

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 31 October 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 10 October 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 Service Director, Communities and Environment
4i	No. 1 - 21 Mill Road, East Gateshead, NE8 3AE (Pages 9 - 42)
4ii	No. 2 - Grazing Land at Beda Hills West of Woodside Walk (Pages 43 - 50)
4iii	No. 3 - Sentinel Sheds, St Cuthberts Way, Blaydon NE21 5QD (Pages 51 - 62)
4iv	No. 4 - 4 Cleasby Gardens, Low Fell, Gateshead NE9 5HL (Pages 63 - 70)
5	Delegated Decisions (Pages 71 - 78) Report of the Service Director, Communities and Environment
6	Planning & Development Committee site visit in advance of the meeting on 21 November 2018 - West Farm, Kibblesworth Bank, Kibblesworth (Pages 79 - 82) Report of the Service Director, Communities and Environment
7	Planning & Development Committee site visit in advance of the meeting on 21 November 2018 - Land to the south of Whickham Highway (Pages 83 - 86) Report of the Service Director, Communities and Environment

- 8 **Enforcement Team Activity** (Pages 87 - 88)
Report of the Service Director, Communities and Environment
- 9 **Enforcement Action** (Pages 89 - 96)
Report of the Service Director, Communities and Environment
- 10 **Planning Appeals** (Pages 97 - 108)
Report Service Director, Communities and Environment
- 11 **Planning Obligations** (Pages 109 - 110)
Report Service Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
31 October 2018

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Anneliese Hutchinson, Service Director,
Development, transport and Public Protection

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/18/00396/FUL	21 Mill Road East Gateshead	Bridges
2. DC/18/00727/OUT	Grazing Land At Beda Hills West Of Woodside Walk	Chopwell And Rowlands Gill
3. DC/18/00846/OUT	Sentinal Sheds St Cuthberts Way	Blaydon
4. DC/18/00972/HHA	4 Cleasby Gardens Gateshead	Low Fell
DC/16/01207/OUT	West Farm Kibblesworth Bank	Lamesley
DC/17/00170/FUL	Land To The South Of Whickham Highway	Dunston Hill And Whickham East

DEVELOPMENT PLAN

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published in June 2018 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

LOCAL PLAN

In 2015 Gateshead Council and Newcastle City Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP). This Development Plan Document (DPD) sets area-wide Planning Policies for Gateshead and Newcastle, (including policies setting out the amount, and broad distribution of new development) and provides more detailed policies for the Urban Core of Gateshead and Newcastle.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP now forms part of the statutory development plan for Gateshead. The CSUCP also supersedes and deletes some of the saved policies in the Unitary Development Plan (UDP). A list of deleted UDP policies is provided in Appendix 1 of the CSUCP.

The Unitary Development Plan for Gateshead was adopted in July 2007 and the remaining saved policies together with the CSUCP represent a current up to date development plan. In the report for each application, specific reference will be made to those policies and proposals which are particularly relevant to the application site and proposed development. Where the saved UDP policies are in general conformity with the NPPF due weight should be given to them. The closer the consistency with the NPPF the greater the weight can be given.

Some UDP policies are supported by Interim Policy Advice notes (IPA), or Supplementary Planning Guidance (SPG). IPA 4 and 17 and SPG 4 and 5 excerpts, will continue to be used until they have been replaced by appropriate alternatives.

The Council is currently working on new draft detailed policies and land allocations for the new Local Plan. The DPD will be called Making Spaces for Growing Places (MSGP), which once adopted will replace any remaining saved UDP policies and designations/allocations.

UPDATES

The agenda is formed and printed approximately a week prior to the Planning and Development Committee meeting. Information, correspondence and representations can sometimes be received in the intervening period. In such cases a written update report will be circulated to Members the day prior to the meeting and on occasion there may be further verbal updates to Members from officers, so that Members are aware of all material planning considerations when making their decision on applications.

SPEAKING AT COMMITTEE

Gateshead Council seeks to be inclusive in its decision making process and therefore allows applicants, agents and interested parties to make verbal representation to Members at Committee in accordance with the Council's agreed speaking rights protocol; amongst other procedural requirements, a person must have submitted a request to speak in writing at least a week, in advance of the meeting, and subsequently confirmed their intention to speak.

For further details of speaking rights at committee contact the Development Management Section on (0191) 4333150 or please view the leaflet 'Having Your Say' available from Development Management.

SITE PLANS

The site location plans included in each report are for illustrative purposes only. Scale plans are available to view on the application file or via Public Access.

PUBLICITY/CONSULTATIONS

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

SITE VISITS

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority will not invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION (AS AMENDED)

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These papers are held on the relevant application file and are available for inspection during normal office hours at the Communities and Environment reception, Civic Centre, Regent Street, Gateshead NE8 1HH.

Generalised Guide to Use Classes Order 1987 (as amended)

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

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

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Committee Report

Application No:	DC/18/00396/FUL
Applicant	Primesite Developments Ltd / 1Dom Ltd
Date Application Valid	30 May 2018
Site:	21 Mill Road East Gateshead Gateshead NE8 3AE
Ward:	Bridges
Proposal:	Mixed Use Development consisting of 317 Apartments with two ground floor Retail Units (contained within a 20 storey block) and associated parking (amended 03/08/18 and additional information received 04/10/18).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site sits on the upper edge of the Tyne Gorge and forms part of a major node, connecting the wider East Gateshead area and Baltic Business Quarter with Gateshead Quays and Gateshead Town Centre. The site is not located within the Baltic Business Quarter as designated in the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne (CSUCP) but is located within the Urban Core. It is also located on the edge of the Tyne Gorge and the River Tyne Wildlife Corridor. The site is bounded by Mill Road and Hawks Road and the Ramada Encore Hotel, however, there is an existing pedestrian walkway that separates the site from the hotel. Gateshead College and the Northern Design Centre are also near the application site. The nearest residential development is to the north in the form of the high-rise Baltic flats.

1.2 The site is now cleared and hoarded off following the demolition of the three-storey, brick built, office/warehouse buildings.

1.3 DESCRIPTION OF THE APPLICATION

This application proposes a mixed-use development consisting of 317 apartments with two ground floor retail units (contained within a 20 storey block) and associated parking (amended 03/08/18 and additional information received 04/10/18).

1.4 113 car parking spaces are proposed in 2 undercroft car parks with one accessed off Mill Road and the other off Hawks Road. Secure parking for 110 cycles is also proposed. Two service bays are proposed on Mill Road with access to the retail units provided off Mill Road.

- 1.5 Only at its highest point on the corner of Mill Road and Hawks Road is the proposal 20 storeys in height, it steps down first to 15 storeys and then to 9 storeys as the building extends along Mill Road and Hawks Road respectively.
- 1.6 The proposed building is arranged in a U shape with a central public area. Build outs are positioned at various locations on the elevations of the building fronting onto Hawks Road and Mill Road, with additional terraces on the roof. Some balconies are proposed on the south east corner but only at the lower floors and also on the corner elevation facing up Hawks Road towards the railway bridge but only on the upper floors. Improved areas of public realm are proposed at street level and an area of enclosed, communal amenity space for the occupiers of the development is proposed within a central atrium. Green/Brown roofs are proposed as well.
- 1.7 The exterior is made up of glazing and stone cladding, with the upper floors primarily proposed to be glazed.
- 1.8 The main pedestrian access to the development is proposed to be via the doors on the corner of Hawks Road and Mill Road, into the main reception area, with secondary accesses offered via Hawks Road and Mill Road, with the Hawks Road access being solely via a stairwell, whereas the Mill Road access does offer access directly to a lift. Access to the retail units is proposed to be via entrances off Hawks Road.
- 1.9 A central enclosed recreation/garden area is proposed.
- 1.10 The application has been amended (03.08.2018) from when it was originally submitted to increase the height of the secondary block from 14 storeys to 15 storeys, to allow the number of apartments to increase from 311 to 317, and the following:
- Stair Core 2 at ground level reduced in size to give 2m clear pedestrian route adjacent to building.
 - Apartment entrance and retail units relocated to show apartment entrance to the front of the building.
 - Delivery entrance added adjacent to bin store
 - Loading bay relocated adjacent to car park entrance.
 - Car parking spaces moved away from walls.
 - Windows shown to main entrance/concierge area.
 - Large glazed elements on Hawks Road elevation continued up to the top 4 floors.
 - More glazing added to retail unit 2 and floor above.
 - Spandrels amended to glazed spandrels.
 - Removal of building supports from within the footway on Mill Road.
 - More Ventilation openings to carpark added on Mill road elevations.
 - Glazing to reception area on Mill Road elevation increased.
 - Silver cladding added to walls inside of courtyard area.
 - Stone clad frame to front elevation widened and extended outwards from building to give a stronger aesthetic.

1.11 Additional information has also been received on 04/10/2018 in the form of a Viability Assessment reviewing the profitability of the scheme with and without the requirement for a 15% contribution towards affordable housing provision. This is a revised application to the one which was approved by members of the Planning and Development Committee (DC/17/00634/FUL). That proposal was to provide 244 student studios (consisting of 231 studio rooms and 13 Accessible DDA compliant rooms and 142 residential apartments, consisting of 32 one bedroom, 83 two bedroom and 27 three bedroom apartments, with on-site facilities, café, retail and parking.

1.12 PLANNING HISTORY

DC/18/00056/DEM: Prior approval required and approved for demolition of existing three storey office premises and single storey warehouse. Prior approval issued on 14.02.2018.

DC/17/00634/FUL: Planning permission granted for a mixed use development consisting of 386 residential (60/40 student/open market) units (1,2 and 3 beds) with on-site facilities, café, retail and parking (Amended Plans 06.10.2017, increase in height, 27.10.2017 to re-introduce angled windows to windows on floors 1-6 facing the hotel and 31.10.2017, minor changes to elevation). Granted on 30.05.2018.

DC/16/00469/FUL - Planning permission granted for the erection of a 15 storey (at highest point and 1 metre higher than previously approved development DC/15/00856/FUL) 326-bed Student Development with parking and communal facilities. (Amended 11/07/2016 and 14/07/16). Granted on the 20.11.2015

DC/15/00856/FUL - Planning permission granted for the erection of 14-storey (at highest point) 265-bed student development with parking and communal facilities.(Amended 23.10.2015). Granted on the 04.08.2016

2.0 Consultation Responses:

NHS Property Services Ltd	No Comments
Coal Authority	No Objections Subject to Conditions
Arriva Plc	No Comments
Northern Electric Distribution Ltd	No Comments
Environment Agency	No Comments
The Go-Ahead Group Plc	No Comments
Gateshead Police	No Comments

Northumbria Water	No Objection Subject to Conditions
Historic England	No Objections
North Of England Civic Trust	No Comments
Port Of Tyne	No Comments
NATS	No Comments
Newcastle Airport	No Objections subject to condition for crane methodology statement
Tyne And Wear Archaeology Officer	No Objections Subject to Conditions

3.0 Representations:

3.1 Two letters of concern have been received from local residents that raise the following points:

- Increased traffic and air pollution.
- The height of the building would dwarf the others in the area.
- There will be insufficient parking spaces.
- The area already suffers from insufficient parking provision.
- Will new bus stops be constructed on Mill Road?
- Dirt and noise during construction.
- Loss of light.
- Loss of privacy.
- Flats won't be attractive to students.
- The site should be developed as shops, not more accommodation.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS5 Employment-Economic Growth Priorities

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS21 Waste

UC4 Homes

UC12 Urban Design

UC17 Public Art

DC1G Energy Conservation-Sustainable Building

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

T1 Transport req for New Developments

DEL1 Infrastructure/Developer Contributions

H2 Five Year Supply Figures

H4 Windfall and Small Housing Sites

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues are considered to be the principle of the proposed development, design, residential amenity highway safety and other material planning considerations.

5.2 PRINCIPLE

Policy CS11(1) of the Core Strategy and Urban Core Plan (CSUCP) aims to ensure that 60% of new private housing across the plan area is suitable and attractive for families with a minimum of 16,000 new homes to have three or more bedrooms. Policy H5 of the Unitary Development Plan (UDP) also seeks to improve the choice of housing in Gateshead.

5.3 In this case the proposed development would provide 317 residential units consisting of 122 one-double bed roomed apartments, 93 two double bed roomed apartments, 74 studios, 23 one double-bed and one single bed roomed apartments and 5 three-bed apartments.

5.4 It is acknowledged that taking this proposal in isolation, the development would only provide a limited contribution to the provision of family housing (3 of more bedrooms) but it would deliver housing in the urban core, where residential development is supported. Policy UC4 aims to deliver 3740 homes in the Urban Core and taking into account the nature of sites within the Urban Core it is reasonable to expect that a large proportion of residential units in the Urban Core will be one or two bed studios/apartments.

5.5 On this basis it is considered the proposed development would deliver desired housing for the borough.

5.6 However, the site is also located in the Quays and Baltic Sub-Area (Policy QB1 of the CSUCP, as well as forming part of the Millennium Quay/Hawks Road Development Opportunity Site (QB3(1) of the CSUCP).

5.7 Policy UC4 of the CSUCP allocates mixed use sites, including residential development in the Quays and Baltic Sub Area. Therefore, there is no presumption against residential accommodation in the Baltic and Quays Sub Area.

5.8 It is acknowledged that the site forms part of the Millennium Quay / Hawks Road (East, West, Central) Development Opportunity Site which states the site should encompass a mix of principal uses including Office (B1a) and Assembly

and Leisure (D2). Whilst residential accommodation is not identified as one of the principal uses for this site, in allocating the site for mixed-use development, the policy does not go as far as to prevent other uses as inappropriate for this location. The potential for residential accommodation at the Millennium Quay / Hawks Road (East, West, Central) site was highlighted as a suitable use for the site during consultation on the CSUCP. Although policy QB3(1) maintains that office (B1a) and assembly and leisure (D2) are the preferred uses for this site, the Compliance Statement prepared to support the CSUCP Examination in Public does acknowledge: "other uses could be considered and a planning application will be assessed on its merits".

- 5.9 In this case, as already highlighted, the CSUCP does allow for residential accommodation in this area and it is also considered the development of residential accommodation on this site has the potential to facilitate the wider development of the QB3 allocation to incorporate the principal uses listed in policy. Furthermore, active ground floor uses are proposed for Hawks Road, which would not be exclusively for the development and would be for the benefit of the wider Quays and Baltic Area. This will bring vitality and vibrancy to an area that is in need of development.
- 5.10 It is also considered investment in the area would have added economic benefits. The creation of jobs in the area and improved confidence amongst developers looking to develop in the area, has the potential to increase prosperity and enhance the competitiveness of the urban core and the Baltic and Quays sub area.
- 5.11 As such it is considered the benefits delivered through this type of, large scale, landmark development outweigh the conflict it may have with the requirement of policy QB3(1i).
- 5.12 As a result and taking into account all of the above it is accepted that the proposed development is not strictly in accordance with all the relevant policies in the CSUCP. However, taking into account the flexibility of the policy approach for the area, particularly when considered alongside the NPPF and NPPG, it is considered the development is sustainable and will deliver a number of economic benefits for the area and Gateshead as a whole which would help to build a strong, competitive and prosperous economy. This objective is in line with the aspirations of the NPPF, as well as policies UC4, QB1, CS11 and in part policy QB3 of the CSUCP. Therefore, on balance it is considered the principle of a residential development, with retailretailuses on the ground floor, is acceptable in this location, subject to all other material planning considerations being satisfied. Furthermore, the fall back position of previous permissions on this site for similar development is also material.
- 5.13 **AFFORDABLE HOUSING**
Policy CS11 (5) of the CSUCP requires the provision of 15% affordable homes on all developments of 15 or more dwellings, subject to viability. This can be provided on site or in schemes like this where it may be more difficult to provide on site affordable units and where an alternative site is available elsewhere (such as part of the Exemplar Neighbourhood development) through an off-site

contribution. In this case the affordable housing would be calculated based on the 317 residential units proposed, which based on 15%, results in a contribution of £3,120,000.

- 5.14 The affordable housing requirements can be secured through a S106 agreement in accordance with policy PO2 of the UDP.
- 5.15 In this case the applicant has submitted a Viability Assessment (VA) showing that applying the full 15% policy requirement would make the development unviable. The report has been assessed by officers and, taking it on face value, it is considered reasonable to accept that a 15% contribution would make the development unviable. This is because the units are to be sold to individual investors, which creates a far higher risk to the developer, as opposed to selling off large sections of the building to investment companies, which gives a guaranteed return and therefore reduces the risk. Furthermore, high-rise residential schemes such as proposed here are only at an embryonic stage in the North-East and thus the risk to developers is increased, as it is uncertain whether the product will be successful and hence profit margins are reduced.
- 5.16 Notwithstanding that, policy CS11 (5) is still valid and officers consider that the scheme may still be viable with a reduced contribution of 5%, which would create a figure of £1,040,000.00. Therefore, the applicant has been requested to provide an updated VA based on providing an affordable housing contribution of 5%.
- 5.17 **LIFETIME AND WHEELCHAIR ACCESSIBLE HOMES**
CSUCP Policy CS11 (2) and saved UDP policies H9 and H10 require 2% of dwellings to meet Wheelchair Housing Standards and 10% Lifetime Homes, within developments of 25 or more dwellings. The Planning Statement indicates that *the proposed apartments are accessible, adaptable and flexible homes which are capable of meeting changing household needs*. It is considered that this can be conditioned (CONDITION 57).
- 5.18 **DESIGN**
The importance of good design in new development is recognised in the NPPF. Policy UC12 of the CSUCP seeks to deliver the highest possible quality of urban design within the Central Gateshead area and policy CS15 of the CSUCP aims to ensure development contributes to good place making through the delivery of high quality urban design. Both policies set out other various urban design principles. Policy ENV3 of the UDP also states the importance of design in relation to new development and the established character and identity of its locality.
- 5.19 In addition, the corner of Mill Road and Hawks Road is identified in policy UC11 of the CSUCP as being a gateway site. Gateways are the points where changes in the environment create a sense of moving from one district to another and this includes the requirement for a change in scale, so taller buildings in this area are actively encouraged.

- 5.20 It is acknowledged that the proposed development would be the tallest building in the area and the 2003 Urban Landscape Study of the Tyne Gorge (Tyne Gorge Study) does set out some main principles but it does not discourage tall buildings and there are already examples of tall buildings within the Tyne Gorge i.e. the Sage Gateshead and the Baltic Flats. Primarily, the aim of the Tyne Gorge Study is to ensure strategic views of key heritage assets are not compromised. It is not to safeguard all views and there is a section within the Tyne Gorge Study which advises on the development of tall buildings. The Council's Place Making Supplementary Planning Document also encourages tall buildings where appropriate.
- 5.21 As proposed, it is considered the building would provide the focal point for this Gateway area, located at the head of the main north route into the area and identified as being a gateway site in policy UC11 of the CSUCP. The palette of materials would be crisp and the development would be contemporary in appearance. The design responds to the topography of the land and the height of neighbouring buildings with the height stepped down along both Mill Road and Hawks Road in 3 blocks, to ensure a balanced relationship is maintained. There would be an abundance of glazing, notably on the upper floors which has been provided as part of the amendments to try and reduce the scale of the development, rainscreen cladding with different colours proposed to identify the 3 blocks, glazing pods and green roofs. It is considered these design features would deliver a distinctive development that is fully suited to this prominent location.
- 5.22 The applicant has provided some details with regards to materials and these are in line with the aspiration for cladding which incorporates stone elements, as well as aluminium frames and glazing. Final details, including details of the cladding for any structural columns, can be conditioned (CONDITIONS 17 and 18).
- 5.23 There is limited opportunity for landscaping but improvements to the highway, footpaths and public realm around the building and more prominently down Mill Road are proposed. These improvements are welcomed and accord with the design principles set out in policy QB3 of the CSUCP. There are also areas of public space within the envelope of the building which enhances the amenity of the development and the surrounding area.
- 5.24 To enhance the character and local distinctiveness of the development and in accordance with policy UC17 of the CSUCP, the development is expected to include some public art. Details of this can be conditioned (CONDITIONS 49 AND 50).
- 5.25 As a result, this high quality, landmark development is considered to be acceptable in design terms and the proposal would accord with the National Planning Policy Framework as well as policies QB1, QB3, UC11, UC12, UC13, UC15, UC16 and CS15 of the CSUCP and policy ENV3 of the UDP.
- 5.26 HIGHWAY SAFETY/PARKING

The site is located within the urban core/town centre where there is less of a reliance on car ownership and there is no requirement in the NPPF or within the CSUCP or the UDP that explicitly requires parking for town centre developments. On the contrary planning policies encourage the use of more sustainable modes of transport rather than private cars.

- 5.27 There are several pedestrian links into the centre of Gateshead and Newcastle and the route from the corner of Hawks Road and Mill Road is proposed to be improved by this development in accordance with policies CS13, QB1 and QB3 of the CSUCP. In addition, there are already existing bus routes and cycleways within easy access of the site. A Travel Plan would be required to maximise the use of these links (CONDITIONS 45 AND 46) as would the installation of secure cycle parking for the 110 cycles shown on the plans. Final details can be conditioned (CONDITIONS 33 AND 34). In addition, as per the two previous approvals there is a requirement to provide new bus shelters for two of the bus stops on Mill Road and again this can be conditioned (CONDITIONS 27 and 28). The applicant is proposing to install two electric charging points into the development, which is in accordance with policy CS13 and the NPPF and this can be conditioned (CONDITION 38).
- 5.28 Therefore, taking into account the sites sustainable location, within the Urban Core where access to pedestrian links, cycle routes and public transport is readily available, the level of parking proposed (113 spaces) is considered to be acceptable. A car park management plan will be required and can be conditioned to ensure the car park functions properly, factoring in the mix of uses on the site i.e. residential units and retail uses (CONDITIONS 35 and 36).
- 5.29 Should any residents, visitors, staff or customers arrive by car and there is no parking available then they would be expected to park in the nearby public car parks. Should any indiscriminate parking take place on the highway that would be subject to separate highway enforcement.
- 5.30 As proposed there is scope for vehicles to bump up over the footpath on Mill Road and potentially park on the area that is to be stopped up, specifically the area furthest down the hill. To discourage this it is recommended a low wall or planter is provided at the back of the footpath. Final details of this can be conditioned (CONDITIONS 31 AND 32).
- 5.31 The disabled bays shown are considered to be acceptable and should be conditioned to come forward as submitted (CONDITIONS 43 AND 44).
- 5.32 The inclusion of a ramped pedestrian route between the car park and the main reception area is welcomed. The gradient of the ramp should ideally be 1 in 20 maximum but the absolute maximum is 1 in 12 over short distances. The longer section of ramp, which is over 10m in length should be more akin to 1 in 15 maximum. The width of the route should also be 1200mm to allow for a clear width of 1000mm between handrails to either side. Final details of this ramp can be conditioned (CONDITIONS 47 AND 48).

- 5.33 With regards to the car park access for vehicles, the locations are considered acceptable and the introduction of loading and service bays off Mill Road would ensure deliveries to the site and bin collections could be undertaken safely. However, the development is mixed use and encompasses a retail element on the ground floor which would generate a number of deliveries and significant volumes of waste. Therefore, it is likely bins would need to be collected at least twice a week and frequent deliveries will take place. Subsequently a servicing and refuse strategy has been submitted to manage the times the bay is in use and the implementation of this can be conditioned (CONDITION 37). The bin stores have been located to ensure all collections take place off Mill Road. Although bin and delivery wagons will park in the layby, as access to the car park will be needed to collect the bins and also make deliveries, details of any barriers/shutters to the car park and how they would be operated, would be required and this can be conditioned (CONDITIONS 39 and 40).
- 5.34 It is still considered the visibility provided for vehicles egressing from the car park onto Hawks Road could be improved through the introduction of kerbed radii and tactile blister paving on both accesses. This can be addressed by condition (CONDITIONS 41 AND 42).
- 5.35 The removal of the building supports from within the footway on Mill Road is a welcome improvement on what is an important secondary pedestrian route within the Gateshead Quays area (as defined in the Core Strategy). Due to the addition of the second loading bay the footway width in the vicinity of stair core 2 has been reduced.
- 5.36 An overhang of the building at upper levels over the footway, as was previously approved, remains and there continues to be a requirement for the applicant to apply to the Council for a License for such an arrangement to ensure future maintenance and inspection as well as suitable insurances are in place. The minimum requirement for a footpath is 1.2 metres and it is considered this could be achieved.
- 5.37 In order to facilitate the development certain parts of the highway would need to be stopped up. Final details of all works within the adopted highway that is to remain would be required (CONDITIONS 29 and 30). This includes the laybys, improvements to footway around development (including Hawks Road), street lighting, signs, road markings and waiting restrictions. Any legal orders associated with the laybys would need to be dealt with separately at the cost of the applicant.
- 5.38 As a result, it is considered that due to the site's sustainable location and the measures proposed and/or that can be conditioned, the proposed development would not generate a significant increase in traffic and any parking that is required could be accommodated within the development or the surrounding public car parks. In addition, pedestrian and bus links would be improved and facilities for cycle parking provided. As a result, it is considered the proposed development would not conflict with the aims and objectives of the NPPF or policies CS13, QB1, QB3, UC5, UC6, UC7, UC12 and UC16 of the CSUCP as well as policies T1 and T7 of the UDP.

5.39 RESIDENTIAL AMENITY

In response to the potential issues of overlooking it is considered there will be little in the way of direct overlooking between the proposed development and the nearest residential development at Baltic Flats, due to the off-set relationship the two developments would have with each other. Even though the proposed development would be set higher than the Baltic Flats, it is considered the significance of any indirect overlooking would be limited as a result of the separation distances. At the nearest point the separation distance is circa 25 metres but this increases as the development steps up the hill.

5.40 In terms of visual intrusion, it is acknowledged that this is a substantial development and will be prominent from the south facing windows of the Baltic Flats but at the nearest point the proposed development would only be 9 storeys high, compared to the 13 storeys of the Baltic Flats as the height of the development increases up the hill, so does the separation distance. In addition, as mentioned above the development splays away from the Baltic Flats.

5.41 With regards to the impact of the development on the amount of daylight and sunlight getting to the flats, it is considered the separation distances between the two developments would ensure there is no significant loss of daylight. The sunlight assessment provided using modelling from the Virtual Newcastle Gateshead (VNG) model demonstrates that there would be little or no loss of sunlight to the flats during the summer months and only short periods of loss/overshadowing during the winter months, on the occasions when the sun is shining. This is not considered to be sufficient enough to warrant refusal especially, as the surrounding area has been identified for development and where elements of overshadowing etc is expected.

5.42 A micro-climate study has also been submitted with this application which demonstrates the development would not have any adverse impacts in terms of downdrafts which could have affected the safety of pedestrians on footpaths around the building. Cross winds could potentially be an issue at the corner of Mill Road and Hawks Road but this would only be in extremely high winds and as it is currently an issue it would continue be an issue whatever the building height.

5.43 There are some balconies proposed but none in close relation to the existing flats. There are also roof top terraces, but it is considered there would not be any direct overlooking of neighbouring properties from these terraces. In addition, although the terraces could be used at night there is no evidence to suggest that the use of the terraces would result in any anti-social behaviour or noise nuisance over and above what is generally found in urban centre locations.

5.44 In terms of the impact on the neighbouring hotel, the hotel operator has not objected to the proposal but there are windows in the proposed development that would look directly into the hotel which could impact on the amenity of residents within the development and hotel guests. Therefore, these windows

are proposed to be angled to minimise the impact. With the angled windows the development would still have some impact on the outlook from the hotel rooms but as it exists these rooms do not benefit from a particularly open aspect, so the impact would not be significant, and it could be argued the outlook would actually be improved. Angling the windows also improves the outlook for future occupiers of the units facing the hotel.

- 5.45 The size of the units has also been designed to be broadly in line with the Nationally Described Space Standards and satisfy the requirements of policy CS11(4) of the CSUCP. The inclusion of a large area of communal outdoor amenity space in the central atrium is also welcomed.
- 5.46 Therefore, in terms of overlooking, overshadowing and general disturbance it is considered the proposed development is acceptable and would not result in any significant issues for neighbouring residential occupiers, hotel guests or future occupiers of the development.
- 5.47 As set out in policy DC2 of the UDP and policy CS14 of the CSUCP the amenity of future residents is also a material planning consideration. The application is supported by a noise assessment and builds on previous monitoring and makes a number of recommendations in terms of acoustic measures to the proposed development. Consequently, it is recommended that final glazing/ventilation details are provided, and this can be conditioned (CONDITIONS 55 AND 56).
- 5.48 Further to the recommendations in the assessment there is acknowledgement that the roof top plant on the Ramada Encore Hotel, immediately adjacent to the proposed dwellings, has not been assessed, as the building previously on site (now demolished) was lower in height and it was not possible to carry out any accurate measurements of plant noise levels on the existing site. The assessment recommends further levels are taken during the construction phase to assess noise levels. This further assessment would need to be carried out to inform what type of glazing/ventilation is required for the flats facing the hotel. The carrying out of this further assessment has been included as part of condition 55.
- 5.49 Final details of any external plant or air conditioning units, notably the noise levels generated, would also be required (CONDITIONS 53 AND 54). Other details to be conditioned include external lighting (CONDITIONS 51 AND 52) and hours of construction (CONDITIONS 3 AND 4). Due to the location it is not considered necessary to condition opening hours of the retail premises.
- 5.50 Therefore, it is considered the impact of the proposed development on residential amenity is acceptable and in accordance with the NPPF as well as policies CS14 of the CSUCP and policies DC2 and ENV61 of the UDP.
- 5.51 **AIR QUALITY**
An Air Quality Assessment for the proposed development has been submitted and officers agree with the conclusions put forward that residents will not be placed in a location where the NO₂ air quality objective will be breached, or that the development will cause such a breach.

- 5.52 However, in accordance with policy CS14 of the CSUCP the developers would need to put forward a dust management plan for the construction phases, as sensitive receptors are very close by. This has been included as part of condition 3.
- 5.53 **FLOODING AND SUSTAINABLE URBAN DRAINAGE (SuDS)**
The site is located in flood zone 1 and due to the size of the site a flood risk assessment is not required. However, the use of SuDS is a material consideration for major development unless it can be demonstrated to be inappropriate and in accordance with the Core Strategy Policy CS17:4, surface water should be managed following the drainage hierarchy as set out in the Core Strategy Policy CS17:4 which states that development should: separate, control and minimise surface water runoff, discharging in order of priority to:
- i. Infiltration based Sustainable Drainage Systems
 - ii. A watercourse
 - iii. A surface water sewer
 - iv. A combined sewer.
- 5.54 A drainage assessment has been submitted and has identified the introduction of green roofs as being a positive, however the assessment fails to cover all the key issues. Therefore, in order to satisfy the requirements of the NPPF, the NPPG and policy CS17 of the CSUCP, a more comprehensive drainage assessment and details of the surface water drainage scheme would be required. This can be conditioned (CONDITIONS 19 AND 20), as the measures would be incorporated into the fabric of the building and would not need to be adopted by the Council. Due to the potential for surface water flooding in the area a flood evacuation plan would also be required (CONDITIONS 21 AND 22).
- 5.55 Therefore, subject to conditions it is considered that the development would be in accordance with policy CS17 of the CSUCP and the NPPF.
- 5.56 **CONTAMINATED LAND AND COAL MINING LEGACY**
The site is located on land identified as being potentially contaminated and a phase 1 land contamination assessment has been submitted which concludes further investigations are required. This can be conditioned in accordance with policy CS14 of the CSUCP and policy ENV54 of the UDP (CONDITIONS 8-10). The Coal Authority has also been consulted and has raised no objection subject to conditions requiring further investigations (CONDITIONS 11-14).
- 5.57 **ECOLOGY**
The site is located on the edge of the River Tyne Wildlife Corridor. As such in accordance with the principles of the NPPF, new development should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. It should also contribute to the Government's commitment to halt the overall decline in biodiversity, by establishing coherent ecological networks that are more resilient to current and future pressures.

- 5.58 The provision of green/brown roofs is a positive feature and in addition to reducing flood risk would provide valuable opportunities for biodiversity. Final details of the roofs can be conditioned to ensure the ecological opportunities are maximised (CONDITIONS 25 AND 26).
- 5.59 As a result, it is considered subject to conditions, the proposed development would not conflict with the aims and objectives of the NPPF, policies CS18 of the CSUCP and policies ENV46 and ENV51 of the UDP.
- 5.60 SUSTAINABILITY
Section 10 of the NPPF seeks to reduce the impact of climate change with policies CS16 of the CSUCP and policy MWR35 of the UDP setting local requirements.
- 5.61 Information submitted in the planning statement identifies measures that could be introduced into the building, including a Combined Heat and Power (CHP) wet system and water harvesting. These measures are considered reasonable but there is an opportunity for the development to connect to the District Energy Centre. Therefore, it is recommended that this option is investigated further and a sustainability statement is submitted demonstrating compliance with policy CS16 of the CSUCP. This can be conditioned (CONDITIONS 23 AND 24).
- 5.62 Subject to this condition it is considered the proposed development does not conflict with the aims and objectives of the NPPF, policy CS16 of the CSUCP and policy MWR35 of the UDP.
- 5.63 OPEN SPACE AND PLAY
The Saltmeadows / Gateshead Quays neighbourhood in which the site is located is not deficient in public open space and there is no requirement for any to be provided because of the development. Therefore, contributions should not be sought for this element in accordance with saved UDP Policy H13.
- 5.64 There are no toddler, junior or teen play areas located within the maximum distance specified by UDP policy CFR28, nor is there any evidence to suggest any will be coming forward in the near future, and it is accepted that there is little or no opportunity to provide children's play facilities within the site.
- 5.65 In addition, 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.
- 5.67 The Council has already exceeded the five-obligation maximum in respect of all three types of play and for open space in this area and with no obvious sites available in the immediate locality any it would be unreasonable to request a contribution from this site alone to provide off site play provisions. Therefore, the Council are not seeking any further obligations in respect of these matters.

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

5.69 **ARCHAEOLOGY**

The site is immediately adjacent to the former CPS Haulage site developed from 2009, for which a Desk Based Assessment (DBA) was produced which recommended excavation of important post-medieval structures on the site.

5.70 Previous excavations in the area have discovered substantial structures from the former Hawk's Ironworks, which was established on the site in 1747, to process scrap iron procured in London into wrought iron for use in the manufacture of a range of objects for both civilian and military markets by the Crowley Iron Works at Winlaton Mill. In 2011, excavations on the former CPS Haulage site, while recording later 18th and early 19th century remains, did not locate any mid eighteenth century structures so these parts of the complex may be encountered during the proposed development.

5.71 As a consequence, and in accordance with the NPPF, as well as policies ENV21 and ENV22 of the UDP trial excavations on the site, continuing the work done in 2011 should be undertaken with a programme of trial excavations and a final report submitted accordingly. This can be conditioned (CONDITIONS 5-7).

5.72 **COMMUNITY INFRASTRUCTURE LEVY**

Gateshead Council is 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 housing related. However, the development is located within a Charging Zone with a levy of £0 per square metre for this type of development.

5.73 **OTHER MATTERS**

Newcastle Airport has not objected to the application but have requested a crane method statement to ensure there is no conflict with aircraft which may be flying close by. (CONDITIONS 15 AND 16).

6.0 CONCLUSION

6.1 Taking all relevant issues into account and that the principle of a high rise residential development on the site has already been established by the previous approvals, it is recommended that planning permission is granted, subject to a legal agreement to secure off site affordable housing provisions and conditions, as the principle of development is acceptable as is the impact on design, highways, amenity, sustainability and other material planning considerations. Thus, the proposed development is considered to satisfy the aims and objectives of the NPPF and the NPPG as well as relevant policies in the CSUCP and UDP.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

- A 5% contribution towards providing affordable housing off-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.

4) And that the conditions shall include:

1

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

L-01, 100D, 101G, 102H, 103H, 104F, 105F, 106F, 107F, 108F, 109F, 110H, 111F, 112F, 113E, 114E, 115H, 116H, 117E, 118B, 200E, 201E, 202C, 203D, 204A, 317 Rev H, Car Park and Servicing Management Plan, dated October 2017

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

Reason

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

2

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

Reason

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

3

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding

- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for the recycling/disposing of waste arising from construction works.

In addition all works and ancillary operations in connection with the remediation of the site and the construction of the new development, including the use of any equipment or deliveries to the site (except for internal works, shall be carried out only between 0800 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan.

4

The development shall be carried out in accordance with the Method Statement approved under condition 3.

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan

5

No groundworks or construction of the development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies ENV21 & ENV22 of the saved Unitary Development Plan.

6

The development shall not be first occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 5 has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies ENV21 & ENV22 of the saved Unitary Development Plan

7

No part of the development shall be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies ENV21 & ENV22 of the saved Unitary Development Plan

8

Development shall not commence on the construction of the development until an intrusive land contamination assessment, to assess the nature and extent of any contamination on the site and whether or not it originates on the site has been submitted to and approved in writing of the Local Planning Authority. The report of the findings must include-

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to,

- land stability
- human health,
- property (existing or proposed) including buildings, service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments,

(iii) an appraisal of remedial options, and proposal of the preferred option(s) including a timeline and phasing for the implementation of the remediation scheme.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason

To ensure that risks from land contamination and coal mining legacies to the future users of the land and neighbouring land are minimised, together with those to controlled in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan

9

The remediation and mitigation schemes must be carried out in accordance with the details approved under condition 8. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination and coal mining legacies to the future users of the land and neighbouring land are minimised, together with those to controlled in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

10

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. An updated investigation and risk assessment must be undertaken and where remediation is necessary a revised remediation scheme must be prepared in accordance with the requirements of condition 8; (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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 in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

11

Construction of the development hereby approved shall not commence until a scheme of further intrusive investigations to establish the coal mining legacies present on the site has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

12

The intrusive investigations shall be carried out in accordance with the details approved under condition 11 prior to the construction of the development hereby approved commencing.

Reason

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

13

Construction of the development hereby approved shall not commence until a report of findings arising from the intrusive site investigations approved under condition 11, and a scheme of remedial works if necessary, including the phasing of any remedial works, has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

14

Any remediation works approved under condition 13 shall be implemented in accordance with the timetable approved under that condition.

Reason

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

15

Prior to the commencement of construction on the development, a method statement for crane operation, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Newcastle International Airport.

Reason

In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

16

The development shall be carried out in accordance with the crane method statement approved under condition 15.

Reason:

In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

17

Construction of the new development hereby approved shall not proceed beyond foundation level until samples of all materials, colours and finishes to be used on all external surfaces 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 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.

18

The materials used shall be in accordance with the details approved under condition 17 unless otherwise 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 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.

19

The construction of the development hereby approved shall not proceed beyond foundation level until a detailed drainage assessment and SuDS scheme, in accordance with the CIRIA SuDS Manual (C697) and Update has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall consider the DEFRA Non-Technical Standards for SuDS and shall include: infiltration testing, detailed designs of the SuDS components (green roof, soakaways, rainwater harvesting), flow controls; health and safety risk assessment; construction method statement (refer to CIRIA guidance - Construction Method Statements RP992/22)); a maintenance plan (refer to CIRIA guidance on maintenance plan RP992/21), electronic drainage model, evidence to demonstrate that there is adequate foul and surface water public sewerage capacity based on NWL's agreed discharge volumes and rates before connecting to the public sewerage system and a timetable of implementation for the approved SuDS components.

The maintenance plan should include the arrangements to secure the operation of the drainage scheme (including tanks, pumps, flow control, soakaways and green roof) throughout the lifetime of the development.

Reason

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

20

The SuDS scheme shall be implemented in accordance with the details approved under condition 19, prior to the development hereby approved being first occupied and shall be retained as such thereafter.

Reason

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

21

No part of the development shall be occupied until an emergency flood warning and evacuation plan for the development which includes:

- i- details of the flood warning procedures
- ii- details of the emergency flood access and egress routes
- iii- identified places that people could be evacuated to
- iv- flood response procedures

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

Reason

To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF

22

Any flood evacuation shall be carried out in accordance with the plan approved under condition 21.

Reason

To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF.

23

Construction of the new development hereby approved shall not proceed beyond foundation level until an updated sustainability statement which demonstrates the sustainable measures that will be implemented in the development and how the development will comply with policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and a timetable for implementation has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and reduces carbon emissions in accordance with Policy MWR35 in the Unitary Development Plan and policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

24

The sustainable energy measures shall be implemented in accordance with the details and timetable, submitted and approved under condition 23.

Reason:

To ensure that the development is sustainable and reduces carbon emissions in accordance with Policy MWR35 in the Unitary Development Plan and policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

25

Construction of the green/brown roofs shall not commence until full details of the roofs and the area that they will cover, have been submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable for implementation and a maintenance plan.

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

building, as well as providing ecological enhancement and sustainable drainage in accordance with the NPPF, saved policies DC2, ENV3, ENV46 and ENV51 of the Unitary Development Plan and policies UC10, UC12, CS14, CS15, CS17 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

26

The green/brown roofs shall be implemented in full accordance with the details approved under condition 25.

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 building, as well as providing ecological enhancement and sustainable drainage in accordance with the NPPF, saved policies DC2, ENV3, ENV46 and ENV51 of the Unitary Development Plan and policies UC10, UC12, CS14, CS15, CS17 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

27

No part of the development hereby approved shall occupied until final details of the two new bus shelters to be installed on Mill Road have been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to encourage the residents and users of the retail units to engage in sustainable travel, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

28

No part of the development hereby approved shall be occupied until the two new bus shelters have been installed on Mill Road in accordance with the details approved under condition 27 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to encourage the residents and users of the retail units to engage in sustainable travel, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

29

No part of the development hereby approved shall be occupied until final details of all works within the adopted highway have been submitted to and approved in writing by the Local Planning Authority. This shall include surface materials to be used for the layby and footways around development (including Hawks Road), street lighting, signs and road markings.

Reason

To ensure a satisfactory standard of development, in the interests of visual amenity and highway safety in accordance with policy ENV3 of the Unitary

Development Plan and policy, UC12, UC16 and CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

30

No part of the development hereby approved shall be occupied until the off-site highway works have been implemented in accordance with the details approved under condition 29 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory standard of development, in the interests of visual amenity and highway safety in accordance with policy ENV3 of the Unitary Development Plan and policy, UC12, UC16 and CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

31

No part of the development hereby approved shall be occupied until final details of the feature to be constructed at the back of the footpath at the lower end of the development on Mill Road, has been submitted to and approved in writing by the Local Planning Authority. The feature (eg. planter, wall or other structure) shall be designed and positioned in order to prevent indiscriminate parking.

Reason

To prevent indiscriminate parking in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

32

No part of the development hereby approved shall be occupied until the details approved under condition 31 have been implemented. The approved details shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority

Reason

To prevent indiscriminate parking in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

33

Notwithstanding the details on the submitted plans, final details of the secure enclosure for the cycle parking facilities in the upper car park, shall be submitted to and approved in writing by the Local Planning Authority, prior to the development hereby approved being first occupied.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

34

No part of the development hereby approved shall be occupied until the secure cycle parking facilities have been implemented in accordance with the details approved under condition 33 and the plans approved as part of the application. The approved facilities shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

35

Notwithstanding the details on the submitted plans, a Car Park and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the development hereby approved being first occupied.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

36

The car parks shall be operated in full accordance with the Car Park and Servicing Management Plan approved under condition 35 for the life of the development.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

37

The servicing and refuse collection for the development shall take place in full accordance with the Car Park and Servicing Management Plan approved under condition 35 for the life of the development.

Reason

In the interests of safe service and refuse collection, in accordance with policy MWR28 of the Unitary Development Plan and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

38

A minimum of two charging points for electric vehicles shall be provided within the development, prior to the development being first occupied.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan

39

No part of the car parks hereby approved shall be brought into use until details of the barrier/entrance systems to the car parks have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

40

No part of the development hereby approved shall be occupied until the barrier/entrance systems have been implemented in accordance with the details approved under condition 39. The approved details shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

41

No part of the car park accessed off Hawks Road shall be brought into use until details of the measures to improve visibility for vehicles exiting the car park have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

42

The measures to improve visibility for vehicles exiting the upper car park onto Hawks Road shall be implemented in accordance with details approved under condition 41 prior to that car park being brought into use.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

43

No part of the car parks hereby approved shall be brought into use until final details of the disabled car parking bays have been submitted to and approved

in writing by the Local Planning Authority. This includes the final location of the bays and the positioning of the transfer zones.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

44

No part of the car parks hereby approved shall be brought into use until the disabled bays have been implemented in accordance with the details approved under condition 43. The approved bays shall be retained as such thereafter.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

45

No part of the residential accommodation shall be occupied until a Travel Plan for those elements has been submitted to and approved in writing by the Local Planning Authority. None of the retail units shall be occupied until the submission of a Travel Plan for each occupier(s) and successive occupier(s) has been submitted to and approved in writing by the Local Planning Authority

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

- 1) Reduction in car usage and increased use of public transport, walking and cycling;
- 2) Minimal operational requirements for car parking in accordance with the National Planning Policy Framework and Council Policy CS13;
- 3) More environmentally friendly delivery and freight movements;
- 5) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan

46

The Travel Plan(s) shall be implemented in accordance with the details and timescales approved under condition 45 and retained as such thereafter unless otherwise first approved in writing by the Local Planning Authority.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

47

The lower car park accessed of Mill Road shall not be brought into use until final details of the internal, ramped pedestrian link from that car park to the reception area have been submitted to the Local Planning Authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

48

The ramped pedestrian link shall be implemented in accordance with the details approved under condition 47 prior to the lower car park accessed off Mill Road being brought into use.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

49

No part of the development hereby approved shall be occupied until a scheme for public art has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

50

The public art shall be implemented in accordance with the scheme approved under condition 49, prior to the development hereby approved being first occupied. The approved artwork shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

51

No part of the development hereby approved shall be occupied until full details of the method of illumination of the external areas of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the amenities of the neighbouring residents in accordance with policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

52

Any external lighting shall be implemented in accordance with the details approved under condition 51 and shall be retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of the amenities of the neighbouring residents in accordance with policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

53

No plant, machinery or equipment shall be installed on or attached to the exterior of the development until details have first been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and to ensure that any external equipment does not have an adverse effect upon the appearance of the development in accordance with policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

54

Any plant, machinery or equipment installed on or attached to the exterior of the development shall be implemented in accordance with details approved under condition 53 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and to ensure that any external equipment does not have an adverse effect upon the appearance of the development in accordance with policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

55

Prior to the installation of any windows serving residential properties, in accordance with the submitted noise assessment, final details of the glazing and ventilation for the flats shall be submitted to and approved in writing by the Local Planning Authority. The details for the glazing and ventilation for the windows in the east elevation facing the hotel shall be informed by an updated noise assessment as specified in the submitted noise assessment.

Reason

To safeguard the amenities of future residents and in accordance with policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

56

The development shall be carried out in accordance with the glazing and ventilation details approved under condition 59.

Reason

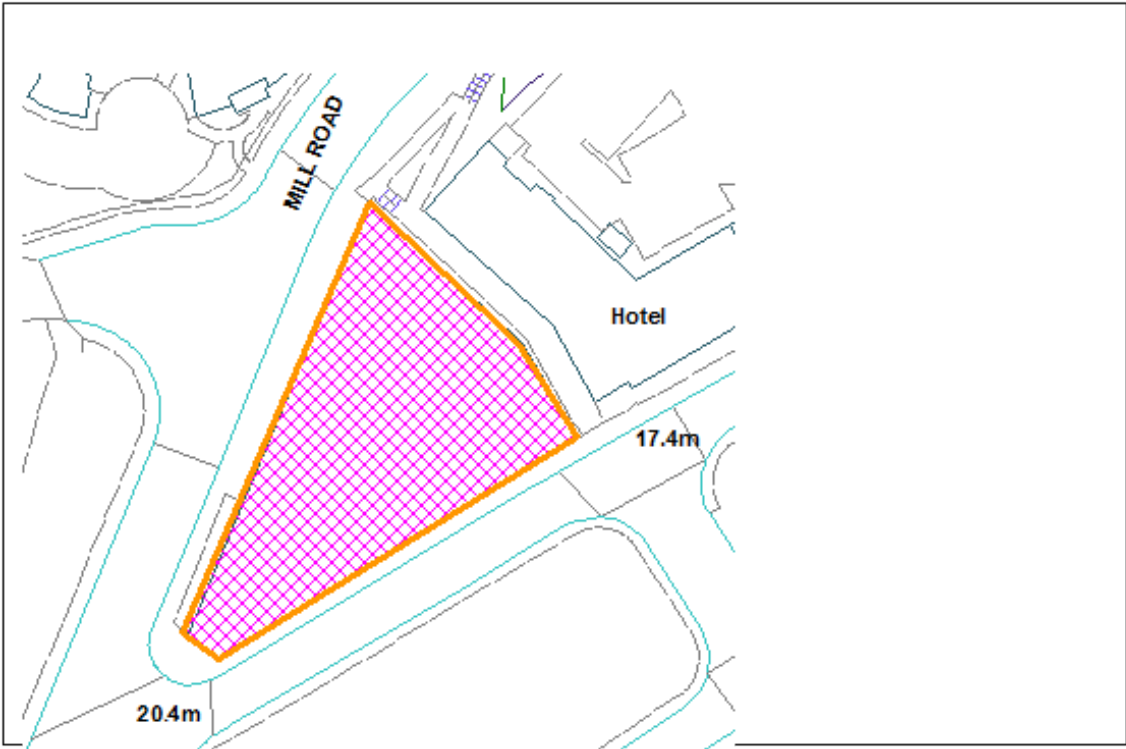
To safeguard the amenities of future residents and in accordance with policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

57

A minimum of 2% of the residential units shall be built to wheelchair home standards and 10% of the residential units shall be built to lifetime homes standards and shall be retained as such thereafter.

Reason

To ensure an appropriate supply of housing to lifetime homes standards in accordance with Policy H9 of the Unitary Development Plan and policy CS11 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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Committee Report

Application No:	DC/18/00727/OUT
Case Officer	Josh Woollard
Date Application Valid	18 September 2018
Applicant	Miss E Raymond
Site:	Grazing Land At Beda Hills West Of Woodside Walk Rowlands Gill
Ward:	Chopwell And Rowlands Gill
Proposal:	Erection of four bedroom house
Recommendation:	REFUSE
Application Type	Outline Application

1.1 The Application:

1.2 DESCRIPTION OF THE SITE

The application site is an area of land west of Lintzford Lane, approximately 230m x 240m in size. Trees cover the vast majority of the area, whilst single storey agricultural buildings of varying sizes built upon concrete flagstones occupy the site of the proposed dwelling. Land levels generally fall across the site from north to south. The site of the proposed dwelling is flat, however, small banks rise up to the north and south.

1.3 The proposed development is located entirely within Beda Hills Local Wildlife Site and a designated Wildlife Corridor. The site is situated immediately adjacent to BAP Priority Habitat, whilst the Strother Hills SSSI lies approximately 150m south-east.

1.4 In terms of proximity to neighbours, there are no properties situated in the immediate vicinity with Clavering House located approximately 100m to the south.

1.5 DESCRIPTION OF THE APPLICATION

This planning application seeks outline planning permission for the erection of a four-bedroom dwellinghouse and vehicular access. The application form indicates that approval is sought for all matters relating to appearance, landscaping, layout, and scale. All matters relating to access are reserved for later approval.

1.6 The following documents have been submitted as part of this outline planning application:

- Site location plan
- Site plan
- Site photos
- Preliminary Risk Assessment - Desk Study
- Coal Mining Risk Assessment

- 1.7 The indicative drawing shows that the proposed dwelling would be 11m wide and 9.8m deep. No elevations have been submitted as part of this application.
- 1.8 Access onto the site would be provided through an existing opening and layby along Lintzford Lane, and the proposed dwelling would sit approximately 29m from this access point.
- 1.9 A number of trees (labelled 1 to 10 on the submitted site plan) lie within 10m of the proposed dwelling. No tree survey or Arboricultural Assessment has been submitted, however the applicant has indicated that trees 1, 2, and 8 will be removed.
- 1.10 The timber structures (labelled 11 to 16 on the submitted site plan) would be removed, whilst landscaping would also be required to level the land south-west of the proposed dwelling.

1.11 PLANNING HISTORY

DC/17/00217/OUT - Erection of four bedroom house with drive. - Withdrawn 18.09.2017

2.0 Consultation Responses:

The Coal Authority	No comments to make
Northumbria Water	No objection

3.0 Representations:

- 3.1 A site noticed was placed on Lintzford Lane, adjacent to the site on 21 September 2018.
- 3.2 5 representations have been received from local residents who object to the application. The objections are summarized as follows:
- Access to the property would be dangerous
 - Lintzford Lane does not currently lend itself to safe development, e.g. no pedestrian footpath
 - General services, e.g. sewage, broadband etc., may be compromised
 - Multiple statutorily protected and/or priority species are at risk from development
 - Potential for further development within the locality
 - The proposal is within the Green Belt adjacent to Strother Hills and is opposite the area designated as a Nature Reserve at Victoria Garesfield
 - Trees would need to be removed from the site which is quite well known for Red Kites

- Access shown on the submitted Site Plan shows a new vehicular access
- Access is concealed from traffic by trees and the contours of the land

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

H4 Windfall and Small Housing Sites

H5 Housing Choice

5.0 Assessment of the Proposal:

- 5.1 The main issues are considered to be the principle of housing on this site, the impact of the development on ecology, highway safety, and trees, and ground conditions on site.
- 5.2 GREEN BELT
The NPPF sets out national Government's approach to protecting the Green Belt.
- 5.3 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 advises that the construction of new buildings in the Green Belt is inappropriate, unless the proposal meets one of a limited number of specific exceptions.
- 5.4 The applicant has put forward that all existing buildings and groundworks would be removed on site to make way for the proposed dwelling, thereby falling under sub-paragraph (g):
- Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development
- 5.5 The NPPF defines previously developed land as 'land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings'.
- 5.6 Given the above, the proposed dwelling would replace agricultural buildings and is therefore not considered to benefit from any of the specific exceptions within paragraph 145 of the NPPF. The proposal constitutes inappropriate development within the Green Belt.
- 5.7 Paragraph 144 of the NPPF requires 'very special circumstances' to outweigh potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.
- 5.8 Whilst the site would qualify as windfall housing and the provision of one family home would add to the housing stock within the borough, in this case, the provision of a single family home is not considered to outweigh the harm to the Green Belt by reason of inappropriateness.
- 5.9 It is therefore considered that the proposal is fundamentally contrary to the NPPF and policy CS19 of the CSUCP.
- 5.10 DESIGN
The application form indicates that this application seeks approval on all matters relating to appearance, landscaping, layout, and scale. In terms of the

information submitted, an indicative layout has been provided showing the site of the proposed dwelling.

- 5.11 It is considered that there is not enough information to assess the application on the above matters. As such, it is recommended that the application be refused on grounds of lack of information, and it being contrary to the NPPF, policy CS15 of the CSUCP, and saved policy ENV3 of the UDP.
- 5.12 **RESIDENTIAL AMENITY**
The dwelling would be situated on a large plot and the LPA is satisfied that a scheme could be developed that would provide adequate space both inside and outside of the home to meet the needs of the occupants.
- 5.13 Further, there are no residential properties within the immediate vicinity of the application site, and it is therefore considered unlikely that the proposed dwelling would have a detrimental effect on the residential amenity of any neighbours.
- 5.14 The proposed development would comply with the NPPF, policy CS11 and CS14 of the CSCUP, and saved policy DC2 of the UDP.
- 5.15 **HIGHWAY SAFETY**
The required visibility splay for an access intended to serve a residential property along Lintzford Lane would be 2.4m x 210m.
- 5.16 Given that the distance from the north and south boundary of the site is approximately 240m, the curving geometry of the road, and existing trees/vegetation along the boundary with the highway, an acceptable visibility splay has not been provided and it is considered extremely unlikely that a clear visibility splay could be achieved.
- 5.17 Any relaxation of this splay would need justification through a speed survey that demonstrates actual speeds along the road are less than the current speed limit, and no such justification has been provided. In addition, a number of objections have been received which emphasise traffic speed along Lintzford Lane and highlight that it is dangerous.
- 5.18 It is therefore considered that the application is contrary to the NPPF and policy CS13 of the CSUCP.
- 5.19 **ECOLOGY**
The proposed development is located entirely within Beda Hills Local Wildlife Site and a designated Wildlife Corridor. The proposed development site comprises and is situated immediately adjacent BAP priority habitat. Multiple statutorily protected and/or priority species are known to occur within the immediate vicinity of the site.
- 5.20 The proposed development is likely to have a significant adverse impact on biodiversity, including, but not limited to, designated sites, priority habitats, protected species, priority species and ecological connectivity. The application

has not been supported by an ecological survey, assessment and mitigation report undertaken by a suitably qualified and experienced ecologist in accordance with CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland, and the British Standard BS 42020: 2013 Biodiversity - Code of Practice for Planning and Development.

5.21 It is therefore considered that the application should be refused on grounds of inadequate information in relation to biodiversity and it being contrary to national and local planning policies NPPF, ODPM Circular 06/2005: Biodiversity and Geological Conservation, CS18 of the CSUCP, and saved policies DC1, ENV44, ENV46, ENV47, ENV49, and ENV51 of the UDP.

5.22 TREES

Trees on site provide a good level of amenity and contribute to the character of the surrounding area and their loss would not be in accordance with national and local planning policy. The applicant has indicated that three trees would be removed to make way for the development, whilst a number of other trees lie in close proximity to the proposed dwelling. No information has been submitted in the form of a Tree Survey or an Arboricultural Impact and Method Statement as part of the application.

5.23 It is therefore considered that the application should be refused on grounds of inadequate information and it being contrary to the NPPF, policies CS15 and CS18 of the CSUCP, and saved policies DC1 and ENV44 of the UDP.

5.24 GROUND CONDITIONS

Council officers are of the opinion that the site is situated on potentially contaminated land based on previous historic uses. The 'Preliminary Risk Assessment' (PRA) report submitted as part of the planning application is not in accordance with standard practice, and is therefore not satisfactory.

5.25 Given that the site is considered to be potentially contaminated and given the future sensitive residential land use, Council officers are of the opinion that if planning permission is granted then conditions are necessary to require an amended PRA and if required a Phase 2 detailed risk assessment including gas monitoring and where required remediation, monitoring and verification reports.

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

5.27 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.

- 5.28 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.
- 5.29 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.
- 5.30 **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 qualifying housing related. The site is within Residential CIL Zone A, which has a charge of £60 per sqm.

6.0 CONCLUSION

- 6.1 Insufficient information has been submitted regarding all matters relating to appearance, landscaping, layout and scale. Insufficient information has also been submitted to adequately assess the design of the dwelling, its impact on the openness of the Green Belt, and the impact of the development on ecology, trees and highway safety.
- 6.2 Given the above assessment, it is considered that, as required by paragraph 144 of the NPPF, no 'very special circumstances' exist to outweigh the harm to the Green Belt by reason of inappropriateness, and the development's impact on ecology, trees, and highway safety. The application is considered to be contrary to both national and local planning policy.

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 development amounts to inappropriate development within the Green Belt and, without very special circumstances to outweigh the harm by reason of inappropriateness, and any other harm, it is contrary to the NPPF and CS19 of the CSUCP.

2

Insufficient information has been submitted to make a proper assessment of the appearance, landscaping, layout and scale of the proposed development. It is therefore contrary to the NPPF, policy CS15 of the CSUCP, and saved policy ENV3 of the UDP.

3

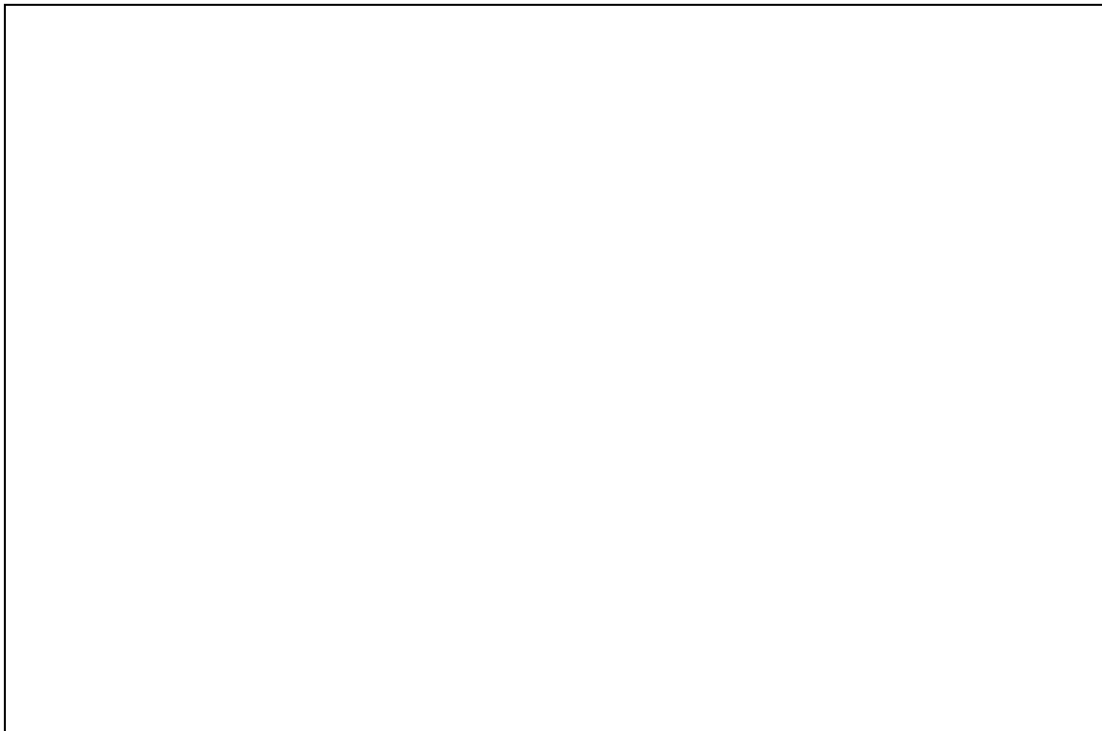
The proposal does not demonstrate that an adequate visibility splay of 2.4m x 210m can be achieved and, without supporting evidence to justify a relaxation of the splay, the proposed development is likely to have an adverse effect on highway safety, contrary to the NPPF and policy CS13 of the CSUCP.

4

The development is likely to have a significant adverse impact on biodiversity, including, but not limited to, designated sites, priority habitats, protected species, priority species, and ecological connectivity. Insufficient information in the form of an ecological survey, assessment and mitigation report has been submitted, and the development is therefore contrary to the NPPF, ODPM Circular 06/2005: Biological and Geological Conservation, policy CS18 of the CSUCP, and saved policies DC1(d), ENV44, ENV46, ENV47, ENV49, and ENV51 of the UDP.

5

The application indicates that 3 trees will be removed to make way for the proposed dwelling. A further 7 trees lie in close proximity to the dwelling. Insufficient information has been submitted in the form of a tree survey, assessment and mitigation report to justify the removal of the 3 trees and determine the impact of the development on trees retained on-site. The application is contrary to the NPPF, policies CS15 and CS18 of the CSUCP, and saved policies DC1(d) and ENV44 of the UDP.



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Committee Report

Application No:	DC/18/00846/OUT
Case Officer	Joanne Munton
Date Application Valid	15 August 2018
Applicant	Mr & Mrs Patterson
Site:	Sentinal Sheds St Cuthberts Way Blaydon NE21 5QD
Ward:	Blaydon
Proposal:	The demolition of existing buildings and erection of an apartment building up to three storeys comprising up to twelve residential dwellings (description amended 18.10.2018)
Recommendation:	GRANT
Application Type	Outline Application

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

The site is located north of Shibdon Road, to the rear (north) of St Cuthbert's Community Hall, and is accessed via St Cuthberts Way, which joins with Shibdon Road. The land slopes down from south to north, in such a way that the Community Hall has a lower ground floor. The application site itself is for the most part level.

1.2 A shed and garden building manufacturers currently occupies the site and there are various existing buildings associated with this use. Access to the site is currently via the northern boundary, where St Cuthberts Way turns east.

1.3 DESCRIPTION OF APPLICATION

The application proposes the demolition of the existing buildings on site and the erection of an apartment block of up to three storeys and comprising up to twelve residential dwellings.

1.4 With this outline application, the applicant has chosen to reserve all matters (access, appearance, landscaping, layout and scale). These matters would need to be considered under a subsequent reserved matters application. Therefore, this application is to be considered against the general principles of how the site can be developed for the purpose described. A proposed layout plan has been submitted, but this is marked as indicative, and is therefore only an illustration of the potential layout on site.

1.5 The following documents have been submitted in support of the planning application:

- Drainage Strategy;
- Contaminated Land Preliminary Risk Assessment (PRA)

- Ecological Assessment

1.6 RELEVANT PLANNING HISTORY

There is no relevant planning history.

2.0 Consultation Responses:

Northumbrian Water	Condition recommended
Tyne And Wear Archaeology Officer	No objection

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 No representations have been received.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

RCL5 District and Local Centres

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV9 Setting of Conservation Areas

ENV18 Locally Listed Buildings

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CS7 Retail and Centres

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

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 the principle of the proposal, visual amenity/heritage assets, residential amenity, highway safety and parking, ecology, flood risk and ground conditions.

5.2 PRINCIPLE

5.3 Retail Policy

The site is within Blaydon district retail centre as defined by saved policy RCL5 of the UDP and policy CS7 of the CSUCP. The site is not currently in retail use and therefore the proposal would not result in the loss of retail space. Residential accommodation on the site would bring about increased activity and help to support the existing centre. Therefore, the proposal would comply with the aims and requirements of these policies.

5.4 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.'

- 5.5 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.
- 5.6 The site would be considered as a housing windfall site under policy H4 of the UDP. It is considered that the location of the proposal is sustainable. The additional requirements of policy H4 are addressed below where relevant at this stage.
- 5.7 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP 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). At this stage, the proposal does not confirm the proposed size of each dwelling; however it would contribute to the provision of housing in the Borough on a smaller site. Further, it is considered that the location and nature of the proposal is such that it is more likely to attract smaller households rather than families.
- 5.8 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." As details of dwelling sizes and floor areas are not confirmed in this application, proposed floor plans/areas would be considered at the reserved matters stage.
- 5.9 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.
- 5.10 VISUAL AMENITY/HERTIAGE ASSETS
Details of appearance, landscaping, layout and scale will be required at the reserved matters stage where further consideration can be given to design and the impact the development will have on visual amenity.
- 5.11 The application site is located outside of Blaydon conservation area and north west of locally listed Blaydon Cemetery across Shibdon Road. The LPA is satisfied that a scheme sensitive to these constraints could be developed and this is sufficient at this outline stage. Final details will be considered at reserved matters stage.
- 5.12 Generally, it is considered that the proposed development would be appropriate on this site and, subject to further details at reserved matters stage, would comply with the aims and requirements of saved policies ENV3, ENV9 and ENV18 of the UDP, policy CS15 of the CSUCP and the NPPF.
- 5.13 RESIDENTIAL AMENITY

To the north of the site is Blaydon Job Centre, 38m away across the road, which is a single storey building. 12m away to the east is a telephone exchange building, to the north west is landscaping and a pedestrian entrance to the Blaydon town centre car park, and to the west is a turning point, part of St Cuthberts Way.

- 5.14 To the south is St Cuthbert's Community Hall, which has four storeys including the lower ground floor. This building serves as a community hall with various weekly groups and classes, and the MP's office. The main part of the building is set back 5.5m from the boundary with the application site, although there is a small offshoot on the western side that extends to the northern boundary.
- 5.15 Given that the application site is at a lower level to the Community Hall, the orientation of the sites and the nature of the use of the Community Hall, the LPA is satisfied at this stage that a scheme could be developed that would not result in an unacceptable loss of light, loss of privacy, loss of outlook, overbearing impact or increase in noise at this existing property. Final details will be considered at reserved matters stage.
- 5.16 To the south west 15m across St Cuthberts Way are residential flats at Shibdon Grange. Shibdon Grange is three storeys high with accommodation in the roof space and at a higher level to the application site. It is recommended that a condition be imposed restricting hours of construction to preserve the amenity of these residential neighbours. Given this condition, the orientation of the sites and the change in levels, the LPA is satisfied at this stage that a scheme could be developed that would not result in an unacceptable loss of light, loss of privacy, loss of outlook, overbearing impact or increase in noise at these existing dwellings. As above, final details will be considered at reserved matters stage.
- 5.17 In terms of future occupiers of the dwellings, it is considered that the layout and building could be designed to ensure appropriate levels of privacy, light and outlook for residents. Additionally, whilst the site is within the retail centre, it is considered that the immediate surrounding area would not give rise to concerns regarding unacceptable levels of noise or disturbance for future occupiers. Further, despite the change in levels, at this stage the LPA is satisfied that the development could be sufficiently accommodated on site without the Community Hall having an unacceptable overbearing effect on future residents.
- 5.18 Therefore, the development at this outline stage would comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.19 **HIGHWAY SAFETY AND PARKING**
The site is in a sustainable location within the Blaydon local centre, which offers a wide range of shops and services. There are also bus stops in close proximity on Shibdon Road and both Blaydon bus station and railway station are within walking distance.

5.20 It is considered that the site could accommodate an appropriate level of parking provision and details of access (including accessibility within the site) will be required at reserved matters stage. Generally it is considered that the proposal is appropriate on this site and, subject to further details at reserved matters stage, would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.

5.21 ECOLOGY

The application is supported by an ecological report and it is considered that the proposed development would not result in a significant adverse impact on biodiversity or ecological connectivity. Given that the proposal is for the demolition of existing buildings, it is recommended that informatives regarding bats and breeding birds are attached to the permission, to reduce any residual risk of harm to protected/priority species.

5.22 The proposal would comply with the aims and requirements of saved policy DC1(d) of the UDP and policy CS18 of the CSUCP.

5.23 FLOOD RISK

Paragraph 165 of the NPPF states that:

'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.'

5.24 In accordance with the above and policy CS17 of the CSUCP, it is recommended that conditions be imposed requiring submission of final details of drainage features and management/maintenance measures, and the management of foul and surface water from the development to the LPA, and implementation of the approved schemes.

5.25 The development at this outline stage would comply with the aims and requirements of policy CS17 of the CSUCP and the NPPF.

5.26 GROUND CONDITIONS

The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. It is likely that the development area may be affected by ground contamination, which may exist in any historic made ground deposits present, from imported fill materials and material used to construct a development platform for the site and buildings, or from materials (eg asbestos) used in former buildings that have subsequently been demolished.

- 5.27 A preliminary risk assessment has been submitted with the application, officers agree with the recommendations and it is recommended that conditions are imposed requiring a report of further site investigations and Phase II Risk Assessment to be submitted to the LPA for consideration and, where required, the implementation of approved remediation measures and the submission of a verification report(s) demonstrating their effectiveness.
- 5.28 The proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.
- 5.29 **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 The proposal would contribute to the provision of housing in the Borough on a smaller site and would help to maintain the vitality and viability of the retail centre.
- 6.2 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in terms of visual and residential amenity, 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.
- 6.3 Therefore, it is recommended that outline planning permission be granted, subject to the below conditions.

7.0 Recommendation:

That outline 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

Application for approval of the reserved matters (access, appearance, landscaping, layout and scale) shall be made to the Local Planning Authority within three years of the date of this permission.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

2

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the

reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

3

The development shall be limited to a maximum of three storeys and a maximum of 12 dwellings.

Reason

To safeguard the visual amenities of the area and in the interests of residential amenity of future occupiers, in accordance with 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

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

5

Following demolition, no further development hereby approved shall commence until a detailed drainage scheme including details of drainage features, adoption plan, a scheme for the disposal of foul and surface water, management and maintenance plans for drainage features, and timescales for implementation have been submitted to and approved in writing by the local planning authority, in consultation with the Lead Local Flood Authority and Northumbrian Water.

Reason

To ensure appropriate management of flood risk, in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

6

The details approved under condition 5 shall be implemented in accordance with the approved details and timescales, and managed,

maintained and retained as such in accordance with the approved details for the lifetime of the development.

Reason

To ensure appropriate management of flood risk, in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

7

Following demolition, no further development hereby approved shall commence until a report of findings arising from further intrusive site investigations and a Phase II Detailed Risk Assessment (to assess potential contamination at the site and possible pollutant linkages) have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

8

Where required, the remediation and monitoring measures approved under Condition 7 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

9

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and 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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

10

The amended remediation and monitoring measures approved under condition 9 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

Reason

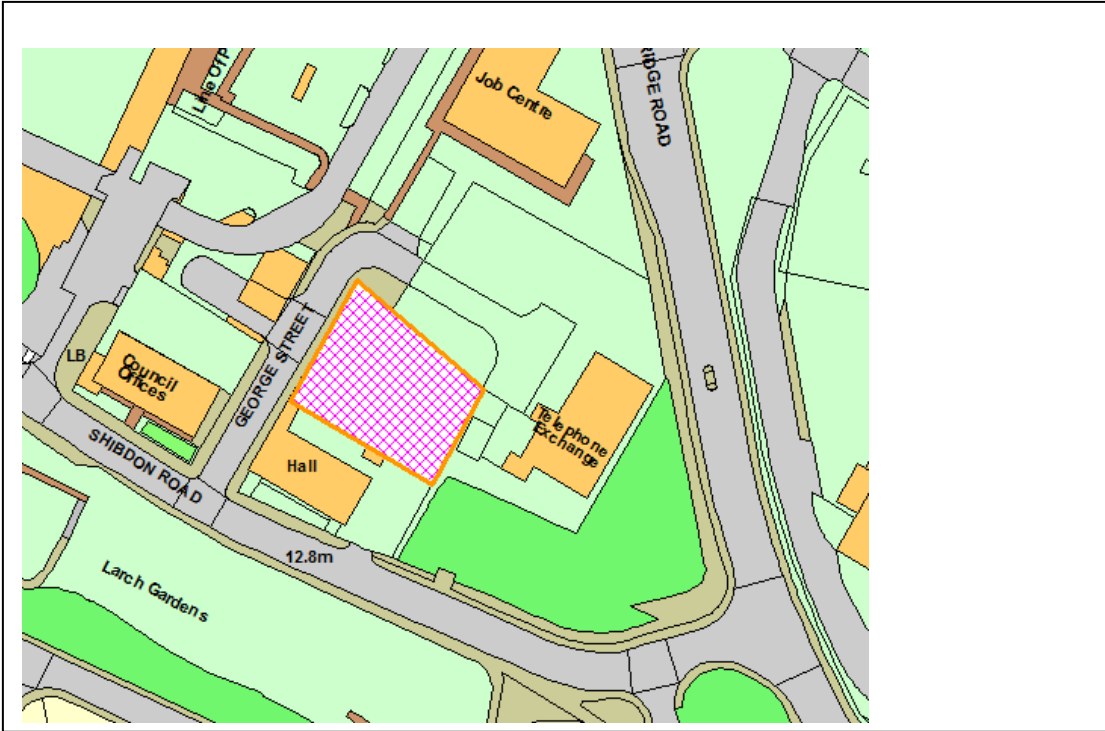
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and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

11

Where remediation is required (under conditions 7-10), following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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Committee Report

Application No:	DC/18/00972/HHA
Case Officer	George Spurgeon
Date Application Valid	30 August 2018
Applicant	Mr Kevin Whing
Site:	4 Cleasby Gardens Gateshead NE9 5HL
Ward:	Low Fell
Proposal:	Single storey rear extension (retrospective) (amended 28.09.18)
Recommendation:	GRANT
Application Type	Householder Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application concerns 4 Cleasby Gardens, Low Fell, The property is a semi-detached dwelling located within a residential street scene. Adjoining property number 2 Cleasby Gardens is a corner plot with the side of the house fronting Heathfield Road.

1.2 Externally the property is finished in red facing brick at ground level and a pebble dash render at first floor level, typical of the area. The dwelling features a hipped roof finished in red plain tiles, but there is more variation of this on the street as some of the properties on the south of the street have darker concrete roof tiles. The property has a rounded bay window at both ground and first floor level and a gable detail above. The properties on the street also have similar details to the front and overall there is a general consistent style throughout the street with some variation of materials.

1.3 The property has a garage to the side and an existing two storey extension to the rear. This extension has a hipped roof with a ridge height of approximately 6.8 metres for a projection of 2.8 metres, and is located 4.1 metres away from the boundary with number 2. This extension is not thought to have required planning permission when it was built in 2003, according to the building control records.

1.4 Like its adjoining neighbour (no.2) the application property was built with a rounded bay window on the ground floor, rear elevation. The bay window of each property serves the habitable room closest to the shared boundary.

1.5 The property benefits from a large amount of garden space to the rear and the land slopes down in a westerly direction to the end of the rear garden. The host property is also on a slightly lower land level than

neighbour number 2. A hedge is located along the boundary between these two properties, with a short section of fence in between the end of the hedge and the rear elevation of the properties.

1.6 DESCRIPTION OF THE APPLICATION

The application seeks part retrospective planning permission for a single storey extension to the rear of the property. At the time of writing only the external walls of the extension have been constructed.

1.7 The extension is positioned so that it would replace the rear bay window and it is located approximately 0.5 metres away from the boundary with number 2 Cleasby Gardens and will have a projection of 2.8 metres from the rear wall of the house so that it will be in line with the existing two storey extension. The external walls of the extension are finished in brickwork that matches the existing house and the roof will be finished in clay Marley Modern flat tiles to match the colour of the existing roof tiles of the house.

1.8 The extension will have a lean-to style roof with a ridge height of approximately 4 metres and an eaves height of 2.5 metres. This is measured from the ground level immediately adjacent to the rear wall of the house, as shown on the plans. After undertaking a site visit it was noted that the land level slopes down from the rear wall of the house towards the end of the garden, so the brickwork that forms the rear elevation of the extension continues below what is shown on the plans by approximately 0.4 metres. This does not affect the height of the extension shown on the plans, which can be seen from the gap between the ridge of the roof and the bottom of the first-floor window above, 130 millimetres.

1.9 The applicant has indicated his intention to put some decking down to act as a step down from the bi-fold doors in the rear elevation of the extension to the rear garden. There will be no windows in the side elevation of the extension and no roof lights are proposed to be installed.

1.10 PLANNING HISTORY

None.

2.0 Consultation Responses

None received.

3.0 Representations:

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

3.2 One letter of objection received by neighbour. The concerns raised are summarised below:

- The applicant did not notify the neighbours of the development before the work started;
- The extension is overbearing;
- The extension causes loss of light and overshadowing;
- Loss of outlook;
- The extension is out of character with the area;
- Overdevelopment;
- Maintenance of boundary fence and hedge;
- The plans and the application form are inaccurate;
- Drainage.

3.3 The application is being determined at the Planning and Development Committee at the request of three councillors (Councillor Hood, Councillor Duggan and Councillor Beadle).

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

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are set out below:

5.2 IMPACT ON STREET SCENE

Saved Unitary Development Plan (UDP) policy ENV3 along with Core Strategy and Urban Core Plan (CSUCP) policy CS15 require 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 (2018) which places a strong emphasis on the requirement for good design.

- 5.3 The extension is to the rear of the property, but it is possible to see it from Heathfield Road. No development is proposed in this application that affects the front of the property. However, given the scale of the extension and the distance it is located from Heathfield Road, although it can be seen, it is not prominent within the street scene and is not considered to have a detrimental impact on the character of the area.
- 5.4 The roof will be finished in clay Marley modern flat roof tiles of a colour to match the existing roof tiles. It would not be possible to have plain tiles of an exact match because of the pitch of the roof. However, the proposed roof tiles are considered to be appropriate for this location. Further to this, as the extension is only visible from Heathfield Road by looking over the boundary fence of 2 Cleasby Gardens and across their rear garden, the tiles would not be highly visible.
- 5.5 It is considered that the scale and design of the development as a whole is appropriate to the host property and surrounding area. To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials is recommended. It is considered that the development is in accordance with policy ENV3 of the Unitary Development Plan for Gateshead (UDP) and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).
- 5.6 HIGHWAY IMPACTS
The proposal would not have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with policy CS13 of the CSUCP.
- 5.7 RESIDENTIAL AMENITY
The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is a key aspect 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.
- 5.8 The Householder Alterations and Extension Supplementary Planning Document (HAESPD) advises that extensions to the rear should be limited to a projection of 3 metres on semi-detached houses. The extension in this application is of a reasonably small scale, with a projection of 2.8 metres and leaves a gap of approximately 0.5 metres between the boundary with number 2.
- 5.9 The HAESPD also advises that extensions:

“should be designed so as not to project beyond a 45° line (on plan) that extends from the centre of an adjoining neighbour’s nearest ground floor habitable room window, which is perpendicular to the proposed extension.”

- 5.10 The closest habitable room window in the rear elevation of number 2 is a bay window that serves a living room. This 45 degree assessment has been carried out on this extension and it is considered to comply with this policy. Therefore, it is considered that the extension will not have an unacceptable impact on the residential amenity of the occupiers of number 2 in terms of overshadowing, loss of light, or an overbearing visual impact.
- 5.11 There will be no windows in the side of the extension facing the boundary, so the extension will not cause any loss of privacy.
- 5.12 A site visit was undertaken, which included going to meet the occupants of number 2 in their living room and rear garden to view the impact of the extension. The extension is visible from the living room and rear garden of number 2. However, this does not automatically mean the extension therefore must have an overbearing visual impact. Due to the distance the extension is located away from the boundary, 0.5 metres, the limited projection of under 3 metres and the extension being single storey it cannot be concluded that the extension would have an overbearing visual impact. The addition of the roof, when the extension would be completed, would not significantly increase the height of the extension. Further to this, the extension is not much taller than the existing hedge that runs along the boundary between the two properties, which effectively screens much of the extension from number 2.
- 5.13 With regards to the outlook from the bay window, the extension sees a small section of open space replaced with a brick wall, but this in itself is not a reason to warrant the refusal of an application. The extension can be seen from the living room, but only when looking directly to the left, towards the boundary. The bay window is made up of five panels of glass. When looking through the middle panel the extension cannot be seen and there is a clear unimpeded view of the occupant’s rear garden and the hedge that borders the two properties. Therefore, there clearly remains a high level of outlook from the living room of number 2.
- 5.14 It is considered that the proposed development would not have an unacceptable impact on the nearby residential properties as it would not result in a harmful increase in loss of light, overshadowing or visual intrusion. Therefore, it is considered that the proposal is in accordance with saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.15 OTHER MATTERS

In the objection letter that was received, concerns are raised over the application form and submitted plans being inaccurate. The application form states that no hedges have been pruned, which the letter states is incorrect. However, the hedge is not protected so can be pruned by the applicant without needing any permission from the Council.

- 5.16 Another concern was raised over the plans not showing all of the drainage and soil pipes that are and that will be in place after the completion of the extension. The Tyne and Wear Validation checklist sets out the information that should be included on plans as part of an application. There is no mention of the need to show all of the drainage and soil pipes on the plans. This is something that would be dealt with at the building control stage if the application were to be granted planning permission.
- 5.17 The future maintenance of the extension, boundary fence and hedge are not material considerations, nor is the alleged lack of communication from the applicant in advance of the building work starting. Section 73A of the Town and Country Planning Act 1990 allows for the determination of retrospective planning applications and these should be treated in exactly the same way as if building work had not commenced.

6.0 CONCLUSION

- 6.1 Taking all the relevant planning policies into account along with all other material planning considerations, it is recommended that planning permission be granted, subject to conditions.

7.0 Recommendation:

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

1

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

Location Plan 1:1250

Proposed Elevations 1:50 (received 28.09.18)

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

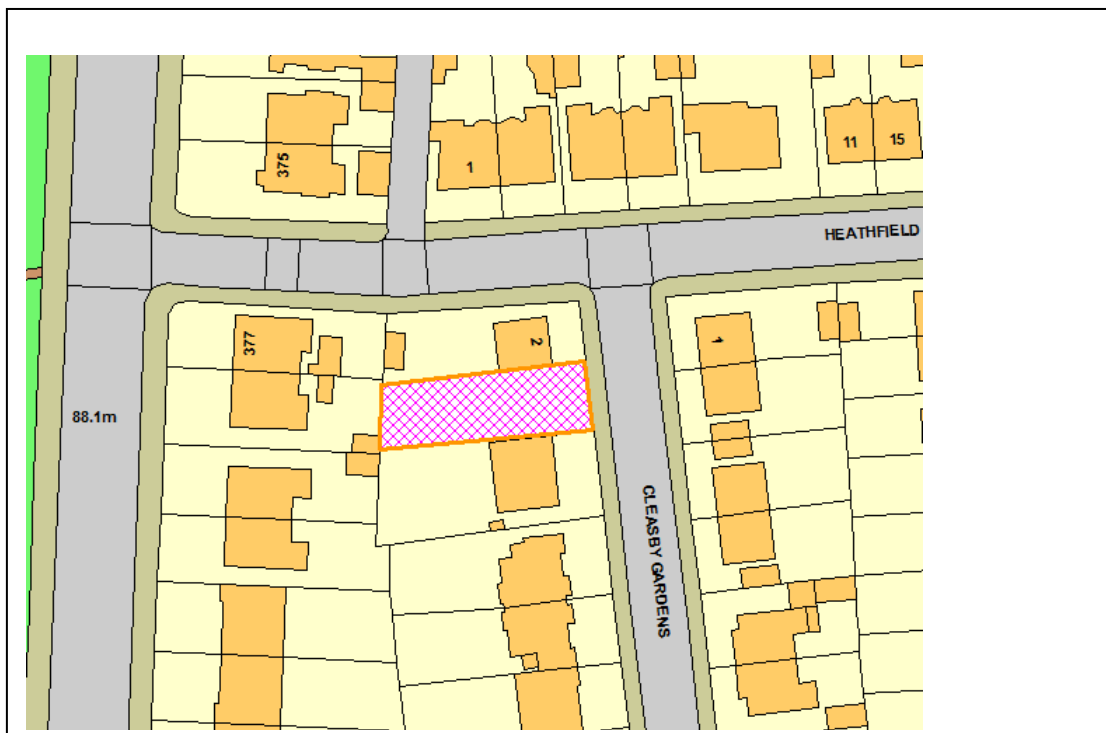
In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development hereby permitted shall be constructed entirely of the materials detailed and shown on the Existing and Proposed Plans and Elevations plan apart from the roof of the extension which will be finished in clay Marley modern flat roof tiles of a colour to match the existing roof tiles of the house.

Reason

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



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 31 OCTOBER 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/18/00303/FUL	Demolition of existing house followed by erection of new house (amended 14/05/18, amended/additional information received 13/07/18 and 09/08/18 and amended 13/09/18).	17 Axwell Park Road, Axwell Park,	Granted;	Blaydon
DC/18/00717/HHA	Two storey side, single storey rear extensions and pitched roof to front (as amended 28.09.2018)	Brendholme, Strathmore Road,	Granted;	Chopwell And Rowlands Gill
DC/18/00679/FUL	Demolition of existing buildings (7 & 9 Belle View Bank) and construction of 2 no. Town Houses (Amended plan received 3/9/18)	7 Belle Vue Bank, Low Fell,	Refused;	Low Fell

DC/18/00741/COU	Amalgamation of Units 9, 10 and 11 to extend current premises of Firebrick Brewery, change of use to mixed use A1, B1, B2, B8 and D2 use classes (sui generis) and installation of marquee/canopy to the front of the units (description amended 13.09.2018 and amended details received 10.09.2018 and 04.10.2018).	Unit 9, Blaydon Business Centre,	Granted;	Blaydon
DC/18/00731/HHA	Proposed dormer roof to existing garage (amended plans received 06.10.2018)	8-10 Boundary Cottage , Chowdene Bank,	Granted;	Low Fell
DC/18/00769/HHA	Single storey front and side extension and conversion of garage	8 Kirkstone Close, Winlaton,	Granted;	Blaydon
DC/18/00800/HHA	Steps and retaining wall to rear garden (amended plans received 26.09.18, 08.10.18, description amended 09.10.18)	43 Hillcrest Drive, Dunston Hill,	Granted;	Dunston Hill And Whickham East
DC/18/00822/FUL	Erection of animal shelter (revised application).	The Dairy, South Farm,	Refused;	Lamesley
DC/18/00807/FUL	Erection of food and drink unit (Use Class A3/A5) (additional information received 20/08/18).	Team Valley Retail World , Gateshead,	Refused;	Lamesley

DC/18/00810/HHA	Dormer to rear, replacement roof covering and windows	2 Alexandra Street, Victoria Garesfield,	Granted;	Chopwell And Rowlands Gill
DC/18/00811/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front. Remove brick coal storage cupboard and metal railings and gate to allow for proposed ramp flight	31 Hardman Gardens, Ryton,	Granted;	Ryton Crookhill And Stella
DC/18/00817/HHA	Proposed single storey rear extension	2 Mayfield, Whickham,	Granted;	Whickham North
DC/18/00824/HHA	Construction of pitched roof over existing front bay window	12 Dene Avenue, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/18/00828/HHA	Single storey rear extension	6 The Orchard, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00845/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from property. The laying of new paving to form base area adjacent to existing pathway.	27 Priestley Gardens, Wardley,	Granted;	Pelaw And Heworth
DC/18/00855/HHA	First floor side extension above existing garage	3 Cook Gardens, Wardley,	Granted;	Pelaw And Heworth

DC/18/00857/HHA	Erection of a pre-fabricated timber annexe to rear for ancillary residential use associated with the dwelling	101 Knightside Gardens, Dunston,	Granted;	Dunston Hill And Wickham East
DC/18/00861/COU	Change of use from shop/showroom (Use class A1) to Complementary Health Care Clinic (Use class D1) including external alterations comprising of installation of windows to north and south elevations and access ramp access to western elevation (as amended 27.09.2018).	9A Beverley Drive, Swalwell,	Granted;	Wickham North
DC/18/00862/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The laying of new paving and concrete to marry access ramp in with public footpath	47 Kipling Avenue, Wickham,	Granted;	Wickham North
DC/18/00865/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front door of domestic property, new low access front door, laying of new paving/concrete to create new upper base area to marry access ramp in with public footpath	13 Kings Close, Sunderland Road,	Granted;	Bridges

DC/18/00922/HHA	Proposed part-single, part two storey front extension, one-and-a-half storey side extension with dormer window to front and rear, single storey rear extension, and block paving to front (amended plans received 28.09.18)	8 Pinewood Gardens, Gateshead,	Granted;	Lobley Hill And Bensham
DC/18/00869/HHA	Single storey rear extension, pitched roof over existing garage and new double driveway to the east side of the property	5 Colegate West, High Heworth,	Granted;	Pelaw And Heworth
DC/18/00871/HHA	Single storey rear extension	Sundoulos , Stannerford Road,	Granted;	Crawcrook And Greenside
DC/18/00875/FUL	Erection of a substation.	Enterprise House , Kingsway North,	Granted;	Lobley Hill And Bensham
DC/18/00876/FUL	VARIATION OF CONDITION 1 (approved plans) of DC/17/00315/FUL to allow for variations in roof heights, door and window dimensions	Bewick House, 65, 67 And 69 Bewick Road,	Granted;	Saltwell

DC/18/00878/FUL	VARIATION OF CONDITION 1 (approved plans) of DC/16/00439/FUL to allow for amendments to ground floor fenestration	The Swallow Hotel Gateshead , High West Street,	Granted;	Bridges
DC/18/00895/RGD P	Change of use from Office (B1) to a single dwellinghouse (C3)	Cross House, 35 Cross Keys Lane,	Granted;	Low Fell
DC/18/00883/FUL	Single storey front and side extensions (amended 10.10.18)	8 Park Avenue, Dunston Hill,	Granted;	Dunston Hill And Whickham East
DC/18/00900/HHA	Porch to front	5 Rowland Burn Way, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/18/00912/FUL	Installation of new display windows in front and side elevations	Unit 7, Cameron Retail Park,	Granted;	Whickham North
DC/18/00974/CPL	CERTIFICATE OF PROPOSED LAWFUL USE/DEVELOPMENT : Loft conversion and the installation of 3 roof lights to the front (west) roof slope and 2 roof lights to the rear (east) roof slope	1 Alverstone Avenue, Low Fell,	Granted;	Low Fell

DC/18/00978/CPL	<p>CERTIFICATE OF PROPOSED LAWFUL USE/DEVELOPMENT : Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.1m, with a maximum height of 3.8m, and eaves height of 2.9m</p>	8 Hilltop Avenue, Sheriff Hill,	Granted;	High Fell
DC/18/00989/FUL	<p>NON MATERIAL AMENDMENT: to Permission DC/15/01140/COU to relocate refuse storage areas, relocation of some external plant and the provision of an additional soakaway area in the car park</p>	Enterprise House , Kingsway North,	Granted;	Lobley Hill And Bensham

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TITLE OF REPORT: Planning and Development Committee site visit in advance of the meeting on 21 November 2018

REPORT OF: Anneliese Hutchinson, Service Director, Development, Transport and Public Protection

Purpose of the Report

1. To inform members of a planning application which is scheduled to be reported to Planning and Development Committee on 21 November 2018 and to request members to decide if they wish to visit the site (15 November 2018) in advance of that meeting.

Application Reference DC/16/01207/OUT (West Farm, Kibblesworth Bank, Kibblesworth)

Outline application for the development of land to north and south of Kibblesworth Bank for up to 225 dwellings including associated infrastructure, open space and SuDS and the demolition of farm buildings and commercial properties with all matters reserved

2. The above application was received and made valid on 10 November 2016.

Prior to submission, the applicant undertook public consultation by way of a public exhibition at Kibblesworth Village Millennium Centre from 3-7pm on 1 March 2016.

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 681 properties in the surrounding area have been notified about the application. In addition, site notices were erected on the site and in its vicinity on 20 November 2016. This was to coincide with the publication of notices of the planning application in The Journal newspaper the same day.

As of 15 October 2018, there have been a total of 33 letters of objection received from a total of 30 individuals, with three being from the same individual. A petition, objecting to the development, bearing 78 signatures has also been received. 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 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 225 homes.

The current outline application proposes the erection of up to 225 homes, a roundabout with two new vehicular accesses off Kibblesworth Bank to serve the development and the installation of landscaping and sustainable urban drainage systems (SuDS). The application also proposes the retention of a Public Right of Way 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 21 November 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

Lamesley

9. BACKGROUND INFORMATION

Nil

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TITLE OF REPORT: Planning and Development Committee site visit in advance of the meeting on 21 November 2018

REPORT OF: Anneliese Hutchinson, Service Director, Development, Transport and Public Protection

Purpose of the Report

1. To inform members of a planning application which is scheduled to be reported to Planning and Development Committee on 21 November 2018 and to request members to decide if they wish to visit the site (15 November 2018) in advance of that meeting.

Application Reference DC/17/00170/FUL (Land To The South Of Whickham Highway)

Hybrid application seeking detailed approval for 352 dwellings (C3 use) inclusive of 32ha of ecological habitat creation, new Park and Ride facility and associated open spaces, drainage and highways infrastructure and partial diversion of Public Right of Way number WH66/2 through public open space and Outline approval for up to 230 dwellings (C3 use) across 8.2ha with associated landscaping, highways and drainage infrastructure all matters reserved with the exception of access (for the avoidance of doubt, access meaning to the site not within the site) (additional information received 08/05/17, 09/08/17, 21/03/18, 18/04/18 08/05/18, 13/08/18 and 22/10/18 and amended 27/07/17, 19/02/18, 07/09/18, 17/09/18 and 18/10/18).

2. The above application was received and made valid on 23 March 2017.

Prior to submission, the applicant undertook public consultation by way of a public exhibition at Whickham Library from 3-6:30pm on 23 May 2016 and at Lobley Hill Community Centre from 3-7pm on 24 May 2016.

Following the first stage of consultation, amendments were made to the proposals and a pre-application presentation of the final scheme was given to Planning and Development Committee on 4 January 2017. Following the committee presentation, a feedback session held at Lobley Hill Library on Monday 9 January 2017.

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 201 properties in the surrounding area have been notified about the application. In addition, 7 site notices were erected on the site and in its vicinity on 19 April 2017. 4 May 2017 and again on 7 March 2018. This was to coincide with the publication of notices of the planning application in The Journal newspaper the same day.

As of 22 October 2018, there have been a total of 2 Ward Member objections, 46 letters of objection received from a total of 33 individuals and five letters of support, with three being from the same individual. 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 letters of support favour the provision of new housing.

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 530 homes.

The current hybrid application proposes the erection of 352 homes in full and 230 in outline, three new vehicular accesses off Whickham Highway to serve the development and the installation of landscaping and sustainable urban drainage systems (SuDS). The application also proposes the retention of a Public Right of Way 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 21 November 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

Whickham South and Sunnside and Lobley Hill and Bensham

9. BACKGROUND INFORMATION

Nil

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TITLE OF REPORT: Enforcement Team Activity

REPORT OF: Anneliese Hutchinson, Service Director, Development, Transport and Public Protection

Purpose of the Report

1. To advise the Committee of the activity of the Enforcement Team since the last Committee meeting.

Background

2. The Enforcement team deal with proactive and reactive investigations in relation to Planning, Highway and Waste related matters.

Recommendations

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

Within the date range commencing 26.09.18 and ending 17.10.18, the enforcement team has received **64** new service requests:

Type of complaint	Cases under investigation	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	362	26	15	19	2
HIGHWAYS	198	16	8	12	0
WASTE	508	22	10	19	40
TOTALS	1068	64	33	50	42

COURT HEARINGS

The Enforcement Team attended **seven** Court Hearings, **four** of which were finalised, resulting in **£1,120** fines and **£730** costs

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
31st October 2018

TITLE OF REPORT: Enforcement Action

**REPORT OF: Anneliese Hutchinson, Service Director,
Development, Transport and Public Protection**

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	Date Notice comes into Force	End of Compliance Period	Current Status
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	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.
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	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 investigations, it was established that a building had been erected without consent. 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. 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 A site visit has been arranged for the week commencing the 29th October to look at the costs of carrying out work in default.
3.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One) Known as South West Farm Site Two)	Swalwell 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 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	11 January 2016 11 January 2016	12 January 2016 12 January 2016	15 February 2016 15 February 2016	14 March and 4 July 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. 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. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. Both defendants pleaded guilty at Newcastle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months. The site has recently been revisited and it is likely further action will be required.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
	(Known as South West Farm Site Three)	Swalwell	and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste. Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016 29 th Sep 2018	
4.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unightly Land	19 th October 2017	19 th October 2017	23 rd November 2017	4 th January 2018	Complaints were received regarding the condition of the garden. the enforcement notice was not complied with and the owner was therefore prosecuted. The defendant attended court on the 13 th June and was found guilty and ordered to pay a £300 fine and £100 costs. Estimates have been received to do works in default. Officer are currently assessing the quotes against the proposed timescales to complete the works.
5.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 TH November 2017	29 th November 2017	29 th November 2017	26 th December 2017	Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site. Conditions have now been submitted and discharged. The Council are awaiting confirmation from the Developer to confirm when they are due to recommence works on site. A site visit was undertaken on the 26 th September to see if work had re commenced on site. Although there were no builders on site at the time of the visit, it appears that development has re commenced since the Temporary Stop Notice was served as the most recent unit constructed has now had its roof erected.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
6.	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 th January 2018	12 th January 2018	16 th February 2018	16 th March 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. An enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. The notice has not been fully complied with. Prosecution files are now being prepared.
7.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28 th April 2018	Despite communication with the occupiers and owners of the site, conditions relating to planning permission DC/12/01266/MIWAS have not been discharged. Notice served in relation to breach of condition 12 to require submission of a noise monitoring scheme for all restoration activities. A Consultant has been employed by the owner and occupiers of the site to address the issues contained within each of the Notices. The Consultant is currently working with the Council to secure compliance. Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted.
8.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	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 Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
9.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	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 Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
10.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	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 Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
11.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	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 Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
12.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	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 Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
13.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	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 Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
14.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	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 Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
15.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	Notice served in relation to Breach of condition 27 to require the submission of details as requested in condition 27 of permission DC/12/01266/MIWAS. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
16.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	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 Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
17.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	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 Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
18.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	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 Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
19.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter of leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays. A site visit was 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.
20.	25 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10 th August 2018	10 th August 2018	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. An appeal has been received but no start date has been given yet.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
21.	27 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10th August 2018	10 th August 2018	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. An appeal has been received but no start date has been given yet.
22.	Blaydon and District Club and Institute, Garden Street	Blaydon	Untidy Land	03 rd September 2018	03 rd September 2018	5 th October 2018	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
23.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05 th September 2018	05 th September 2018	5 th October 2018	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. The owner has been in contact and will submit a scope of works with timescales to make this building safe and in part to be brought back into use, rather than demolish property.
24.	3 Westwood View, Crawcrook, Ryton, NE40 4HR	Crawcrook and Greeside	Untidy Land	21 st August 2018	23 rd August 2018	20 th September 2018	23 rd October 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 works to be undertaken to repair the garage roof, utility roof, windows, facias and gutters and the land to be cleared and tidied. Works to comply with the notice have commenced and are near completion. A site visit is planned for the 23rd October to confirm full compliance with the Notice.
25.	3 Charlton Villas, Greeside, Ryton NE40 4RR	Crawcrook and Greeside	Untidy Land	18 th October 2018	18 th October 2018	15 th November 2018	13 th December 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 works to be undertaken to repair the garage roof, utility roof, windows, facias and gutters and the land to be cleared and tidied.

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
31 October 2018**

TITLE OF REPORT: Planning Appeals

REPORT OF: Anneliese Hutchinson, Service Director,
Development, Transport and Public Protection

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 **one** new appeal lodged since the last committee:

DC/17/01293/ADV - Intu Metrocentre, Whickham, Gateshead NE11 9YG
Display of 22.25m high internally illuminated LED feature display sign (additional info received 06/03/2018 and 10/04/2018).
This application was a delegated decision refused on 13 June 2018.

Appeal Decisions

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

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 -18:00 and Sunday 09:00 - 18:00 (currently limited to between 0900 and 1800 Monday to Saturday and between 0900 and 1600 on Sundays and Public Holidays).
This application was a delegated decision granted on 29 March 2018.
Appeal allowed 2 October 2018.

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.
Appeal dismissed 2 October 2018.

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

Appeal Costs

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 18 September 2018

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2018

Appeal Ref: APP/H4505/W/18/3201318

Smileys Car Wash, Nobles MOT Centre, Sunderland Road, Felling, Gateshead, Tyne & Wear NE10 0NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Miran Mehmet against the decision of Gateshead Council.
 - The application Ref DC/18/00105/FUL, dated 2 February 2018, was determined by notice dated 29 March 2018.
 - The application sought planning permission for change of use from car sales and associated valeting to a car wash and valeting services and car sales all open to the general public (retrospective) without complying with a condition attached to planning permission Ref DC/12/00577/COU, dated 27 September 2012.
 - The condition in dispute is No 2 which states that: *the operation of the premises shall be limited to between 0900 and 1800 Monday to Saturday and between 0900 and 1600 on Sundays and Public Holidays.*
 - The reason given for the condition is: *to ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with policy DC2 of the Unitary Development Plan.*
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from car sales and associated valeting to a car wash and valeting services and car sales all open to the general public (retrospective) at Smileys Car Wash, Nobles MOT Centre, Sunderland Road, Felling, Gateshead, Tyne & Wear NE10 0NR in accordance with the application Ref DC/18/00105/FUL dated 2 February 2018, but subject to a modified condition No 2 and a replacement condition No 5, with the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and as set out in the schedule of conditions.

Background and Main Issue

2. The appeal proposal relates to an existing car wash. The appellant wishes to change the permitted operating hours from 0900 to 1800 Monday to Saturday to 0800 to 1800 and from 0900 to 1600 on Sundays and Public Holidays to 0900 to 1800, to mirror those of another car wash on Sunderland Road. The Council determined the application and granted planning permission for the operation of the premises between 0800 and 1800 Monday to Friday, 0900 and 1800 on Saturdays and between 0900 and 1600 on Sundays and Public Holidays.

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

3. The main issue is whether the proposed opening hours would have an unacceptable effect on the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

4. The appeal proposal relates to an established car wash which is situated on Sunderland Road, on a site which also includes car sales and a MOT centre. The appeal site is situated adjacent to terraced housing with bungalows opposite across Sunderland Road, with a railway line to the rear.
5. Whilst a noise impact assessment was submitted with the original application, none has been submitted in support of this appeal. I have regard to the evidence that Sunderland Road is a busy commuter route. The Council conclude that road traffic noise on Sunderland Road between 0800 and 0900 on weekdays is such that the operation of the car wash at this time would not cause any additional adverse effect on the living conditions of the occupiers of neighbouring dwellings. I have no evidence to the contrary and consider this part of the proposal to be acceptable.
6. In regards to the proposed operating hours on Saturdays, Sundays and Public Holidays, I take into account the comments of the Council and interested parties that traffic volumes are much lower and that the noise environment is correspondingly quieter. This is not disputed by the appellant. However, there is no technical evidence before me to demonstrate that the operating hours sought, with operation starting an hour earlier on Saturdays and extending by two hours to 1800 on Sundays and Public Holidays would not give rise to unacceptable effects on the living conditions of nearby residents. Therefore, I have not been convinced that the condition should be modified as proposed.
7. The appellant has referred me to a hand car wash and valeting centre elsewhere on Sunderland Road which advertises 7 day a week opening between 0800 and 1800. However, whilst I have few details of that scheme, I note the Council state that the permitted opening hours are not dissimilar to those of the appeal premises. In any event, I have considered the appeal on its own merits.
8. The disputed condition as amended would enable the business to operate from 0800 on weekdays when the noise environment would be dominated by road traffic noise and would continue to safeguard the living conditions of residents on Saturdays, Sundays and Public Holidays. The amended condition is necessary, reasonable, relevant to planning and sufficiently precise to be enforceable and complies with Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 Policy CS14 and saved Policy DC2 of the Gateshead Unitary Development Plan which, amongst other things, are concerned with safeguarding living conditions.

Conclusion

9. The guidance in the Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. The Council advise that condition 5 of the original permission which was concerned with the provision of spray barriers on Sunderland Road has been discharged and in granting planning permission for

the application subject to this appeal, imposed a replacement condition 5 which seeks to ensure that the spray barriers are retained. The replacement condition 5 is not been disputed in this appeal and the appellant has also had the opportunity to respond to the Council's statement. I consider that it is appropriate to replace condition 5 as the Council suggest in the interests of the character and appearance of the area. Conditions 1, 3 and 4 are reapplied as per the original permission.

10. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed to the extent described. Therefore, I will vary the planning permission by modifying the disputed condition, along with replacing condition 5.

Philip Lewis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: P1110026/01, 02 Rev A 03 and 04.
- 2) The operation of the premises shall be limited to between 0800 and 1800 Monday to Friday, between 0900 and 1800 Saturdays and between 0900 and 1600 on Sundays and Bank Holidays.
- 3) No sound system or similar equipment shall be installed or used on the premises.
- 4) No further equipment or machinery over and above that listed within paragraph 4.4 of the application Design and Access Statement shall be installed on the site without prior written approval from the local planning authority.
- 5) The spray barriers along the site boundary abutting Sunderland Road approved under condition 5 of planning consent DC/12/00577/COU shall be retained as approved and maintained for the life of the development.



Appeal Decision

Site visit made on 18 September 2018

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2018

Appeal Ref: APP/H4505/D/18/3209629

31 Calder Walk, Sunnyside, Newcastle upon Tyne NE16 5XS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A4 of the Town And Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Ms Bridget Lee against the decision of Gateshead Council.
 - The application Ref DC/18/00390/GPDE, dated 19 April 2018, was refused by notice dated 29 May 2018.
 - The development proposed was originally described as rear kitchen and dining room extension.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The provisions of Schedule 2, Part 1, Paragraph A.4 of the Town And Country Planning (General Permitted Development) (England) Order 2015 (GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of the appeal has been made in the same manner.
3. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018, replacing that published in March 2012. I wrote to the parties and invited their submissions in respect of the new Framework and any implications for their cases.

Reasons

4. Schedule 2, Part 1, Paragraph A.1 of GPDO allows for the enlargement, improvement or other alteration of the original dwelling house. Until 30 May 2019, paragraph (g) of that Class makes provision, subject to conditions, for single storey rear extensions up to 6 metres in length and 4 metres in height for properties other than detached dwellings.
5. 31 Calder Walk is an end of terrace two storey property. The proposed single storey rear extension would span the full width of the dwelling projecting out about 4.5 metres to the rear, with a maximum height of about 3.9 metres, sloping down to the rear to an eaves height of about 2.8 metres.

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

6. The proposed extension would project out along much of the depth of the modest rear garden and would give rise to a significant area of flank wall along the common boundary with the neighbouring 29 Calder Walk. The flank wall would be considerably higher than the existing boundary treatment.
7. Due to the orientation of the terrace, the height and depth of the extension and its position on the common boundary, it would give rise to a detrimental loss of light and overshadowing of the modest rear garden of No 29. Furthermore, No 29 has a window and door to its kitchen/diner situated close to the common boundary. Whilst there is another window to this room, the close proximity of the proposed extension would inevitably reduce the light into this room. The proposed extension would also, due to its scale and position, have an adverse effect upon outlook for the occupiers of No 29 from both the kitchen/diner windows and garden. I noted at my site visit that the garden levels are appreciably below finished floor levels of both Nos 29 and 31, but that does not change my conclusions.
8. The appellant has referred to a fallback position being available under permitted development rights for an alternative scheme for a rear extension and a curtilage building positioned along the common boundary with No 29. However, the evidence does not suggest that there is a realistic likelihood that such a scheme would be carried out and consequently, I am not convinced that there is a greater than theoretical possibility that such a development would take place. In any event, from what I have read, I am also not convinced that any such fallback position would be more harmful than the appeal scheme to the living conditions of the occupiers of No 29, given the extent of harm found due to the height and depth of the proposed extension along the common boundary and the potential harm which may arise from such a fallback scheme as described.
9. Insofar as it relates to the impact of a proposal on the amenity of the occupants of adjoining premises, I have considered the development plan policy and supplementary planning guidance cited by the Council. When taken together, Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 Policy CS14, saved Policy DC2 of the Gateshead Unitary Development Plan and the Council's Supplementary Planning Document Household Alterations and Extensions seek to ensure that development proposals respect and avoid loss of amenity, an approach with which the appeal proposal fails to comply. The proposal would also run contrary to the design policies of the Framework which seek, amongst other things that developments create places with a high standard of amenity for existing and future users.

Conclusion

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

Philip Lewis

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/17/00473/HHA	17 Limetrees Gardens Low Fell Gateshead NE9 5BE	First floor extensions to side and rear	Written	Appeal in Progress
DC/17/01293/ADV	Intu Metrocentre Whickham Gateshead NE11 9YG	Display of 22.25m high internally illuminated LED feature display sign (additional info received 06/03/2018 and 10/04/2018).	Written	Appeal in Progress
DC/17/01358/OUT	Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens, Gateshead Dunston Hill NE11 9XE	Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwelling-houses, with new shared-surfaced vehicular and pedestrian access	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 Allowed
DC/18/00244/ADV	592-596 Durham Road Gateshead NE9 6HX	Display of 1 x 48 sheet LED advertisement with changeable content on gable elevation.	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 Dismissed
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

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

31 October 2018

TITLE OF REPORT: **Planning Obligations**

REPORT OF: Anneliese Hutchinson, Service 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 31 October 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