|-------------------------------------|----------------------------|------------------------------------|--|-------------------------------|--------------------|------------------|--------------------------------|-----------------------------|---|----------------|
| 10. | 44 Ponthaugh Rowlands Gill NE39 1AD | Chopwell and Rolwands Gill | Unauthorised change of use | 12 th January 2018 | 12 th January 2018 | N | N | 16 th February 2018 | 16 th March 2018 | <p>Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. Numerous letters and emails were written to the owners requesting the removal of the fence, but the fence remains in situ. The loss of open space is unacceptable and the fence is harmful to the amenity of the area. Therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.</p> <p>As of the 14.03.18, the fence was still in situ, correspondence has been sent to the land owner advising of the date of compliance. A site visit was undertaken on 03.04.18 the Notice has not been complied with. A P.A.C.E Interview invite has been sent to land owner</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> | |

| 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 |
|-------------|---------------------------------------|-------------------------|------------------------------------|--|--------------------------------|--------------------|------------------|------------------------------|-----------------------------|---|----------------|
| 11. | Land at Mill Road Gateshead NE8 3AE | Bridges | Unightly Land | 19 th February 2018 | 19 th February 2018 | N | N | 26 th March 2018 | 7 th May 2018 | <p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and the land to be enclosed by a hoarding.</p> <p>As there has been no activity on site, the agent has been contacted and the Council is awaiting confirmation of timescales for demolition. 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> <p>As of the 20th July the building has been fully demolished and the rubble is being removed from the site.</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 | Despite communication with the occupiers and owners of the site, conditions relating to planning permission | |

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|-------------|---|-------------------------------|------------------------------------|--|--------------------|--------------------|------------------|------------------------------|--------------------------|--|----------------|
| | | | | | | | | | | <p>DC/12/01266/MIWAS have not been discharged.</p> <p>Notice served in relation to breach of condition 12 to require submission of a noise monitoring scheme for all restoration activities. This condition has not been discharged</p> <p>A Consultant has been employed by the owner and occupiers of the site to address the issues contained within each of the Notices. The Consultant is currently working with the Council to secure compliance.</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted.</p> | |
| 13. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | N | N | 28th March 2018 | 28th April 2018 | 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 | |

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|-------------|---|-------------------------------|------------------------------------|--|--------------------|--------------------|------------------|------------------------------|--------------------------|--|----------------|
| | | | | | | | | | | condition has not been discharged | |
| 15. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | N | N | 28th March 2018 | 28th April 2018 | Notice served in relation to breach of condition 18 to require the Submission of a report to the Council recording the operations carried out on the land during the previous 12 months. This condition has not been discharged | |
| 16. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | N | N | 28th March 2018 | 28th April 2018 | Notice served in relation to breach condition 23 to require Submission of details of a drainage system to deal with surface water drainage, and implementation of agreed scheme. This condition has not been discharged | |
| 17. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | N | N | 28th March 2018 | 28th April 2018 | Notice served in relation to breach condition 24 to require submission of a timetable and a maintenance scheme to the Council for the installation and maintenance of the drainage system. This condition has not been discharged | |
| 18. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | N | N | 28th March 2018 | 28th April 2018 | Notice served in relation to breach of condition 25 to require the Submission of an up to date survey of Cell 2 in relation to clearance heights beneath the electricity power lines. This condition has not been discharged | |

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|-------------|---|-------------------------------|------------------------------------|--|--------------------|--------------------|------------------|------------------------------|--------------------------|--|----------------|
| 19. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | N | N | 28th March 2018 | 28th April 2018 | Notice served in relation to breach condition 26 to require the submission of details for the illuminate activities on site. This condition has not been discharged | |
| 20. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | N | N | 28th March 2018 | 28th April 2018 | Notice served in relation to Breach of condition 27 to require the submission of details as requested in condition 27 of permission DC/12/01266/MIWAS. This condition has not been discharged | |
| 21. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | N | N | 28th March 2018 | 28th April 2018 | Notice served in relation to breach of condition 28. To require submission of details for alternative provision for Sand Martin nesting and other bat and bird boxes and a timetable for implementation. This condition has not been discharged | |
| 22. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | N | N | 28th March 2018 | 28th April 2018 | Notice served in relation to breach of condition 31. To require the submission of details for reflective road marking scheme adjacent to the site access on Lead Road. This condition has not been discharged | |
| 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 | |

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|-------------|---|-------------------------------|------------------------------------|--|--------------------|--------------------|------------------|------------------------------|--------------------------|---|----------------|
| 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 | <p>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.</p> <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> | |

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|-------------|---|----------------------------|------------------------------------|--|-----------------------------|--------------------|------------------|------------------------------|---------------------------|--|----------------|
| 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 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 Environment Agency is conducting an investigation into this case. Permission is sought from Committee to remove this item from the agenda</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 | |

| 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 |
|-------------|-----------------------------------|-------------------|------------------------------------|--|---------------------------|--------------------|------------------|------------------------------|----------------------------|--|----------------|
| | | | | | | | | | | 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 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> <p>The Temporary Stop Notice expired on the 19th June, and the application is being considered at the 29th August Committee. Permission is sought to remove this item from the report</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 |
|-------------|---|-----------------------|------------------------------------|--|------------------------------|--------------------|------------------|---------------------------------|-------------------------------|---|----------------|
| 28. | 25 Sundridge Drive Felling Gateshead NE10 8JF | Wardley And Leam Lane | Unauthorised change of use | 10 th August 2018 | 10 th August 2018 | N | N | 14 th September 2018 | 12 th October 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. | |
| 29. | 27 Sundridge Drive Felling Gateshead NE10 8JF | Wardley And Leam Lane | Unauthorised change of use | 10 th August 2018 | 10 th August 2018 | N | N | 14 th September 2018 | 12 th October 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. | |

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TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

DC/17/00562/HHA - Glen View, Stannerford Road, Clara Vale, Ryton NE40 3SN
Two side extensions, rear extension and replacement of roof. Demolition of existing garage to create driveway.
This application was a delegated decision refused on 29 March 2018.

Appeal Decisions

3. There have been **no** new appeal decisions received since the last Committee.

Appeal Costs

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 2.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 2

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/17/00562/HHA | Glen View Stannerford Road Clara Vale Ryton NE40 3SN | Two side extensions, rear extension and replacement of roof. Demolition of existing garage to create driveway. | Written | Appeal in Progress |
| 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/18/00105/FUL | Smileys Car Wash Nobles MOT Centre Sunderland Road Gateshead | | Written | Appeal in Progress |

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

29 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 obligation:

DC/17/01267/FUL - To pay the Ecology Contribution to the Council on the commencement of the development.

Land North of Gullane Close, Bill Quay, Gateshead

Erection of 30 dwellings (Use Class C3) and associated access, landscaping and associated engineering works (resubmission) (amended 04/04/18).

4. Since the last Committee there have been **no** new payments received in respect of planning obligations.

5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 29 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



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE
29 August
2018

TITLE OF REPORT: Changes to the National Planning Policy Framework 2018 revision.

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

1. Purpose of the Report

1.1 To update members on the implications of changes in the revised National Planning Policy Framework which was published 24 July 2018.

2. Background

2.1 The National Planning Policy Framework (NPPF) was announced and came into effect in March 2012. This national policy replaced the Planning Policy Guidance notes (PPGs) and Planning Policy Statements (PPSs). The NPPF is material in decision making on planning applications and in plan making.

2.2 On 24 July 2018 the Ministry of Housing, Communities and the Government published a revised version of this Framework. This report sets out a selection of key changes to this document that most affect the business of Planning and Development Committee, for a full view of the NPPF please use the link at the end of this report (see background information)

2.3 The revised document replaced the previous version as soon as it was published on 24 July. As such this revised version would be a material consideration in all decisions made after 24 July 2018. The National Planning Policy Guidance (NPPG) has not yet been revised and remains the same.

3. Key changes

Plan Making

- Plans must be reviewed every five years from adoption, to see whether they need to be updated.
- Strategic policies should look ahead over a minimum of 15 years, to anticipate and respond to long term requirements.
- Changes have been made to the tests of 'soundness' of the Plan and the evidence expected to support a 'sound' plan.
- Plans will need to set out the developer contributions expected from a development.

Decision Making

- Where a viability assessment is needed and can be justified, this should be in accordance with national planning guidance in terms of using standardised inputs and made publicly available.

Housing Delivery

- The Housing Delivery Test will measure the net additional dwellings provided in a local authority area against the homes required, as identified by the local housing need assessment. The housing need assessment will determine the minimum number of houses required using a standardised method set out in national planning guidance.
- Housing need will have to be disaggregated into types of housing for groups with particular needs e.g. family housing, student accommodation, affordable housing and housing for older people.
- LPAs will have to prepare an Action Plan, to assess the causes of under delivery and identify actions to increase delivery in future years, if the Housing Delivery Test establishes that delivery has fallen below 95% of the LPA's housing requirement over the previous three years.
- From November 2018, LPAs are required to provide a 20% buffer of additional housing land if there has been a significant under delivery of housing (ie below 85%) over the previous three years.
- From 2020, the presumption in favour of sustainable development i.e. that planning permission should be granted (except in specified circumstances), will apply where delivery is below 75% of the LPA's housing requirement.
- LPAs should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare, to encourage the development on small and medium sized sites, that can often be built-out relatively quickly.
- LPAs should support the development of windfall sites, giving great weight to the benefits of using suitable sites in existing settlements.
- There should be at least 10% affordable homes on major developments (i.e. over 10 dwellings). This should normally be via affordable home ownership. Exemptions to the 10% requirement should also be made for purely Build to Rent schemes; specialist accommodation (e.g. for the elderly or students); self-builders; or for rural and entry level exceptions sites.

Vitality of Town Centres

- Town Centre boundaries should be kept under review.
- In terms of the sequential test to main town centre uses, this is strengthened to make clear that out of centre sites should only be considered if suitable town centre or edge of centre site are not available.
- Impact assessments are required for certain retail and leisure developments outside town centres.

Healthy and Safe Communities

- Planning policies and decisions should consider the social, economic and environmental benefits of regeneration.
- Recognition of the role planning can play in promoting social interaction and healthy lifestyle.
- Requirement for policies and decisions to help anticipate and address possible malicious threats and natural hazards, especially in crowded places and take into account operational defence and security requirements.

Sustainable Transport

- The assessment of assessing the transport impact of proposals has been amended to refer to highway safety as well as capacity and congestion.

- Parking standards should accommodate charging plug-in and other low emission vehicles.
- Maximum parking standards should only be set where there is clear and compelling justification that they are necessary.

High Quality Communications

- Planning policies and decisions should support the expansion of various electronic communications networks.

Efficient Use of Land

- Planning policies and decisions should make more intensive use of existing land and buildings, especially where it would meet housing need.
- Promote and support development of under-utilised land and buildings e.g. converting space above shops.
- Support upward extensions above existing residential and commercial premises for new homes.
- Policies and decisions should avoid building at low densities to ensure that development makes optimal use of each site's potential.
- Take a flexible approach to the application of policies or guidance in relation to daylight and sunlight.

Design

- The importance of high quality design is reemphasised.
- Plans (including SPDs) should set out a clear design vision and expectations, to give applicants as much certainty as possible about what is likely to be acceptable.
- Additional emphasis is given to the important of pre-application discussions.
- Where a scheme complies with the design expectations set out in local plan policies, design should not be used as a reason to object.
- Schemes that demonstrate outstanding or innovative design which promote high levels of sustainability, or help raise the standard of design more generally in an area should be given great weight.

Green Belt

- The commitment to the protection of the Green Belt is maintained.
- Redevelopment of brownfield land in the Green Belt, to be used for an identified local affordable housing need, where there is no substantial harm to openness can be allowed.
- The material change of use of land in the Green Belt is now included as 'not inappropriate in the Green Belt, provided that the openness of the Green Belt is preserved and the change of use would not conflict with the purposes of including the land within the Green Belt.

Natural Environment

- Greater emphasis on air quality.
- Clarification that the developer is required to mitigate the impacts of an existing business or community facility on their new development. The existing business or facility should not have unreasonable restrictions placed on them because of new development after they were established.

4. Conclusion

4.1 As members will note, there are some key changes in the way in which planning issues will be considered because of this revised framework. Reports will continue to highlight the policies set out in the revised NPPF.

5. Recommendation

5.1 It is recommended that the Committee note the report for information.

Contact: Emma Lucas - extension 3747

APPENDIX 1

FINANCIAL IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Nil.

HUMAN RESOURCES IMPLICATIONS

Nil.

EQUALITY AND DIVERSITY IMPLICATIONS

Nil.

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil.

HUMAN RIGHTS IMPLICATIONS

Nil.

WARD IMPLICATIONS

Nil.

BACKGROUND INFORMATION

Revised NPPF published 2018 - <https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

Original NPPF published 2012 - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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