

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 19 September 2018 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on 29 August 2018 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 8) Report of the Strategic Director Communities and Environment
4i	No. 1 - Axwell Hall, Axwell Park, Blaydon NE21 6RN (Variation of Condition 1) (Pages 9 - 44)
4ii	No. 2 - Axwell Hall, Axwell Park, Blaydon NE21 6RN (Listed Building Consent) (Pages 45 - 74)
4iii	No. 3 - Axwell Hall, Axwell Park, Blaydon, NE21 6RN (Minor Alterations) (Pages 75 - 108)
4iv	No. 4 - Axwell Hall, Axwell Park, Blaydon NE21 6RN (Listed Building Consent for minor alterations) (Pages 109 - 138)
4v	No. 5 - Blaydon Leisure and Primary Care Centre, Shibdon Road, Blaydon, NE21 5NW (Pages 139 - 170)
4vi	No. 6 - Meynell House, Dipwood Road, Rowlands Gill, NE39 1DA (Pages 171 - 204)
4vii	No. 7 - 6 Coalway Lane, Whickham NE16 4BX (Pages 205 - 212)
4viii	No. 8 - Land adj Starling Walk, Sunniside, Newcastle upon Tyne (Pages 213 - 246)

- 4ix **No. 9 - South Follingsby Farm, Follingsby Lane, Gateshead NE10 8YA (Pages 247 - 262)**
- 4x **No. 10 - Follingsby Park South, Follingsby Lane, Gateshead NE10 8YA (Pages 263 - 278)**
- 4xi **No. 11 - Follingsby International Enterprise Park Limited, Follingsby Park South, Follingsby Lane, Gateshead NE10 8YA (Pages 279 - 292)**
- 4xii **No. 12 - The Chopwell, Derwent Street, Chopwell, NE17 7AA (Pages 293 - 302)**
- 4xiii **No. 13 - Land at Bottle Bank, Gateshead (Pages 303 - 338)**
- 5 Planning & Development Committee site visit in advance of the meeting on 10 October 2018 (Pages 339 - 342)**
Report of the Strategic Director, Communities and Environment
- 6 Delegated Decisions (Pages 343 - 352)**
Report of the Strategic Director, Communities and Environment
- 7 Enforcement Action (Pages 353 - 372)**
Report of the Strategic Director, Communities and Environment
- 8 Planning Appeals (Pages 373 - 376)**
Report of the Strategic Director, Communities and Environment
- 9 Planning Obligations (Pages 377 - 378)**
Report of the Strategic Director, Communities and Environment



TITLE OF REPORT: Planning applications for consideration

REPORT OF: Paul Dowling, Strategic Director Communities
and Environment

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/17/00666/FUL	Axwell Hall Axwell Park	Blaydon
2. DC/17/00667/LBC	Axwell Hall Axwell Park	Blaydon
3. DC/17/00668/FUL	Axwell Hall Axwell Park	Blaydon
4. DC/17/00669/LBC	Axwell Hall Axwell Park	Blaydon
5. DC/18/00368/FUL	Blaydon Leisure And Primary Care Centre Shibdon Road	Blaydon
6. DC/18/00512/FUL	Meynell House Dipwood Road	Chopwell And Rowlands Gill
7. DC/18/00542/HHA	6 Coalway Lane Whickham	Dunston Hill And Whickham East
8. DC/18/00566/FUL	Land Adj Starling Walk	Whickham South And Sunnside
9. DC/18/00573/COU	South Follingsby Farm Follingsby Lane	Wardley And Leam Lane
10. DC/18/00574/FUL	Follingsby Park South Follingsby Lane	Wardley And Leam Lane
11. DC/18/00575/FUL	Follingsby Park South Foillingsby Lane	Wardley And Leam Lane
12. DC/18/00623/FUL	The Chopwell Derwent Street	Chopwell And Rowlands Gill
13. DC/18/00799/FUL	Land At Bottle Bank Gateshead	Bridges
SITE VISIT REPORT		
DC/18/00704/FUL	Land West of Pennyfine Road Sunnside	Whickham South and Sunnside

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 Dwellingshouses	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 dwellingshouses occupied by between 3 and 6 unrelated individuals who share basis amenities such as kitchen or bathroom.
B1 Business	Offices not within A2, research and development studios, laboratories, high tech., light industry appropriate in a residential area.	D1 Non-residential Institutions	Places of worship, church halls, clinics, health centres, crèches, day nurseries, consulting rooms, museums, public halls, libraries, art galleries, exhibition halls, non-residential education and training centres.
B2 General Industry	General industry.	D2 Assembly & Leisure	Cinemas, music and concert halls, baths, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls.
B8 Storage and Distribution	Wholesale warehouses repositories, including open air storage	Sui generis	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops.

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

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Committee Report

Application No:	DC/17/00666/FUL
Case Officer	Tracy Long
Date Application Valid	9 June 2017
Applicant	c/o Agent
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Ward:	Blaydon
Proposal:	VARIATION OF CONDITION 1 (approved plans) of permission: DC/10/01303/FUL to introduce residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Recommendation:	GRANT subject to S106 agreement
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

Axwell Hall is a Grade II* Listed Building located within the Axwell Park Estate and Conservation Area. The site is accessed via a private estate road from the A694 located to the south of the site.

1.2 The Hall was designed by the renowned Palladian architect James Paine in 1758. In 1920 the Hall was home to the Newcastle Ragged and Industrial School which closed in 1984. The Hall has since remained empty and has been the subject to theft, vandalism and weather damage. However, despite this, the Hall as it stands today, remains an impressive Grade II* Listed Building of historical and architectural significance.

1.3 The balustrade and steps to the southern elevation attached to the Hall are also Grade II* listed under the same listing as The Hall. The retaining wall, balustrade, piers and steps to the terrace south of the Hall are Grade II Listed, listed under a separate listing. Further, the late C18 / early C19 bridge, located 280m south of Axwell Park is also Grade II Listed, under a separate listing.

1.4 To the north of the Hall, lies a vacant area of land, beyond which car parking bays and an access road which provides residents access to the Axwell Gardens. To the eastern boundary lies the residential dwelling of Richmond House and its residential curtilage. To the west lies the residential Courtyard development. Both the Axwell Courtyard and the Axwell Gardens development (both now occupied) comprised enabling development to enable the restoration and conversion of The Hall into 23 residential apartments.

1.5 DESCRIPTION OF THE APPLICATION

This application proposes alterations to Axwell Hall in the form of conversion of the eastern proportion of the Hall to create a super apartment, resulting in a reduction in the number of apartments within the Hall from 23 to 11 apartments. The super apartment would have 7 / 8 bedrooms. A table detailing the mix of apartments proposed, against the previously approved and implemented 2010 permission can be found in the table below:

	1 bed	2 bed	3 bed	7 / 8 bed	Total
Approved and implemented DC/10/01303/FUL	8	15			23
Proposed DC/17/00666/FUL	2	7	1	1	11

1.6 The application also proposes to create a granny annex within the previously approved garage block located directly north of the Hall. The garage block would convert four of the garages on the north-western side of the block into residential and would retain four garages on the north-eastern side of the block. The residential annex would provide two bedrooms, with an open-plan living and kitchen area, with a separate bathroom, study and dining room.

1.7 The scheme also proposes the provision of a new bin store which will be located between the garage block and the Hall. The store would measure 6.6m wide by 3.1m deep and 3.9m high.

1.8 This application represents a significant opportunity to bring the Axwell Hall back into a sustainable residential use, which will secure the long-term future of this Grade II* Listed Building.

1.9 PLANNING HISTORY

The application site has a rich history of relevant planning and listed building applications as detailed below:

DC/05/00301/COU Conversion of hall to 23 apartments and erection of new-build enabling development comprising of one coach apartment and terraced blocks of 18 dwellinghouses and 9 apartments with associated garage blocks, parking and landscaping. Granted on 9.09.2005 .

DC/05/00302/LBC Restoration and conversion of hall including demolition of rear annexe and renovation of balustrade and terrace. Granted on 12.08.2005.

DC/05/00303/FUL Erection of 18 three storey houses in three blocks with associated parking including restoration of walled garden and historic parkland. Granted on 9.09.2005.

DC/06/00349/LBC Variation of condition 8 of Listed Building Consent DC/05/00302/LBC relating to the requirement for single glazed windows. Granted on 27.06.2008.

DC/07/00407/FUL Variation of condition 1 (approved plans) of permission

DC/05/00303/FUL to alter the layout of the 18 dwellings within the site and re-siting of the access into the rear of the dwellings. Granted on 22.11.2007.

DC/08/00349/FUL Variation of condition on DC/05/00301/COU - adaptation of first floor of garage/coach house to form two self-contained dwellings. Granted on 15.05.2008.

DC/08/00612/LBC Internal alterations on basement, ground floor and second floors to rationalise rooms and thereby reduce number of units from 23 (as approved under DC/05/00302/LBC) to 20. Granted on 30.07.2008

DC/10/01303/FUL Variation of condition 1 of DC/05/00301/COU to allow revision to approved scheme involving reduction of number of units to 27 and alterations to elevations and roofscape with creation of additional courtyard car parking (amended 28/01/11, 11/03/11, 30/03/11 and 05/04/11). Granted 14.04.2011 subject to S106.

DC/17/01080/NMA NON-MATERIAL AMENDMENT: to planning permission DC/10/01303/FUL to allow condition 1 (approved plans) to list the approved drawings relating to Axwell Hall as well as the Courtyard element of the development. Granted on 30.05.2018.

DC/17/00667/LBC Listed building consent to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units. Decision Pending – also being considered at this committee meeting.

DC/17/00668/FUL Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access and partial reinstatement of the historic landscape. Decision Pending – also being considered at this committee meeting.

DC/17/00669/LBC Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access and partial reinstatement of the historic landscape. Decision Pending – also being considered at this committee meeting.

1.10 BACKGROUND SUMMARY

The planning history above relates to The Hall, Courtyard and Axwell Gardens. The planning history in so far as it relates to The Hall is summarised as follows:

- 1.11 In 2005, planning permission and listed building consent was granted for the conversion of The Hall to 23 apartments and the erection of new-build enabling development comprising of the dwellings at Axwell Gardens and the dwellings at The Courtyard with associated garage blocks, parking and landscaping.
- 1.12 Later in 2008, a listed building application was granted for internal alterations to the Hall to reduce the number of units to from 23 to 20. However this consent was not implemented and has since expired.

- 1.13 In 2010, a variation of condition application was granted which permitted alterations to the courtyard development consented in the 2005 application. This application was implemented and therefore constitutes the current consent for the alterations to The Hall.
- 1.14 As the 2010 decision only referenced the revised courtyard drawing numbers in the decision notice, a Non-Material Amendment application (DC/17/01080/NMA) was submitted in 2017 to attach the 2005 consented drawings for The Hall to the approved plans condition. This Non-Material Amendment application was granted on 30 May 2018.

2.0 Consultation Responses

Archaeology Officer There are no archaeology issues to address.

Historic England Do not wish to offer any comments.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. This included the Council sending letters to 71 properties surrounding the site, site notices being displayed at the site as well as a notice appearing in the Newcastle Journal.
- 3.2 A number of objection letters have been received from 11 surrounding properties. These are from local residents at The Gardens and The Courtyard. The issues raised are summarised below :
- This application excludes the road from the red line.
 - Lack of consultation
 - The bin store will be visible to adjacent residents at The Courtyard
 - Will prejudice the current availability of parking spaces immediately outside The Courtyard
 - No vehicle tracking provided to ensure access to The Gardens is not obstructed
 - Highways safety
 - Already insufficient space for two cars to pass
 - There is insufficient space to carry out the works
 - Ensure rights of access to The Gardens is maintained
 - The access road to The Gardens was required to be upgraded to tarmac but was never completed.
 - All outstanding planning conditions in the previous planning applications should be included on the new development.
 - The repair works to the bridge should be covered
 - The S106 agreement should be extended to relate to the current proposals

3.3 In addition a letter of objection has also been received from a planning consultant who represents a number of residents of Axwell Gardens. This letter raises a number of issues as summarised below :

- Query whether the site location plan is correct
- Wishes to secure the proper development of the proposed works
- Wishes to secure the build out / resurfacing of the access road from Axwell Hall to Axwell Gardens
- Ensure rights of access are not affected
- There is insufficient working and storage space to carry out the works
- The restoration works to the bridge serving the development remain outstanding
- This planning application should be incorporated into the S106 agreement for the development.

4.0 Policies:

NATIONAL POLICY

NPPF: National Planning Policy Framework
NPPG: National Planning Policy Guidance

CORE STRATEGY

CS10: Delivering New Homes
CS11: Providing a Range and Choice of Housing
CS13: Transport
CS14: Wellbeing and Health
CS15: Place Making
CS18: Green Infrastructure and the Natural Environment
CS19: Green Belt

UDP

DC1: Environment
DC2: Residential Amenity
H3: Sites for New Housing
H4: Windfall and Small Housing Sites
H12: Density
ENV3: Character and Design
ENV7: Development in Conservation Areas
ENV9: Setting of Conservation Areas
ENV11: Listed Buildings
ENV17: Axwell Park
ENV21: Sites and Areas of Archaeological Importance
ENV22: Sites and areas of Archaeological Importance
ENV44: Woodland, Trees and Hedgerows
ENV46: Durham Biodiversity Action Plan
ENV47: Wildlife Habitats
ENV51: Wildlife Corridors

5.0 Assessment of the Proposal:

- 5.1 This is a Section 73 application for the variation of the approved plans on the original planning permission (DC/10/01303/FUL), which has commenced and works to The Hall have been significantly implemented. This application is not for the examination of the whole principle of the scheme again, but is instead matters for consideration in the determination of this application relate to the assessment of the amended parts of the scheme. The proposed amendments relate to the creation of a new super-apartment on the eastern side of the Hall and amendments to the internal configuration to create ten apartments on the western side of the Hall, the creation of a granny annex within the garage block and a new bin store.
- 5.2 This application represents a significant opportunity to deliver housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future.
- 5.3 The main planning issues to be considered are the impact of the proposal on the overall design of the approved scheme, the impact upon the heritage assets and the historic setting, and on the visual amenity of the area, along with considerations relating to highway safety, residential amenity and ecology.
- 5.4 **IMPACT ON HERITAGE ASSETS**
Planning Legislation / Policy Position
There are a number of designated heritage assets at this site include the listed Hall, the associated listed structures including the retaining wall, balustrades, piers and steps to the south of the Hall, the listed bridge on the access road to the south and Axwell Park Conservation Area.
- 5.5 The LPA have a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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. This is reinforced within both national and local planning policies.
- 5.6 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of designated heritage assets, 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.
- 5.7 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.

- 5.8 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.
- 5.9 Saved Policies ENV7, ENV9, ENV11 and ENV17 of the Council's Unitary Development Plan (UDP) state that development within Conservation Areas, relating to Listed Buildings and relating to Axwell Park should preserve or enhance the special architectural or historic character and appearance of the Conservation Area, including the setting of the Conservation Area, the Listed Building and that the historic value of Axwell Park should be protected and enhanced.
- 5.10 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.
- 5.11 The main issue in considering the proposed changes to the previous approved scheme is therefore the effect of the proposed changes on the significance of the designated heritage assets .
- 5.12 A Heritage Statement has been submitted to accompany this application which assesses the significance of the heritage assets and the effect of the proposed changes on the significance of these assets.
- 5.13 The Hall is currently empty and has been the subject to theft, vandalism and weather damage. However, despite this, The Hall as it stands today, remains an impressive Grade II* Listed Building of historical and architectural significance.
- 5.14 **Proposed Subdivision of Hall**
The principle of subdividing The Hall has already been established under the previous planning applications that were approved. The previous scheme allowed for 23 units. The proposed changes submitted as part of this current application will provide an improved layout of 11 units which is overall less intrusive than the previously approved scheme.
- 5.15 **Bin Store and Residential Annex**
Two new buildings, the residential annex and bin store are proposed adjacent to the listed Hall and structures, within the Conservation Area. The proposed position of the residential annex is in the same location of an originally intended garage block which was approved as part of a previous planning approval. The two buildings are small in relation to the overall Hall and adjacent Courtyard development and will remain subservient to The Hall.
- 5.16 **Heritage Summary**

The proposed changes will alter the designated heritage assets and their setting. It is however considered that the harm to the heritage assets is outweighed by delivering housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future.

5.17 ARCHAEOLOGY

There are no archaeological constraints regarding the variation of condition 1 of DC/10/01303/FUL. No objections are raised in respect of saved Policies ENV21 and ENV22 of the UDP or policy CS15 of the CSUCP.

5.18 HOUSING

As set out above, the principle of housing has already been established through the previous consented applications.

5.19 Reduction in Units

Compared to the 2005 approved scheme, due to the creation of the super-apartment the proposed development would result in the loss of 12 apartments within the Hall. There is no planning policy which would guard against this and therefore no objection on this basis is raised.

5.20 Family Homes

CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). This application proposes amendments to the previously approved scheme for the conversion of Axwell Hall which comprised of 23 one and two-bedroom apartments. The proposed amendments result in the introduction of one x 3 bedroom flat and one x 7 / 8 bedroom flat. The creation of two family sized units would assist the Council in achieving the aims of Policy CS11 of the Core Strategy and would provide a betterment in the mix of unit sizes in comparison to the 2005 approved scheme.

5.21 Suitable accommodation for the elderly

The annex is intended to function as a temporary dwelling during the restoration phase of Axwell Hall, and following completion of the restoration, will be used to house an elderly relative in conjunction with occupation of apartment 1 of the Hall.

5.22 RESIDENTIAL AMENITY

Residents Living Conditions

The proposed amendments are considered to be acceptable from a residential amenity point of view in terms of the living conditions of both the future occupiers of The Hall and granny annex as well as the existing residents in the adjacent Courtyard element of the development.

5.23 Residential Space Standards

The proposal should be required to satisfy Policy CS11(4) which requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". With regard to this requirement in March 2015 the DCLG published nationally described space standards for new housing. The proposed super-apartment together with the other 10 flats (as

previously approved and partially converted) would exceed the minimum requirements for internal space.

5.24 HIGHWAYS SAFETY

There are no objections to the proposal from a highway safety point of view. Access to The Hall would be gained from the existing private estate road, from the south. It is considered that the formation of an additional site access and the traffic associated with an additional property would not result in any significant impact on the surrounding highway network.

5.25 The proposed amendments to the previous consented scheme will result in less apartments in The Hall reducing the number of units from 23 to 11 so is unlikely to prejudice the availability of car parking spaces. Notwithstanding this planning application DC/17/00668/FUL proposes additional car parking provision to the front of The Hall.

5.26 REFUSE STORAGE /WASTE

From a waste servicing perspective and there are no objections. The enclosed bin store would be sufficient for the number of apartments within the complex and there is space within the site to be able to turn the HGV without reversing.

5.27 ECOLOGY

An updated Bat Survey has been submitted as part of this planning application which confirms that bats currently use The Hall through a number of access routes in the building including through the windows and roof. The previous planning application (reference : DC/10/01303/FUL) accepted the restoration of the hall, saving the listed structure and converting it into flats with bat mitigation being provided through bat boxes and bat lofts.

5.28 It is therefore considered that the proposed changes are acceptable from an ecology point of view subject to planning conditions which require the final details of bat mitigations measures to be approved and their implementation. Subject to such planning conditions the proposed is considered to accord with the ecology aims and objectives of the NPPF, saved policies DC1 (d), ENV46 and ENV51 of the UDP and policy CS18 of the CSUCP.

5.29 The applicant also intends to apply to Natural England for a licence for the proposed works.

5.30 COMMUNITY INFRASTRUCTURE LEVEY

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, whilst the development is housing related and the development is located within Residential Charging Zone A, no new floor space is created and therefore no CIL payment would be required for this development.

5.31 OTHER ISSUES

Site Location Plan

Council officers consider that an appropriate site location has been submitted.

5.32 Previous Planning Conditions / S106 Agreement

The planning conditions on the previous planning application DC/10/01303/FUL will be reviewed and where appropriate reattached to this current planning application. The repair works to the bridge were included as part of the original S106 legal agreement for the site. The previous S106 agreements related to a number of issues for the Axwell site including landscape works, repairs to the bridge and carrying out highway works. The S106 agreement for the development will therefore be varied to relate to this current application.

5.33 Space to Carry Out Works / Access to Axwell Gardens

It is the developer's responsibility to ensure that the proposed works are carried out in a way that still allows access to adjacent residents in The Courtyard and The Garden elements of the development. Any restriction to this access is a civil matter to be resolved between the relevant parties.

5.34 Access Road to Axwell Gardens

This road has recently been resurfaced with tarmac.

6.0 CONCLUSION

6.1 This application represents a significant opportunity to deliver housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future.

6.2 Taking all the relevant issues into account, including those made by local residents, it is considered that the proposed amendments to the previous consented scheme are acceptable, subject to a number of planning conditions and a variation to the previous S106 legal agreement.

6.3 It is therefore recommended that planning permission be granted.

7.0 Recommendation

GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include that this application forms part of the previous S106 agreement for the development

2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary, amend and finalise the wording of the planning conditions (set out below as headings) as necessary:

List of approved plans

Phasing plan to be approved

Implement phasing plan

Bat mitigation Axwell Hall

Implement bat mitigation Axwell Hall

Mirror Room Survey to be approved

Mirror Room remediation measures to be approved

Implement Mirror room remediation measures

External Materials Axwell Hall to be approved

Implement external materials Axwell Hall

Landscaping scheme Axwell Hall to be approved

Implement landscaping Axwell Hall

Maintenance of landscaping

Hard landscaping Axwell hall to be approved

Implement hard landscaping Axwell Hall

Construction control measure to be approved

Implement construction control measures

Gas mitigation measures to be approved

Implement gas mitigation measures

Provision of parking Axwell Hall

Cycle parking Axwell Hall to be approved

Implement cycle parking Axwell Hall

Final details of footway along estate road

Implement footway along estate road

Provision of bin store

Vents, Flues, Extracts Axwell Hall to be approved

Implement vents, flues, extracts Axwell Hall

Rainwater goods Axwell Hall to be approved

Implement rainwater goods

External Lighting to be approved

Implement external lighting

Fire detection, security systems to be approved

Implement fire detection, security systems

Aerials and sat dishes to be approved

Implement aerials, sat dishes

Boundary treatment to be approved

Implement boundary treatment

New services to be approved

Implement new services

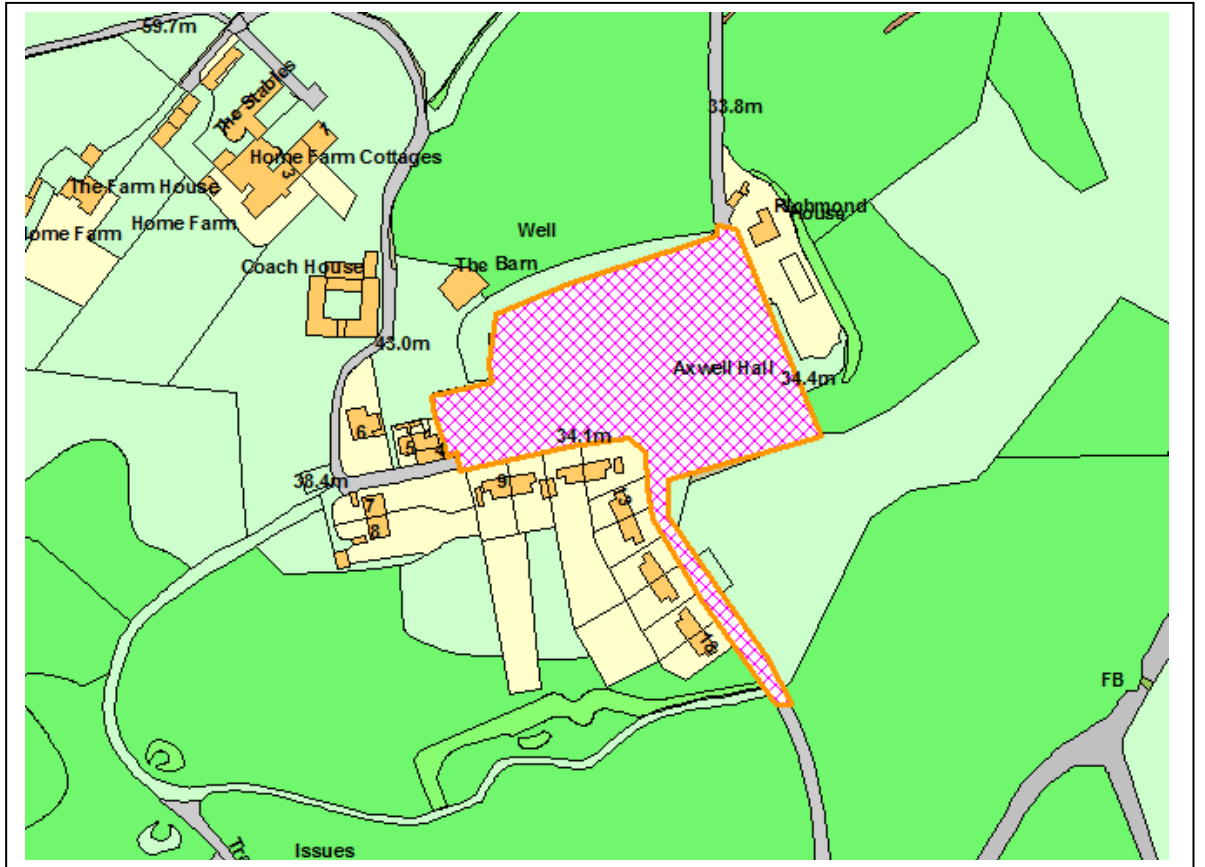
Removal of PD rights

Window / Rooflight details to be approved

Implement window/roof lights

Door details to be approved

Implement door details



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
19 September 2018**

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

MINOR UPDATE

Application No:	DC/17/00667/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00669/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT for minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00368/FUL
Site:	Blaydon Leisure And Primary Care Centre Shibdon Road Blaydon NE21 5NW
Proposal:	Refurbishment of existing external Artificial Grass Pitch (AGP) and athletics track complete with new artificial surfaces, replacement of associated athletics features, new and replacement floodlights, new ball stop fencing, new sports equipment, new maintenance equipment with storage and improved clean access (additional information received 25/07/18 and 17/08/18 and description amended 07/09/18).
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further consultation response received

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00799/FUL
Site:	Land At Bottle Bank Gateshead
Proposal:	Proposed office development (A2, B1a use) on two levels providing 430 m2 office space and ancillary accommodation. Demolition of existing substation and alterations to existing access steps and perimeter parapet walls with the insertion of new fenestration to Bottle Bank.
Ward:	Bridges
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00666/FUL
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	VARIATION OF CONDITION 1 (approved plans) of permission: DC/10/01303/FUL to introduce residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Ward:	Blaydon
Recommendation:	Grant subject to S106
Application Type	Full Application

Reason for Minor Update

Further representations made

The objection letter from the planning consultant who represents a number of the residents of Axwell Gardens has been withdrawn.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/17/00667/LBC
Case Officer	Tracy Long
Date Application Valid	9 June 2017
Applicant	c/o Agent
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Ward:	Blaydon
Proposal:	LISTED BUILDING CONSENT to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Recommendation:	GRANT
Application Type	Listed Building Consent

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

Axwell Hall is a Grade II* Listed Building located within the Axwell Park Estate and Conservation Area. The site is accessed via a private estate road from the A694 located to the south of the site.

1.2 The Hall was designed by the renowned Palladian architect James Paine in 1758. In 1920 the Hall was home to the Newcastle Ragged and Industrial School which closed in 1984. The Hall has since remained empty and has been the subject to theft, vandalism and weather damage. However, despite this, the Hall as it stands today, remains an impressive Grade II* Listed Building of historical and architectural significance.

1.3 The balustrade and steps to the southern elevation attached to the Hall are also Grade II* listed under the same listing as The Hall. The retaining wall, balustrade, piers and steps to the terrace south of the Hall are Grade II Listed, listed under a separate listing. Further, the late C18 / early C19 bridge, located 280m south of Axwell Park is also Grade II Listed, under a separate listing.

1.4 To the north of the Hall, lies a vacant area of land, beyond which car parking bays and an access road which provides residents access to the Axwell Gardens. To the eastern boundary lies the residential dwelling of Richmond House and its residential curtilage. To the west lies the residential Courtyard development. Both the Axwell Courtyard and the Axwell Gardens development (both now occupied) comprised enabling development to enable the restoration and conversion of The Hall into 23 residential apartments.

1.5 DESCRIPTION OF THE APPLICATION

This application proposes alterations to Axwell Hall in the form of conversion of the eastern proportion of the Hall to create a super apartment, resulting in a reduction in the number of apartments within the Hall from 23 to 11 apartments. The super apartment would have 7 / 8 bedrooms. A table detailing the mix of apartments proposed, against the previously approved and implemented 2010 permission can be found in the table below:

	1 bed	2 bed	3 bed	7 / 8 bed	Total
Approved and implemented DC/10/01303/FUL	8	15			23
Proposed DC/17/00666/FUL	2	7	1	1	11

1.6 The application also proposes to create a granny annex within the previously approved garage block located directly north of the Hall. The garage block would convert four of the garages on the north-western side of the block into residential and would retain four garages on the north-eastern side of the block. The residential annex would provide two bedrooms, with an open-plan living and kitchen area, with a separate bathroom, study and dining room.

1.7 The scheme also proposes the provision of a new bin store which will be located between the garage block and the Hall. The store would measure 6.6m wide by 3.1m deep and 3.9m high.

1.8 This application represents a significant opportunity to bring the Axwell Hall back into a sustainable residential use, which will secure the long-term future of this Grade II* Listed Building.

1.9 PLANNING HISTORY

The application site has a rich history of relevant planning and listed building applications as detailed below:

DC/05/00301/COU Conversion of hall to 23 apartments and erection of new-build enabling development comprising of one coach apartment and terraced blocks of 18 dwellinghouses and 9 apartments with associated garage blocks, parking and landscaping. Granted on 9.09.2005 .

DC/05/00302/LBC Restoration and conversion of hall including demolition of rear annexe and renovation of balustrade and terrace. Granted on 12.08.2005.

DC/05/00303/FUL Erection of 18 three storey houses in three blocks with associated parking including restoration of walled garden and historic parkland. Granted on 9.09.2005.

DC/06/00349/LBC Variation of condition 8 of Listed Building Consent DC/05/00302/LBC relating to the requirement for single glazed windows. Granted on 27.06.2008.

DC/07/00407/FUL Variation of condition 1 (approved plans) of permission

DC/05/00303/FUL to alter the layout of the 18 dwellings within the site and re-siting of the access into the rear of the dwellings. Granted on 22.11.2007.

DC/08/00349/FUL Variation of condition on DC/05/00301/COU - adaptation of first floor of garage/coach house to form two self-contained dwellings. Granted on 15.05.2008.

DC/08/00612/LBC Internal alterations on basement, ground floor and second floors to rationalise rooms and thereby reduce number of units from 23 (as approved under DC/05/00302/LBC) to 20. Granted on 30.07.2008

DC/10/01303/FUL Variation of condition 1 of DC/05/00301/COU to allow revision to approved scheme involving reduction of number of units to 27 and alterations to elevations and roofscape with creation of additional courtyard car parking (amended 28/01/11, 11/03/11, 30/03/11 and 05/04/11). Granted 14.04.2011 subject to S106.

DC/17/01080/NMA NON-MATERIAL AMENDMENT: to planning permission DC/10/01303/FUL to allow condition 1 (approved plans) to list the approved drawings relating to Axwell Hall as well as the Courtyard element of the development. Granted on 30.05.2018.

DC/17/00666/FUL VARIATION OF CONDITION 1 (approved plans) of permission: DC/10/01303/FUL to introduce residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units. Decision Pending – also being considered at this committee meeting.

DC/17/00668/FUL Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access and partial reinstatement of the historic landscape. Decision Pending – also being considered at this committee meeting.

DC/17/00669/LBC Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access and partial reinstatement of the historic landscape. Decision Pending – also being considered at this committee meeting.

1.10 BACKGROUND SUMMARY

The planning history above relates to The Hall, Courtyard and Axwell Gardens. The planning history in so far as it relates to The Hall is summarised as follows:

- 1.11 In 2005, planning permission and listed building consent was granted for the conversion of The Hall to 23 apartments and the erection of new-build enabling development comprising of the dwellings at Axwell Gardens and the dwellings at The Courtyard with associated garage blocks, parking and landscaping.
- 1.12 Later in 2008, a listed building application was granted for internal alterations to the Hall to reduce the number of units to from 23 to 20. However this consent was not implemented and has since expired.

- 1.13 In 2010, a variation of condition application was granted which permitted alterations to the courtyard development consented in the 2005 application. This application was implemented and therefore constitutes the current consent for the alterations to The Hall.
- 1.14 As the 2010 decision only referenced the revised courtyard drawing numbers in the decision notice, a Non-Material Amendment application (DC/17/01080/NMA) was submitted in 2017 to attach the 2005 consented drawings for The Hall to the approved plans condition. This Non-Material Amendment application was granted on 30 May 2018.

2.0 Consultation Responses

Archaeology Officer There are no archaeology issues to address.

Historic England Do not wish to offer any comments.

3.0 Representations:

- 3.1 Neighbour notifications were carried out by the Council sending letters to 71 properties surrounding the site, site notices being displayed at the site as well as a notice appearing in the Newcastle Journal.
- 3.2 One letter of support has been received from a local resident who fully supports the plans for The Hall and looks forward to it being completed and restored to its former glory.

4.0 Policies:

NATIONAL POLICY

NPPF: National Planning Policy Framework

NPPG: National Planning Policy Guidance

CORE STRATEGY

CS15: Place Making

UDP

ENV11: Listed Buildings

5.0 Assessment of the Proposal:

- 5.1 Given that this is a listed building application the only issue for consideration is the impact of the proposed development on the listed buildings and structures.

5.2 LISTED BUILDING/STRUCTURES

Planning Legislation / Policy Position

- 5.3 There are a number of listed buildings and structures at this site including the listed Hall, the associated listed structures including the retaining wall, balustrades, piers and steps to the south of the Hall and the listed bridge on the access road to the south.
- 5.4 The LPA have a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which they possess. This is reinforced within both national and local planning policies.
- 5.5 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of designated heritage assets, 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 ENV11 of the Council's Unitary Development Plan (UDP) relates to listed buildings and states that alterations must preserve or enhance the buildings special architectural of historic interest.
- 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 A Heritage Statement has been submitted to accompany this application which assesses the significance of the heritage assets and the effect of the proposed changes on the significance of these assets.
- 5.11 The Hall is currently empty and has been the subject to theft, vandalism and weather damage. However, despite this, The Hall as it stands today, remains an impressive Grade II* Listed Building of historical and architectural significance.
- 5.12 Proposed Subdivision of Hall

The principle of subdividing The Hall has already been established under the previous applications that were approved. The previous scheme allowed for 23 units. The proposed changes submitted as part of this current application will provide an improved layout of 11 units which is overall less intrusive than the previously approved scheme.

5.13 The Mirror Room

The submitted Heritage Statement refers to the Mirror Room in The Hall being restored. The Mirror Room is almost the only remaining example of the internal decoration of the building. Council officers consider that any historic features in the Mirror Room that can be retained should be restored as part of this application. However it is not clear at this time whether it is possible to restore the Mirror Room given the condition of the fabric around it. The internal fabric of the Mirror Room may therefore be lost due to dry rot. To address this issue a condition is considered necessary to ensure that prior to any works commencing on site including the erection of scaffolding, a structural assessment of the Mirror Room should be undertaken. The result of the structural assessment can then inform whether any elements in the Mirror Room can be re-retained and repaired.

5.14 Bin Store and Residential Annex

Two new buildings, the residential annex and bin store are proposed adjacent to the listed Hall and structures. The proposed position of the residential annex is in the same location of an originally intended garage block which was approved as part of a previous planning approval. The two buildings are small in relation to the overall Hall and adjacent Courtyard development and will remain subservient to The Hall.

5.15 Heritage Summary

The proposed changes will alter the designated heritage assets and their setting. It is however considered that the harm to the heritage assets is outweighed by delivering housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future.

5.16 Conditions

A number of conditions will however be necessary to ensure that all the proposed works including internal and external works to The Hall and listed structures are carried out in a sensitive and appropriate manner that respects the architectural and historic features of the listed buildings and structures and their setting.

6.0 CONCLUSION

6.1 This application represents a significant opportunity to deliver housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future.

6.2 Taking all the relevant issues into account, including those made by local residents, it is considered that the proposed works are acceptable, subject to a number of conditions.

6.3 It is therefore recommended that listed building consent be granted.

7.0 Recommendation:

That permission be GRANTED and that the Strategic Director of Communities and Environment be authorised to add, delete, vary, amend and finalise the wording of the conditions (as set out as headings below) as necessary:

List of approved plans

Time limit to implement

Mirror room survey to be approved

Mirror room remediation to be approved

Implement Mirror room measures

Stone cleaning to be approved

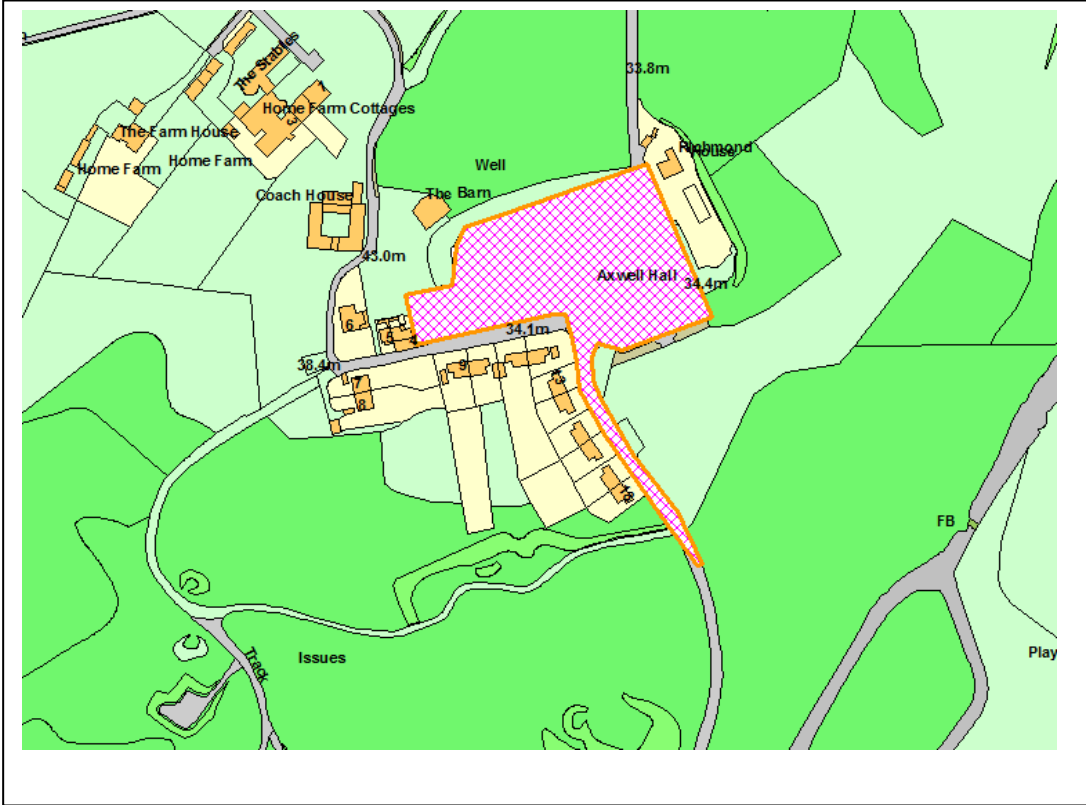
Implement stone cleaning

Scaffolding details to be approved

Implement scaffolding

Details of internal fixtures to be approved

Implement internal fixtures



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
19 September 2018**

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

MINOR UPDATE

Application No:	DC/17/00667/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00669/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT for minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00368/FUL
Site:	Blaydon Leisure And Primary Care Centre Shibdon Road Blaydon NE21 5NW
Proposal:	Refurbishment of existing external Artificial Grass Pitch (AGP) and athletics track complete with new artificial surfaces, replacement of associated athletics features, new and replacement floodlights, new ball stop fencing, new sports equipment, new maintenance equipment with storage and improved clean access (additional information received 25/07/18 and 17/08/18 and description amended 07/09/18).
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further consultation response received

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00799/FUL
Site:	Land At Bottle Bank Gateshead
Proposal:	Proposed office development (A2, B1a use) on two levels providing 430 m2 office space and ancillary accommodation. Demolition of existing substation and alterations to existing access steps and perimeter parapet walls with the insertion of new fenestration to Bottle Bank.
Ward:	Bridges
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00667/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added relating to :

- **Phasing to be approved**
- **Implement phasing**

SEE MAIN AGENDA FOR OFFICERS REPORT.

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REPORT NO 3

Committee Report

Application No:	DC/17/00668/FUL
Case Officer	Tracy Long
Date Application Valid	9 June 2017
Applicant	c/o Agent
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Ward:	Blaydon
Proposal:	Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Recommendation:	GRANT
Application Type	Full Application

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

The site to which this application relates comprises of two areas of land, firstly an area of land to the south of Axwell Hall, beyond the existing Hall Terrace, incorporating the retaining wall, balustrade, piers and steps to the terrace. The retaining wall, balustrade, piers and steps are Grade II Listed.

1.2 Secondly an area of land located to the east of the Hall, comprising of the eastern curtilage of Axwell Hall and a large area of Richmond House's rear garden, located further to the east.

1.3 Both areas of land incorporate land that forms part of the curtilage of Axwell Hall, a Grade II* Listed Building located within the Axwell Park Estate and Conservation Area.

1.4 Axwell Hall was designed by the renowned Palladian architect James Paine in 1758. In 1920 the Hall was home to the Newcastle Ragged and Industrial School which closed in 1984. The Hall has since remained empty and has been the subject to theft, vandalism and weather damage. However, despite this, the Hall as it stands today, remains an impressive Grade II * Listed Building of historical and architectural significance. The balustrade and steps to the southern elevation attached to the Hall are also Grade II* listed under the same listing as The Hall. The retaining wall, balustrade, piers and steps to the terrace south of the Hall are Grade II Listed, listed under a separate listing.

1.5 The sites are accessed via a private estate road from the A694 located to the south of the site. The late C18 / early C19 bridge, located 280m south of Axwell Park is also Grade II Listed, under a separate listing.

1.6 DESCRIPTION OF THE APPLICATION

The application proposes minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall and partial reinstatement of the historic landscape and provision of two new garden stores.

1.7 The works proposed as part of this current planning application and associated Listed Building Application DC/17/00669/LBC are intended to compliment the amendments sought to the Hall being considered under separate applications DC/17/00666/FUL and DC/17/00669/LBC. The submitted Planning Statement explains that these works are essential to ensure that the proposed restoration of Axwell Hall is financially viable and delivers a scheme which is attractive to potential buyers.

1.8 Work To The East

The works proposed to the East side of Axwell Hall involve the remodelling of the ground levels to form a level area to allow level pedestrian access from the lower ground floor of The Hall into the former garden area of Richmond House. The remodelling of this small area of land will allow views of the east elevation of Axwell Hall to be opened up.

1.9 Works To The South

A new car parking area is proposed to the south of Axwell Hall to reflect the demands for parking within the Axwell Hall Estate which is greater than was originally anticipated. The new car parking area will be set below the existing terrace area in front of The Hall. Access between the two areas will be via the existing pair of steps. On the south side of the car parking area a bund will be formed to raise the levels and a new hedge / fence will be provided on top of the bund, to help screen the parking area. The car parking area will provide 20 car parking spaces to meet the needs of the residents in The Hall – providing 2 spaces for each of the 10 flats.

1.10 PLANNING HISTORY

The application site has a rich history of relevant planning and listed building applications as detailed below:

DC/05/00301/COU Conversion of hall to 23 apartments and erection of new-build enabling development comprising of one coach apartment and terraced blocks of 18 dwellinghouses and 9 apartments with associated garage blocks, parking and landscaping. Granted on 9.09.2005 .

DC/05/00302/LBC Restoration and conversion of hall including demolition of rear annexe and renovation of balustrade and terrace. Granted on 12.08.2005.

DC/05/00303/FUL Erection of 18 three storey houses in three blocks with associated parking including restoration of walled garden and historic parkland. Granted on 9.09.2005.

DC/06/00349/LBC Variation of condition 8 of Listed Building Consent DC/05/00302/LBC relating to the requirement for single glazed windows.

Granted on 27.06.2008.

DC/07/00407/FUL Variation of condition 1 (approved plans) of permission DC/05/00303/FUL to alter the layout of the 18 dwellings within the site and re-siting of the access into the rear of the dwellings. Granted on 22.11.2007.

DC/08/00349/FUL Variation of condition on DC/05/00301/COU - adaptation of first floor of garage/coach house to form two self-contained dwellings. Granted on 15.05.2008.

DC/08/00612/LBC Internal alterations on basement, ground floor and second floors to rationalise rooms and thereby reduce number of units from 23 (as approved under DC/05/00302/LBC) to 20. Granted on 30.07.2008

DC/10/01303/FUL Variation of condition 1 of DC/05/00301/COU to allow revision to approved scheme involving reduction of number of units to 27 and alterations to elevations and roofscape with creation of additional courtyard car parking (amended 28/01/11, 11/03/11, 30/03/11 and 05/04/11). Granted 14.04.2011 subject to S106.

DC/17/01080/NMA NON-MATERIAL AMENDMENT: to planning permission DC/10/01303/FUL to allow condition 1 (approved plans) to list the approved drawings relating to Axwell Hall as well as the Courtyard element of the development. Granted on 30.05.2018.

DC/17/00666/FUL VARIATION OF CONDITION 1 (approved plans) of permission: DC/10/01303/FUL to introduce residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units. Decision Pending – also being considered at this committee meeting.

DC/17/00667/LBC Listed building consent to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units. Decision Pending – also being considered at this committee meeting.

DC/17/00669/LBC Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access and partial reinstatement of the historic landscape. Decision Pending – also being considered at this committee meeting.

1.11 BACKGROUND SUMMARY

The planning history above relates to The Hall, Courtyard and Axwell Gardens. The planning history in so far as it relates to The Hall is summarised as follows:

- 1.12 In 2005, planning permission and listed building consent was granted for the conversion of The Hall to 23 apartments and the erection of new-build enabling development comprising of the dwellings at Axwell Gardens and the dwellings at The Courtyard with associated garage blocks, parking and landscaping.

- 1.3 Later in 2008, a listed building application was granted for internal alterations to the Hall to reduce the number of units to from 23 to 20. However this consent was not implemented and has since expired.
- 1.4 In 2010, a variation of condition application was granted which permitted alterations to the courtyard development consented in the 2005 application. This application was implemented and therefore constitutes the current consent for the alterations to The Hall.
- 1.5 As the 2010 decision only referenced the revised courtyard drawing numbers in the decision notice, a Non-Material Amendment application (DC/17/01080/NMA) was submitted in 2017 to attach the 2005 consented drawings for The Hall to the approved plans condition. This Non-Material Amendment application was granted on 30 May 2018.

2.0 Consultation Responses

Archaeology Officer	There are no archaeology issues to address.
Historic England	Have no comments to make.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. This included the Council sending letters to 71 properties surrounding the site, site notices being displayed at the site as well as a notice appearing in the Newcastle Journal.
- 3.2 A number of objection letters have been received from 11 surrounding properties. These are from local residents at The Gardens, The Courtyard the School Houses. The issues raised are summarised below :
 - May cause a harmful effect on a listed building
 - May harm the amenity of Axwell Park Estate
 - Negative impact on the character of the building and surrounding area
 - Will alter the outlook for residents at The Courtyard
 - The new bin store will result in noise disturbance and odours
 - Will result in executive type housing
 - Will result in additional traffic
 - Ensure rights of access to The Gardens is maintained
 - Highway safety
 - Availability of parking spaces
 - Potential impact on wildlife
 - The access road to The Gardens was required to be upgraded to tarmac but was never completed.
 - All outstanding planning conditions in the previous planning applications should be included on the new development.
 - The S106 agreement should be extended to relate to the current proposals

3.3 In addition a letter of objection has also been received from a planning consultant who represents a number of residents of Axwell Gardens. This letter raises a number of issues as summarised below :

- Query whether the site location plan is correct
- Query regarding the redline boundary which overlaps with planning application DC/17/00666/FUL
- The northern site of the application appears to be without access
- Wishes to secure the proper development of the proposed works
- Wishes to secure the provision of outstanding planning conditions on this new development proposal with appropriate triggers
- Wishes to secure the build out / resurfacing of the access road from Axwell Hall to Axwell Gardens
- This planning application should be incorporated into the S106 agreement for the development.

3.4 A total of 2 letters of support have been received from local residents making the following representations:

- Fully support these plans for the hall
- Look forward to it being completed and restored to its former glory
- Conversion of the hall is an excellent idea and will rejuvenate the area.
- The Hall has been in disrepair for several years, converting it into apartments or a home can only be good for the area.
- If the scheme doesn't go ahead the Hall may well attract squatters or Anti-Social Behaviour.

4.0 Policies:

NATIONAL POLICY

NPPF: National Planning Policy Framework
NPPG: National Planning Policy Guidance

CORE STRATEGY

CS10: Delivering New Homes
CS11: Providing a Range and Choice of Housing
CS13: Transport
CS14: Wellbeing and Health
CS15: Place Making
CS18: Green Infrastructure and the Natural Environment
CS19: Green Belt

UDP

DC1: Environment
DC2: Residential Amenity

H3:	Sites for New Housing
H4:	Windfall and Small Housing Sites
H12:	Density
ENV3:	Character and Design
ENV7:	Development in Conservation Areas
ENV9:	Setting of Conservation Areas
ENV11:	Listed Buildings
ENV17:	Axwell Park
ENV21:	Sites and Areas of Archaeological Importance
ENV22:	Sites and areas of Archaeological Importance
ENV44:	Woodland, Trees and Hedgerows
ENV46:	Durham Biodiversity Action Plan
ENV47:	Wildlife Habitats
ENV51:	Wildlife Corridors
ENV54:	Land Affected by Contamination

5.0 Assessment of the Proposal:

- 5.1 This application represents a significant opportunity to deliver housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future.
- 5.2 The main planning issues to be considered are the impact of the proposal on the overall design of the approved scheme, the impact upon the heritage assets and the historic setting, and on the visual amenity of the area, along with considerations relating to highway safety, residential amenity and ecology.
- 5.3 **IMPACT ON HERITAGE ASSETS**
Planning Legislation / Policy Position
 There are a number of designated heritage assets at this site include the listed Hall, the associated listed structures including the retaining wall, balustrades, piers and steps to the south of the Hall, the listed bridge on the access road to the south and Axwell Park Conservation Area.
- 5.4 The LPA have a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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. This is reinforced within both national and local planning policies.
- 5.5 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of designated heritage assets, 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 Policies ENV7, ENV9, ENV11 and ENV17 of the Council's Unitary Development Plan (UDP) state that development within Conservation Areas, relating to Listed Buildings and relating to Axwell Park should preserve or enhance the special architectural or historic character and appearance of the Conservation Area, including the setting of the Conservation Area, the Listed Building and that the historic value of Axwell Park should be protected and enhanced.
- 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 considering the proposed changes to the previous approved scheme is therefore the effect of the proposed changes on the significance of the designated heritage assets .
- 5.11 A Heritage Statement has been submitted to accompany this application which assesses the significance of the heritage assets and the effect of the proposed changes on the significance of these assets.
- 5.12 The Hall is currently empty and has been the subject to theft, vandalism and weather damage. However, despite this, The Hall as it stands today, remains an impressive Grade II* Listed Building of historical and architectural significance.
- 5.13 Work To The East
The remodelling of the levels to the east of Axwell Hall will result in the removal of the Richmond House garden, which is considered to be positive, as it will reinstate the relationship between one of the principle elevations of The Hall and the wider parkland to the east.
- 5.14 Works To The south
The proposed works to create the new car parking area to the south of the hall will alter the historic parkland setting of Axwell Hall and will result in harm. It is however recognised that informal parking already occurs on this part of the site which currently harms the site.
- 5.15 Heritage Summary

The proposed changes will alter the designated heritage assets and their setting. It is however considered that the harm to the heritage assets is outweighed by delivering housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future. In addition the works to the east of the site will deliver improvements to the landscape setting by opening up the eastern elevation of Axwell Hall.

5.16 ARCHAEOLOGY

There are no archaeological constraints regarding the variation of condition 1 of DC/10/01303/FUL. No objections are raised in respect of saved Policies ENV21 and ENV22 of the UDP or policy CS15 of the CSUCP.

5.17 RESIDENTIAL AMENITY

Residents Living Conditions

The proposed amendments are considered to be acceptable from a residential amenity point of view in terms of the living conditions of both the future occupiers of The Hall and residential annex as well as the existing residents surrounding the site.

5.18 Concerns have been raised about the potential noise and odour from the proposed bin store. The bin store is not part of this current planning application and is being considered as part of planning application DC/17/00666/FUL.

5.19 HIGHWAYS SAFETY

There are no objections to the proposal from a highway safety point of view. Access to the new car parking area to the south of The Hall would be gained from the existing private estate road, from the south. It is considered that the formation of a new car parking area and the traffic associated with it would not result in any significant impact on the surrounding highway network.

5.20 Notwithstanding this, the proposed amendments to the previous consented scheme at The Hall being considered under associated planning application DC/17/00666/FUL will result in less apartments in The Hall reducing the number of units from 23 to 11. It is therefore likely that less traffic would be using the site.

5.21 ECOLOGY

The site is within a wildlife corridor. The principle of developing this site for housing has already been established under the previous planning approvals. The additional external works proposed around the Hall as part of this current planning application are considered to be relatively minor and would be unlikely to prejudice the integrity of the existing wildlife corridor.

5.22 TREES

The proposed works to the east of The Hall will result in the removal of a Monkey Puzzle tree in the garden of Richmond House. This tree is considered to have limited value. Its removal is therefore considered to be acceptable given its limited value and that its removal will enhance the view of one of the principle elevations of The Hall from the east.

5.23 POTENTIAL FOR CONTAMINATED LAND

Given that the proposed works involve removing earth from the east of The Hall and creating a new bund area to screen the new car parking area to the south of the Hall, it is considered that there is a potential for contaminated land. To address this issue a number of conditions will be necessary to ensure that site investigations are undertaken and where necessary remediation measures agreed with the Council.

5.24 COMMUNITY INFRASTRUCTURE LEVEY

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, whilst the development is housing related and the development is located within Residential Charging Zone A, no new floor space is created and therefore no CIL payment would be required for this development.

5.25 OTHER ISSUES

Submitted Plans

Council officers consider that an appropriate site location and set of drawings have been submitted.

5.26 Planning Conditions / S106 Agreement

This new planning application will be subject to appropriate planning conditions. The previous S106 agreements related to a number of issues for the Axwell site including landscape works, repairs to the bridge and carrying out highway works. The S106 agreement for the development will therefore be varied to relate to the new planning application for the Hall DC/17/00666/FUL. However Council officers do not consider that it is necessary to link this current planning application for minor works around the Hall to the current S106 agreement.

5.27 Access to Axwell Gardens

It is the developer's responsibility to ensure that the proposed works are carried out in a way that still allows access to adjacent residents in The Courtyard and The Garden elements of the development. Any restriction to this access is a civil matter to be resolved between the relevant parties. The road from Axwell Hall to Axwell Gardens has also recently been resurfaced with tarmac.

6.0 CONCLUSION

6.1 This application represents a significant opportunity to deliver housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future.

6.2 Taking all the relevant issues into account, including those made by local residents, it is considered that the proposed development is acceptable, subject to a number of planning conditions.

6.3 It is therefore recommended that planning permission be granted.

7.0 Recommendation

That planning permission be GRANTED and that the Strategic Director of Communities and Environment be authorised to add, delete, vary, amend and finalise the wording of the planning conditions (as set out below as headings) as necessary:

List of approved plans

Time limit to implement

Phasing plan to be approved

Implement phasing plan

External Materials to be approved

Implement external materials

Landscaping scheme to be approved

Implement landscaping

Maintenance of landscaping

Hard landscaping to be approved

Implement hard landscaping

Construction control measure to be approved

Implement construction control measures

External Lighting to be approved

Implement external lighting

Boundary treatment to be approved

Implement boundary treatment

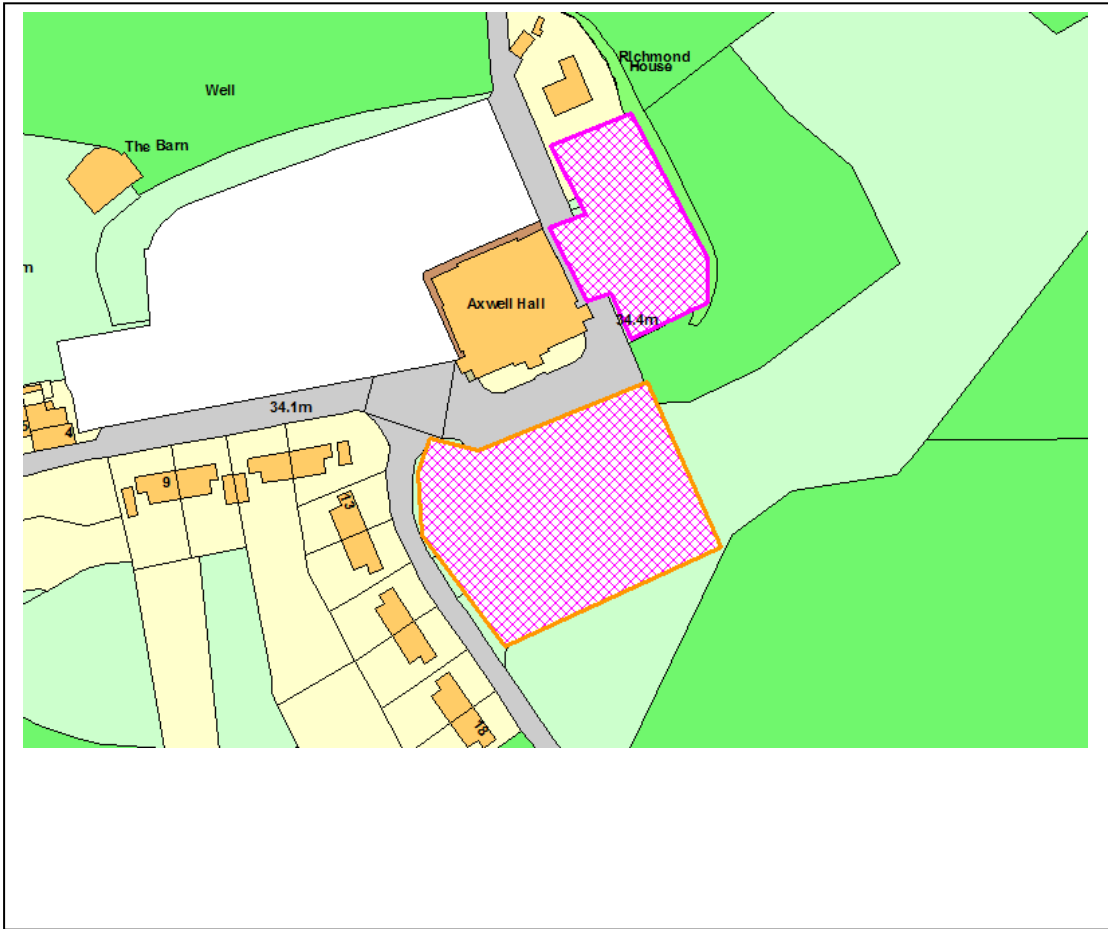
Phase 2 site investigations to be approved

Remediation scheme to be approved

Implement remediation scheme

Verification report to be approved

Previously unidentified contamination



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
19 September 2018**

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

MINOR UPDATE

Application No:	DC/17/00667/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00669/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT for minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00368/FUL
Site:	Blaydon Leisure And Primary Care Centre Shibdon Road Blaydon NE21 5NW
Proposal:	Refurbishment of existing external Artificial Grass Pitch (AGP) and athletics track complete with new artificial surfaces, replacement of associated athletics features, new and replacement floodlights, new ball stop fencing, new sports equipment, new maintenance equipment with storage and improved clean access (additional information received 25/07/18 and 17/08/18 and description amended 07/09/18).
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further consultation response received

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00799/FUL
Site:	Land At Bottle Bank Gateshead
Proposal:	Proposed office development (A2, B1a use) on two levels providing 430 m2 office space and ancillary accommodation. Demolition of existing substation and alterations to existing access steps and perimeter parapet walls with the insertion of new fenestration to Bottle Bank.
Ward:	Bridges
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00668/FUL
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

The objection letter from the planning consultant who represents a number of the residents of Axwell Gardens has been withdrawn.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Comittee Report

Application No:	DC/17/00669/LBC
Case Officer	Tracy Long
Date Application Valid	9 June 2017
Applicant	c/o Agent
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Ward:	Blaydon
Proposal:	LISTED BUILDING CONSENT for minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Recommendation:	GRANT
Application Type	Listed Building Consent

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The site to which this application relates comprises of two areas of land, firstly an area of land to the south of Axwell Hall, beyond the existing Hall Terrace, incorporating the retaining wall, balustrade, piers and steps to the terrace. The retaining wall, balustrade, piers and steps are Grade II Listed.

1.2 Secondly an area of land located to the east of the Hall, comprising of the eastern curtilage of Axwell Hall and a large area of Richmond House's rear garden, located further to the east.

1.3 Both areas of land incorporate land that forms part of the curtilage of Axwell Hall, a Grade II* Listed Building located within the Axwell Park Estate and Conservation Area.

1.4 Axwell Hall was designed by the renowned Palladian architect James Paine in 1758. In 1920 the Hall was home to the Newcastle Ragged and Industrial School which closed in 1984. The Hall has since remained empty and has been the subject to theft, vandalism and weather damage. However, despite this, the Hall as it stands today, remains an impressive Grade II * Listed Building of historical and architectural significance. The balustrade and steps to the southern elevation attached to the Hall are also Grade II* listed under the same listing as The Hall. The retaining wall, balustrade, piers and steps to the terrace south of the Hall are Grade II Listed, listed under a separate listing.

1.5 The sites are accessed via a private estate road from the A694 located to the south of the site. The late C18 / early C19 bridge, located 280m south of Axwell Park is also Grade II Listed, under a separate listing.

1.6 DESCRIPTION OF THE APPLICATION

The application proposes minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall and partial reinstatement of the historic landscape and provision of two new garden stores.

1.7 The works proposed as part of this current Listed Building Application and associated planning application DC/17/00668/FUL are intended to compliment the amendments sought to the Hall being considered under separate applications DC/17/00666/FUL and DC/17/00669/LBC. The submitted Planning Statement explains that these works are essential to ensure that the proposed restoration of Axwell Hall is financially viable and delivers a scheme which is attractive to potential buyers.

1.8 Work To The East

The works proposed to the East side of Axwell Hall involve the remodelling of the ground levels to form a level area to allow level access from the lower ground floor of The Hall into the former garden area of Richmond House. The remodelling of this small area of land will allow views of the east elevation of Axwell Hall to be opened up.

1.9 Works To The South

A new car parking area is proposed to the south of Axwell Hall to reflect the demands for parking within the Axwell Hall Estate which is greater than was originally anticipated. The new car parking area will be set below the existing terrace area in front of The Hall. Access between the two areas will be via the existing pair of steps. On the south side of the car parking area a bund will be formed to raise the levels and a new hedge / fence will be provided on top of the bund, to help screen the parking area. The car parking area will provide 20 car parking spaces to meet the needs of the residents in The Hall – providing 2 spaces for each of the 10 flats.

1.10 PLANNING HISTORY

The application site has a rich history of relevant planning and listed building applications as detailed below:

DC/05/00301/COU Conversion of hall to 23 apartments and erection of new-build enabling development comprising of one coach apartment and terraced blocks of 18 dwellinghouses and 9 apartments with associated garage blocks, parking and landscaping. Granted on 9.09.2005 .

DC/05/00302/LBC Restoration and conversion of hall including demolition of rear annexe and renovation of balustrade and terrace. Granted on 12.08.2005.

DC/05/00303/FUL Erection of 18 three storey houses in three blocks with associated parking including restoration of walled garden and historic parkland. Granted on 9.09.2005.

DC/06/00349/LBC Variation of condition 8 of Listed Building Consent

DC/05/00302/LBC relating to the requirement for single glazed windows. Granted on 27.06.2008.

DC/07/00407/FUL Variation of condition 1 (approved plans) of permission DC/05/00303/FUL to alter the layout of the 18 dwellings within the site and re-siting of the access into the rear of the dwellings. Granted on 22.11.2007.

DC/08/00349/FUL Variation of condition on DC/05/00301/COU - adaptation of first floor of garage/coach house to form two self-contained dwellings. Granted on 15.05.2008.

DC/08/00612/LBC Internal alterations on basement, ground floor and second floors to rationalise rooms and thereby reduce number of units from 23 (as approved under DC/05/00302/LBC) to 20. Granted on 30.07.2008

DC/10/01303/FUL Variation of condition 1 of DC/05/00301/COU to allow revision to approved scheme involving reduction of number of units to 27 and alterations to elevations and roofscape with creation of additional courtyard car parking (amended 28/01/11, 11/03/11, 30/03/11 and 05/04/11). Granted 14.04.2011 subject to S106.

DC/17/01080/NMA NON-MATERIAL AMENDMENT: to planning permission DC/10/01303/FUL to allow condition 1 (approved plans) to list the approved drawings relating to Axwell Hall as well as the Courtyard element of the development. Granted on 30.05.2018.

DC/17/00666/FUL VARIATION OF CONDITION 1 (approved plans) of permission: DC/10/01303/FUL to introduce residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units. Decision Pending – also being considered at this committee meeting.

DC/17/00667/LBC Listed building consent to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units. Decision Pending – also being considered at this committee meeting.

DC/17/00668/FUL Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access and partial reinstatement of the historic landscape. Decision Pending – also being considered at this committee meeting.

1.11 BACKGROUND SUMMARY

The planning history above relates to The Hall, Courtyard and Axwell Gardens. The planning history in so far as it relates to The Hall is summarised as follows:

- 1.12 In 2005, planning permission and listed building consent was granted for the conversion of The Hall to 23 apartments and the erection of new-build enabling development comprising of the dwellings at Axwell Gardens and the dwellings at The Courtyard with associated garage blocks, parking and landscaping.

- 1.13 Later in 2008, a listed building application was granted for internal alterations to the Hall to reduce the number of units to from 23 to 20. However this consent was not implemented and has since expired.
- 1.14 In 2010, a variation of condition application was granted which permitted alterations to the courtyard development consented in the 2005 application. This application was implemented and therefore constitutes the current consent for the alterations to The Hall.
- 1.15 As the 2010 decision only referenced the revised courtyard drawing numbers in the decision notice, a Non-Material Amendment application (DC/17/01080/NMA) was submitted in 2017 to attach the 2005 consented drawings for The Hall to the approved plans condition. This Non-Material Amendment application was granted on 30 May 2018.

2.0 Consultation Responses

Archaeology Officer	There are no archaeology issues to address.
Historic England	Have no comments to make.

3.0 Representations:

- 3.1 Neighbour notifications were carried out by the Council sending letters to 71 properties surrounding the site, site notices being displayed at the site as well as a notice appearing in the Newcastle Journal.
- 3.2 Two objections letters have been received from local residents raising concerns about the proposals which are summarised below :
- Negative impact on the character of the building and surrounding area
 - Will later the outlook for residents at The Courtyard
 - The new bin store will result in noise disturbance to adjacent residents.
 - Will result in executive type housing
 - Highway safety
 - Availability of parking spaces
 - Potential impact on wildlife

4.0 Policies:

NATIONAL POLICY

NPPF:	National Planning Policy Framework
NPPG:	National Planning Policy Guidance

CORE STRATEGY

CS15:	Place Making
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UDP

5.0 Assessment of the Proposal:

5.1 Given that this is a listed building application the only issue for consideration is the impact of the proposed development on the listed buildings and structures.

5.2 LISTED BUILDING/STRUCTURES

Planning Legislation / Policy Position

There are a number of listed buildings and structures at this site including the listed Hall, the associated listed structures including the retaining wall, balustrades, piers and steps to the south of the Hall and the listed bridge on the access road to the south.

5.3 The LPA have a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which they possess. This is reinforced within both national and local planning policies.

5.4 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of designated heritage assets, 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.

5.5 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.

5.6 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.

5.7 Saved Policy ENV11 of the Council's Unitary Development Plan (UDP) relates to listed buildings and states that alterations must preserve or enhance the buildings special architectural or historic interest.

5.8 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.

5.9 A Heritage Statement has been submitted to accompany this application which assesses the significance of the heritage assets and the effect of the proposed changes on the significance of these assets.

- 5.10 The Hall is currently empty and has been the subject to theft, vandalism and weather damage. However, despite this, The Hall as it stands today, remains an impressive Grade II* Listed Building of historical and architectural significance.
- 5.11 **Work To The East**
The remodelling of the levels to the east of Axwell Hall will result in the removal of the Richmond House garden, which is considered to be positive, as it will reinstate the relationship between one of the principle elevations of The Hall and the wider parkland to the east.
- 5.12 **Works To The south**
The proposed works to create the new car parking area to the south of the hall will alter the historic parkland setting of Axwell Hall and will result in harm. It is however recognised that informal parking already occurs on this part of the site which currently harms the site.
- 5.13 **Heritage Summary**
The proposed changes will alter the designated heritage assets and their setting. It is however considered that the harm to the heritage assets is outweighed by delivering housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future. In addition the works to the east of the site will delivery improvements to the landscape setting by opening up the eastern elevation of Axwell Hall.
- 5.14 **Conditions**
A number of conditions will however be necessary to ensure that all the proposed works are carried out in a sensitive and appropriate manner that respects the architectural and historic features of the listed buildings and structures and their setting.

6.0 CONCLUSION

- 6.1 This application represents a significant opportunity to deliver housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future.
- 6.2 Taking all the relevant issues into account, including those made by local residents, it is considered that the proposed works are acceptable, subject to a number of conditions.
- 6.3 It is therefore recommended that listed building consent be granted.

7.0 Recommendation:

That permission be GRANTED and that the Strategic Director of Communities and Environment be authorised to add, delete, vary, amend and finalise the wording of the conditions (as set as headings below) as necessary:

List of approved plans

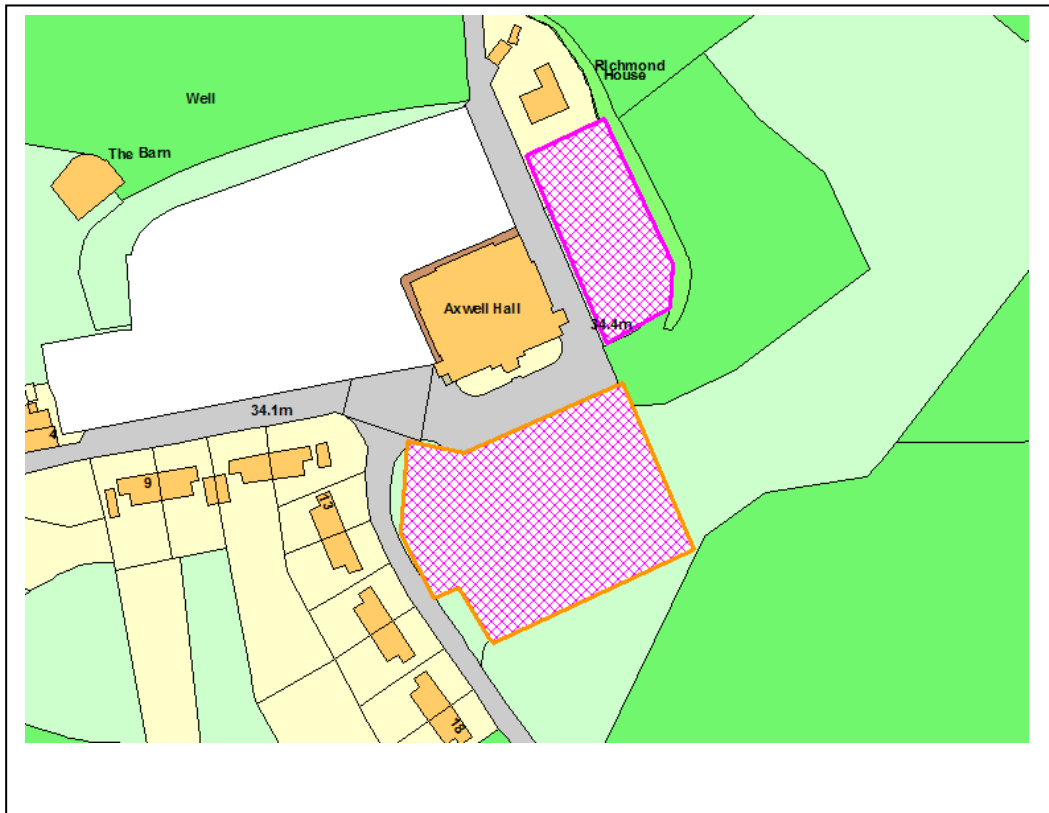
Time limit to implement

Stone cleaning to be approved

Implement stone cleaning

Scaffolding details to be approved

Implement scaffolding



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
19 September 2018**

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

MINOR UPDATE

Application No:	DC/17/00667/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00669/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT for minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00368/FUL
Site:	Blaydon Leisure And Primary Care Centre Shibdon Road Blaydon NE21 5NW
Proposal:	Refurbishment of existing external Artificial Grass Pitch (AGP) and athletics track complete with new artificial surfaces, replacement of associated athletics features, new and replacement floodlights, new ball stop fencing, new sports equipment, new maintenance equipment with storage and improved clean access (additional information received 25/07/18 and 17/08/18 and description amended 07/09/18).
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further consultation response received

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00799/FUL
Site:	Land At Bottle Bank Gateshead
Proposal:	Proposed office development (A2, B1a use) on two levels providing 430 m2 office space and ancillary accommodation. Demolition of existing substation and alterations to existing access steps and perimeter parapet walls with the insertion of new fenestration to Bottle Bank.
Ward:	Bridges
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00669/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT for minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added relating to :

- **Phasing to be approved**
- **Implement phasing**

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/18/00368/FUL
Case Officer	Joanne Munton
Date Application Valid	16 April 2018
Applicant Site:	GO Gateshead Sports and Leisure Blaydon Leisure And Primary Care Centre Shibdon Road Blaydon NE21 5NW
Ward:	Blaydon
Proposal:	Refurbishment of existing external Artificial Grass Pitch (AGP) and athletics track complete with new artificial surfaces, replacement of associated athletics features, new and replacement floodlights, new ball stop fencing, new sports equipment, new maintenance equipment with storage and improved clean access (additional information received 25/07/18 and 17/08/18 and description amended 07/09/18).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The site is located to the rear (north east) of Blaydon Leisure and Primary Care Centre. Access to the facility is from the south west.

1.2 The site is an existing football pitch with an athletics track running around it. The football pitch is surfaced in artificial grass and the running track is surfaced with hard porous aggregate.

1.3 There are six existing lighting columns on site, inside the existing running track at each corner of the pitch and midway on the longer sides of the pitch.

1.4 The application site is close to Shibdon Pond Site of Special Scientific Interest (SSSI) to the north west. SSSIs are protected by law to conserve their wildlife or geology. The application site itself is also within a local wildlife site.

1.5 DESCRIPTION OF APPLICATION

The application proposes:

- installation of replacement lighting on the six existing 15m high masts and installation of two additional 15m high masts with lighting at the north western and south eastern ends of the athletics track;
- installation of lighting bollards at intervals around the running track;

- installation of 2m and 4.5m high ball stop fencing around the pitch;
- installation of 1.2m high pitch perimeter barrier;
- the refurbishment of existing external Artificial Grass Pitch (AGP) and athletics track with new artificial grass and polymeric surfaces;
- replacement/upgrade of long jump/triple jump facilities;
- installation of new shot put area at the south eastern end;
- installation of a maintenance equipment storage building at the northern end measuring 6.06m long, 2.44m wide and 2.58m high; and
- upgrade of pedestrian and vehicle access.

1.6 RELEVANT PLANNING HISTORY

DC/05/02013/GBC - Erection of 8 x lighting columns to provide floodlighting to existing track (resubmission) - Granted 09.02.2006

2.0 Consultation Responses:

Natural England	No response received
Durham Wildlife Trust	No response received
Environment Agency	No objection
Sport England	No objection
Tyne And Wear Archaeology Officer	No archaeological requirements
Highways England	No objection
Coal Authority	No objection and informative suggested

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 Two objections have been received from members of the public, raising concerns regarding:

- continued safe use of the site;
- potential for scheme to not be fully implemented and one sport to be favoured over others;
- the potential for the proposed fencing to obscure sight/view around the track;

- the 3G pitch not being suitable for cycle skills sessions and potential impact on the facility if cycling were to take place on it;
- disruption to the existing use of the facility and proposal would not meet the needs of a triathlon club;
- impact on triathlon club support, growth and development.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV48 Sites of Special Scientific Interest

ENV51 Wildlife Corridors

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are visual amenity, residential amenity, highway safety and parking, ecology, flood risk and ground conditions.

5.2 VISUAL AMENITY

The facility is existing and linked with the leisure centre. It is considered that the proposal would be a design typical of the nature of the development and would respect the character of the area.

- 5.3 It is recommended that Conditions 3 and 4 be imposed requiring final details of materials and appearance of features and that the development be implemented in accordance with the approved details.
- 5.4 The proposal would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.5 **RESIDENTIAL AMENITY**
The nearest residential properties are dwellings at Struddars Farm Court 62m away to the south west and at The Copse, 70m away to the south. The proposal is for the upgrading of an existing facility and would result in betterment of lighting in this area, and it is considered that the proposal would not result in an unacceptable impact on residential amenity at neighbouring dwellings.
- 5.6 The proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.7 **HIGHWAY SAFETY AND PARKING**
The facility is existing and linked with the leisure centre, and it is considered that the proposal would not have a direct impact on the adopted public highway.
- 5.8 The proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.9 **ECOLOGY**
The application site is close to Shibdon Pond Site of Special Scientific Interest (SSSI) to the north west. SSSIs are protected by law to conserve their wildlife or geology. The application site itself is also within a local wildlife site.
- 5.10 An ecological assessment report has been submitted with the application and based on the information in the report, the proposed lighting would result in less spillage across the treeline to the east of the site and the scheme would be an improvement on the existing lighting situation in terms of impact on ecology. It is recommended that Condition 5 be imposed requiring the development to be implemented in accordance with the recommendations of section 5 of the submitted ecology and lighting reports.
- 5.11 Additionally, to ensure the construction phase would not have an unacceptable impact on the wildlife corridor or SSSI, it is recommended that Conditions 6 and 7 be imposed requiring final details of location and extent of vehicular access, the construction compound area and protective fencing to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.12 Further, whilst timber post and rail fencing is shown on the proposed plans, this is outside of the red line boundary and would not require planning permission in any event. As the site is within a wildlife corridor, it is recommended that an informative be attached to the permission advising that

the fencing should be designed so it would not impede the wildlife corridor, and that it is likely that the Wildlife Trust would require maintenance access for the SSSI.

5.13 Finally, the facility should not drain into the SSSI and it is considered that there are opportunities for solutions to avoid this. Conditions 8 and 9 are recommended to be imposed requiring final details of a drainage feature to be submitted to the LPA for consideration, and implementation of the approved scheme.

5.14 Given the above, the proposal would comply with the aims and requirements of saved policies ENV46, ENV47, ENV48 and ENV51 of the UDP and policy CS18 of the CSUCP.

5.15 FLOOD RISK

The site is in Flood Zone 2. Whilst the Environment Agency offer no objection, policy CS17 of the CSUCP requires that development prioritise the use of Sustainable Drainage Systems (SuDS) given the multifunctional benefits to water quality, green space and habitat enhancement. The information submitted with the application does not provide details of the incorporation of SuDS as part of an integrated design solution. In line with the above, it is considered that there would be opportunities to provide a drainage feature and Conditions 8 and 9 are recommended, requiring final details of a feature to be submitted to the LPA for consideration, and implementation of the approved scheme.

5.16 Given the above, the proposal would comply with the aims and requirements of policy CS17 of the CSUCP.

5.17 GROUND CONDITIONS

Part of the site is within the Coal Authority defined High Risk Area. The Coal Authority are satisfied with the level of information submitted with the application and, in line with their advice, it is recommended that an informative be attached to the decision advising the applicant of the High Risk Area.

5.18 The proposal would comply with the aims and requirements of saved policy DC1 of the UDP and policy CS14 of the CSUCP.

5.19 OTHER MATTERS

The use of the facility for specific sports is not a material planning consideration, and planning cannot control the timing of completion of implementation of a development.

5.20 It is considered that all other matters are addressed in the above report.

5.21 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, the proposal would allow for enhancement and upgrade of an existing sports facility without resulting in an unacceptable impact on visual amenity and residential amenity, highway safety and parking, ecology, flood risk or ground conditions. The proposal would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.
- 6.2 Furthermore, whilst the application proposes the suite of works for the complete upgrading of the facility, most elements would not require planning permission as they would fall within limitations of the relevant permitted development rights for Local Authorities (Schedule 2, Part 12, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).
- 6.3 The masts with lighting, the lighting bollards (subject to final details) and 4.5m high ball stop fencing would require planning permission as they would exceed the limitations of the relevant class, and the remainder of the works proposed would have a fall-back position of falling within permitted development.
- 6.4 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

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

1

Unless otherwise required by condition the development shall be carried out in complete accordance with the approved plans as detailed below -

SS2326_01 rev1

SS2326_02 rev 1

SS2326_03 rev 3 (received 31.08.2018)

SS2326_04 rev 3 (received 31.08.2018)

SS2326_05 rev1

SS2326_06 rev 1

SS2326_07 rev 3 (received 31.08.2018)

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 lighting bollards/columns and shot put feature shall not be respectively installed until final details of the appearance of these elements have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the features would respect the character of the area, in accordance with saved policy ENV3 of the UDP and policy CS15 of the CSUCP.

4

The lighting bollards/columns and shot put feature shall be implemented in full accordance with the respective details approved under Condition 3.

The perimeter ball stop fencing and a pitch perimeter barrier shall be finished to polyester powder coated RAL6005 Dark Green (unless otherwise is approved in advance and in writing by the Local Planning Authority).

The athletics track shall be polymeric specialist sports surfacing and coloured terracotta red.

The storage building shall be finished dark green with polyester powder coating.

The hardstanding shall be grey/black coloured porous asphalt.

Reason

To ensure the features would respect the character of the area, in accordance with saved policy ENV3 of the UDP and policy CS15 of the CSUCP.

5

The development (including the lighting bollards/columns approved under condition 3) shall be implemented in full accordance with the

recommendations of section 5 of the submitted Ecological Appraisal by RPS dated July 2018 and shall not exceed the spillage and lux levels in the Blaydon Leisure Centre lighting report (project code SSL2326) dated 14.08.2018.

Reason

To ensure the development would not have an unacceptable impact on the wildlife corridor or SSSI, in accordance with saved policies ENV46, ENV47, ENV48 and ENV51 of the UDP and policy CS18 of the CSUCP.

6

Construction vehicles shall not be brought on site until final details of the location and extent of:

- vehicular access;
- the construction compound area; and
- protective fencing

have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the construction phase would not have an unacceptable impact on the wildlife corridor or SSSI, in accordance with saved policies ENV46, ENV47, ENV48 and ENV51 of the UDP and policy CS18 of the CSUCP.

7

The details approved under Condition 6 shall be implemented before construction vehicles are brought on site and maintained and retained in full accordance with the approved details until final completion of the development.

Reason

To ensure the construction phase would not have an unacceptable impact on the wildlife corridor or SSSI, in accordance with saved policies ENV46, ENV47, ENV48 and ENV51 of the UDP and policy CS18 of the CSUCP.

8

Development relating to new/replacement surfaces shall not commence until final details of a drainage feature, avoiding water draining into the SSSI, and including timescales for implementation, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the drainage from the new surfaces would not have an unacceptable impact on the SSSI and to prioritise the use of

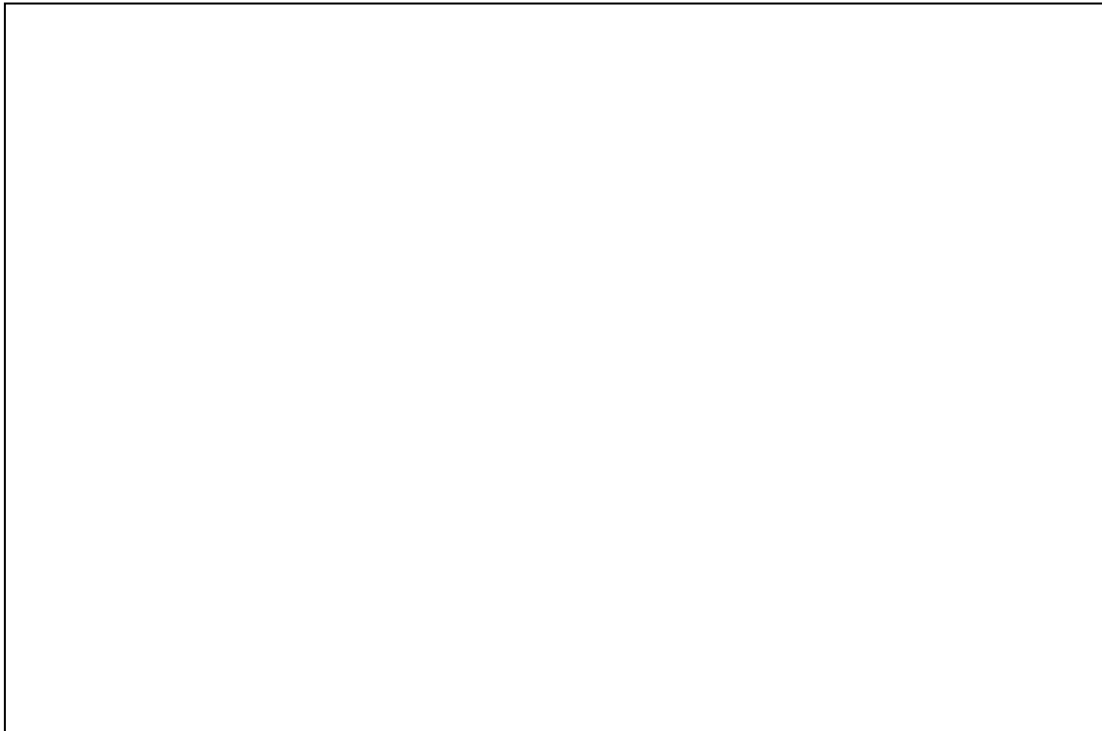
Sustainable Drainage Systems, in accordance with saved policies ENV46, ENV47 and ENV48 of the UDP and policies CS17 and CS18 of the CSUCP.

9

The details approved under condition 8 shall be implemented in accordance with the approved timescales and retained in accordance with the approved details for the lifetime of the development.

Reason

To ensure the drainage from the new surfaces would not have an unacceptable impact on the SSSI and to prioritise the use of Sustainable Drainage Systems, in accordance with saved policies ENV46, ENV47 and ENV48 of the UDP and policies CS17 and CS18 of the CSUCP.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
19 September 2018**

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

MINOR UPDATE

Application No:	DC/17/00667/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00669/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT for minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00368/FUL
Site:	Blaydon Leisure And Primary Care Centre Shibdon Road Blaydon NE21 5NW
Proposal:	Refurbishment of existing external Artificial Grass Pitch (AGP) and athletics track complete with new artificial surfaces, replacement of associated athletics features, new and replacement floodlights, new ball stop fencing, new sports equipment, new maintenance equipment with storage and improved clean access (additional information received 25/07/18 and 17/08/18 and description amended 07/09/18).
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further consultation response received

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00799/FUL
Site:	Land At Bottle Bank Gateshead
Proposal:	Proposed office development (A2, B1a use) on two levels providing 430 m2 office space and ancillary accommodation. Demolition of existing substation and alterations to existing access steps and perimeter parapet walls with the insertion of new fenestration to Bottle Bank.
Ward:	Bridges
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00368/FUL
Site:	Blaydon Leisure And Primary Care Centre Shibdon Road Blaydon NE21 5NW
Proposal:	Refurbishment of existing external Artificial Grass Pitch (AGP) and athletics track complete with new artificial surfaces, replacement of associated athletics features, new and replacement floodlights, new ball stop fencing, new sports equipment, new maintenance equipment with storage and improved clean access (additional information received 25/07/18 and 17/08/18 and description amended 07/09/18).
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

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

A further consultation response has been received from Sport England, commenting on amended plans. Whilst Sport England's initial statutory response (of not objection) is unaffected by the amended plans, they question the adequacy of lighting of the eastern straight of the athletics track and recommend either providing the lux levels recommended in Sport England guidance or relocating athletics features to the side of the pitch where higher lux levels would be more likely to be achieved.

The proposed lighting would be an improvement on the existing floodlights and Condition 3 is recommended in the main report to be imposed to require final details of the lighting bollards/columns on the eastern side, which would be directed lighting in this location and would contribute to further betterment of the existing lighting arrangement. In any event, the use of the facility for specific activities and the requirement to comply with guidance/legislation outside of planning are not material planning considerations.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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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 This planning application was considered at the Council's Planning and Development Committee on 29 August 2018 where Members resolved to defer the application for a site visit. The site visit took place on 13 September 2018.

1.1 The Application:

1.2 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.

1.3 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.

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

- Heritage statement
- Design and access statement

- Tree survey / report
- Preliminary Risk Assessment (contamination)

1.5 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.

- 1.6 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 officers 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:

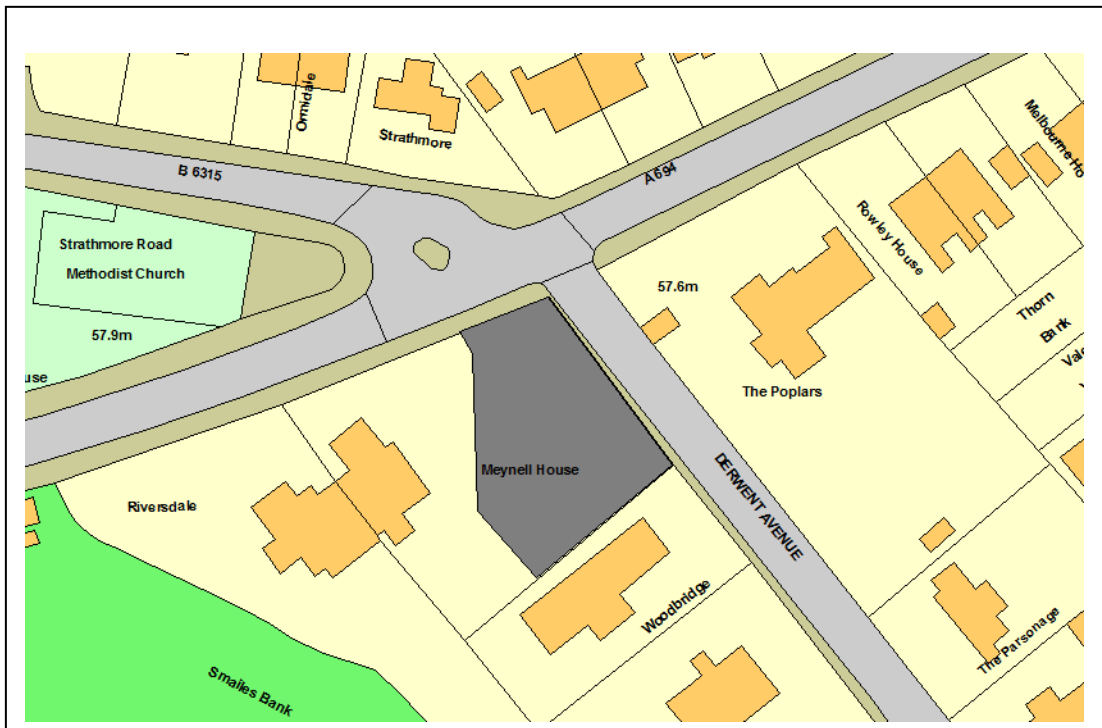
That permission be REFUSED for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary:

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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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
19 September 2018**

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

MINOR UPDATE

Application No:	DC/17/00667/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00669/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT for minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00368/FUL
Site:	Blaydon Leisure And Primary Care Centre Shibdon Road Blaydon NE21 5NW
Proposal:	Refurbishment of existing external Artificial Grass Pitch (AGP) and athletics track complete with new artificial surfaces, replacement of associated athletics features, new and replacement floodlights, new ball stop fencing, new sports equipment, new maintenance equipment with storage and improved clean access (additional information received 25/07/18 and 17/08/18 and description amended 07/09/18).
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further consultation response received

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00799/FUL
Site:	Land At Bottle Bank Gateshead
Proposal:	Proposed office development (A2, B1a use) on two levels providing 430 m2 office space and ancillary accommodation. Demolition of existing substation and alterations to existing access steps and perimeter parapet walls with the insertion of new fenestration to Bottle Bank.
Ward:	Bridges
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00512/FUL
Site:	Meynell House Dipwood Road Rowlands Gill NE39 1DA
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).
Ward:	Chopwell And Rowlands Gill
Recommendation:	Refuse Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

The agent has written in providing further representations following the Committee Site Visit as briefly summarised below.

Cedar Tree

The applicant is willing to accept a condition applied to the tree and to detail the foundation design of the adjacent single storey part of the proposed house. The agent has also stated that it is a shame that the tree issue was raised late in the planning process.

Council officers accept that a condition could be used relating to the tree and foundation design. Council officers however do not consider that this addresses the issue that the proposed development is likely to have a detrimental impact on the health, form and function of the tree. Council officers are also of the opinion that the proposed development is likely to result in post development resentment from future occupiers of the house as the tree will block light to habitable rooms and the garden. These concerns are already outlined in sections 5.18 – 5.22 of the committee report.

Council officers disagree that the tree issue was raised late in the planning process.

The Poplars 2008 Appeal Decision

The agent has stated that this appeal decision to grant approval was not as discussed influenced by any 1939 boundary but was determined on

the basis of the site as it existed in 2008. Council officers are of the opinion that the Planning Inspector did acknowledge that the proposal would respect the historic plot layout in the appeal decision.

SEE MAIN AGENDA FOR OFFICERS REPORT.

Committee Report

Application No:	DC/18/00542/HHA
Case Officer	Josh Woollard
Date Application Valid	30 May 2018
Applicant	Mr Paul Churnside
Site:	6 Coalway Lane Whickham NE16 4BX
Ward:	Dunston Hill And Whickham East
Proposal:	First floor side extension and canopy to create covered car port, and Juliet balcony to rear (description amended 27.06.18, amended plans received 08.09.18)
Recommendation:	GRANT
Application Type	Householder Application

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

The application site is a link-detached bungalow of brick and tile construction. The host property has previously been extended by dormer windows to the rear roof plane to provide a second floor of living space and a single storey front extension. Land levels on the site are relatively flat, however, the topography of the area slopes steeply down towards the north, therefore each property is slightly set down from the neighbouring property to the south.

1.2 The streetscene comprises of linked detached bungalows with a staggered building line on the east side of Coalway Lane; two-storey semis and blocks of garages line the west side of the road. The bungalows all have an attached garage to the side (south) elevation which are set back from the front elevation. The bungalows have their main entrance door within their side elevation.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the erection of a first floor side extension and the creation of a car-port.

1.4 The application proposes the extension to be the full width of the existing single storey garage and would fill the void at first floor level between the side elevation of the host property and the gable wall of number 4 Coalway Lane. The extension would be 7.7m in length. The existing garage is set back 5.9m from the front wall of the dwelling, and the proposed extension would project 3.1m beyond the front elevation of the garage at first floor level. This section would be cantilevered, supported by steel beams.

1.5 To the front, a roof window is proposed within the brick-facing wall and would extend upwards into the roof slope. To the rear, the scheme proposes a dormer with a depth of 3.8m, obscurely glazed French doors and a Juliet balcony.

1.6 Materials used in the construction of the extension would match the existing dwelling.

1.7 RELEVANT PLANNING HISTORY

DC/04/00345/FUL - Installation of dormer windows on east side of dwellinghouse to provide additional living accommodation in roofspace. – Granted 15.04.2004

DC/10/00464/HHA - Erection of single-storey extension at front of dwellinghouse. – Granted 07.07.2010

DC/17/00661/HHA - Proposed erection of first floor side extension (amended 28/07/17 & 18/09/17). – Withdrawn 17.10.2017

2.0 Consultation Responses:

None received.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 A total of 10 households have objected to the proposed development. In addition, a petition with 24 signatories has been received.

3.3 Further, an objection has been received from Ward Councillors Maughan and McClurey respectively.

3.5 The objections are summarized as follows:

- The proposal would lead to link-detached bungalows becoming semi-detached
- Loss of property value
- Overdevelopment
- The extension at 2 Church Rise is not in-keeping and 6 Coalway Lane is even larger
- Overbearing
- Detrimental to the visual amenity of the local area and inappropriate use of the premises
- The proposal will provide an otherwise unavailable outlook...negatively impacting on privacy of neighbouring properties
- No view of how the proposed extension will be attached to neighbouring property
- No site plan showing details of surrounding properties
- No construction dimensions that can be followed

- Plans are cynically designed with minimum information – Lack of dimensions
- Previous extension is unfinished and of poor quality
- Out of character
- Granting permission will only encourage others to do the same
- Noise and dust as a result of construction
- Requirement of 21m between neighbouring properties
- Details of mechanical ventilation included on plan
- Scanned document 14 (Location Plan) does not include conservatory
- Plans don't accurately show adjacent property number 4
- Queries regarding foundations
- Both gable ends have been built up...which is disproportionate
- 2 Church Rise is located on a corner plot and does not overlook other gardens. 6 Coalway is located in the middle meaning the impact of the proposed works will be greater
- Increased noise and disruption as a result of the extension
- Drainage problems as a result of foundations and construction works
- Article 1 (peaceful enjoyment of their possessions) and Article 8 (substantive right to privacy) of the Human Rights Act 1998
- Unable to maintain roof/chimney/gable wall of number 4
- 4 Coalway Lane would lose all use of the gable wall e.g. installing a Sky dish, flue or air vent
- Restricting future development at number 4
- Breach of deeds
- Built on Coal Authority High Risk Area
- Plans are not a true representation of what is on site, in terms of structure and layout
- Can the structure of the existing garage take the weight of the extension
- The proposal does not comply with Gateshead Council's HAESPD
- Openness and spaciousness of site will be lost
- The proposal is against the original planning of the estate
- Issues regarding workmanship of previous extensions

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

5.0 Assessment of the Proposal:

- 5.1 The main planning issues in this case are considered to be the impact on the street scene/design, residential amenity, and highway safety.
- 5.2 **IMPACT ON STREET SCENE/DESIGN**
Saved Unitary Development Plan (UDP) policy ENV3 along with CSUCP policy CS15 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 12 of the NPPF which places a strong emphasis on the requirement for good design.
- 5.3 In principle, the scheme proposes to infill the space above the garage between two properties. The proposal, as highlighted by an objection, will ultimately result in the character of the property changing from link-detached to semi-detached but this is not considered to result in such harm to the street scene to warrant refusal.
- 5.4 With regard to the specific design of the extension, Gateshead Council's HAESPD advises of the 'terracing'/linked effect which can occur as a result of first floor side extensions and the infilling of spaces between properties. To avoid this, the HAESPD outlines a range of design requirements that should be incorporated into the design of the extension such as a lower ridgeline and a first floor set back from the front elevation. It goes on to state that these requirements may not be necessary if there is a significant difference in ground levels with the neighbouring property.
- 5.5 The topography of the area slopes steeply downwards to the north, resulting in the host property being set down approximately 0.9m from its adjoining neighbour to the south, 4 Coalway Lane. Due to this difference, it is not considered necessary to incorporate a lower ridgeline into the design of the extension. In line with HAESPD guidance, the extension is set back approximately 2.8m from the front wall of the host property, and is also set back approximately 0.2m from the front wall of 4 Coalway Lane. It is considered that the proposed extension has been designed insofar as to reduce its impact on the street scene and appear subservient to the host property.
- 5.6 A number of objections raise the issue of overdevelopment of the site. The extension, however, exclusively utilises the airspace between the properties, does not constitute any further encroachment into the front or rear garden of the property, and is consistent with the prevailing height and form of the neighbouring properties. It is therefore considered that the proposal is sustainably designed.
- 5.7 A considerate design has been utilised to reduce the impact the extension would have on the street scene. In terms of the front elevation, the garage wall will be built up 1.5m with a pitched roof of matching shape and slope to the host property above. As a result, the extension would not project beyond the front

elevation of number 4 Coalway Lane. To break up the expanse of brick, a small feature window is proposed. The scheme also proposes matching materials to the host property.

5.8 Taking into account the above assessment and all representations received, it is considered that the proposed extension would not result in an unacceptable impact on the street scene, and complies with the aims and objectives of the NPPF, Saved policy ENV3 of the UDP, CS15 of the CSUCP, and Gateshead Council's HAESPD.

5.9 RESIDENTIAL AMENITY

The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CSUCP policy CS14 and saved UDP policy DC2 which seek to ensure that development does not cause any undue disturbance to nearby residents, safeguards the enjoyment of light and privacy for existing residential properties, and ensures an acceptable level of amenity for existing and future residents.

5.10 When assessing the effect of an extension on neighbouring properties, Gateshead Council's HAESPD advises that acceptable levels of privacy are achieved by keeping a distance of 21m between main facing elevations containing habitable room windows. It is the intention to achieve the same standards of spacing between extensions and adjacent dwellings which have not been extended. Where an adjacent house has been extended, the distance considered will be that to the wall of the house as originally built. In terms of overcoming problems caused by loss of privacy, the HAESPD recommends the use of opaque glass.

5.11 Regarding the neighbour to the north (8 Coalway Lane), it is considered that no unacceptable amenity impact would occur. The proposal would be 'shielded' from view by the existing dwellinghouse and no additional overlooking of existing garden space would occur.

5.12 In regard to the properties to the east along Church Rise, the minimum separation distance achieved is 18.6m between the proposed dormer and the rear elevation of the extension at 13 Church Rise. However, the distance considered will be to the wall of the house as originally built. The separation distance then increases to approximately 20.2m. Despite falling marginally short of the recommended distance, the proposal utilises obscure glazing which, as set out within the HAESPD, can be used to overcome any outstanding privacy concerns and this can be secured via condition (Condition 4). The proposal does incorporate a 21m separation distance between the extension and number's 11 and 15 Church Rise. In terms of overshadowing of these properties, the host property is located directly west. Taking into account the separation distance, the obscure glazing, and the orientation of the host property, the proposal is not considered to have an unacceptable impact on the residential amenity of the properties along Church Rise.

- 5.13 In relation to 4 Coalway Lane, the host property is located to the north and the extension will be attached to/face a blank gable. The proposal would not project beyond the front elevation of number 4 and only a small section of the roof of the rear dormer would project beyond the roofline of number 4. The face of the rear dormer would be set back 0.5m from the rear elevation of number 4. As such, it is not considered that the proposal would have an unacceptable impact in terms of overshadowing or overbearing as it would be hidden within the shadow of the gable wall. Further, the rear window/door would not aid any unacceptable overlooking into windows associated with this property owing to their location. It is accepted that some minimal additional overlooking could occur into the garden space associated with this neighbour but this is limited due to the change in land levels, the staggered building line, and the condition securing the use of obscure glazing. Further, it is considered any noise transference between the proposed extension and 4 Coalway Lane would be residential in nature.
- 5.14 Considering the above, the development, subject to conditions, is considered to meet the aims and requirements set out in policy DC2 of the UDP, policy CS14 of the CSUCP, and the requirements of the NPPF.
- 5.15 **HIGHWAY SAFETY & PARKING**
Existing parking and highway access arrangements would be unaltered by the proposal and therefore the proposed development would not have an impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with policy CS13 of the CSUCP.
- 5.16 **OTHER MATTERS**
The matters of design, residential amenity, and highway safety have been considered within the main body of the report.
- 5.17 Regarding the principle of residential use, the area is already characterised by residential properties and therefore additional residential development is considered to be both appropriate and acceptable.
- 5.18 In regard to this application setting a precedent within the area, each application will be judged on its own individual merits.
- 5.19 In regard to land stability, while material, The Coal Authority have indicated they do not wish to be consulted on applications of a householder scale. As such, any stability issues will be addressed/considered through the building regulation approval process.
- 5.20 In regard to inaccuracies within the plan, following receipt of amended plans, officers are of the view that the plans provide an appropriate amount of information and are sufficiently accurate to allow a sound decision to be made regarding planning permission.
- 5.21 Issues of devaluation of properties, property maintenance, The Party Wall Act, the quality of workmanship on previous extensions, property deeds, the proposed internal layout, drainage and foundations, noise and dust arising from

construction, potential future development at neighbouring properties, and building against another person's property are not material planning considerations and as such are not afforded any weight.

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 -

Location Plan

Roof Plan (Amended 27.08.2018)

NO.1D Proposed Bedroom above the Garage 08/09/2018

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

All external surfaces shall be completed in materials to match those of the existing building. Where new materials would differ in any way from those of the existing building, no development shall commence until samples of the proposed materials are made available for inspection on site and are subsequently approved in writing by the Local Planning

Authority. Thereafter the development shall be carried out in accordance with those details.

Reason

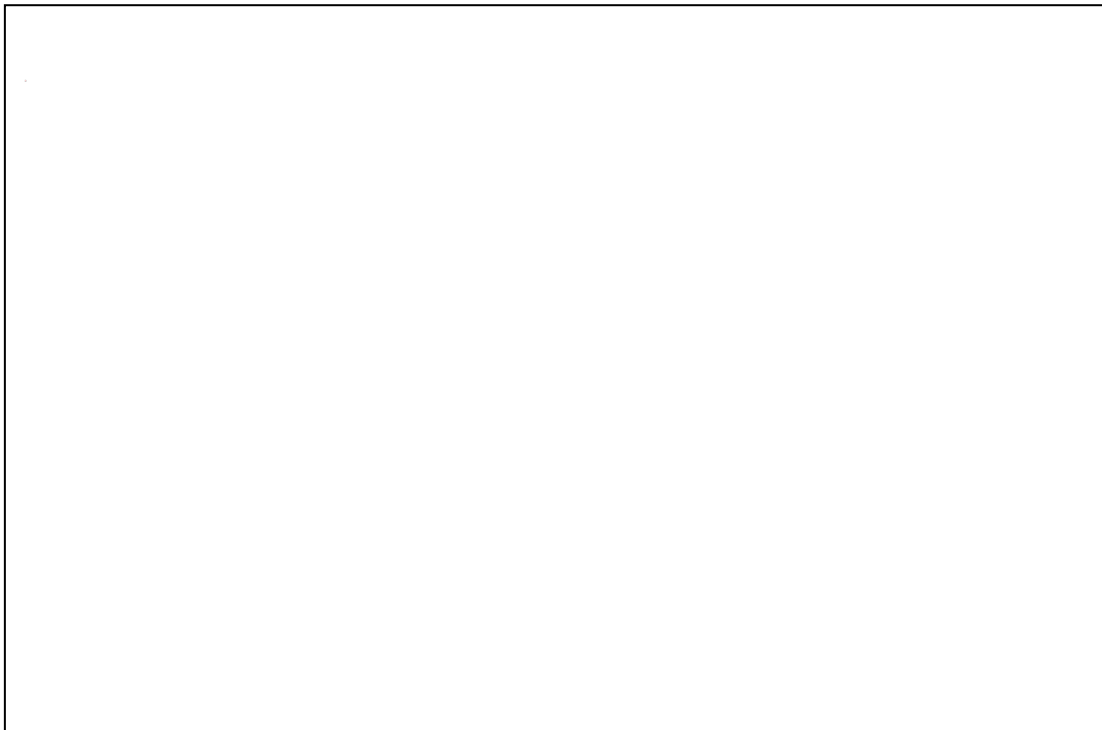
To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy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

4

Prior to first use of the extension hereby approved, the doors located in the east elevation facing the common boundary with 13 Church Rise shall be installed using obscure glass at a level three or greater on the Pilkington scale. The obscure glazing shall be retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with 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.



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Committee Report

Application No:	DC/18/00566/FUL
Case Officer	David Morton
Date Application Valid	5 June 2018
Applicant	Karbon Homes
Site:	Land Adj Starling Walk Sunniside Newcastle Upon Tyne
Ward:	Whickham South and Sunniside
Proposal:	Erection of 10 dwellings with associated parking (amended 15/08/18).
Recommendation:	GRANT
Application Type	Full Application

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

The application site is located on Starling Walk, Sunniside. The application site is located to the rear of Sunhill retirement apartments.

1.2 The application was left vacant following the redevelopment of the site (DC/13/00328/FUL). As part of the redevelopment the original sheltered housing building was demolished and Sunhill retirement apartments were constructed. Six terraced bungalows are located to the east of Starling Walk (1012/99). There are residential properties located to the north of the application site (Ravensworth Terrace) and commercial premises are located to the south.

1.3 Land levels across the site are generally flat, with a change in land level to the north of the application site resulting in Sunhill retirement apartments being located at a lower land level.

1.4 DESCRIPTION OF THE PROPOSAL

The application seeks full planning permission for the erection of 10 dwellinghouses and associated works. More specifically, the application proposes the erection of four two-bedroomed dwellings, four three-bedroomed dwellings and two two-bedroomed bungalows. The application proposes that all dwellinghouses face out on to Starling Walk.

1.5 Parking would be located to the front of the properties and gardens would be to the rear. The rear of the properties would back on to the existing apartment communal garden and it is proposed that the existing two metre high fence would be retained.

1.6 It is proposed that the properties would be finished in brick with art stone heads and cills, roofs would be covered with grey tiles and all rainwater goods would be black.

- 1.7 Access would be provided from (the private) Starling Walk off the Gateshead Road A692.
- 1.8 The applicant has indicated the intention for the properties to be erected for social and intermediate tenure.
- 1.9 The application is accompanied by the following documents:
- Design and Access Statement
 - Drainage Assessment
 - Ground Investigation Reports
- 1.10 **PLANNING HISTORY**
The relevant planning history of the site is summarised as follows;
- DC/13/00328/FUL; Planning permission granted for 'Variation of condition 1 of DC/12/00648/FUL to allow revision of tenure of some of apartments, minor amendment to stepped gable between 2 and 2.5 storey, omission of render and brick proposed.' Date; 31 May 2013.
 - DC/12/00648/FUL; Planning permission granted for 'Demolition of existing buildings and erection of twenty-eight x two- bed apartments in two storey block with associated facilities and landscaping (amended 31/07/12 and 01/08/12).' Date; 20 August 2012.

2.0 Consultation Responses:

None

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of six individual letters, a letter from a Ward Councillor (Councillor Jonathan Wallace) and a petition of 18 signatures have been received in objection to the proposal.
- 3.2 The issues raised by the Ward Councillor are summarised as follows;
- The application site and wider areas has been identified for housing for elderly occupiers, the application undermines this;
 - The majority of the housing is out of character with Starling Walk; and
 - There will be a loss of privacy for the occupiers of Sun Hill given the type of housing proposed and changes in land levels;
- 3.3 The issues raised by local residents are summarised as follows;
- Assurances were offered which stated that the site would not be redeveloped;
 - The potential loss of green spaces has affected house sales and property value;
 - The proposal would cause overlooking;
 - There is no requirement for 'old people's housing';
 - The proposal represents urban sprawl;

- The proposal should be for a smaller number of bungalows and not houses;
- The proposed development would be over-bearing on existing residents; and
- The proposal does not provide adequate parking levels which would impact on the A692.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1J Substrata Drainage-Water Quality

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Development 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

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, flood risk, sustainable drainage, land contamination, highway safety, design, visual and residential amenity, open space and play area provision and CIL.
- 5.2 PRINCIPLE
As the application site is not specifically allocated for housing in the UDP, proposals for housing need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.
- 5.3 The site forms a windfall site. The NPPF states that "*... housing applications should be considered in the context of the presumption in favour of sustainable development.*"
- 5.4 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.5 Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application proposes the erection of four family homes and accommodation for elderly residents. It is considered that the proposed mix provides a good range and choice of accommodation in accordance with policy CS11 of the CSUCP and saved UDP policy H5.
- 5.6 Policy CS11(4) requires that new residential development provides "*adequate space inside and outside of the home to meet the needs of residents*". It is considered based upon the submitted information that the application meets the above requirements, providing an acceptable level of internal and external space for existing and proposed properties.
- 5.7 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policy H4 of the UDP, policies CS10 and CS11 of the CSUCP as well as the NPPF.
- 5.8 DESIGN ISSUES
Overall, it is considered that the site provides a good quality design response to the constraints of the site.
- 5.9 The development looks outwards on two sides demonstrating an effort to engage positively with the surrounding area. A traditional approach to the design and materials has been adopted by the applicant, it is considered this is appropriate in the context of the site and the wider area.

- 5.10 Consideration has been given to the form and location of boundary treatments and a range of solutions have been offered, some incorporating soft landscaping.
- 5.11 Final details of materials and boundary treatments to be used across the site should be submitted to and approved in writing by the Local Planning Authority (Conditions 4 and 5) to ensure their acceptability.
- 5.12 It is considered that the proposed development is acceptable from a design point of view and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.
- 5.13 **RESIDENTIAL AMENITY ISSUES**
Given the distances between the adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.
- 5.14 Officers consider that the construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details regarding hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 5 and 6).
- 5.15 Officers are of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses would be acceptable. 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.
- 5.16 **TRANSPORT ISSUES**
The development will increase traffic movements in the area and to the site. The additional traffic movements associated with development would only add limited numbers to the existing highway network (including during the peak periods). The level of increase is acceptable and can be accommodated on the existing network.
- 5.17 The layout of the scheme is acceptable in highway terms utilising the existing highway layout. The application does not include provision for a pedestrian link to the existing footpath network, however it is considered this requirement could be secured via planning conditions (Conditions 7 and 8).
- 5.18 The application proposes the provision of 10 resident parking spaces and three visitor spaces. The level of provision is appropriate given the nature and location of the development proposed.

- 5.19 Cycle parking would be provided within a storage shed within the curtilage of the dwellings. The provision of the cycle storage could be secured through an appropriate planning condition (Condition 9).
- 5.20 To help promote sustainable travel choices it is considered that each house should be provided with a travel welcome pack that should include bus timetables along with information on the walking and cycling options available in the area. These measures can be secured through an appropriately worded planning condition (Condition 10).
- 5.21 It is therefore considered that subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.
- 5.22 FLOOD RISK/DRAINAGE
A drainage assessment has been submitted and it has been demonstrated that a greenfield runoff rate is achievable. The scheme comprises permeable paving on driveways and geo-cellular storage with a hydro-brake. Given the small scale of the site and the risk, the proposed approach is proportionate.
- 5.23 It is accepted, that the proposed drainage system offers a workable solution to dealing with the drainage associated with the site. However, officers consider additional information is required and should be secured by conditions. It is considered necessary to condition the following:
- a detailed drainage scheme including detailed drainage drawings, electronic model, adoption arrangements and health and safety assessment in accordance with the Council's SuDS Guidelines (Conditions 11 and 12);
 - SuDS and landscape management plans to be agreed and implemented for lifetime of development (Conditions 13 and 14) and;
 - construction management plan to be agreed and implemented for lifetime of development (Conditions 15 and 16).
- 5.24 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.
- 5.25 LAND CONTAMINATION
Given the sensitive end use a Contaminated Land Risk Assessment has been submitted in support of the application. The submitted report concludes that no remedial measures are required and officers agree with this conclusion. However, it is considered necessary to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (conditions 17).
- 5.26 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.

5.27 OPEN SPACE

The site is located within a residential neighbourhood that is not deficient in open space provision. Further, the proposed layout includes the provision of amenity space within the application site. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

5.28 PLAY SPACE

Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.

5.29 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Therefore, whilst the proposal is considered to be unacceptable in terms of on-site open space and play space provision and does not accord with saved UDP policies CFR28, CFR29 and CFR30, it is also not possible to require any contribution for either play or open space provision in this case, based on the above assessment.

5.30 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.

5.31 OTHER ISSUES

The issues of house sales and property value (as raised by objectors) are not material planning considerations, as such these matters are not afforded weight in the formulation of the recommendation.

5.32 It is considered that all material planning considerations raised by objectors have been considered fully within the main body of the report.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, including the comments made by local residents, it is considered that the proposed development is acceptable subject to the planning conditions below and therefore accords with the aims and objectives of both national and local planning policies. It is therefore recommended that planning permission be granted.

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 -

01 - Location Plan

07_L - Proposed Site Layout - Option F

HT_200_1_E - B1 - 2B3P Bungalow - M4(1)

HT_200_2_D - T2 - 2B4P House - M4(1)

HT_200_3_A - T3 - 3B5P House - M4(1)

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

Reason

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

2

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

Reason

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

3

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under Condition 3, and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

Prior to the commencement of the development hereby approved, a construction control plan including the hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access locations shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

6

The construction control plan approved under condition 5 shall be implemented and complied with in full during all stages of construction, until completion.

Reason

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

7

Prior to commencement of the development hereby approved the final details of a pedestrian link between the application site and the existing footpath/highway network (including timetable for implementation) shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

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

8

The details of the crossing location approved under condition 7 shall be implemented in full accordance with the approved details in accordance with the approved timetable.

Reason

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

9

The cycle parking facilities associated with each individual property (shown on approved plan 07_L - Proposed Site Layout - Option F) shall implemented in full accordance with the submitted details prior to first occupation of each respective unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

Reason

In order to ensure adequate provision for cyclists and in accordance with policy CS13 of the Core Strategy and Urban Core Plan.

10

At the point of first occupation of any unit hereby approved, a Travel Plan, or 'Welcome Pack' shall be provided to the occupants of each dwelling, to encourage the use of alternative modes of travel to the site other than by private vehicle. This must include local cycle maps, bus stop locations, bus timetables and maps showing pedestrian routes to local amenities.

Reason

To encourage sustainable travel to and from the development in accordance with the NPPF and CSUCP policy CS13.

11

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.

12

The final drainage scheme shall be carried out in full accordance with the details approved under condition 11 (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.

13

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 11 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.

14

The drainage scheme approved under condition 11 shall be managed in full accordance with the management plan approved under condition 13 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.

15

No work in relation to any proposed drainage features shall take place until a construction management plan for the drainage scheme approved under condition 11 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.

16

The drainage scheme approved under condition 11 shall be constructed in full accordance with the construction management plan approved under condition 15.

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.

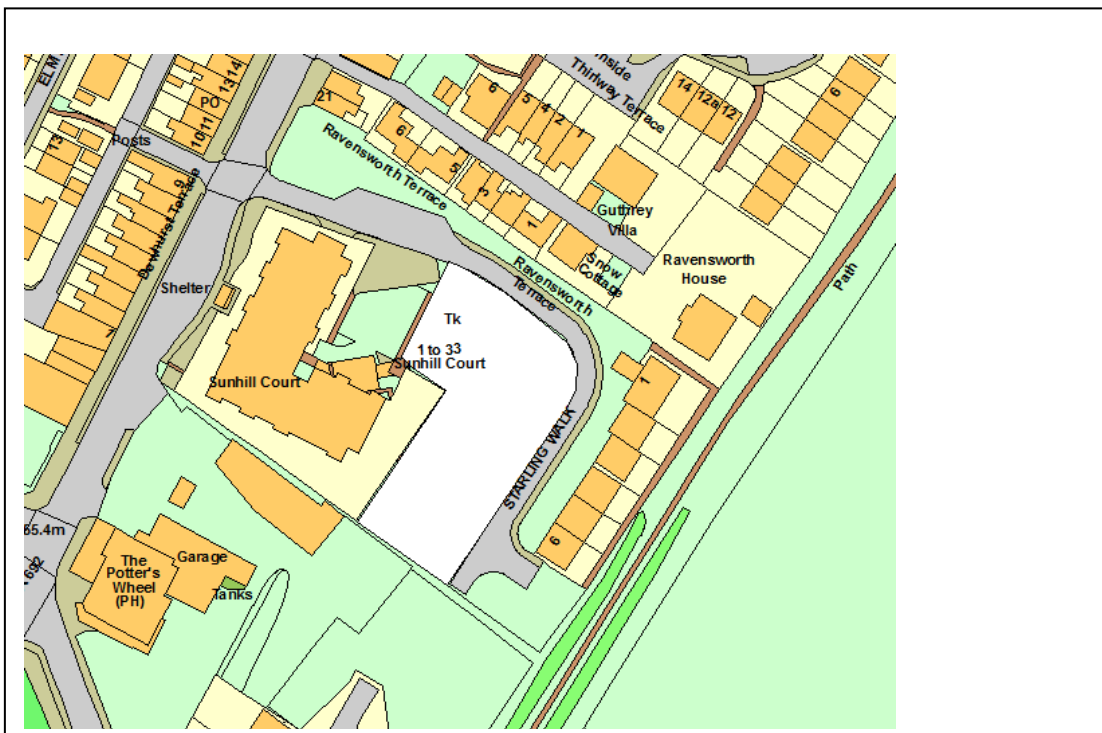
17

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.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
19 September 2018**

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

MINOR UPDATE

Application No:	DC/17/00667/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00669/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT for minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00368/FUL
Site:	Blaydon Leisure And Primary Care Centre Shibdon Road Blaydon NE21 5NW
Proposal:	Refurbishment of existing external Artificial Grass Pitch (AGP) and athletics track complete with new artificial surfaces, replacement of associated athletics features, new and replacement floodlights, new ball stop fencing, new sports equipment, new maintenance equipment with storage and improved clean access (additional information received 25/07/18 and 17/08/18 and description amended 07/09/18).
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further consultation response received

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00799/FUL
Site:	Land At Bottle Bank Gateshead
Proposal:	Proposed office development (A2, B1a use) on two levels providing 430 m2 office space and ancillary accommodation. Demolition of existing substation and alterations to existing access steps and perimeter parapet walls with the insertion of new fenestration to Bottle Bank.
Ward:	Bridges
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00566/FUL
Site:	Land Adj Starling Walk Sunniside Newcastle Upon Tyne
Proposal:	Erection of 10 dwellings with associated parking (amended 15/08/18).
Ward:	Whickham South And Sunniside
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

Two further letters of objection have been received, one from a local resident and one from a Ward Councillor (Councillor Marilynn Ord); no new material planning considerations have been raised.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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REPORT NO 9

Committee Report

Application No:	DC/18/00573/COU
Case Officer	Tracy Long
Date Application Valid	6 June 2018
Applicant	Follingsby International Enterprise Park Limited
Site:	South Follingsby Farm Follingsby Lane Follingsby Felling NE10 8YA
Ward:	Wardley And Leam Lane
Proposal:	Demolition of farmhouse / barn buildings and change of use of land to provide extended green infrastructure and built development zones for the adjacent Follingsby International Enterprise Park including the closure of the existing vehicle access and the formation of a new vehicle access off Follingsby Lane to replace access 1 one of the 6 accesses approved under planning permission DC/18/00237/OUT (Submitted with a Supplementary Environmental Statement).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF APPLICATION SITE

The application site is South Follingsby Farm at the junction of Follingsby Lane and Follingsby Avenue. The site measures around 2 hectares and has a number of buildings on the site including a farmhouse and farm buildings.

1.2 The site is situated on the south eastern edge of Gateshead, within a commercial area. The site lies immediately to the south of Follingsby Lane, with Follingsby Park Industrial Park which includes a range of manufacturing and storage / distribution uses to the north. The River Don is to the south of the site with fields, a riding stables, playing pitches and the residential areas of Washington to the south in Sunderland. The A194 motorway, Heworth Golf Club and the residential areas of Wardley and Heworth are to the west.

1.3 The site forms the western section of employment land allocation - policy KEA2 South of Follingsby Lane in the Council's adopted Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP). Policy KEA2 allocates up to 90,000m² of employment land for B8 (storage and distribution uses). The site is situated within a Wildlife Corridor and includes a Great Crested Newt pond. The site is also situated within Flood Zone 1 (low risk of flooding).

1.4 DESCRIPTION OF APPLICATION

A number of previous planning applications (two outline planning permissions DC/17/01117/OUT and DC/18/00237/OUT and a reserved matters application DC/18/00111/REM) were approved earlier this year in January, April and May on the adjacent site to the east for a large commercial development - Follingsby International Enterprise Park. The first outline permission that was approved related to the provision of 90,000m² of B8 (storage and distribution) and B2 (general industry) floorspace at the site with 4 access points off Follingsby Lane. The second outline planning permission related to the provision of 225,000m² of B8 (storage and distribution) and B2 (general industry) floorspace at the site with 6 access points off Follingsby lane.

1.5 The previous planning permissions for the Follingsby International Enterprise Park excluded the parcel of land at South Follingsby Farm – this current application site as the site was in the ownership of a third party. The residents of the farm have now decided to relocate. Given that the farm site has now been acquired by the applicant they wish to amend the previously approved plans for Follingsby International Enterprise Park to include the farm site to the west (this current application site).

1.6 This application therefore proposes to demolish the farmhouse and farm buildings and develop the site to provide extended green infrastructure and built development zones for the adjacent Follingsby International Enterprise Park. The western section of the farm site would be used as green infrastructure (landscaping, ecology and drainage) where as the eastern section of the farm site would be used for built development (service yard / parking areas) for the commercial development. This application includes the closure of the existing vehicle access to the farm site and the formation of a new vehicle access off Follingsby Lane to replace access 1 one of the 6 accesses approved under planning permission DC/18/00237/OUT.

1.7 Linked Applications

This current planning application is one of three linked planning applications for the Follingsby International Enterprise Park (DC/18/00573/COU, DC/18/00574/FUL and DC/18/00575/FUL). The earlier applications split the development site into two areas : a green infrastructure zone and a built development zone. Given that the applicant has acquired South Follingsby Farm amended plans have been developed which extend the built development zone approved under the earlier outline consents westward into the approved green infrastructure zone. The green infrastructure zone is then to be re-provided on the new South Follingsby Farm site to the west. No change is proposed to the overall quantum of floorspace or the type of uses B8 (storage and distribution) and B2 (general industry). The total quantum of green infrastructure remains the same at 13.08 hectares as previously approved.

1.8 A legal agreement will be required for these 3 linked applications to ensure that the development takes place in a comprehensive manner across the whole of the wider site.

1.9 Timing of Development

The construction of the development is anticipated to take up to 4 years, including site preparation, enabling works and construction, including ground works, foundations, buildings and external service yards and car parking. On the basis that construction works commence in the third quarter of 2018 they are anticipated to end in 2021.

1.10 EIA DEVELOPMENT

The earlier outline proposals were considered to be EIA development and were therefore submitted with an Environmental Statement (ES). The submitted ES considered the likely significant effects arising during the construction and operation of the development and the potential cumulative effects which may arise when considered with other relevant nearby developments.

1.11 A Supplementary Environmental Statement (SES) has been submitted with these three linked applications to consider any changes resulting from the proposed amendments to the previously approved schemes in the context of the new proposals for the farm site and any additional survey work undertaken since the submission of the most recent Environmental Statement in March 2018.

1.12 PLANNING HISTORY

The application site has a number of relevant planning applications as detailed below:

DC/17/01117/OUT OUTLINE APPLICATION for 90,000m² of B8 (storage and distribution) and B2 (general industry) floorspace, along with associated offices, internal roads, car parks, infrastructure and landscaping, with all matters reserved except access (submitted with an environmental statement). APPROVED 5 January 2018.

DC/18/00111/REM RESERVED MATTERS APPLICATION relating to appearance, layout, scale and landscaping for the phase one area of development (comprising works to Follingsby Lane, plot entrances, formation of development plateaus, green infrastructure development and related infrastructure works) pursuant to outline planning application DC/17/01117/OUT. APPROVED 18 April 2018.

DC/18/00237/OUT OUTLINE APPLICATION for 225,000m² of B8 (storage and distribution) and B2 (general industry) floorspace along with associated offices, internal roads, car parks, infrastructure and landscaping with all matters reserved except access and landscaping of the green infrastructure zone (submitted with an environmental statement). APPROVED 10 May 2018.

DC/18/00574/FUL Variation of condition 1 (approved drawings) of planning permission DC/18/00237/OUT to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the green infrastructure and built development zones further west and removing access 1 and repositioning accesses 2 -5 and the associated bus stops and crossings along Follingsby Lane (submitted with

Supplementary Environmental Statement). Decision Pending – also being considered at this committee meeting.

DC/18/00575/FUL Variation of condition 1 (approved drawings) of planning permission DC/18/00111/REM to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the green infrastructure and built development zones further west (submitted with Supplementary Environmental Statement). Decision Pending – also being considered at this committee meeting.

2.0 Consultation Responses:

Sunderland City Council	No observations to make.
South Tyneside Council	No objection
Northumbrian Water	No objection
Northern Gas Networks	No objection
Highways England	No objection
Natural England	No objection
Environment Agency	No objection
Archaeology Officer	No objection subject to a condition for archaeological evaluation.

3.0 Representations:

- 3.1 Publicity and neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 This planning application has therefore been advertised on site and in the press as a being submitted with a Supplementary Environmental Statement and as being a departure (as B2 floor space is proposed and more than 90,000m² of floor space is proposed).
- 3.3 The Council sent neighbour notification letters to 66 properties surrounding the site. Council officers also displayed 9 notices surrounding the site in Gateshead, South Tyneside and Sunderland. In addition a notice also appeared in the Newcastle Journal on 27 June 2018.
- 3.4 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1H Pollution

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

KEA2 Follingsby South

5.0 Assessment of the Proposal:

- 5.1 This application represents an opportunity to deliver significant investment in the area which would provide significant local employment opportunities and expenditure.
- 5.2 The main planning issues to be considered are the impact of the proposed changes relating to landscape and visual impact, heritage issues, transport

issues, noise, air quality the potential for land contamination, flood risk / drainage, ecology, socio economic issues and cumulative effects.

5.3 PRINCIPLE OF DEVELOPMENT

The wider site (including the South Follingsby farm site) is allocated for up to 90,000m² of employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's Core Strategy and Urban Core Plan (CSUCP). The three link planning applications DC/18/00573/COU, DC/18/00574/FUL, DC/18/00575/FUL are seeking consent for up to 225,000m² of floor space. The proposed uses would include B8 (storage and distribution) and B2 (general industry) of which not more than (27,000m²) will be for uses within B2. The main use of the site is therefore for warehousing and distribution (use class B8).

- 5.4 Given that this site is allocated for up to 90,000m² of only B8 use - the previous Outline applications and these current linked applications have been advertised by the Council as a departure to the Council's adopted development plan.
- 5.5 The introduction of up to 27,000m² of B2 floor space at the site was considered acceptable by the Council on the earlier outline planning applications DC/17/01117/OUT and DC/18/00237/OUT that were approved. The B2 floor space was considered acceptable to provide flexibility to meet market requirements and in terms of maximising job creation and inward investment. It was also previously accepted that the inclusion of B2 floor space would bring economic benefits and will make the development more attractive to potential occupiers.
- 5.6 This site was allocated for B8 development due to its potential contribution to supporting the distribution and logistics sector. Whilst the inclusion of B2 (general industrial) floor space has the potential in quantitative terms to reduce the amount of floor space given to B8 (storage and distribution) uses, Council officers are of the view that the inclusion of B2 uses would not impair the developments primary function within the distribution and logistics sector.
- 5.7 The overall amount of floor space proposed in the three current linked applications does not exceed that approved in the previous outline application DC/18/00237/OUT. The 225,000m² of floor space exceeds that envisaged (90,000m²) in the adopted development plan. The submitted Planning Statement submitted for the previous outline application DC/18/00237/OUT explains that this additional floor space is required to address the specific requirements of a potential occupier. This additional floor space can also be accommodated within the built development zone on the Parameters Plan through the provision of mezzanine floors within the buildings. The previous Environmental Statement (ES) (March 2018) also considered and demonstrated that the increase in floor space from 90,000m² to 225,000 m² can be accommodated on the site without significant adverse environmental effects.
- 5.8 Council officers accept that the inclusion of some B2 uses as part of the development which has a floor space of up to 225,000m² is not in accordance

with policy KEA2 of the CSUCP and is therefore a departure to the Council's approved development plan. However the introduction of 27,000m² of B2 floor space and the increase of overall floor space to 225,00m² has already been granted planning permission in the previous outline application DC/18/00237/OUT. Council officers are therefore of the view that the proposed changes do not raise any new issues in terms of the type and amount of floorspace proposed. In addition the proposed changes would still enable the aims and objectives of policy KEA2 to be met and exceeded in response to a specific end occupier requirement.

5.9 LANDSCAPE / VISUAL IMPACT

The proposed revisions to the previously approved scheme will result in the demolition of the South Follingsby Farm buildings and the green infrastructure for the wider development being moved to the west within the area of the former farm. The quantum of green infrastructure proposed remains the same as for the previously approved scheme of around 13 hectares.

5.10 The demolition of the farm house will result in the nearest residential property adjacent to the site being removed. This is considered to be a beneficial visual impact when compared to the previously approved scheme.

5.11 Existing Hedgerows and Trees

An Arboricultural Pre Development Report has been submitted as part of this application which identifies a number of hedgerows and trees on the South Follingsby Farm site. The majority of the hedgerows and trees on the farm site will be removed to accommodate the development. Replacement and additional landscaping is proposed as part of the development.

5.12 It is therefore considered that no additional landscape or visual mitigation is required.

5.13 HERITAGE AND ARCHAEOLOGY

The South Follingsby Farm site is part of the agricultural area of the medieval settlement of Follingsby based around several farms. South Follingsby Farm is still one of these settlements. The current farm building is modern and not of historic interest.

5.14 A new geophysical survey have been undertaken in the farm area. No significant archaeological features were identified during the survey. An archaeological evaluation is now required to characterise the nature of any deposits on the site. The geophysical survey has indicated that a larger medieval settlement is not likely to exist on the farm site. The Council's archaeologist has already produced a specification for a small amount of trenching to be carried out on the farm site.

5.15 Planning conditions will be required for the archaeology excavation and recording on the farm site. Apart from these archaeological planning conditions no additional heritage mitigation is considered necessary for the proposed changes.

5.16 TRANSPORT

There is no change proposed to the type of and overall quantum of floor space to be provided at the site. The number of access points off Follingsby Lane to the development would remain at six (including the proposed new access at the South Follingsby Farm site). This is the same number of access points as approved on the last outline application DC/18/00237/OUT.

5.17 The proposed changes would result in the repositioning of the access points and associated bus stops and crossing points along Follingsby Lane. This change would result in more space between these highway features which would be an improvement from a highway safety point of view.

5.18 The predicted traffic flows and vehicle movements including the distribution of the development traffic onto the wider road network also remains the same as the previous approved outline application DC/18/00237/OUT.

5.19 Council officers are of the opinion that no more than 6 accesses are appropriate along the Follingsby Lane southern frontage from a highway safety point of view. Therefore it will be necessary to ensure that the proposed new access at the South Follingsby Farm site does not come into use without the associated changes proposed to the other associated planning applications DC/18/00574/FUL and DC/18/00575/FUL. The applicant has agreed to enter into a legal agreement for these 3 linked applications to ensure that the development takes place in a comprehensive manner across the whole of the wider site.

5.20 Apart from the above legal agreement requirement, no additional transport mitigation is considered necessary for the proposed changes.

5.21 NOISE

The proposed revisions will result in the removal of the nearest residential property to the development at South Follingsby Farm, which is beneficial.

5.22 The vehicle movements associated with the development will remain the same. It is therefore concluded that there will be no new noise impacts as a result of the proposed changes and that there is no requirement for additional mitigation measures.

5.23 AIR QUALITY

The proposed revisions will result in the removal of the nearest residential property to the development at South Follingsby Farm, which is beneficial.

5.24 The vehicle movements associated with the development will remain the same. It is therefore concluded that there will be no new air quality impacts as a result of the proposed changes and that there is no requirement for additional mitigation measures.

5.25 POTENTIAL FOR LAND CONTAMINATION

The proposed changes seek to include the South Follingsby Farm site into the development site. The previously submitted contaminated land information did not include the farm site. The risk of contaminated soils being present are considered to be low, but there still remains an identified potential risk for contamination to exist at the farm site.

- 5.26 To address this issues it is therefore recommend that a number of planning conditions ae required for the farm site application DC/18/00573/COU to ensure that a Phase 2 site investigation and where required remediation and verification are carried out. Subject to these conditions, it is considered the proposed changes to the development are acceptable from a contaminated land point of view.

5.27 FLOOD RISK / DRAINAGE

The proposed changes to the development result in moving the built development and green infrastructure zones further west onto the South Follingsby Farm site. This results in changes to the design and layout of the green infrastructure zone along the western boundary of the site, including the drainage design.

- 5.28 The Sustainable Drainage Strategy on the earlier applications that were approved set out the principles for the drainage design, which remain the same on the three current linked applications. The foul water flows from the development will connect to an existing foul sewer system in the area. It is proposed that surface water flows from the development will discharge into the River Don to the south of the site at a restricted rate as the site is considered to be unsuitable for infiltration. It is therefore considered that the changes to the development will not increase flood risk to the surrounding area as a result of suitable management of surface water discharging from the site.

- 5.29 The proposed changes still include a 10 metre safeguarded zone adjacent to the River Don. It is therefore considered that the proposed changes to the development would not prejudice the potential future restoration of the River.

5.30 ECOLOGY

Natural England has no objections to the proposed plans and have stated that it does not consider there will be any significant adverse impacts on statutory protected sites or landscapes.

- 5.31 Great Crested Newts

An updated great crested newt survey has been provided. The revised proposals will result in the loss of a great crested newt breeding pond at South Follingsby Farm and associated habitat. It will also provide an opportunity to remove a population of Crassula that is both reducing the conservation value of the pond and providing a source of material for the spread of this invasive species. Mitigation has been provided in the scheme design with the provision of new wetlands including ones designed specifically for great crested newts. In addition proposals for the trapping and translocation of great crested newts.

- 5.32 The new road alignments will result in increased severance between this great crested newt population and that at Follingsby Park to the north. Mitigation measures are proposed in the detailed road design by incorporating features such as off set gulley pots to help reduce mortality. Severance between the great crested newts population will however increase.
- 5.33 The width and area of habitats suitable for great crested newts in the vicinity of the existing breeding pond will reduce, with narrowed connectivity to the wider area of green infrastructure and the River Don corridor.
- 5.34 In the short term the majority of habitats associated with South Follingsby Farm will be lost, to be replaced in the medium term by habitats designed to support great crested newts. The submitted SES states that in the long term the South Follingsby great crested newt population is forecast to be conserved and enhanced, as a much wider mosaic of suitable wetland and habitats is being created. The focus of the population is likely to move south, with a low population maintained in the current location, with reduced gene flow to the Follingsby park population.
- 5.35 Bats
An updated bat survey has been provided. The revised proposals will result in the loss of two bat roosts used by individual common pipstrelle bats. There will also be a net reduction in habitats available for foraging bats, and reduced connectivity between the South Follingsby Farm area and the River Don corridor.
- 5.36 Birds
An updated breeding birds survey has been provided. In the short term the proposed changes are likely to result in the loss of habitat for birds. In the long term there is likely to be a balance between losses to birds of arable farmland, and benefit to birds of wetland, marshy grassland and scrub. Overall it is considered that bird biodiversity will be conserved and enhanced.
- 5.37 Additional Ecology Mitigation Measures
The submitted SES explains that the trapping and translocation approach for the great crested newts will be agreed between the developer and Natural England as part of Natural England's licensing process.
- 5.38 Two new great crested newt breeding ponds will be provided within 100 metres of the pond to be lost. A hibernaculum will be constructed and habitats will be specifically designed to promote newt populations. Newt fencing erected for trapping and translocation, and for the protection of the construction area will be left in place longer term where it is beneficial for encouraging newt movements towards the new wetlands to the south and reducing road mortality. The existing pond will be removed in accordance with an approved method stamen to prevent the spread of Crassula. To mitigate for the loss of two bat roosts, 20 bat boxes are to be erected within the areas of green infrastructure.
- 5.39 Green infrastructure habitats will retain the same mix as proposed for the approved applications though in different locations along the western

boundary. This will provide a habitat for great crested newts, bats and birds, as well as other wildlife.

5.40 SOCIO ECONOMIC ISSUES

The proposed revisions to the development will not give rise to any different effects with regards to socio economic impact. The revised development would therefore still result in significant investment in the area which would provide significant local employment opportunities and expenditure.

5.41 CUMULATIVE EFFECTS

The proposed revisions to the development will not give rise to any different cumulative effects.

5.42 COMMUNITY INFRASTRUCTURE LEVY

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

5.43 CONDITIONS / LEGAL AGREEMENT

The planning conditions and legal agreements on the earlier applications that were approved will be reviewed and where appropriate reattached to these three current linked planning applications.

5.44 The previous outline application that was approved DC/18/00237/OUT was subject to a legal agreement that required the payment of £58,750 for off site ecology compensation at Shibdon Meadow and the payment of £75,000 for the upgrade and modification of the signal equipment at the Lingey Lane / Leam Lane Junction. This mitigation is still considered relevant to for current application DC/18/00574/FUL.

5.45 The new legal agreement for all the current three linked applications will also need to ensure that the proposed development takes place in a comprehensive manner across the whole of the wider site.

6.0 CONCLUSION

6.1 The site is allocated through policy KEA2 of the CSUCP for employment uses and The development of up to 225,000m² of B8 (storage and distribution) and B2 (general industrial) floor space has already been considered to be acceptable through the approval of the previous outline application DC/18/00237/OUT.

6.2 The Environmental Information contained with the Supplementary Environmental Statement (SES) submitted with the three linked applications has been taken into consideration by the Council in coming to its decision.

6.3 The submitted SES considers the environmental effects of the proposed amendments to the previously approved outline and reserved matters

permissions. The SES considers the potential for different effects to arise as a result of the proposed changes to those identified in the previously submitted ES (March 2018). There are some changes to the conclusions of the previous ES as a result of the proposed amendments to the development.

- 6.4 There are some beneficial effects as a result of the proposed changes. The demolition of South Follingsby Farm will remove the nearest residential property immediately adjacent to the development which has both noise and air quality benefits.
- 6.5 There are some changes to the conclusions of the previous ES as a result of the proposed amendments to the development which are not beneficial, these relate to ecology. The negative impacts should however be balanced against the significant beneficial socio economic benefits of the development in terms of investment in the area and local employment opportunities and expenditure. Overall the effect on the local community is considered to be a positive one.
- 6.6 Some additional mitigation measures are also considered necessary on the three current linked applications, which can be provided through planning conditions and a planning obligation.
- 6.7 Therefore taking into account all the relevant material planning considerations, including the environmental information contained with the Supplementary Environmental Statement and the comments made by consultees, it is considered that the proposal is acceptable and accords with the aims and objectives of both national and local planning policies.
- 6.8 It is therefore recommended that planning permission be granted subject to the planning conditions and planning obligation below.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

a - that the proposed development in the three linked applications DC/18/00573/COU, DC/18/00574/FUL and DC/18/00575/FUL takes place in a comprehensive manner across the whole of the wider site.

2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary as set out in the headings below :

List of approved plans

Time limit to implement

Max height of buildings 28 metres

Phasing plan to be approved

Implement phasing plan

Max floorspace and B2 B8 uses only

Site levels to be approved

Implement site levels

Final layout of east section of site to be approved

Implement layout for east section of site

Archaeology excavation to be accrued out

Provision of archaeological results

Publication of archaeology results

Landscaping scheme to be approved

Provision of landscaping scheme

Landscape / ecology management plan

Implement landscape / ecology plan

Car park plan to be approved

Implement car park plan

Servicing management plan to be approved

Implement service management plan

HGV access points

Public transport scheme to be approved

Implement public transport scheme

Follingsby Lane/ Ave highway works

Implement Follingsby junction works

Operational management plan to be approved

Implement operational management plan

Off site highway work details

Implement off site highway works

Electric vehicle charging to be approved

Implement electric vehicle charging

Construction management plan to be approved

Implement CMP measures

Framework travel plan

Occupier travel plan

Hours of construction

Operational noise levels

Tree protection measures

Implement tree protection measures

Phase 2 site investigations to be approved

Remediation scheme to be approved

Implement remediation scheme

Verification report to be approved

Previously unidentified contamination

No buildings in flood zones 2 and 3

River Don protection zone details

Implement River Don protection scheme

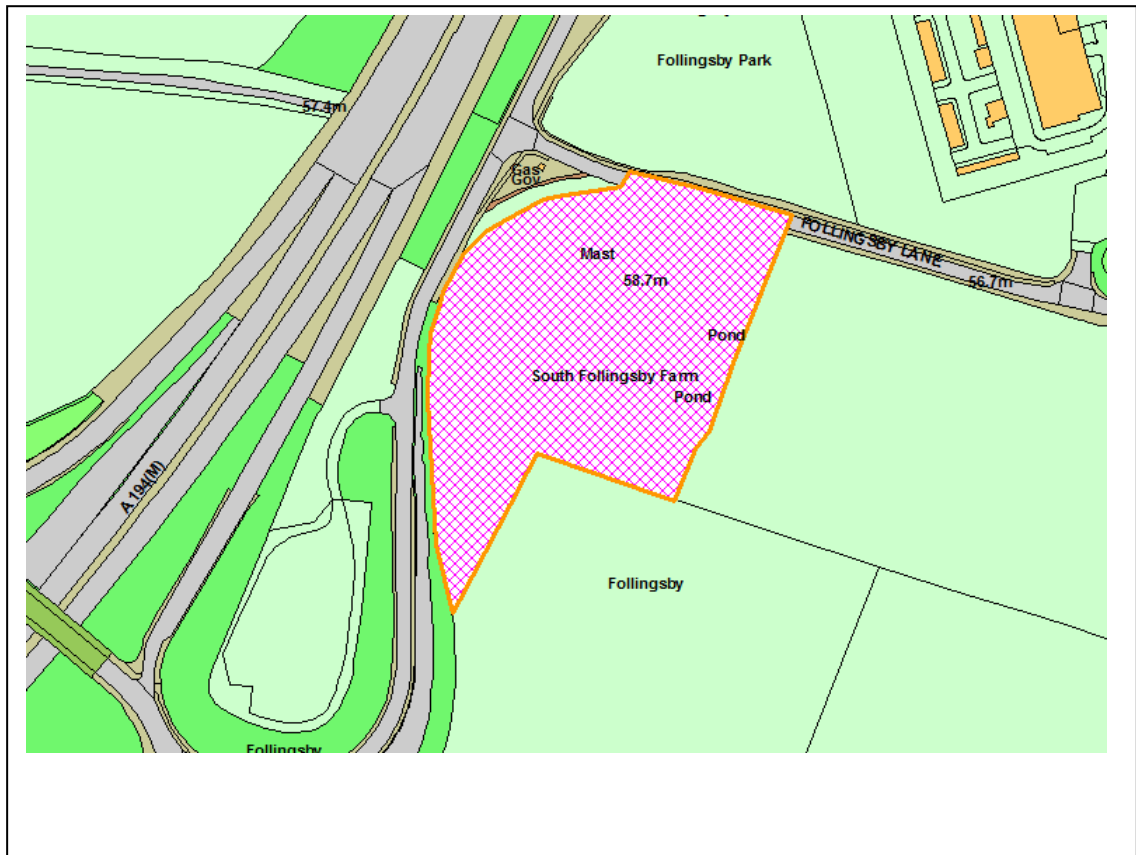
River restoration scheme to be approved

Implement river restoration scheme

Drainage details to be approved

Implement drainage details

Drainage construction method statement
Implement drainage construction method statement
Drainage management plan to be approved
Implement drainage management plan
Ecology method statement to be approved
Implement ecology method statement
Crassula method statement to be approved
Implement Crassula method statement
Ecology enhancement plan to be approved
Implement ecology enhancement plan
External lighting to be approved
Implement external lighting
Boundary treatments to be approved
Implement boundary treatments



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REPORT NO 10

Committee Report

Application No:	DC/18/00574/FUL
Case Officer	Tracy Long
Date Application Valid	6 June 2018
Applicant	Follingsby International Enterprise Park Limited
Site:	Follingsby Park South Follingsby Lane Gateshead NE10 8YA
Ward:	Wardley And Leam Lane
Proposal:	Variation of condition 1 (approved drawings) of planning permission DC/18/00237/OUT to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the green infrastructure and built development zones further west and removing access 1 and repositioning accesses 2 -5 and the associated bus stops and crossings along Follingsby Lane (Submitted with a Supplementary Environmental Statement).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF APPLICATION SITE

The application site is an area of fields / agricultural land which measures around 37.62 hectares, south of Follingsby Lane. The topography of the site falls from north to south towards the River Don.

1.2 There are a range of utilities on the site. Overhead electricity cables cross the site running in an east to west direction. Below ground is a high pressure gas mains which runs across the site again in an east to west direction. Connecting to this is a medium pressure gas mains which runs south to north through the site.

1.3 The site is allocated for up to 90,000m² of employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's adopted Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP). The site is also situated within a Wildlife Corridor. The vast majority of the site is situated within Flood Zone 1. There is a small area of the southern part of the site, which runs adjacent to the River Don which is situated within Flood Zones 2 and 3.

- 1.4 The site is situated on the south eastern edge of Gateshead, with the Borough of South Tyneside to the north and east and the City of Sunderland to the south. The site lies immediately to the south of Follingsby Lane, with Follingsby Park Industrial Park which includes a range of manufacturing and storage / distribution uses to the north. The former Leamside Railway Line is immediately to the east of the site with fields, commercial uses, stables and some residential properties further east in South Tyneside. The River Don is immediately to the south of the site with fields, a riding stables, playing pitches and the residential areas of Washington to the south in Sunderland. South Follingsby Farm is to the west of the site with the A194 motorway, Heworth Golf Club and the residential areas of Wardley and Heworth beyond.
- 1.5 **DESCRIPTION OF PLANNING APPLICATION**
Outline planning permission DC/18/00237/OUT was granted in May this year on this site for a large commercial development - Follingsby International Enterprise Park. This previously approved outline planning permission related to 225,000m² of B8 (storage and distribution) and B2 (general industry) floorspace along with associated offices, internal roads, car parks, infrastructure and landscaping. All matters were reserved except access and landscaping of the green infrastructure zone.
- 1.6 This planning application seeks to vary condition 1 (approved drawings) of planning permission DC/18/00237/OUT to incorporate the adjacent South Follingsby Farm site to the west into the wider Follingsby International Enterprise Park development area. This planning application therefore proposes to change the approved plans by extending the green infrastructure and built development zones further west. The proposed changes also include removing access 1 and repositioning accesses 2 -5 and the associated bus stops and crossings along Follingsby Lane.
- 1.7 **Linked Applications**
This current planning application is one of three linked planning applications for the Follingsby International Enterprise Park (DC/18/00573/COU, DC/18/00574/FUL and DC/18/00575/FUL). The earlier applications split the development site into two areas : a green infrastructure zone and a built development zone. Given that the applicant has acquired South Follingsby Farm amended plans have been developed which extend the built development zone approved under the earlier outline consents westward into the approved green infrastructure zone. The green infrastructure zone is then to be re-provided on the new South Follingsby Farm site to the west. No change is proposed to the overall quantum of floorspace or the type of uses B8 (storage and distribution) and B2 (general industry). The total quantum of green infrastructure remains the same at 13.08 hectares as previously approved.
- 1.8 A legal agreement will be required for these 3 linked applications to ensure that the development takes place in a comprehensive manner across the whole of the wider site.
- 1.9 **Timing of Development**

The construction of the development is anticipated to take up to 4 years, including site preparation, enabling works and construction, including ground works, foundations, buildings and external service yards and car parking. On the basis that construction works commence in the third quarter of 2018 they are anticipated to end in 2021.

1.10 EIA DEVELOPMENT

The earlier outline proposals were considered to be EIA development and were therefore submitted with an Environmental Statement (ES). The submitted ES considered the likely significant effects arising during the construction and operation of the development and the potential cumulative effects which may arise when considered with other relevant nearby developments.

1.11 Supplementary Environmental Statement (SES) has been submitted with these three linked applications to consider any changes resulting from the proposed amendments to the previously approved schemes in the context of the new proposals for the farm site and any additional survey work undertaken since the submission of the most recent Environmental Statement in March 2018.

1.12 PLANNING HISTORY

The application site has a number of relevant planning applications as detailed below:

DC/17/01117/OUT OUTLINE APPLICATION for 90,000m² of B8 (storage and distribution) and B2 (general industry) floorspace, along with associated offices, internal roads, car parks, infrastructure and landscaping, with all matters reserved except access (submitted with an environmental statement). APPROVED 5 January 2018.

DC/18/00111/REM RESERVED MATTERS APPLICATION relating to appearance, layout, scale and landscaping for the phase one area of development (comprising works to Follingsby Lane, plot entrances, formation of development plateaus, green infrastructure development and related infrastructure works) pursuant to outline planning application DC/17/01117/OUT. APPROVED 18 April 2018.

DC/18/00237/OUT OUTLINE APPLICATION for 225,000m² of B8 (storage and distribution) and B2 (general industry) floorspace, along with associated offices, internal roads, car parks, infrastructure and landscaping with all matters reserved except access and landscaping of the green infrastructure zone (submitted with an environmental statement). APPROVED 10 May 2018.

DC/18/00573/COU Demolition of farmhouse / barn buildings and change of use of land to provide extended green infrastructure and built development zones for the adjacent Follingsby International Enterprise Park including the closure of the existing vehicle access and the formation of a new vehicle access off Follingsby Lane to replace access 1 one of the 6 accesses approved under planning permission DC/18/00237/OUT (submitted with Supplementary Environmental Statement). Decision Pending – also being considered at this committee meeting.

DC/18/00575/FUL Variation of condition 1 (approved drawings) of planning permission DC/18/00111/REM to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the green infrastructure and built development zones further west (submitted with Supplementary Environmental Statement). Decision Pending – also being considered at this committee meeting.

2.0 Consultation Responses:

Sunderland City Council	No observations to make.
South Tyneside Council	No objection
Northumbrian Water	No objection
Health and Safety Executive	No objection
Northern Gas Networks	No objection
Highways England	No objection
Natural England	No objection
Environment Agency	No objection

3.0 Representations:

- 3.1 Publicity and neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 This planning application has therefore been advertised on site and in the press as a being submitted with a Supplementary Environmental Statement and as being a departure (as B2 floor space is proposed and more than 90,000m² of floor space is proposed).
- 3.3 The Council sent neighbour notification letters to 66 properties surrounding the site. Council officers also displayed 9 notices surrounding the site in Gateshead, South Tyneside and Sunderland. In addition a notice also appeared in the Newcastle Journal on 27 June 2018.
- 3.4 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1H Pollution

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

KEA2 Follingsby South

5.0 Assessment of the Proposal:

This is a Section 73 application for the variation of the approved plans on the previously approved outline planning permission (DC/18/00237/OUT). This application is not for the examination of the whole principle of the development again. Matters for consideration in the determination of this Section 73 application relate to the assessment of the amended parts of the scheme as a result of incorporating the adjacent farm site into the development and moving the green infrastructure zone and built development zones further west.

- 5.1 This application represents an opportunity to deliver significant investment in the area which would provide significant local employment opportunities and expenditure.
- 5.2 The main planning issues to be considered are the impact of the proposed changes relating to landscape and visual impact, heritage issues, transport issues, noise, air quality the potential for land contamination, flood risk / drainage, ecology, socio economic issues and cumulative effects.
- 5.3 PRINCIPLE OF DEVELOPMENT**
The wider site (including the South Follingsby farm site) is allocated for up to 90,000m² of employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's Core Strategy and Urban Core Plan (CSUCP). The three link planning applications DC/18/00573/COU, DC/18/00574/FUL, DC/18/00575/FUL are seeking consent for up to 225,000m² of floor space. The proposed uses would include B8 (storage and distribution) and B2 (general industry) of which not more than (27,000m²) will be for uses within B2. The main use of the site is therefore for warehousing and distribution (use class B8).
- 5.4 Given that this site is allocated for up to 90,000m² of only B8 use - the previous Outline applications and these current linked applications have been advertised by the Council as a departure to the Council's adopted development plan.
- 5.5 The introduction of up to 27,000m² of B2 floor space at the site was considered acceptable by the Council on the earlier outline planning applications DC/17/01117/OUT and DC/18/00237/OUT that were approved. The B2 floor space was considered acceptable to provide flexibility to meet market requirements and in terms of maximising job creation and inward investment. It was also previously accepted that the inclusion of B2 floor space would bring economic benefits and will make the development more attractive to potential occupiers.
- 5.6 This site was allocated for B8 development due to its potential contribution to supporting the distribution and logistics sector. Whilst the inclusion of B2 (general industrial) floor space has the potential in quantitative terms to reduce the amount of floor space given to B8 (storage and distribution) uses, Council officers are of the view that the inclusion of B2 uses would not impair the developments primary function within the distribution and logistics sector.
- 5.7 The overall amount of floor space proposed in the three current linked applications does not exceed that approved in the previous outline application DC/18/00237/OUT. The 225,000m² of floor space exceeds that envisaged (90,000m²) in the adopted development plan. The submitted Planning Statement submitted for the previous outline application DC/18/00237/OUT explains that this additional floor space is required to address the specific requirements of a potential occupier. This additional floor space can also be accommodated within the built development zone on the Parameters Plan through the provision of mezzanine floors within the buildings. The previous Environmental Statement (ES) (March 2018) also considered and

demonstrated that the increase in floor space from 90,000m² to 225,000 m² can be accommodated on the site without significant adverse environmental effects.

- 5.8 Council officers accept that the inclusion of some B2 uses as part of the development which has a floor space of up to 225,000m² is not in accordance with policy KEA2 of the CSUCP and is therefore a departure to the Council's approved development plan. However the introduction of 27,000m² of B2 floor space and the increase of overall floor space to 225,00m² has already been granted planning permission in the previous outline application DC/18/00237/OUT. Council officers are therefore of the view that the proposed changes do not raise any new issues in terms of the type and amount of floorspace proposed. In addition the proposed changes would still enable the aims and objectives of policy KEA2 to be met and exceeded in response to a specific end occupier requirement.

5.9 LANDSCAPE / VISUAL IMPACT

The proposed revisions to the previously approved scheme will result in the demolition of the South Follingsby Farm buildings and the green infrastructure for the wider development being moved to the west within the area of the former farm. The quantum of green infrastructure proposed remains the same as for the previously approved scheme of around 13 hectares.

- 5.10 The demolition of the farm house will result in the nearest residential property adjacent to the site being removed. This is considered to be a beneficial visual impact when compared to the previously approved scheme.

5.11 Existing Hedgerows and Trees

An Arboricultural Pre Development Report has been submitted as part of this application which identifies a number of hedgerows and trees on the South Follingsby Farm site. The majority of the hedgerows and trees on the farm site will be removed to accommodate the development. Replacement and additional landscaping is proposed as part of the development.

- 5.12 It is therefore considered that no additional landscape or visual mitigation is required.

5.13 HERITAGE AND ARCHAEOLOGY

The South Follingsby Farm site is part of the agricultural area of the medieval settlement of Follingsby based around several farms. South Follingsby Farm is still one of these settlements. The current farm building is modern and not of historic interest.

- 5.14 A new geophysical survey have been undertaken in the farm area. No significant archaeological features were identified during the survey. An archaeological evaluation is now required to characterise the nature of any deposits on the site. The geophysical survey has indicated that a larger medieval settlement is not likely to exist on the farm site. The Council's archaeologist has already produced a specification for a small amount of trenching to be carried out on the farm site.

- 5.15 Planning conditions will be required for the archaeology excavation and recording on the farm site. Apart from these archaeological planning conditions no additional heritage mitigation is considered necessary for the proposed changes.
- 5.16 **TRANSPORT**
There is no change proposed to the type of and overall quantum of floor space to be provided at the site. The number of access points off Follingsby Lane to the development would remain at six (including the proposed new access at the South Follingsby Farm site). This is the same number of access points as approved on the last outline application DC/18/00237/OUT.
- 5.17 The proposed changes would result in the repositioning of the access points and associated bus stops and crossing points along Follingsby Lane. This change would result in more space between these highway features which would be an improvement from a highway safety point of view.
- 5.18 The predicted traffic flows and vehicle movements including the distribution of the development traffic onto the wider road network also remains the same as the previous approved outline application DC/18/00237/OUT.
- 5.19 Council officers are of the opinion that no more than 6 accesses are appropriate along the Follingsby Lane southern frontage from a highway safety point of view. Therefore it will be necessary to ensure that the proposed new access at the South Follingsby Farm site does not come into use without the associated changes proposed to the other associated planning applications DC/18/00574/FUL and DC/18/00575/FUL. The applicant has agreed to enter into a legal agreement for these 3 linked applications to ensure that the development takes place in a comprehensive manner across the whole of the wider site.
- 5.20 Apart from the above legal agreement requirement, no additional transport mitigation is considered necessary for the proposed changes.
- 5.21 **NOISE**
The proposed revisions will result in the removal of the nearest residential property to the development at South Follingsby Farm, which is beneficial.
- 5.22 The vehicle movements associated with the development will remain the same. It is therefore concluded that there will be no new noise impacts as a result of the proposed changes and that there is no requirement for additional mitigation measures.
- 5.23 **AIR QUALITY**
The proposed revisions will result in the removal of the nearest residential property to the development at South Follingsby Farm, which is beneficial.
- 5.24 The vehicle movements associated with the development will remain the same. It is therefore concluded that there will be no new air quality impacts as a result of the proposed changes and that there is no requirement for additional mitigation measures.

5.25 POTENTIAL FOR LAND CONTAMINATION

The proposed changes seek to include the South Follingsby Farm site into the development site. The previously submitted contaminated land information did not include the farm site. The risk of contaminated soils being present are considered to be low, but there still remains an identified potential risk for contamination to exist at the farm site.

- 5.26 To address this issues it is therefore recommend that a number of planning conditions ae required for the farm site application DC/18/00573/COU to ensure that a Phase 2 site investigation and where required remediation and verification are carried out. Subject to these conditions, it is considered the proposed changes to the development are acceptable from a contaminated land point of view.

5.27 FLOOD RISK / DRAINAGE

The proposed changes to the development result in moving the built development and green infrastructure zones further west onto the South Follingsby Farm site. This results in changes to the design and layout of the green infrastructure zone along the western boundary of the site, including the drainage design.

- 5.28 The Sustainable Drainage Strategy on the earlier applications that were approved set out the principles for the drainage design, which remain the same on the three current linked applications. The foul water flows from the development will connect to an existing foul sewer system in the area. It is proposed that surface water flows from the development will discharge into the River Don to the south of the site at a restricted rate as the site is considered to be unsuitable for infiltration. It is therefore considered that the changes to the development will not increase flood risk to the surrounding area as a result of suitable management of surface water discharging from the site.
- 5.29 The proposed changes still include a 10 metre safeguarded zone adjacent to the River Don. It is therefore considered that the proposed changes to the development would not prejudice the potential future restoration of the River.

5.30 ECOLOGY

- 5.31 Natural England has no objections to the proposed plans and have stated that it does not consider there will be any significant adverse impacts on statutory protected sites or landscapes.

5.32 Great Crested Newts

An updated great crested newt survey has been provided. The revised proposals will result in the loss of a great crested newt breeding pond at South Follingsby Farm and associated habitat. It will also provide an opportunity to remove a population of Crassula that is both reducing the conservation value of the pond and providing a source of material for the spread of this invasive species. Mitigation has been provided in the scheme design with the provision

of new wetlands including ones designed specifically for great crested newts. In addition proposals for the trapping and translocation of great crested newts.

- 5.33 The new road alignments will result in increased severance between this great crested newt population and that at Follingsby Park to the north. Mitigation measures are proposed in the detailed road design by incorporating features such as off set gully pots to help reduce mortality. Severance between the great crested newts population will however increase.
- 5.34 The width and area of habitats suitable for great crested newts in the vicinity of the existing breeding pond will reduce, with narrowed connectivity to the wider area of green infrastructure and the River Don corridor.
- 5.35 In the short term the majority of habitats associated with South Follingsby Farm will be lost, to be replaced in the medium term by habitats designed to support great crested newts. The submitted SES states that in the long term the South Follingsby great crested newt population is forecast to be conserved and enhanced, as a much wider mosaic of suitable wetland and habitats is being created. The focus of the population is likely to move south, with a low population maintained in the current location, with reduced gene flow to the Follingsby park population.
- 5.36 **Bats**
An updated bat survey has been provided. The revised proposals will result in the loss of two bat roosts used by individual common pipstrelle bats. There will also be a net reduction in habitats available for foraging bats, and reduced connectivity between the South Follingsby Farm area and the River Don corridor.
- 5.37 **Birds**
An updated breeding birds survey has been provided. In the short term the proposed changes are likely to result in the loss of habitat for birds. In the long term there is likely to be a balance between losses to birds of arable farmland, and benefit to birds of wetland, marshy grassland and scrub. Overall it is considered that bird biodiversity will be conserved and enhanced.
- 5.38 **Additional Ecology Mitigation Measures**
The submitted SES explains that the trapping and translocation approach for the great crested newts will be agreed between the developer and Natural England as part of Natural England's licensing process.
- 5.39 Two new great crested newt breeding ponds will be provided within 100 metres of the pond to be lost. A hibernaculum will be constructed and habitats will be specifically designed to promote newt populations. Newt fencing erected for trapping and translocation, and for the protection of the construction area will be left in place longer term where it is beneficial for encouraging newt movements towards the new wetlands to the south and reducing road mortality. The existing pond will be removed in accordance with an approved method stamen to prevent the spread of Crassula. To mitigate for the loss of two bat roosts, 20 bat boxes are to be erected within the areas of green infrastructure.

5.40 Green infrastructure habitats will retain the same mix as proposed for the approved applications though in different locations along the western boundary. This will provide a habitat for great crested newts, bats and birds, as well as other wildlife.

5.41 SOCIO ECONOMIC ISSUES

The proposed revisions to the development will not give rise to any different effects with regards to socio economic impact. The revised development would therefore still result in significant investment in the area which would provide significant local employment opportunities and expenditure.

5.42 CUMULATIVE EFFECTS

The proposed revisions to the development will not give rise to any different cumulative effects.

5.43 COMMUNITY INFRASTRUCTURE LEVY

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

5.44 CONDITIONS / LEGAL AGREEMENT

The planning conditions and legal agreements on the earlier applications that were approved will be reviewed and where appropriate reattached to these three current linked planning applications.

5.45 The previous outline application that was approved DC/18/00237/OUT was subject to a legal agreement that required the payment of £58,750 for off site ecology compensation at Shibdon Meadow and the payment of £75,000 for the upgrade and modification of the signal equipment at the Lingey Lane / Leam Lane Junction. This mitigation is still considered relevant to for current application DC/18/00574/FUL.

5.46 The new legal agreement for all the current three linked applications will also need to ensure that the proposed development takes place in a comprehensive manner across the whole of the wider site.

6.0 CONCLUSION

6.1 The site is allocated through policy KEA2 of the CSUCP for employment uses and The development of up to 225,000m² of B8 (storage and distribution) and B2 (general industrial) floor space has already been considered to be acceptable through the approval of the previous outline application DC/18/00237/OUT.

6.2 The Environmental Information contained with the Supplementary Environmental Statement (SES) submitted with the three linked applications has been taken into consideration by the Council in coming to its decision.

- 6.3 The submitted SES considers the environmental effects of the proposed amendments to the previously approved outline and reserved matters permissions. The SES considers the potential for different effects to arise as a result of the proposed changes to those identified in the previously submitted ES (March 2018). There are some changes to the conclusions of the previous ES as a result of the proposed amendments to the development.
- 6.4 There are some beneficial effects as a result of the proposed changes. The demolition of South Follingsby Farm will remove the nearest residential property immediately adjacent to the development which has both noise and air quality benefits.
- 6.5 There are some changes to the conclusions of the previous ES as a result of the proposed amendments to the development which are not beneficial, these relate to ecology. The negative impacts should however be balanced against the significant beneficial socio economic benefits of the development in terms of investment in the area and local employment opportunities and expenditure. Overall the effect on the local community is considered to be a positive one.
- 6.6 Some additional mitigation measures are also considered necessary on the three current linked applications, which can be provided through planning conditions and a planning obligation.
- 6.7 Therefore taking into account all the relevant material planning considerations, including the environmental information contained with the Supplementary Environmental Statement and the comments made by consultees, it is considered that the proposal is acceptable and accords with the aims and objectives of both national and local planning policies.
- 6.8 It is therefore recommended that planning permission be granted subject to the planning conditions and planning obligation below.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

a - the payment of £58,750 for off site ecology compensation at Shibdon Meadow and the payment of £75,000 for the upgrade and modification of the signal equipment at the Lingey Lane / Leam Lane Junction.

b - that the proposed development in the three linked applications DC/18/00573/COU, DC/18/00574/FUL and DC/18/00575/FUL takes place in a comprehensive manner across the whole of the wider site.

2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary as set out in the headings below :

List of approved plans

Reserved matters required

Time limit for reserved matters

Implementation of reserved matters

Max height of buildings 28 metres

Phasing plan to be approved

Implement phasing plan

Max floorspace and B2 B8 uses only

Site levels to be approved

Implement site levels

Final details wildlife obs area

Provision wildlife obs area

Landscape / ecology management plan

Implement landscape / ecology plan

Provision of landscaping scheme

Car park plan to be approved

Implement car park plan

Servicing management plan to be approved

Implement service management plan

HGC access points

Public transport scheme to be approved

Implement public transport scheme

Follingsby Lane/ Ave highway works

Implement Follingsby junction works

Operational management plan to be approved

Implement operational management plan

Off site highway work details

Implement off site highway works

Electric vehicle charging to be approved

Implement electric vehicle charging

Construction management plan to be approved

Implement CMP measures

Framework travel plan

Occupier travel plan

Hours of construction

Operational noise levels

Tree protection measures

Implement tree protection measures

Previously unidentified contamination

No buildings in flood zones 2 and 3

River Don protection zone details

Implement River Don protection scheme

River restoration scheme to be approved

Implement river restoration scheme

Drainage details to be approved

Implement drainage details

Drainage construction method statement

Implement drainage construction method statement

Drainage management plan to be approved

Implement drainage management plan

Ecology method statement to be approved

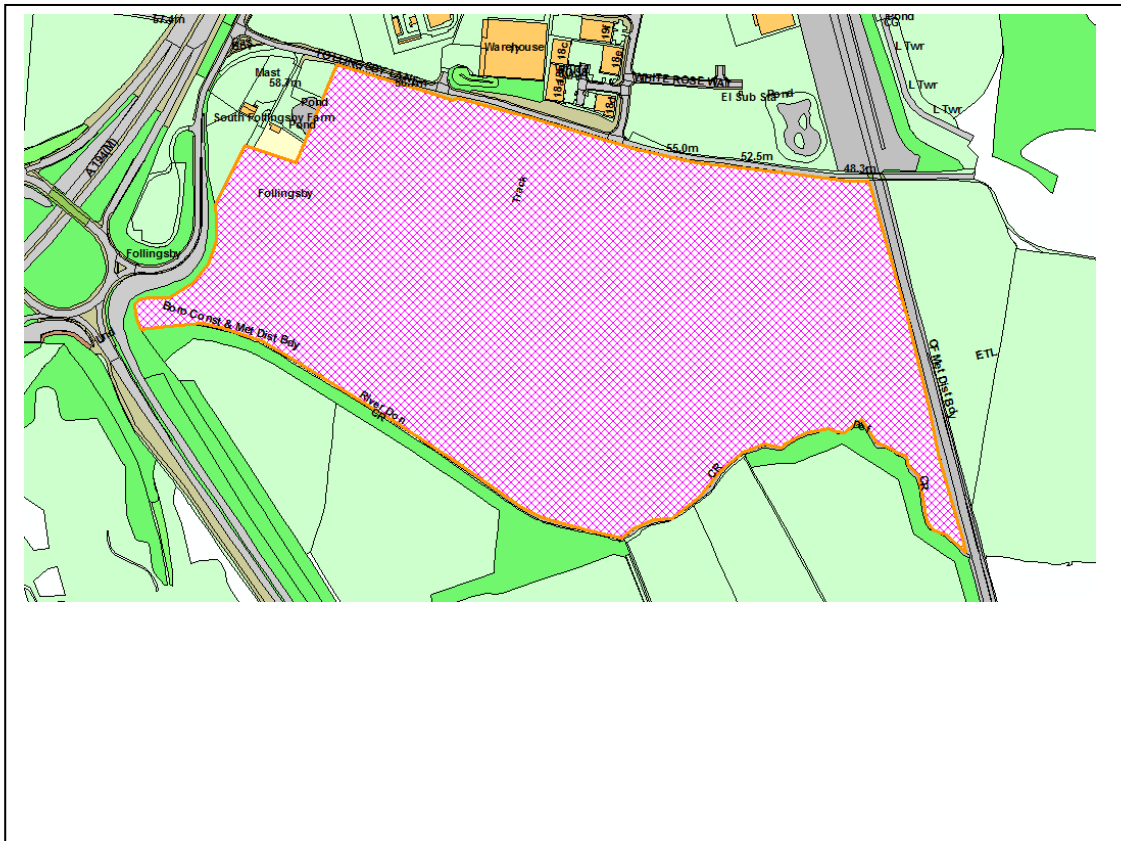
Implement ecology method statement

Ecology enhancement plan to be approved

Implement ecology enhancement plan

External lighting to be approved

Implement external lighting



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Committee Report

Application No:	DC/18/00575/FUL
Case Officer	Tracy Long
Date Application Valid	6 June 2018
Applicant	Follingsby International Enterprise Park Limited
Site:	Follingsby Park South Foillingsby Lane Gateshead NE10 8YA
Ward:	Wardley And Leam Lane
Proposal:	Variation of condition 1 (approved drawings) of planning permission DC/18/00111/REM to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the green infrastructure and built development zones further west (Submitted with a Supplementary Environmental Statement).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF APPLICATION SITE

The application site is an area of fields / agricultural land which measures around 37.62 hectares, south of Follingsby Lane. The topography of the site falls from north to south towards the River Don.

1.2 There are a range of utilities on the site. Overhead electricity cables cross the site running in an east to west direction. Below ground is a high pressure gas mains which runs across the site again in an east to west direction. Connecting to this is a medium pressure gas mains which runs south to north through the site.

1.3 The site is allocated for up to 90,000m² of employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's adopted Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP). The site is also situated within a Wildlife Corridor. The vast majority of the site is situated within Flood Zone 1. There is a small area of the southern part of the site, which runs adjacent to the River Don which is situated within Flood Zones 2 and 3.

1.4 The site is situated on the south eastern edge of Gateshead, with the Borough of South Tyneside to the north and east and the City of Sunderland to the south. The site lies immediately to the south of Follingsby Lane, with Follingsby Park Industrial Park which includes a range of manufacturing and storage / distribution uses to the north.

- 1.5 The former Leamside Railway Line is immediately to the east of the site with fields, commercial uses, stables and some residential properties further east in South Tyneside. The River Don is immediately to the south of the site with fields, a riding stables, playing pitches and the residential areas of Washington to the south in Sunderland. South Follingsby Farm is to the west of the site with the A194 motorway, Heworth Golf Club and the residential areas of Wardley and Heworth beyond.
- 1.6 **DESCRIPTION OF APPLICATION**
Outline planning permission DC/17/01117/OUT and a subsequent reserved matters application DC/18/00111/REM were granted in January and April this year on this site for a large commercial development - Follingsby International Enterprise Park. The previously approved outline planning permission DC/17/01117/OUT related to 90,000m² of B8 (storage and distribution) and B2 (general industry) floorspace along with associated offices, internal roads, car parks, infrastructure and landscaping. All matters were reserved except access. The previously approved reserved matters application DC/18/00111/REM related to the phase one area of development which included plot entrances off Follingsby Lane, formation of development plateaus, green infrastructure and associated infrastructure works.
- 1.7 This planning application seeks to vary condition 1 (approved drawings) of reserved matters permission DC/18/00111/REM to incorporate the adjacent South Follingsby Farm site to the west into the wider Follingsby International Enterprise Park development area. This planning application therefore proposes to change the approved plans by extending the green infrastructure and built development zones further west.
- 1.8 **Linked Applications**
This current planning application is one of three linked planning applications for the Follingsby International Enterprise Park (DC/18/00573/COU, DC/18/00574/FUL and DC/18/00575/FUL). The earlier applications split the development site into two areas : a green infrastructure zone and a built development zone. Given that the applicant has acquired South Follingsby Farm amended plans have been developed which extend the built development zone approved under the earlier outline consents westward into the approved green infrastructure zone. The green infrastructure zone is then to be re-provided on the new South Follingsby Farm site to the west. No change is proposed to the overall quantum of floorspace or the type of uses B8 (storage and distribution) and B2 (general industry). The total quantum of green infrastructure remains the same at 13.08 hectares as previously approved.
- 1.9 A legal agreement will be required for these 3 linked applications to ensure that the development takes place in a comprehensive manner across the whole of the wider site.
- 1.10 **Timing of Development**
The construction of the development is anticipated to take up to 4 years, including site preparation, enabling works and construction, including ground works, foundations, buildings and external service yards and car parking. On

the basis that construction works commence in the third quarter of 2018 they are anticipated to end in 2021.

1.11 EIA DEVELOPMENT

The earlier outline proposals were considered to be EIA development and were therefore submitted with an Environmental Statement (ES). The submitted ES considered the likely significant effects arising during the construction and operation of the development and the potential cumulative effects which may arise when considered with other relevant nearby developments.

- 1.12 A Supplementary Environmental Statement (SES) has been submitted with these three linked applications to consider any changes resulting from the proposed amendments to the previously approved schemes in the context of the new proposals for the farm site and any additional survey work undertaken since the submission of the most recent Environmental Statement in March 2018.

1.13 PLANNING HISTORY

The application site has a number of relevant planning applications as detailed below:

DC/17/01117/OUT OUTLINE APPLICATION for 90,000m² of B8 (storage and distribution) and B2 (general industry) floorspace, along with associated offices, internal roads, car parks, infrastructure and landscaping, with all matters reserved except access (submitted with an environmental statement). APPROVED 5 January 2018.

DC/18/00111/REM RESERVED MATTERS APPLICATION relating to appearance, layout, scale and landscaping for the phase one area of development (comprising works to Follingsby Lane, plot entrances, formation of development plateaus, green infrastructure development and related infrastructure works) pursuant to outline planning application DC/17/01117/OUT. APPROVED 18 April 2018.

DC/18/00237/OUT OUTLINE APPLICATION for 225,000m² of B8 (storage and distribution) and B2 (general industry) floorspace along with associated offices, internal roads, car parks, infrastructure and landscaping with all matters reserved except access and landscaping of the green infrastructure zone (submitted with an environmental statement). APPROVED 10 May 2018.

DC/18/00573/COU Demolition of farmhouse / barn buildings and change of use of land to provide extended green infrastructure and built development zones for the adjacent Follingsby International Enterprise Park including the closure of the existing vehicle access and the formation of a new vehicle access off Follingsby Lane to replace access 1 one of the 6 accesses approved under planning permission DC/18/00237/OUT (submitted with Supplementary Environmental Statement). Decision Pending – also being considered at this committee meeting.

DC/18/00574/FUL Variation of condition 1 (approved drawings) of planning

permission DC/18/00237/OUT to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the green infrastructure and built development zones further west and removing access 1 and repositioning accesses 2 -5 and the associated bus stops and crossings along Follingsby Lane (submitted with Supplementary Environmental Statement). Decision Pending – also being considered at this committee meeting.

2.0 Consultation Responses:

Sunderland City Council	No observations to make.
South Tyneside Council	No objection
Northumbrian Water	No objection
Health and Safety Executive	No objection
Highways England	No objection
Natural England	No objection
Environment Agency	No objection

3.0 Representations:

- 3.1 Publicity and neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 This planning application has therefore been advertised on site and in the press as a being submitted with a Supplementary Environmental Statement and as being a departure (as B2 floor space is proposed and more than 90,000m² of floor space is proposed).
- 3.3 The Council sent neighbour notification letters to 66 properties surrounding the site. Council officers also displayed 9 notices surrounding the site in Gateshead, South Tyneside and Sunderland. In addition a notice also appeared in the Newcastle Journal on 27 June 2018.
- 3.4 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1H Pollution

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

KEA2 Follingsby South

5.0 Assessment of the Proposal:

- 5.1 This is a Section 73 application for the variation of the approved plans on the previously approved reserved matters application (DC/18/00111/REM). This application is not for the examination of the whole principle of the development again. Matters for consideration in the determination of this Section 73 application relate to the assessment of the amended parts of the scheme as a result of incorporating the adjacent farm site into the development and moving the green infrastructure zone and built development zones further west.
- 5.2 This application represents an opportunity to deliver significant investment in the area which would provide significant local employment opportunities and expenditure.

- 5.3 The main planning issues to be considered are the impact of the proposed changes relating to landscape and visual impact, heritage issues, transport issues, noise, air quality the potential for land contamination, flood risk / drainage, ecology, socio economic issues and cumulative effects.
- 5.4 PRINCIPLE OF DEVELOPMENT**
The wider site (including the South Follingsby farm site) is allocated for up to 90,000m² of employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's Core Strategy and Urban Core Plan (CSUCP). The three link planning applications DC/18/00573/COU, DC/18/00574/FUL, DC/18/00575/FUL are seeking consent for up to 225,000m² of floor space. The proposed uses would include B8 (storage and distribution) and B2 (general industry) of which not more than (27,000m²) will be for uses within B2. The main use of the site is therefore for warehousing and distribution (use class B8).
- 5.5 Given that this site is allocated for up to 90,000m² of only B8 use - the previous Outline applications and these current linked applications have been advertised by the Council as a departure to the Council's adopted development plan.
- 5.6 The introduction of up to 27,000m² of B2 floor space at the site was considered acceptable by the Council on the earlier outline planning applications DC/17/01117/OUT and DC/18/00237/OUT that were approved. The B2 floor space was considered acceptable to provide flexibility to meet market requirements and in terms of maximising job creation and inward investment. It was also previously accepted that the inclusion of B2 floor space would bring economic benefits and will make the development more attractive to potential occupiers.
- 5.7 This site was allocated for B8 development due to its potential contribution to supporting the distribution and logistics sector. Whilst the inclusion of B2 (general industrial) floor space has the potential in quantitative terms to reduce the amount of floor space given to B8 (storage and distribution) uses, Council officers are of the view that the inclusion of B2 uses would not impair the developments primary function within the distribution and logistics sector.
- 5.8 The overall amount of floor space proposed in the three current linked applications does not exceed that approved in the previous outline application DC/18/00237/OUT. The 225,000m² of floor space exceeds that envisaged (90,000m²) in the adopted development plan. The submitted Planning Statement submitted for the previous outline application DC/18/00237/OUT explains that this additional floor space is required to address the specific requirements of a potential occupier. This additional floor space can also be accommodated within the built development zone on the Parameters Plan through the provision of mezzanine floors within the buildings. The previous Environmental Statement (ES) (March 2018) also considered and demonstrated that the increase in floor space from 90,000m² to 225,000 m² can be accommodated on the site without significant adverse environmental effects.

5.9 Council officers accept that the inclusion of some B2 uses as part of the development which has a floor space of up to 225,000m² is not in accordance with policy KEA2 of the CSUCP and is therefore a departure to the Council's approved development plan. However the introduction of 27,000m² of B2 floor space and the increase of overall floor space to 225,00m² has already been granted planning permission in the previous outline application DC/18/00237/OUT. Council officers are therefore of the view that the proposed changes do not raise any new issues in terms of the type and amount of floorspace proposed. In addition the proposed changes would still enable the aims and objectives of policy KEA2 to be met and exceeded in response to a specific end occupier requirement.

5.10 LANDSCAPE / VISUAL IMPACT

The proposed revisions to the previously approved scheme will result in the demolition of the South Follingsby Farm buildings and the green infrastructure for the wider development being moved to the west within the area of the former farm. The quantum of green infrastructure proposed remains the same as for the previously approved scheme of around 13 hectares.

5.11 The demolition of the farm house will result in the nearest residential property adjacent to the site being removed. This is considered to be a beneficial visual impact when compared to the previously approved scheme.

5.12 Existing Hedgerows and Trees

An Arboricultural Pre Development Report has been submitted as part of this application which identifies a number of hedgerows and trees on the South Follingsby Farm site. The majority of the hedgerows and trees on the farm site will be removed to accommodate the development. Replacement and additional landscaping is proposed as part of the development.

5.13 It is therefore considered that no additional landscape or visual mitigation is required.

5.14 HERITAGE AND ARCHAEOLOGY

The South Follingsby Farm site is part of the agricultural area of the medieval settlement of Follingsby based around several farms. South Follingsby Farm is still one of these settlements. The current farm building is modern and not of historic interest.

5.15 A new geophysical survey have been undertaken in the farm area. No significant archaeological features were identified during the survey. An archaeological evaluation is now required to characterise the nature of any deposits on the site. The geophysical survey has indicated that a larger medieval settlement is not likely to exist on the farm site. The Council's archaeologist has already produced a specification for a small amount of trenching to be carried out on the farm site.

5.16 Planning conditions will be required for the archaeology excavation and recording on the farm site. Apart from these archaeological planning conditions

no additional heritage mitigation is considered necessary for the proposed changes.

5.17 TRANSPORT

There is no change proposed to the type of and overall quantum of floor space to be provided at the site. The number of access points off Follingsby Lane to the development would remain at six (including the proposed new access at the South Follingsby Farm site). This is the same number of access points as approved on the last outline application DC/18/00237/OUT.

5.18 The proposed changes would result in the repositioning of the access points and associated bus stops and crossing points along Follingsby Lane. This change would result in more space between these highway features which would be an improvement from a highway safety point of view.

5.19 The predicted traffic flows and vehicle movements including the distribution of the development traffic onto the wider road network also remains the same as the previous approved outline application DC/18/00237/OUT.

5.20 Council officers are of the opinion that no more than 6 accesses are appropriate along the Follingsby Lane southern frontage from a highway safety point of view. Therefore it will be necessary to ensure that the proposed new access at the South Follingsby Farm site does not come into use without the associated changes proposed to the other associated planning applications DC/18/00574/FUL and DC/18/00575/FUL. The applicant has agreed to enter into a legal agreement for these 3 linked applications to ensure that the development takes place in a comprehensive manner across the whole of the wider site.

5.21 Apart from the above legal agreement requirement, no additional transport mitigation is considered necessary for the proposed changes.

5.22 NOISE

The proposed revisions will result in the removal of the nearest residential property to the development at South Follingsby Farm, which is beneficial.

5.23 The vehicle movements associated with the development will remain the same. It is therefore concluded that there will be no new noise impacts as a result of the proposed changes and that there is no requirement for additional mitigation measures.

5.24 AIR QUALITY

The proposed revisions will result in the removal of the nearest residential property to the development at South Follingsby Farm, which is beneficial.

5.25 The vehicle movements associated with the development will remain the same. It is therefore concluded that there will be no new air quality impacts as a result of the proposed changes and that there is no requirement for additional mitigation measures.

5.26 POTENTIAL FOR LAND CONTAMINATION

The proposed changes seek to include the South Follingsby Farm site into the development site. The previously submitted contaminated land information did not include the farm site. The risk of contaminated soils being present are considered to be low, but there still remains an identified potential risk for contamination to exist at the farm site.

- 5.27 To address this issues it is therefore recommend that a number of planning conditions ae required for the farm site application DC/18/00573/COU to ensure that a Phase 2 site investigation and where required remediation and verification are carried out. Subject to these conditions, it is considered the proposed changes to the development are acceptable from a contaminated land point of view.

5.28 FLOOD RISK / DRAINAGE

The proposed changes to the development result in moving the built development and green infrastructure zones further west onto the South Follingsby Farm site. This results in changes to the design and layout of the green infrastructure zone along the western boundary of the site, including the drainage design.

- 5.29 The Sustainable Drainage Strategy on the earlier applications that were approved set out the principles for the drainage design, which remain the same on the three current linked applications. The foul water flows from the development will connect to an existing foul sewer system in the area. It is proposed that surface water flows from the development will discharge into the River Don to the south of the site at a restricted rate as the site is considered to be unsuitable for infiltration. It is therefore considered that the changes to the development will not increase flood risk to the surrounding area as a result of suitable management of surface water discharging from the site.
- 5.30 The proposed changes still include a 10 metre safeguarded zone adjacent to the River Don. It is therefore considered that the proposed changes to the development would not prejudice the potential future restoration of the River.

5.31 ECOLOGY

Natural England has no objections to the proposed plans and have stated that it does not consider there will be any significant adverse impacts on statutory protected sites or landscapes.

- 5.32 Great Crested Newts

An updated great crested newt survey has been provided. The revised proposals will result in the loss of a great crested newt breeding pond at South Follingsby Farm and associated habitat. It will also provide an opportunity to remove a population of Crassula that is both reducing the conservation value of the pond and providing a source of material for the spread of this invasive species. Mitigation has been provided in the scheme design with the provision of new wetlands including ones designed specifically for great crested newts. In addition proposals for the trapping and translocation of great crested newts.

- 5.33 The new road alignments will result in increased severance between this great crested newt population and that at Follingsby Park to the north. Mitigation measures are proposed in the detailed road design by incorporating features such as off set gully pots to help reduce mortality. Severance between the great crested newts population will however increase.
- 5.34 The width and area of habitats suitable for great crested newts in the vicinity of the existing breeding pond will reduce, with narrowed connectivity to the wider area of green infrastructure and the River Don corridor.
- 5.35 In the short term the majority of habitats associated with South Follingsby Farm will be lost, to be replaced in the medium term by habitats designed to support great crested newts. The submitted SES states that in the long term the South Follingsby great crested newt population is forecast to be conserved and enhanced, as a much wider mosaic of suitable wetland and habitats is being created. The focus of the population is likely to move south, with a low population maintained in the current location, with reduced gene flow to the Follingsby park population.
- 5.36 Bats
An updated bat survey has been provided. The revised proposals will result in the loss of two bat roosts used by individual common pipstrelle bats. There will also be a net reduction in habitats available for foraging bats, and reduced connectivity between the South Follingsby Farm area and the River Don corridor.
- 5.37 Birds
An updated breeding birds survey has been provided. In the short term the proposed changes are likely to result in the loss of habitat for birds. In the long term there is likely to be a balance between losses to birds of arable farmland, and benefit to birds of wetland, marshy grassland and scrub. Overall it is considered that bird biodiversity will be conserved and enhanced.
- 5.38 Additional Ecology Mitigation Measures
The submitted SES explains that the trapping and translocation approach for the great crested newts will be agreed between the developer and Natural England as part of Natural England's licensing process.
- 5.39 Two new great crested newt breeding ponds will be provided within 100 metres of the pond to be lost. A hibernaculum will be constructed and habitats will be specifically designed to promote newt populations. Newt fencing erected for trapping and translocation, and for the protection of the construction area will be left in place longer term where it is beneficial for encouraging newt movements towards the new wetlands to the south and reducing road mortality. The existing pond will be removed in accordance with an approved method stamen to prevent the spread of *Crassula*. To mitigate for the loss of two bat roosts, 20 bat boxes are to be erected within the areas of green infrastructure.

5.40 Green infrastructure habitats will retain the same mix as proposed for the approved applications though in different locations along the western boundary. This will provide a habitat for great crested newts, bats and birds, as well as other wildlife.

5.41 SOCIO ECONOMIC ISSUES

The proposed revisions to the development will not give rise to any different effects with regards to socio economic impact. The revised development would therefore still result in significant investment in the area which would provide significant local employment opportunities and expenditure.

5.42 CUMULATIVE EFFECTS

The proposed revisions to the development will not give rise to any different cumulative effects.

5.43 COMMUNITY INFRASTRUCTURE LEVY

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

5.44 CONDITIONS / LEGAL AGREEMENT

The planning conditions and legal agreements on the earlier applications that were approved will be reviewed and where appropriate reattached to these three current linked planning applications.

5.45 The previous outline application that was approved DC/18/00237/OUT was subject to a legal agreement that required the payment of £58,750 for off site ecology compensation at Shibdon Meadow and the payment of £75,000 for the upgrade and modification of the signal equipment at the Lingey Lane / Leam Lane Junction. This mitigation is still considered relevant for current application DC/18/00574/FUL.

5.46 The new legal agreement for all the current three linked applications will also need to ensure that the proposed development takes place in a comprehensive manner across the whole of the wider site.

6.0 CONCLUSION

6.1 The site is allocated through policy KEA2 of the CSUCP for employment uses and The development of up to 225,000m² of B8 (storage and distribution) and B2 (general industrial) floor space has already been considered to be acceptable through the approval of the previous outline application DC/18/00237/OUT.

6.2 The Environmental Information contained with the Supplementary Environmental Statement (SES) submitted with the three linked applications has been taken into consideration by the Council in coming to its decision.

- 6.3 The submitted SES considers the environmental effects of the proposed amendments to the previously approved outline and reserved matters permissions. The SES considers the potential for different effects to arise as a result of the proposed changes to those identified in the previously submitted ES (March 2018). There are some changes to the conclusions of the previous ES as a result of the proposed amendments to the development.
- 6.4 There are some beneficial effects as a result of the proposed changes. The demolition of South Follingsby Farm will remove the nearest residential property immediately adjacent to the development which has both noise and air quality benefits.
- 6.5 There are some changes to the conclusions of the previous ES as a result of the proposed amendments to the development which are not beneficial, these relate to ecology. The negative impacts should however be balanced against the significant beneficial socio economic benefits of the development in terms of investment in the area and local employment opportunities and expenditure. Overall the effect on the local community is considered to be a positive one.
- 6.6 Some additional mitigation measures are also considered necessary on the three current linked applications, which can be provided through planning conditions and a planning obligation.
- 6.7 Therefore taking into account all the relevant material planning considerations, including the environmental information contained with the Supplementary Environmental Statement and the comments made by consultees, it is considered that the proposal is acceptable and accords with the aims and objectives of both national and local planning policies.
- 6.8 It is therefore recommended that planning permission be granted subject to the planning conditions and planning obligation below.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

a - that the proposed development in the three linked applications DC/18/00573/COU, DC/18/00574/FUL and DC/18/00575/FUL takes place in a comprehensive manner across the whole of the wider site.

2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.

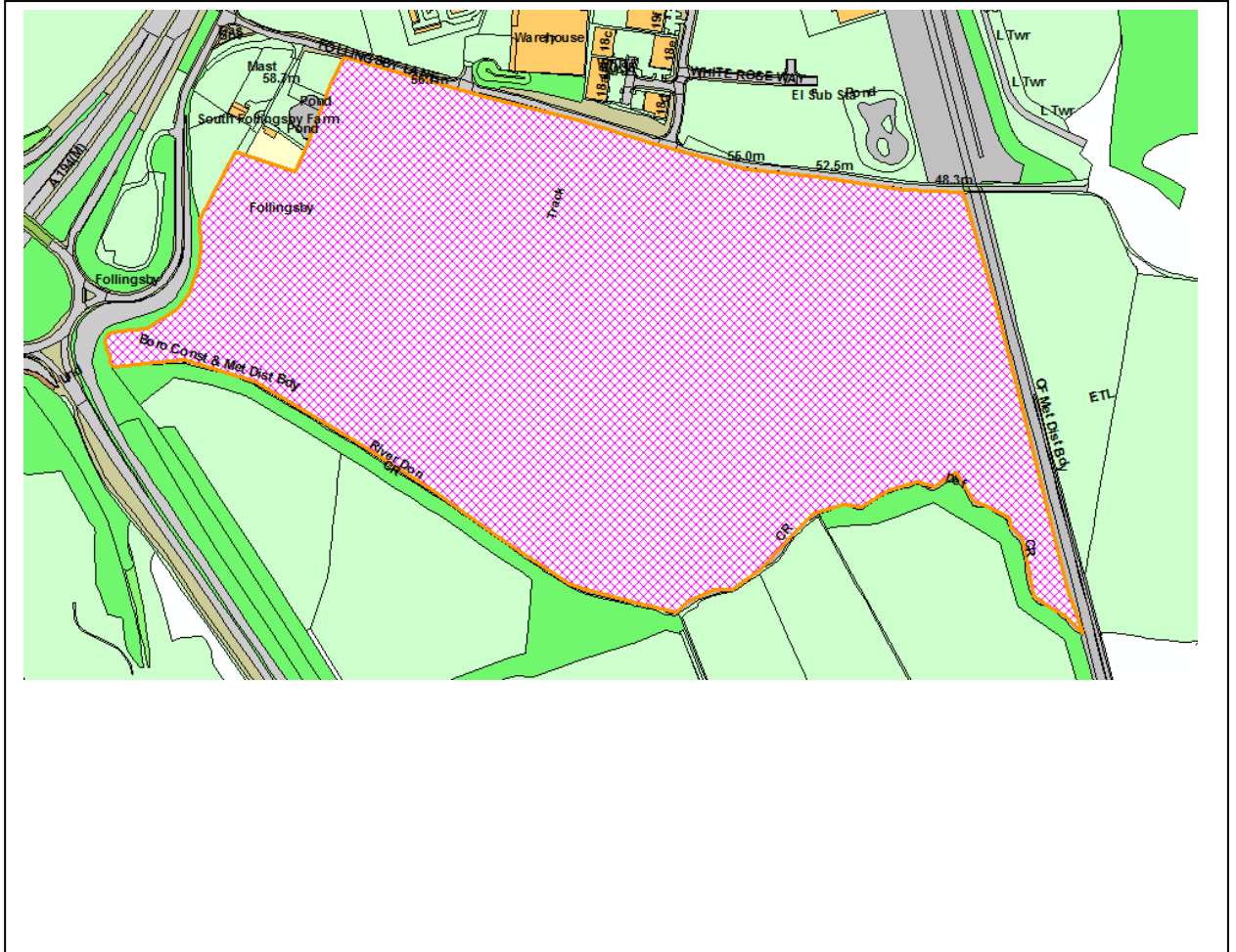
3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary as set out in the headings below :

List of approved plans

Time limit to implement

Details of wildlife observation area

Provision of wildlife observation area



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Committee Report

Application No:	DC/18/00623/FUL
Case Officer	Joanne Munton
Date Application Valid	2 July 2018
Applicant	Excell Property Developments Ltd
Site:	The Chopwell Derwent Street Chopwell NE17 7AA
Ward:	Chopwell And Rowlands Gill
Proposal:	Change of use from public house to twelve assisted living units (use class C3) (description amended 07/09/18)
Recommendation:	GRANT
Application Type	Full Application

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

The application site is an existing detached, two storey, brick built building. The Chopwell is a former public house, which is now vacant and has not traded as a pub since 2013.

1.2 The site is in the Chopwell Local Centre, where Derwent Street runs north to south, and the building is on the western side of Derwent Street, set back from the road with an access road to the front.

1.3 DESCRIPTION OF APPLICATION

The application proposes the change of use of the public house to dwellings (C3). Submitted plans show twelve residential flats (six on the ground floor and six on the first floor) with one bedroom, a separate bathroom and living/kitchen area each.

1.4 The application proposes that the twelve flats would be assisted living units, so there could be an element of care available to residents, but this would be within the C3 (dwellings) use class and is therefore assessed as such in this report.

1.5 Plans show separate external doors to access each flat on the ground floor and communal stairs and landing for access to the flats on the first floor. An office is also shown on plans, and the applicant has confirmed that this would be a call-in point for the company managing the premises and visitors such as a handyman.

1.6 Externally, the application proposes the addition at ground floor level of one window on the west (rear) elevation and one on the north (side) elevation, a

new gated entrance to the back yard on the north elevation and a new door from the back yard to the communal staircase.

1.7 RELEVANT PLANNING HISTORY

There is no relevant planning history.

2.0 Consultation Responses:

Disability Equality Service User Involvement Forum	No response received
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Gateshead Access Panel	No response received
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Northumbrian Water	No objection
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Tyne And Wear Fire and Rescue Service	No response received
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3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 A petition of 500 signatures representing local residents has been received, objecting to the application, commenting that the building should be used by the local community instead, and raising the following concerns:

- No demand for single person/this type of accommodation in area;
- Proposed design is inappropriate for the proposed use, in terms of internal and external movement, facilities for staff and residents and location of some access doors at the rear of the building;
- Inadequate parking provision;
- There would be a more appropriate use for the building, and a cycle hub is suggested.

The petition was sent by Chopwell Regeneration Group.

3.3 18 objections from residents have been received, raising concerns regarding:

- No demand for single person/this type of accommodation in area, but is demand for family housing;
- Insufficient information on the proposed use and occupants of the building, and the potential occupants could jeopardise work to improve the area;
- Potential to attract vandals and increase anti-social behaviour, and the area would become more undesirable due to increased crime;

- No benefits to existing residents;
- There should be more community involvement and there are other more appropriate uses for the building;
- Resentment towards occupants from local community and impact of such treatment on occupants;
- Concern over health issues;
- Additional noise/Disturbance on early on a morning and late at night;
- Inadequate car parking provision, subsequent impact on employment opportunities and reduction in parking space available for existing users of shops/facilities, impacting on highway safety;
- Amount of cycle parking provision is inappropriate due to the lack of use by potential users and the steepness of the area;
- Inappropriate facilities and space for staff (eg. kitchen, toilet) and occupants (eg. lift, fire escape, communal areas);
- Do not want to see the building decay due to delays;
- Insufficient landscaping and impact on quality of life of occupants;
- Impact on economic regeneration of area.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

DC2 Residential Amenity

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the proposal in terms of retail and housing policy, visual amenity, residential amenity, and highway safety and parking.
- 5.2 **RETAIL POLICY**
The site is within Chopwell local retail centre as defined by saved policy RCL5 of the UDP and policy CS7 of the CSUCP. The proposal would not result in the loss of retail provision and would bring a currently vacant building back into use. Therefore, the proposal would comply with the aims and requirements of these policies.
- 5.3 **HOUSING POLICY**
Paragraph 11 of the NPPF states that:

'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'
- 5.4 Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.
- 5.5 The site would be considered as a housing windfall site under policy H4 of the UDP. Given the choice of nearby local amenities and that the site is not in an isolated location, it is considered that the location of the proposal is sustainable. The additional requirements of policy H4 are addressed later in the report.
- 5.6 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that a range and choice of housing is provided. The proposal is for the development of twelve flats with one bedroom each, the proposal would contribute to range of housing stock in the borough.
- 5.7 Policy CS11(4) of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs

of residents." It is considered that the proposal would provide appropriate space internally and externally.

5.8 It is considered that the proposal does not conflict with saved policies H4 and H5 of the UDP, policy CS10 of the CSUCP and the NPPF. Additionally, the proposal would contribute to housing stock in the borough.

5.9 VISUAL AMENITY

It is considered that bring the vacant building back into use would have the potential to provide more regular maintenance of the building, which would enhance the building's positive contribution to the character of the area.

5.10 The host building is widely visible from the public domain and the application proposes minor amendments to the external appearance of the building, namely:

- the addition of one window on the west (rear) elevation;
- the addition of one on the north (side) elevation (where it appears there once was a window);
- a new gated entrance to the back yard on the north elevation; and
- a new door from the back yard to the communal staircase.

all at ground floor level.

5.11 It is recommended that Conditions 3 and 4 be imposed requiring final details of the rear gate (including height) to be submitted to the LPA for consideration, implementation of the approved details, and requiring that the new windows and doors would be of similar appearance to those at the existing building.

5.12 The proposal would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.

5.13 RESIDENTIAL AMENITY

The building is detached with access roads on the north, east and south sides. To the west (rear) of the site there is a commercial building and yard, to the east across Derwent Street at terraced dwellings on Tyne Street, to the east across the access road is a retail unit with residential accommodation above, and to the north across the access road is a vacant property that is boarded up.

5.14 Given the building is existing, it is considered that the proposal for the change of use and minor external alterations would not result in an unacceptable overbearing impact or unacceptable loss of outlook or light. Similarly, given the former use and as most windows are existing and the proposed new windows would be on the ground floor, one at the rear and one on the side facing the boarded up property, it is considered that the proposal would not result in an unacceptable impact on privacy at neighbouring properties. Additionally, particularly given the last use as a public house, it is considered

that the proposed use would not result in an unacceptable level of noise or disturbance at neighbouring properties.

- 5.15 Also, it is considered that the proposal would provide an appropriate level of residential amenity for future occupiers of the dwellings, and it is recommended that Condition 4 be imposed requiring all bathroom windows to be obscurely glazed.
- 5.16 The proposal would comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.17 **HIGHWAY SAFETY AND PARKING**
It is considered that there would also be scope to park in the immediate vicinity without unacceptable detriment to highway safety for any parking likely to be generated. Consideration is also given to the former use of the building as this would have also generated parking, and that the location is accessible to public transport and local amenities.
- 5.18 Three parking spaces are shown on submitted plans in the area between the host building and Derwent Street, however, this land is adopted highway and not within the application boundary. Therefore, there would not be allocated parking associated with the development.
- 5.19 Cycle parking is indicated on submitted plans, but the provision would need to be secure and fully weatherproof. Therefore, Conditions 5 and 6 are recommended to be imposed requiring final details of secure and weatherproof cycle parking provision to be submitted to the LPA for consideration, and implementation of the approved details.
- 5.20 The proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.21 **OTHER MATTERS**
The proposal is for the change of use to dwellings (C3) and is therefore assessed as such in this report.
- 5.22 NPPG at Paragraph: 015 Reference ID: 21a-015-20140306 advises that it is rarely appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people. As in any application for dwellings, planning is not able to control the type of individual who would occupy the properties within that use class.
- 5.23 The applicant has confirmed that the office shown on plans would be a call-in point for the company managing the premises and visitors such as a handyman, not facilities for visitors to the dwellings.
- 5.24 Further, in considering an application, the merits of that proposal are to be assessed and not potential alternative uses, which, to be considered would need to be proposed in a separate application.

5.25 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. The site is within Residential CIL Zone C, which has a charge of £0 per sqm.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, the proposal would bring a vacant site back into use and would contribute to housing stock in the borough. It is considered that the development is acceptable in terms of visual and residential amenity, and highway safety and parking, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

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

1

Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below -

3141_C-00

3141_C-01

3141_C-02

3141_C-03

3141_C04 rev A

3141_C-05

3141_C-06

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

Reason

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

2

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

Reason

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

3

Notwithstanding the approved plans, the new entrance gate on the northern elevation shall not be installed until final details of the gate have been submitted to and approved in writing by the local planning authority.

Reason

To ensure the proposal would respect the character of the area in accordance with saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.

4

The new entrance gate on the northern elevation shall be installed in full accordance with the details approved under condition 3.

The new window and door on the western elevation and the new window on the northern elevation shall be installed before the dwellings are occupied and shall be of similar appearance to the materials used in the existing building.

All windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass at a level three or greater (in accordance with the levels set by Pilkington). The obscure glazing shall be installed prior to occupation of the respective dwellings hereby approved and retained as such for the lifetime of the development.

Reason

To ensure the proposal would respect the character of the area and in the interests of residential amenity, in accordance Saved Policies DC2 and ENV3 of the UDP, Policies CS14 and CS15 of the CSUCP and the NPPF.

5

The dwellings hereby approved shall not be occupied until final details of secure and weatherproof cycle storage for residents have been submitted to and approved in writing by the local planning authority.

Reason

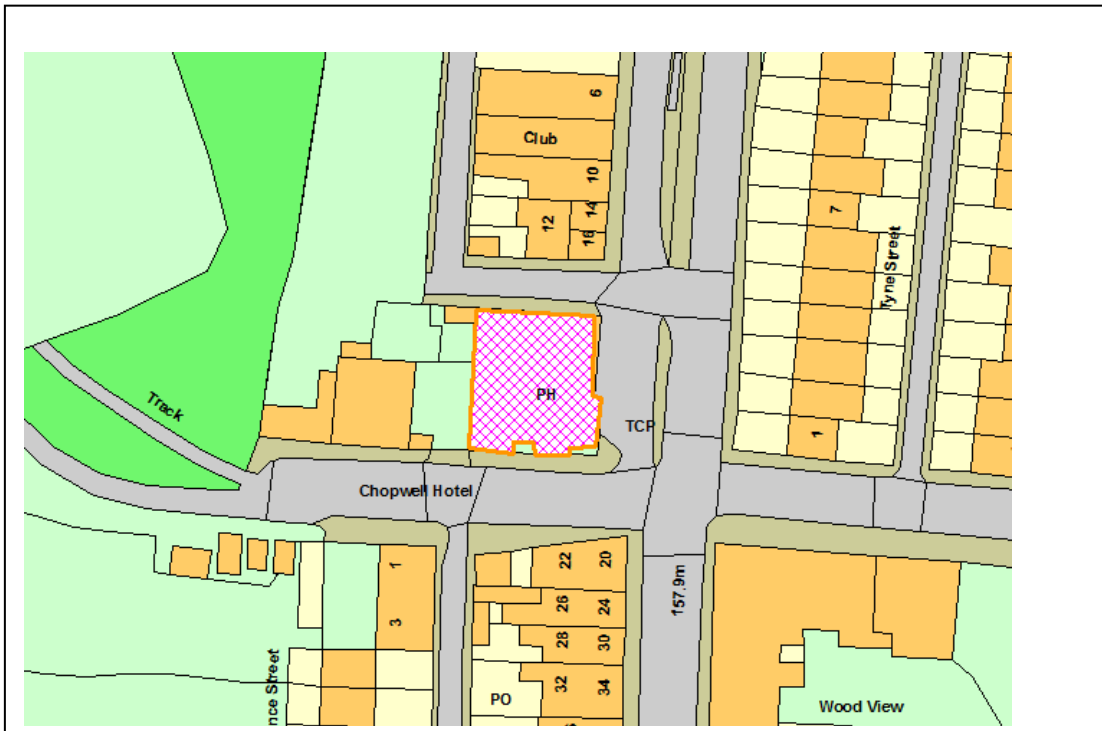
To ensure there is adequate cycle storage provision on site, in accordance with policy CS13 of the CSUCP and the NPPF.

6

The details approved under condition 5 shall be implemented before the dwellings are occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

To ensure there is adequate cycle storage provision on site, in accordance with policy CS13 of the CSUCP and the NPPF.



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REPORT NO 13

Committee Report

Application No:	DC/18/00799/FUL
Case Officer	Owain Curtis
Date Application Valid	2 August 2018
Applicant	Adderstone Developments (103) Ltd
Site:	Land at Bottle Bank Gateshead
Ward:	Bridges
Proposal:	Proposed office development (A2, B1a use) on two levels providing 430m² office space and ancillary accommodation. Demolition of existing substation and alterations to existing access steps and perimeter parapet walls with the insertion of new fenestration to Bottle Bank.
Recommendation:	GRANT
Application Type	Full Application

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

The application site lies on Bottle Bank to the north east of the Curzon Place frontages. The site is on the raised piazza of the Curzon Place residential development adjacent to the Tyne Bridge. Underneath the raised piazza is the car park which serves the Curzon Place development.

1.2 The piazza was originally intended to form part of the public realm with art installations, seats, a place of activity and a pedestrian route. However, the intended high quality public space was never achieved and the area appears to have remained largely unused with only limited landscaping in the form of potted trees provided. The pedestrian route also appears to be underused.

1.3 The site lies within the Urban Core, Bridges Conservation Area and is in close proximity to the Grade II* listed Tyne Bridge and Grade I listed Church of St. Mary.

1.4 The character of the area is a mixed with a variety of residential and commercial premises in the local area – including the Hilton Hotel to the north, offices and a public house to the south, the main trunk road into Newcastle, offices and the Sage Gateshead to the east and Curzon Place to the west.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the erection of a new commercial building to house A2 / B1a uses (financial and professional services / offices). The proposed scheme is a variation of a development allowed on appeal in 2012 on the same site.

- 1.6 Specifically, the development consists of a two storey building constructed on the site of the existing car park and decommissioned substation. The building would provide 430m² of new office space and would be split level with office accommodation provided on both floors. On level 0, the proposal includes a lobbied entrance, meeting room and reception area with access internally to the car park for escape. On level 1, a further entrance is proposed, giving level access here to the principal accommodation floor. This level would provide the main open plan office accommodation.
- 1.7 Visually, the building would respond to the land levels and would have a glazed feature-entrance at its tallest point on the north western elevation. The palette of exterior materials would include dark brown compact laminate cladding panels, a standing seam metal roof and Forticrete blockwork.
- 1.8 On the piazza, the existing pedestrian access would be maintained, along with a single row of the existing trees in pots.

1.9 **PLANNING HISTORY**

Ref No: DC/14/00989/FUL Status: GRANT. Proposal: Construction of a new split level residential development (2 x 2 bed flats and 2 x 2 bed duplex flats) on a raised plaza to the front (east) of Curzon Place (use class C3 and C4) (revised application). Decision Date: 12.11.2014

Ref No: DC/14/00194/FUL Status: GRANT. Proposal: Construction of a new split-level residential development (2 x 2 bed flats and 1 x 3 bed duplex flat), on raised plaza to the front (east) of Curzon Place (Use Class C3 and C4). Decision Date: 20.08.2014

Ref No: DC/12/00870/FUL Status: ALLOWED ON APPEAL. Proposal: Construction of new split-level commercial/office unit (for A2, B1(a) use) of approximately 259m², on raised plaza to the front (east) of Curzon Place (Amended 13.9.2012). Decision Date: 19.10.2012

Ref No: DC/11/01071/FUL Status: WITHDRAWN. Proposal: Erection of three-storey commercial unit (use classes A2 and B1(a)). Decision Date: n/a

2.0 Consultation Responses:

Coal Authority – No objection.

Northumbrian Water – No objection, subject to condition.

Tyne and Wear Archaeology – No objection.

3.0 Representations:

- 3.1 This application is referred to the Planning and Development Committee for determination due to the number of objections received.
- 3.2 A site notice was displayed at the application site and neighbour notifications were carried out in accordance with Article 15 of the Town & Country Planning (Development Management Procedure) Order 2015 (as amended). A total of 5 objections have been received.
- 3.3 The representations received raise the following issues:
- Loss of view of Tyne Bridge and Quayside
 - Development would devalue properties
 - Negative impact on living conditions
 - Additional noise will be created
 - Car parking will be reduced
 - Building will be a cramped eyesore
 - Proposal will add to traffic congestion
 - The proposal is overdevelopment

4.0 Policies:

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS2 Spatial Strategy for Urban Core

CS5 Employment-Economic Growth Priorities

CS6 Employment Land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

UC1 Offices and Business Development

UC5 Primary and Secondary Pedestrian Routes

UC10 Car Parking

UC12 Urban Design

UC14 Heritage

DC2 Residential Amenity

JE4 Sustainable Economic Development

CFR23 Protecting and improving existing open space

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV9 Setting of Conservation Areas

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

5.0 Assessment of the Proposal:

5.1 The main issues to be taken into account when assessing this planning application are:

- i. the principle of development;
- ii. the effect of the proposal on the living conditions of the occupiers of Curzon Place;
- iii. the impact on heritage assets;
- iv. the design of the proposed building;
- v. the effect on highway safety and parking provision;
- vi. land stability and contamination issues;
- vii. the loss of open space; and
- viii. any other material considerations.

5.2 PRINCIPLE OF DEVELOPMENT

Policies CS1, CS2, CS5, CS6 and UC1 of the Core Strategy and Urban Core Plan for Newcastle and Gateshead seek to foster economic growth and develop accessible employment by directing and supporting new office accommodation within the Urban Core. The CSUCP aims to provide a minimum of 380,000 square metres of new office space in the Urban Core by 2030. These policies are consistent with section 7 of the revised NPPF which requires councils to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

5.3 The proposed development would add 430m² of new office space into the town centre and, as such, would accord with the relevant local and national planning policies and is acceptable subject to all other material considerations being satisfactory.

5.4 LIVING CONDITIONS

Paragraph 117 of the revised NPPF states that planning policies and decisions should, amongst other things, ensure safe and healthy living

conditions. Local policies CS14 of the CSUCP and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.

- 5.5 The height of the proposed building and separation distance to Curzon Place is the same as the scheme previously allowed on appeal in 2012 when the Inspector concluded:

The proposal would not have a detrimental effect on the living conditions of the occupiers of the ground floor flats at Curzon Place, with particular reference to outlook, privacy, daylight and sunlight and noise and disturbance. In that respect, it would comply with the requirements of Policy DC2 regarding the protection of residential amenity, in the Council's Unitary Development Plan (UDP), to which I give due weight, as it does not conflict with the terms of the National Planning Policy Framework (the Framework).

- 5.6 Since 2012 the NPPF has been revised and the council has adopted the Core Strategy and Urban Core Plan. The proposed development is assessed against currently adopted policies below.

- 5.7 The ground floor flats of Curzon Place which face east/north east have the most potential to be affected by this development as the ground floor windows serve living rooms, however it is considered that only four of these flats would directly look onto the west facing elevation of the proposal. The flats at first floor level are set higher than the proposed development and as such, will not be directly affected in terms of loss of light, visual intrusion or overshadowing. Equally although the development would be visible from the flats located further along the east facing elevation, they would not face directly onto the west facing elevation of the development.

- 5.8 The proposed building would be located 7.38m from the eastern elevation of Curzon Place at its closest and 12.69m at its furthest. The plans show the windows on this elevation would be smaller than those on the main eastern elevation facing onto Bottle Bank. In order to safeguard the privacy of existing residents in Curzon Place it is appropriate to condition that windows on the western elevation facing the flats are obscure glazed and non-openable. (condition 9).

- 5.9 With regard to light levels, it is considered that four flats are likely to be affected by a loss of light however the impact would be negligible. This is due to the separation distances between the flats and the development but also due to the relationship of the flats with the development and the orientation of the sun. A full and detailed daylight and sunlight assessment has been submitted in support of the application which confirms this. The results show that in flats 20, 21, 22 and 23 the maximum reduction in the measured daylight factor would only be -0.5%.

- 5.10 In terms of overshadowing, the proposed development would cast no shadows over the flats due to its small comparative scale and its positioning to the north of the flats.
- 5.11 Turning to noise and disturbance, the piazza was originally intended to be an area of activity and includes a pedestrian route. The unfenced area is open to use as a public space and footpath with no limitations on time, and if it was used to its full potential the activity would be even greater, at any time of the day or night. Officers also consider the construction of an office development, which although would generate footfall, is less likely to generate activity in the late evenings like a public house or restaurant would and loitering and anti-social behaviour is not generally associated with office developments.
- 5.12 Lastly, final details of the proposed windcatchers on the roof and any ventilation can be conditioned to ensure the development does not generate any noise or disturbance to the detriment of the living conditions of the occupiers of the adjacent flats in this regard (conditions 14 and 15).
- 5.13 Overall, the development would not cause harm to the living conditions of nearby residents by virtue of a loss of privacy, overshadowing or through noise and disturbance thus, the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.
- 5.14 **IMPACT ON HERITAGE**
Paragraph 192 of the revised NPPF states that in that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of development affecting conservation areas, which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 5.15 The application site is located within the Bridges Conservation Area and is within close proximity to the Grade II* listed Tyne Bridge and Grade I listed Church of St. Mary. Officers consider the proposed building responds positively to its historic context and the scale, massing, form and materiality of the development would ensure the proposal would preserve and enhance the character of the Bridges Conservation Area.
- 5.16 Further, the low scale would ensure the development has no adverse impact on the significance of the Tyne Bridge or Church of St. Mary, including their setting, nor would it impact on important views into and out of the Conservation Area. Given the above, the development would

accord with the revised NPPF, policies CS15(2) and UC14 of the CSUCP and saved policies ENV7 and ENV9 of the UDP.

Turning to archaeology, saved policies ENV21 and ENV22 of the UDP seek to preserve and record archaeological remains. The proposal would cause limited disturbance outside of the substation and car park area and the majority of the site has previously been disturbed during the construction of the hotel, car park and substation. It is therefore unlikely that significant archaeological remains will be destroyed during the construction of the proposed office building. As such, no further action is needed in this regard.

5.17 VISUAL AMENITY

Section 12 of the revised NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Local policies CS15 of the CSUCP and ENV3 of the UDP reflect this.

5.18 The proposal consists of a single storey building on the piazza with an outdoor enclosed terrace and additional accommodation beneath accessed from the corner of Bottle Bank and the Hilton access road at the lower car park level. The building would utilise the existing parapet wall to the piazza and would be built up from this level with single storey accommodation to the south. When viewed from the north, this will appear as a two-storey element due to the slope of the road towards the river. The proposed building has been designed in such a way so that it rises from single storey at the south of the site towards the north, and then steps down again to form a roof terrace. This reduces the visual prominence of the development.

5.19 The general form of the development is considered to respond well to the angles and lines created by the piazza and existing building at Curzon Place with a triangular shaped element and rectangular part to the development. The 4 wind catchers provide ventilation have also been used as an architectural device to add interest breaking the horizontal emphasis to the block which is considered to be positive addition.

5.20 To ensure the high quality of the design is carried through into the build, final details of materials would be required and this can be conditioned (conditions 3 and 4).

5.21 Given the above, officers consider the development would accord with the revised NPPF, policy CS15 of the CSUCP and saved policy ENV3 of the UDP.

5.22 HIGHWAY SAFETY AND PARKING PROVISION

Given the location of the application site, the proposed development would be very well served by public transport as well as being accessible on foot or bicycle.

- 5.23 The provision of no car parking is in accordance with policy UC10 of the CSUCP which states that car parking for new developments in the Urban Core should be minimised to reflect the highly accessible nature of the area.
- 5.24 Whilst there will undoubtedly be some demand for parking by staff and visitors, it is accepted that this can take place within nearby public pay and display car parks and the applicant has confirmed that servicing and refuse collection would not block the bus lane on Bottle Bank and Hills Street.
- 5.25 It is acknowledged that development would result in the loss of 8 parking spaces from the underground car park at Curzon Place however this would not give rise to any material negative impacts on the surrounding highway network as there are no opportunities for on-street parking in the immediate area due to existing restrictions and, as such, overspill of parking onto the highway is unlikely. Nor would the reduction in parking provision for the flats be a concern in its own right due to the site's sustainable Urban Core location.
- 5.26 In order to encourage sustainable travel, cycle parking would be provided at the office as indicated on the site layout plan. Its implementation can be secured by condition (condition 10).
- 5.28 The development would therefore accord with paragraph 109 of the revised NPPF and policies CS13 and UC10 of the CSUCP.
- 5.27 **LAND STABILITY AND CONTAMINATION**
The application site is located within the Coal Authority High Risk Area. Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, and historic unrecorded coal mining is likely to have taken place beneath the site at shallow depth. As the development is within the envelope of the Curzon Place car park and decommissioned substation, in this instance a Coal Mining Risk Assessment is not necessary. In addition, for this reason intrusive investigations for contaminated land are not required however it is conditioned that if any undesirable material or contamination is encountered the developer will take appropriate steps (conditions 12 and 13)
- 5.28 Subject to the suggested conditions, the development would comply with paragraph 178 of the revised NPPF and saved policy ENV54 of the UDP.
- 5.29 **LOSS OF OPEN SPACE**
Paragraph 97 of the revised NPPF states that open space should not be built on, save for three exceptions including if the land is surplus to requirements. Saved policy CFR23 of the UDP is broadly consistent with this.

5.30 During the development of the Curzon Place scheme, the piazza was originally proposed to provide an area of outdoor space with art installations and street furniture. However, the area has never been used to its full potential and there is little evidence to suggest that the piazza was used as an area of open space. Indeed, the area has been partially fenced off and inaccessible to the public for several years.

5.31 The piazza is not a formally allocated area of open space and the loss is not considered to be detrimental to the public. As a result, officers are of the view that it can be regarded as surplus to requirements. Further, the development of the piazza could be considered a positive development as it would bring the area back into use and create a buffer between Curzon Place and the busy highway to the east.

5.32 Officers therefore consider the development would accord with the revised NPPF and there would be no conflict with saved policy CFR23 of the UDP.

5.33 OTHER ISSUES

The objections state that the development would cause the loss of residents' views of the Tyne Bridge and Quayside from the Curzon Place flats and would therefore devalue the properties. It is entirely understandable that residents would prefer the site to remain unchanged but it is well established that there is no right to private views and that their loss is not a material planning consideration even if it affects the values of the properties concerned. Similarly, the potential for property devaluation is not a material planning consideration.

5.34 A consultation response from Northumbrian Water suggests that the LPA impose a condition in relation to drainage and surface water from the development. During the 2012 appeal, the Planning Inspectorate considered this condition failed to meet the six tests every planning condition should meet in order to be imposed. In light of this, officers do not recommend the suggested condition is imposed.

5.35 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying housing or retail development.

6.0 CONCLUSION

6.1 Taking all the material planning considerations into account, including the objections raised, it is recommended that planning permission be granted subject to the conditions outlined below.

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, delete, vary and amend the planning conditions as necessary:

1

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

Reason

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.

2

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

P-086 / A-PL-01 dated June 2018
P-86 / A-PL- 02 / A dated 30.08.2018
P-86 / A-PL-03 /A dated 05.07.2018
P-086 / A-PL-04 / B dated 25.07.2018
P-086 / A-PL-04 / C dated 30.08.2018
P-86 / A-PL-05 / A dated 05.07.2018
P-86 / A-PL-07 / B dated 25.07.2018
P-86 / A-PL-08 / B dated 05.07.2018
P-86 / A-PL-09 / B dated 25.07.2018

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.

3

No external materials for the development hereby approved shall be used on site until details and samples of all materials, colours and finishes to be used on all external surfaces of the building have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing street scene in accordance with the NPPF, policy CS15 of the CSUCP and saved policies ENV3 and ENV7 of the UDP.

4

The approved external materials shall be used on site in accordance with the details approved under condition 3.

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 street scene in accordance with the NPPF, policy CS15 of the CSUCP and saved policies ENV3 and ENV7 of the UDP.

5

Prior to the first occupation of the development hereby approved, full details of the method of illumination of the external areas of the site/adjacent piazza shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include a diagram to demonstrate light spillage, the appearance and location of light fittings and their supporting structure(s), measures to control the times when the lights are illuminated.

Reason

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

6

The external lighting approved under condition 5 shall be implemented wholly in accordance with the approved details prior to first occupation of the development.

Reason

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

7

No development shall take place until a Construction Statement for measures to control the emission of noise, dust and dirt during construction has been submitted to, and approved in writing by, the Local Planning Authority.

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.

8

The Construction Statement approved under condition 7 shall be adhered to throughout the construction period.

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.

9

Prior to the first occupation of the development hereby approved, windows of the development facing towards the residential flats of Curzon Place shall be non-opening and glazed with obscured glass (to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures) and shall be permanently retained in that condition thereafter.

Reason

To safeguard the privacy of nearby residents in accordance with the NPPF, policy CS14 of the CSUCP and saved policy DC2 of the UDP.

10

Prior to the first occupation of the development hereby approved, the cycle parking facilities shown on plan P-086 / A-PL-04 / C dated 30.08.2018 and D10-compact-cycle-bike-bicycle-shelter1 received 03.09.2018 shall be implemented and thereafter permanently retained.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the CSUCP.

11

All works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between the hours of 0800 to 1700 on Mondays to Fridays, 0800 to 1300 on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.

12

In the event that contamination is found at any time when carrying out the approved development, 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.

Reason

To ensure that risks from land contamination 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 saved policy ENV54 of the UDP.

13

If required, following completion of measures identified in the approved remediation scheme under condition 12, a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the building hereby approved.

Reason

To ensure that risks from land contamination 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 saved policy ENV54 of the UDP.

14

Notwithstanding the details submitted, prior to the installation of any ventilation equipment, full details of the ventilation and extraction system for the office development (and car park if necessary) shall be submitted to and approved in writing by the Local Planning Authority.

The submission shall include details of noise levels, a plan of the proposed ventilation system and the manufacturer's specification and recommendations concerning frequency and type of maintenance.

Reason

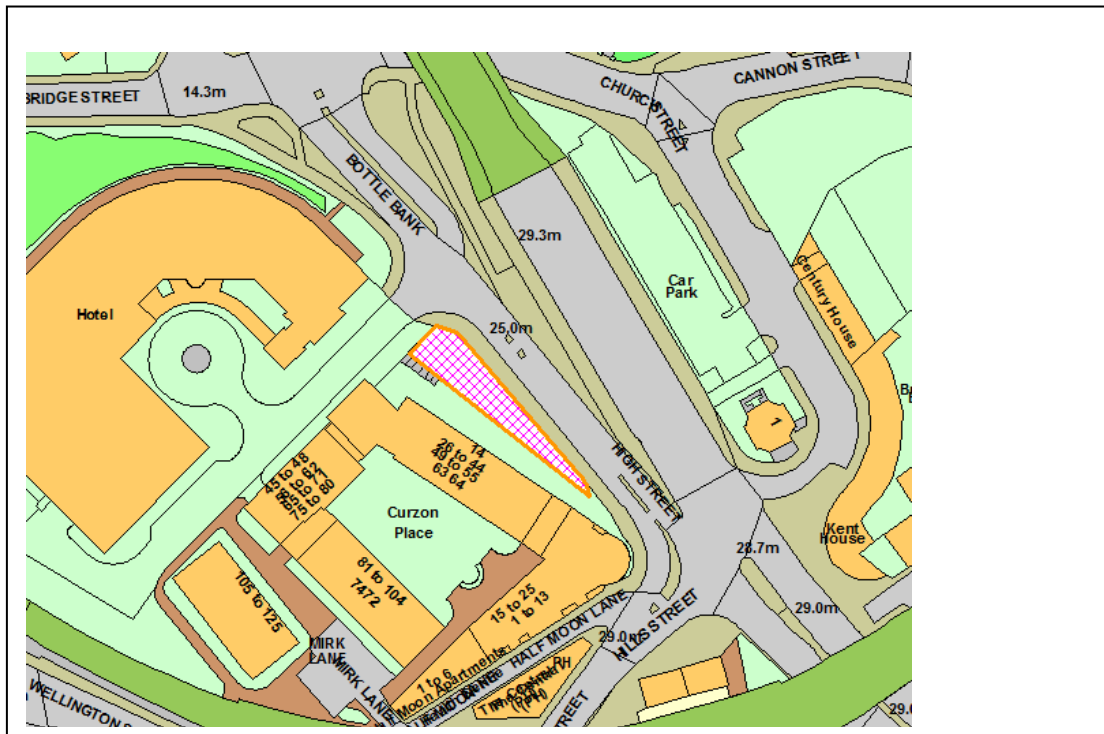
To safeguard the amenities of nearby residents and in accordance with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.

15

The ventilation equipment, approved under condition 14, shall be installed in accordance with the approved details, prior to the first occupation of the development and shall thereafter be operated and maintained in accordance with the approved details.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
19 September 2018**

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

MINOR UPDATE

Application No:	DC/17/00667/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/17/00669/LBC
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Proposal:	LISTED BUILDING CONSENT for minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Listed Building Consent

Reason for Minor Update

Condition(s) added/deleted/amended

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00368/FUL
Site:	Blaydon Leisure And Primary Care Centre Shibdon Road Blaydon NE21 5NW
Proposal:	Refurbishment of existing external Artificial Grass Pitch (AGP) and athletics track complete with new artificial surfaces, replacement of associated athletics features, new and replacement floodlights, new ball stop fencing, new sports equipment, new maintenance equipment with storage and improved clean access (additional information received 25/07/18 and 17/08/18 and description amended 07/09/18).
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further consultation response received

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00799/FUL
Site:	Land At Bottle Bank Gateshead
Proposal:	Proposed office development (A2, B1a use) on two levels providing 430 m2 office space and ancillary accommodation. Demolition of existing substation and alterations to existing access steps and perimeter parapet walls with the insertion of new fenestration to Bottle Bank.
Ward:	Bridges
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

SEE MAIN AGENDA FOR OFFICERS REPORT.

MINOR UPDATE

Application No:	DC/18/00799/FUL
Site:	Land at Bottle Bank Gateshead
Proposal:	Proposed office development (A2, B1a use) on two levels providing 430m² office space and ancillary accommodation. Demolition of existing substation and alterations to existing access steps and perimeter parapet walls with the insertion of new fenestration to Bottle Bank.
Ward:	Bridges
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made:

An sixth representation has been received. The objector states that the proposal is over-development, the area was intended as open space and the comings and goings would harm their living conditions. These issues have been considered in the main report.

The objector also states that the relocation of parking spaces in the underground car park is unworkable. The applicant has supplied plans showing a theoretical layout to mitigate the loss of the 8 parking spaces however the rearrangement of the car park does not form part of this application.

Although the objector states they were not aware of the development proposal, the application has been advertised in full accordance with the Article 15 of the Town & Country Planning (Development Management Procedure) Order 2015 (as amended) through site notice, newspaper notification and neighbour letters.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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TITLE OF REPORT: Planning and Development Committee site visit in advance of the meeting on 10 October 2018

REPORT OF: Strategic Director, Communities and Environment

Purpose of the Report

1. To inform members of a planning application which is scheduled to be reported to Planning and Development Committee on 10 October 2018 and to request members to decide if they wish to visit the site (4 October 2018) in advance of that meeting.

Application Reference DC/18/00704/FUL (Land west of Pennyfine Road)

Construction of 89 residential dwellings, including access to Pennyfine Road and associated infrastructure and landscaping (amended 18/07/18 and 28/08/18 and additional information received 31/07/18).

2. The above application was received and made valid on 9 July 2018.

Prior to submission, the applicant undertook public consultation by way of a public exhibition at Sunnyside Social Club on 26 June 2018.

Following receipt of the application the Local Planning Authority also notified local residents to give them the opportunity to make representations on the application. A total of 68 properties in the surrounding area have been notified about the application. In addition, 2 site notices were erected on the site and in its vicinity on 25 July 2018. This was to coincide with the publication of notice of the planning application in The Journal newspaper the same day.

As of 30 August 2018 there have been a total of 12 objections to the application and one letter of support. The objections include concerns over the increase in traffic and highway safety, the loss of public open space, residential amenity, flooding, impact on trees and hedgerows, impact on ecology. The letter of support does not set reasons for support.

The application site was formerly located in the Green Belt. As part of the proposals in the Council's adopted Core Strategy and Urban Core Plan (CSUCP) the site has been removed from the Green Belt and is now allocated for approximately 90 homes.

The current application proposes the erection of 89 homes, a new vehicular access off Pennyfine Road to serve the development and the installation of landscaping and sustainable urban drainage systems (SUDS). The application also proposes the retention of an informal footpath which run across the site.

3. Officers consider that it would be beneficial for members to view the new site prior to making a determination.

Recommendations

4. It is recommended that the Committee
 - (i) Resolve whether or not to visit the above site in advance of the meeting on 10 October 2018.

Contact: Lois Lovely - extension 2317

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

Nil.

8. WARD IMPLICATIONS

Crawcrook and Greenside

9. BACKGROUND INFORMATION

Nil

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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 19 SEPTEMBER 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/18/00424/HHA	New dormer window with juliet balcony to rear of property	92 Sunnyside Road, Sunnyside,	Granted;	Whickham South And Sunnyside
DC/18/00453/HHA	Single storey side and rear extension, detached garage to rear and pitched roof to front	16 Farndale Close, Winlton,	Refused;	Winlton And High Spen
DC/18/00521/FUL	Proposed subdivision of existing restaurant (Use Class A3) resulting in the creation of one restaurant (Use Class A3) and one restaurant with hot food takeaway (Use Class A3/A5) and physical works including demolition of existing service yard, erection of two small extensions and laying out of drive through lane (amended description 10/07/18).	Frankie And Benny's, Clasper Way,	Refused;	Blaydon

DC/18/00581/HHA	Single storey side extension and detached garage	34 Neville Crescent, Northside,	Granted;	Lamesley
DC/18/00589/FUL	Construction of an artificially surfaced outdoor sports pitch/court with flood lighting and 3m high perimeter fencing.	Emmanuel College , Consett Road,	Granted;	Lobley Hill And Bensham
DC/18/00599/HHA	First floor side extension, single storey front and rear extension	37 Oakfield Road, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/18/00635/FUL	VARIATION OF CONDITION 1 (approved plans) of permission DC/15/00240/FUL to allow for the erection of a 1.8m high horizontal close boarded timber fence to the east of Whinney Park	Whinney House, (Former Tennis Courts),	Granted;	Low Fell
DC/18/00643/ADV	Display of one 6m high pole mounted sign and one freestanding 2.38m high dealer name and service sign adjacent to access road, both internally illuminated and both advertising 'Ford'	Arnold Clark, Portobello Way,	Temporary permission granted;	Birtley
DC/18/00644/HHA	Two storey side and rear extension, single storey front extension, new vehicular entrance to front	21 Grange Lane, Whickham,	Granted;	Whickham South And Sunnyside

DC/18/00647/HHA	Proposed basement, two pitched roof dormers to front, one box dormer and part-two, part-single storey Succah extension to rear	122 Rectory Road, Bensham,	Granted;	Lobley Hill And Bensham
DC/18/00654/HHA	Balcony to rear replacing existing pitched roof of extension	18 Shotley Gardens, Low Fell,	Granted;	Low Fell
DC/18/00656/HHA	Single storey rear extension (retrospective)	13 Bowburn Close, Wardley,	Granted;	Wardley And Leam Lane
DC/18/00657/FUL	Change of use from amenity land to private garden space and enclosure by fence	1 Birch Crescent, Birtley,	Granted;	Birtley
DC/18/00730/HHA	Two Retrospective Sheds in rear garden.	4 Maryside Place, Ryton,	Granted;	Crawcrook And Greenside
DC/18/00666/FUL	Continued siting of Portacabins to provide staff welfare facilities	THOMAS DE LA RUE & CO LTD, Q196,	Granted;	Lamesley
DC/18/00668/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from rear door of domestic property.	7 Romford Place, Deckham,	Granted;	Deckham
DC/18/00689/LBC	LISTED BUILDING CONSENT: Renovation and refurbishment of War Memorial	War Memorial Adjacent St Nicholas Church, Ellison Road,	Granted;	Dunston Hill And Whickham East

DC/18/00671/FUL	Change of use of vehicle showroom (Sui generis) to B2 (general industrial use) associated works include removal of showroom window and cladding	MT Vehicle Sales, Unit 12,	Granted;	Blaydon
DC/18/00673/HHA	Enlarge existing dormer window to front elevation.	38 Sunnyside Road, Sunnyside,	Granted;	Whickham South And Sunnyside
DC/18/00674/HHA	Two storey side extension	38 Addison View, Blaydon,	Granted;	Ryton Crookhill And Stella
DC/18/00675/HHA	Single storey rear extension	10-12 , Stone Street,	Refused;	Windy Nook And Whitehills
DC/18/00686/COU	Change of use of first and second floor from taxi office (sui generis) to salon for non-surgical beauty treatments (sui generis)	415 Durham Road, Gateshead,	Granted;	Low Fell
DC/18/00692/HHA	Single storey rear extension and garage conversion	69 Derwent Water Drive, Blaydon,	Granted;	Ryton Crookhill And Stella
DC/18/00698/FUL	Continued siting of modular unit to provide training and meeting facilities (renewal of temporary permission DC/13/00778/GBC).	Learning Works, Cowen Road Depot,	Granted;	Blaydon

DC/18/00696/HHA	Porch to side to serve first floor flat	17 Cyprus Gardens, Low Fell,	Granted;	Low Fell
DC/18/00701/HHA	Installation of a modular metal mesh access ramp with paved base area to allow disabled access to and from front door, removal of the step from the pathway shared with neighbour and re-laying of a graded section of pathway to eliminate step and to include an independent handrail set into concrete pockets to either side of new graded pathway.	43 Grange Estate, Kibblesworth,	Granted;	Lamesley
DC/18/00756/HHA	Single storey rear extension and pitched roof over existing garage	3 Tantallon, Birtley,	Granted;	Birtley
DC/18/00719/HHA	Resubmission of DC/17/00909/HHA to increase the length of stone wall by a further 10.7m along the north west boundary	11 Westburn Mews, Crawcrook,	Granted;	Crawcrook And Greenside
DC/18/00714/ADV	Display off six externally illuminated fascia signs and one internally illuminated projecting sign all advertising 'Northumbria University' and/or 'Trinity Square Accommodation'	Trinity Square, Gateshead,	Temporary permission granted;	Bridges
DC/18/00758/HHA	Pitched roof over garage and single storey rear extension (resubmission of DC/17/01347/HHA)	6 Fairway, Ryton,	Granted;	Ryton Crookhill And Stella

DC/18/00718/HHA	Creation of new shared vehicular access from Zion Terrace and dedicated off-street parking to the front	20 And 21 Zion Terrace, Blaydon,	Granted;	Blaydon
DC/18/00728/HHA	Single storey side and rear extension	24 Grange Lane, Whickham,	Granted;	Whickham South And Sunnyside
DC/18/00729/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front door. Widening of the existing pathway to cover the full width of the proposed access ramp.	15 Millbrook, High Heworth,	Granted;	Windy Nook And Whitehills
DC/18/00763/HHA	1st floor extension over garage single storey rear extension	26 Woodpack Avenue, Whickham,	Granted;	Whickham South And Sunnyside
DC/18/00771/HHA	Retrospective permission for raising ground level, and erection of shed, timber fencing and decking	1 Low West Avenue, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/18/00735/HHA	Proposed two storey side extension	1 Station Road, Low Fell,	Granted;	Low Fell
DC/18/00736/HHA	Single storey side and rear extension (re-submission of approved planning application DC/17/01312/HHA)	23 Thornhaugh Avenue, Fellside Park,	Granted;	Whickham South And Sunnyside

DC/18/00737/HHA	Proposed part-two, part-single storey rear extension	58 The Pavilion, Swalwell,	Granted;	Whickham North
DC/18/00747/FUL	Construction of vehicle showroom/workshop incorporating offices, staff training, welfare and canteen facilities	Land Adj CF Motoring, Unit 13,	Granted;	Blaydon
DC/18/00738/HHA	Demolition of utility room, and proposed single storey garage and block paved driveway to rear	Whitewell , Station Road,	Granted;	Chopwell And Rowlands Gill
DC/18/00739/HHA	Single storey front and rear extension	213 Kingsway, Sunnyside,	Granted;	Whickham South And Sunnyside
DC/18/00744/FUL	Erection of one residential dwelling with double garage, linking utility room, and access to rear garden (resubmission of DC/17/01257/FUL - erection of one residential dwelling with garage and access to rear garden of 30 Rowland Burn Way (amended 02/01/2018)	30 Rowland Burn Way, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/18/00748/FUL	The conversion of four existing car parking bays into four electric vehicle parking bays with associated equipment.	Gateshead Metro Centre Car Park , Hollinside Road,	Granted;	Whickham North

DC/18/00751/AGR	Part change of use of agricultural building to use class A1 (retail).	Daniel Farm, Sled Lane,	Granted;	Crawcrook And Greenside
DC/18/00757/HHA	Single storey rear extension	24 Fellside Road, Whickham,	Granted;	Whickham North
DC/18/00754/HHA	Three rooflights to rear and one to front	3 Dockendale Mews, Dockendale Lane,	Granted;	Dunston Hill And Whickham East
DC/18/00761/HHA	Proposed single storey side garage (description amended 16.08.18, amended plans received 16.08.18)	Fellows House , Ryton Village,	Granted;	Ryton Crookhill And Stella
DC/18/00762/HHA	Resubmission of DC/18/00204/HHA to change external materials of extensions at the front of the property from matching brick to render	11 South Avenue, Whickham,	Granted;	Whickham South And Sunniside
DC/18/00782/HHA	Extension to porch to front, extension over garage and chimney to east side	10 Rushsyde Close, Whickham,	Granted;	Whickham South And Sunniside
DC/18/00766/HHA	Proposed terrace to rear, and install roller shutter within rear boundary wall	14 Essex Gardens, Low Fell,	Granted;	Deckham
DC/18/00790/FUL	Erection of wooden garage over concrete base	Rockwood Terrace, Greenside,	Granted;	Crawcrook And Greenside

DC/18/00780/FUL	Installation of external window at first floor level on south elevation.	Unit 16F , Follingsby Avenue,	Granted;	Wardley And Leam Lane
DC/18/00797/HHA	Proposed two storey side and single storey rear extension, and vehicular access to front	12 Southfield Road, Wickham,	Granted;	Dunston Hill And Wickham East
DC/18/00825/DEM	PRIOR NOTIFICATION OF PROPOSED DEMOLITION: Demolition of former doctors surgery.	West Of Leven House , Bute Road South,	Granted;	Winlaton And High Spen
DC/18/00849/AGR	Erection of an agricultural building.	Broomfield Farm, Clayton Terrace Road,	Refused;	Chopwell And Rowlands Gill

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

19th September 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	

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>investigations it was established that a building had been erected without 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	Unightly Land	25 September 2013	25 September 2013	N	N	31 October 2013	31 December 2013	<p>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</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
			Unsightly Land	21 st September 2015 3 January 2017	21 st September 2015 4 January 2017	N	N	21 st October 2015 8 February 2017	16 th December 2015 8 April 2017, 8 May 2017 and 8 June 2017	<p>steps required by notice were complied with following the issue of Summons'.</p> <p>A planning application is expected to be submitted soon. However, a further Section 215 notice has been served requiring a hoarding to be erected around the site. Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing. A further notice has now been issued requiring the site to be tidied and a hoarding erected. Work to erect the hoarding is now complete.</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</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
										relevant planning conditions. The hoarding remains in good condition and the discharge of condition application is currently pending. Permission is sought from committee to remove this from the report.	
4.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One)	Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development.	
	(Known as South West Farm Site Two)	Swalwell	Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles 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	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	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
			the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair						29 th Sep 2018	<p>use and secondly, the removal from the land of the scrap.</p> <p>The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency.</p> <p>The associated legal action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3rd November 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6th December 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31st January 2018.</p> <p>The defendant pleaded not guilty at court on the 31st January. The case has been listed for the 29th March 2018.</p> <p>Both defendants pleaded guilty and</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
										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.	
5.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unsightly Building	13 th January 2017	14 th February 2017	Y	N	20 th March 2017	15 th May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>A Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</p> <p>The majority of the requirements of the notice have been complied with.</p> <p>The unit is actively being marketed</p> <p>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
6.	Site of Former Collinson Brothers Garage, Derwent Street, Chopwell	Rowlands Gill and Chopwell	Unightly Land	31 August 2017	1 September 2017	N	N	4 October 2017	29 November 2017	<p>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</p> <p>A notice has been issued to require improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems is securing compliance with the notice</p> <p>Site visit is to be undertaken following expiry of the compliance period.</p> <p>Barbed wire has been removed from the boundary treatment.</p> <p>A referral is being made to the Councils land development group to see if a long term strategy can be put in place for this site (lead officer Mandy Reed)</p> <p>As this site is being reviewed by another department, permission is sought to remove this item from the report</p>	

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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, strimmed and all waste removed.</p> <p>No further work has been undertaken since the last site visit on the 13th December. Files are being prepared for prosecution if works are not undertaken by the end of January.</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 have been received to do works in default. Officer are currently assessing the quotes against the proposed timescales to</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
										complete the works.	
8.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 TH November 2017	29 th November 2017	Y	N	29 th November 2017	26 th December 2017	<p>Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site.</p> <p>The Temporary Stop Notice has been issued to allow for full details of the conditions to be submitted and assessed.</p> <p>Correspondence has been sent to the developer asking them to confirm that they will not be recommencing work on site until the issues regarding the conditions have been resolved. A response was received on 09.01.18 and further legal action is being considered.</p> <p>A meeting has taken place between the developer and development management. A new application is to be submitted to discharge the conditions in the immediate future. The developer has</p>	

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										<p>confirmed that works will not recommence 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.	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.</p> <p>Therefore an</p>	

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										<p>enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.</p> <p>As of the 14.03.18, the fence was still in situ, correspondence has been sent to the land owner advising of the date of compliance. A site visit was undertaken on 03.04.18 the Notice has not been complied with. A P.A.C.E Interview invite has been sent to land owner Significant works have been undertaken to remove the fence. Only the posts are now in situ these should be removed as of the 14th May 2018</p> <p>As the posts are still in situ a prosecution file is being prepared.</p>	
10.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28 th April 2018	<p>Despite communication with the occupiers and owners of the site, conditions relating to planning permission DC/12/01266/MIWA S have not been discharged.</p> <p>Notice served in relation to breach of condition 12 to require submission</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>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>	
11.	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	
12.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to Breach of condition 14 to require Submission of a scheme for the management and minimisation of dust from restoration activities. This condition has not been discharged	

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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 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	
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 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	
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 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	
16.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 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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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 26 to require the submission of details for the illuminate activities on site. 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 27 to require the submission of details as requested in condition 27 of permission DC/12/01266/MIWA S. This condition has not been discharged	
19.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 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	
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 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	

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21.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 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	
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	<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.</p> <p>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</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
										undertaken on the 20 th 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.	
23.	16 Ashtree Close Rowlands Gill Tyne And Wear NE39 1RA	Chopwell And Rowlands Gill	Unauthorised change of use	30 th April 2018	1 st May 2018	N	N	4 th June 2018	2 nd July 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. The loss of open space is unacceptable, therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.	
24.	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.	

A meeting has

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
										taken place with the owners to discuss the notice and how to go forward, in terms of compliance or appeal.	
25.	27 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10th 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. A meeting has taken place with the owners to discuss the notice and how to go forward, in terms of compliance or appeal.	
26.	Blaydon and District Club and Institute, Garden Street	Blaydon	Untidy Land	03 rd September 2018	03 rd September 2018	N	N	5 th October 2018	30th November 2018	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	

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
27.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05th September 2018	05 th September 2018	N	N	5 th October	30 th November 2018	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 a hoarding erected.	



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
19 September 2018**

TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

DC/18/00390/GPDE - 31 Calder Walk, Sunnyside, Newcastle Upon Tyne NE16 5XS
Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, with a maximum height of 3.9m, and eaves height of 2.8m.

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

DC/18/00440/TPO - 9 Axwell Park Road, Axwell Park, Blaydon NE21 5NR
Felling of one Sycamore tree in garden of 9 Axwell Park Road.

This application was a delegated decision refused on 27 July 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	VARIATION OF CONDITION 2 (Hours of Operation) of permission DC/12/00577/COU to allow opening Mon - Sat 08:00 -18:000 and Sunday 09:00 - 18:00 (currently limited to between 0900 and 1800 Monday to Saturday and between 0900 and 1600 on Sundays and Public Holidays)	Written	Appeal in Progress
DC/18/00390/GPDE	31 Calder Walk Sunniside Newcastle Upon Tyne NE16 5XS	Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, with a maximum height of 3.9m, and eaves height of 2.8m.	Written	Appeal in Progress
DC/18/00440/TPO	9 Axwell Park Road Axwell Park Blaydon NE21 5NR	Felling of one Sycamore tree in garden of 9 Axwell Park Road.	Written	Appeal in Progress



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

19 September 2018

TITLE OF REPORT: **Planning Obligations**

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

Purpose of the Report

1. To advise the Committee of the completion of Planning Obligations which have previously been authorised.

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee meeting there have been **no** new planning obligations.
4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 19 September 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