

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 9 January 2019 at 10.00 am in the Bridges Room - Civic Centre

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From the Chief Executive, Sheena Ramsey

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Item	Business
1	<b>Apologies for Absence</b>
2	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held on 12 December 2018 (copy previously circulated)
3	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
4	<b>Planning Applications (Pages 3 - 8)</b>  Report of the Service Director, Communities and Environment
4i	<b>No. 1 - MH Southern and Co Ltd, Green Lane Sawmills, Felling NE10 0JS (Pages 9 - 20)</b>
4ii	<b>No. 2 - 25 Cornmoor Road, Whickham, NE16 4PU (Pages 21 - 38)</b>
4iii	<b>No. 3 - Land to side and rear of Field View, Lead Road, Greenside, Ryton NE40 4JT (Pages 39 - 56)</b>
5	<b>Permission in Principle - Former Chase Park Depot, off Rectory Lane, Whickham (Pages 57 - 66)</b>
6	<b>Delegated Decisions (Pages 67 - 74)</b>  Report of the Service Director, Communities and Environment
7	<b>Enforcement Team Activity (Pages 75 - 76)</b>  Report of the Service Director, Communities and Environment
8	<b>Enforcement Action (Pages 77 - 84)</b>  Report of the Service Director, Communities and Environment
9	<b>Planning Appeals (Pages 85 - 88)</b>

Report of the Service Director, Communities and Environment

**10 Planning Obligations (Pages 89 - 90)**

Report of the Service Director, Communities and Environment

**11 Community Infrastructure Levy Annual Report (Pages 91 - 94)**

Report of the Service Director, Communities and Environment

**12 Housing Permissions 2018 (Pages 95 - 96)**

Report of the Service Director, Communities and Environment

Contact: Helen Conway - Email: [HelenConway@gateshead.gov.uk](mailto:HelenConway@gateshead.gov.uk), Tel: 0191 433 3993,  
Date: Tuesday, 1 January 2019



PLANNING AND DEVELOPMENT  
COMMITTEE  
**9 January 2019**

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

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

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### **Purpose of the Report**

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

#### **PART ONE:**

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

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

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

### **Recommendations**

2. Recommendations are specified in the schedule.

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

## Contents

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/18/00508/FUL	MH Southern And Co Ltd Green Lane Sawmills	Felling
2. DC/18/01037/FUL	25 Cornmoor Road Whickham	Dunston Hill And Whickham East
3. DC/18/01112/FUL	Land To Side And Rear Of Field View	Crawcrook And Greenside
4 DC/18/0101 2/BPIP	Former Chase Park Depot Off Rectory Lane	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)**

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

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

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**Committee Report**

<b>Application No:</b>	<b>DC/18/00508/FUL</b>
<b>Case Officer</b>	<b>Owain Curtis</b>
<b>Date Application Valid</b>	<b>1 August 2018</b>
<b>Applicant</b>	<b>MH Southern and Co Ltd</b>
<b>Site:</b>	<b>MH Southern and Co Ltd Green Lane Sawmills Felling NE10 0JS</b>
<b>Ward:</b>	<b>Felling</b>
<b>Proposal:</b>	<b>Extension of sawmill yard including demolition of existing buildings and erection of new buildings (as amended 09.11.2018 and 15.11.2018).</b>
<b>Recommendation:</b>	<b>Grant subject to a section 106 planning obligation</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is an existing sawmill yard on Green Lane within the Felling Industrial Estate which has operated since the 1970s. The site is bounded to the north and south by other industrial premises and to the west by the Gateshead International Stadium (GIS) / Gateshead College sports complex. Green Lane is contiguous with the eastern boundary of the site. The main sawmill site has a single point of access for pedestrians and vehicles and a number of unallocated, informal parking spaces within the site curtilage. The sawmill yard is enclosed by palisade security railings.

**1.2 DESCRIPTION OF THE APPLICATION**

Principally, the application proposes the demolition of four existing buildings and erection of two replacement buildings within the existing sawmill site. The new buildings would comprise of a production building and a new wood treatment building. The application also seeks permission for the expansion of the site along the western boundary and erection of a third building for timber storage. The proposal also includes the expansion of the sawmill site to the south and use of an existing industrial unit as a site office and storage.

1.3 Various minor works are also proposed including the formation of formalised parking spaces, the replacement and erection of the boundary railings and alterations to the site access.

1.4 The applicant states the expanded sawmill would bring approximately 40 jobs from South Tyneside to Gateshead.

**1.5 PLANNING HISTORY**

The site has been subject to various minor applications for the numerous extensions, alterations and the erection of buildings within the sawmill yard.

## 2.0 Consultation Responses:

Sport England No objection

Northumbrian Water No objection

Tyne and Wear Fire and Rescue Service No objection

## 3.0 Representations:

3.1 This application is referred to the Planning and Development Committee for determination as the application is for major development on a site of more than one hectare and subject to a change of use.

3.2 A site notice was displayed at the application site, neighbour notifications were carried out and a press notice was published in accordance with Article 15 of the Town & Country Planning (Development Management Procedure) Order 2015 (as amended).

3.3 No representations have been received.

## 4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS6 Employment Land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

JE1 Primary Employment Areas

JE4 Sustainable Economic Development

ENV3 The Built Environment - Character/Design

ENV27 Greening the Urban Area

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CFR17 Retention of Outdoor Sports Facilities

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

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

- i. the principle of development;
- ii. visual amenity;
- iii. highway safety and parking;
- iv. ground conditions and contamination;
- v. drainage;
- vi. residential amenity; and
- vii. impact on ecology and biodiversity.

### **5.2 PRINCIPLE OF DEVELOPMENT**

The application site is located within the Felling Primary Employment Area as defined by policies CS6 and JE1 of the Local Plan. In order to protect and maximise employment uses and development opportunities in Primary Employment Areas development of, and changes of use to general industrial and storage and distribution uses are considered acceptable. As such, the development would accord with the relevant Local Plan policies.

5.3 The proposed extension of the sawmill yard would result in the change of use of a triangular area of land, approximately 0.4ha in area, from an outdoor sports facility as identified in the UDP. Policy CFR17 seeks to protect existing sports facilities unless *'the facilities are severely under-used and there is no reasonable expectation that investment, management or other changed circumstances could increase their use to a reasonable level'* or *'the loss is wholly made good by the creation of alternative provision in the same area of the borough'*.

5.4 The area of land in question is not freely accessible by the public due to fencing restricting access from Tyne Main Road and does not accommodate a sports pitch, court or any ancillary buildings in connection with the Gateshead International Stadium / Gateshead College sports complex. In addition, the topography of the land renders the site unsuitable for the accommodation of these facilities.

5.5 Officers consider the development would have no impact on the existing or future operations of the sports complex site and the Council's sports and leisure service "GO Gateshead", the operator of the site, does not wish to raise an objection to the application. Further, Sport England were formally consulted on the proposal and it too considers the development would be

acceptable. As a result, officers are of the view that the development would meet the requirements of saved policy CFR17 of the UDP as the site does not currently accommodate any sports pitches or facilities and would be compatible with the sports facilities protection policies in the Local Plan.

- 5.6 In light of the above it is considered the principle of the development is acceptable subject to all other material planning considerations being satisfied.
- 5.7 **VISUAL AMENITY**  
Section 12 of the revised NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Local policies CS15 of the CSUCP and ENV3 of the UDP reflect this.
- 5.8 The scale, siting and visual appearance of the proposed buildings is considered by officers to be acceptable given the industrial nature of the site and surrounding area. With regard to the existing industrial building to the south, no elevational changes are proposed.
- 5.9 The western extension of the sawmill yard would be located at the lowest land level within the Gateshead Stadium / Gateshead College site and would not appear as a conspicuous intrusion into the site. The proposed boundary treatment would be a security fence which would be painted dark green to reduce its visual prominence.
- 5.10 The proposal would therefore accord with the revised NPPF, policy CS15 of the CSUCP and saved policy ENV3 of the UDP.
- 5.11 **HIGHWAY SAFETY AND PARKING**  
Paragraph 109 of the revised NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. The applicant has submitted a Transport Assessment and Travel Plan in support of the application.
- 5.12 The expansion of the sawmill site would see staff numbers increase from 39 to 79 and would result in 4 additional deliveries to the site per day. It is expected that the number of customers visiting would remain the same. Technical data from a highway consultant shows there would be a net increase of 25 vehicle trips within the peak hours and officers concur with the findings of the consultant which shows the impact of the development on traffic will be extremely low.
- 5.13 The existing accesses into the site are substandard and the application proposal includes a scheme to improve highway safety. Two existing accesses would be closed, and two accesses would be improved so a full visibility splay onto Green Lane is provided. Full details of the proposed works can be conditioned and the requirement that the works are completed prior to the first use of the proposed buildings (conditions 8 and 9).

- 5.14 A finalised Travel Plan and details of motorcycle and cycle parking are also required and can be conditioned (conditions 11 – 16).
- 5.15 **GROUND CONDITIONS AND CONTAMINATION**  
The site has been assessed and inspected as part of the Council's Contaminated Land Strategy. The applicant has undertaken intrusive ground investigations which reveal that remediation works are not necessary. It is conditioned that if any undesirable contaminated material is found during the works that operations should cease, and a risk assessment conducted with appropriate remediation measures if necessary (condition 6). With this condition imposed it is considered the development would accord with the NPPF and saved policy ENV54 of the UDP.
- 5.16 **DRAINAGE AND FLOOD RISK**  
Paragraph 165 of the revised NPPF states that major developments should incorporate SuDS unless there is clear evidence that this would be inappropriate.
- 5.17 The application proposal is a major development by virtue of the red line area therefore NPPF paragraph 165 applies and SuDS should be provided. The existing sawmill yard is entirely formed of hardstanding so there would be no change in the existing runoff rate as a result of the development within the sawmill yard. The area of land subject to the change of use is approximately 0.4ha in area. Officers concur with the applicant that it is unable to accommodate any SuDS features, due to its limited size, without further expansion into the Gateshead College site which is not a possibility. Taking these site-specific factors into account officers consider that in this instance it would be inappropriate to require the applicant to provide SuDS therefore there would be no conflict with the NPPF in this regard.
- 5.18 The applicant has submitted an alternative drainage strategy which provides an attenuation tank designed to meet the discharge rate from a 1 in 30 year storm and flow control to manage the surface water flows from the additional impermeable area of the new the new storage yard. The drainage strategy would meet the discharge rate agreed with Northumbrian Water.
- 5.19 Officers consider this drainage strategy to be acceptable and its implementation can be secured by condition (condition 4).
- 5.20 **RESIDENTIAL AMENITY**  
Paragraph 117 of the revised NPPF states that planning policies and decisions should, amongst other things, ensure safe and healthy living conditions. Paragraph 180 goes on to state that decisions should ensure that new development is appropriate for its location taking into account the likely effects on health and living conditions. Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality amenity for existing and future residents.

- 5.21 The nearest residential properties to the sawmill site are the 'Ensign House' apartments which share a common boundary with the application site. The existing industrial building which would be incorporated into the application site would be used as an office and for storage. The existing building is within use class B2. Officers consider that an office and storage use would better lend itself to a building with immediate residential neighbours therefore the development reduces the potential for noise and disturbance to the occupiers of 'Ensign House'. In addition, it is not considered that any of the manufacturing and treatment processes elsewhere on the site would harm residential amenity.
- 5.22 The development would therefore not conflict with the NPPF or policy CS14 of the CSUCP and saved policy DC2 of the UDP.
- 5.23 **IMPACT ON ECOLOGY AND BIODIVERSITY**  
Paragraph 170 of the revised NPPF highlights that "decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)".
- 5.24 Policy CS18 of the Core Strategy states that green infrastructure assets, including biodiversity and geodiversity assets and designated sites shall be protected enhanced and managed. Saved policy DC1(d) states that planning permission will be granted for new development where it does not have an adverse impact on statutorily protected species. Saved policy ENV47 of the UDP goes on to state that wherever possible, all types of wildlife habitats will be protected and enhanced.
- 5.25 The application site is within 130m of the Friars Goose Local Wildlife Site and some 350m north of the River Tyne Local Wildlife Site. Survey work commissioned by the Council identified the triangular area of land immediately west of the existing timber yard and included within the red line boundary of the proposed development site as supporting semi-improved neutral grassland which qualifies as Lowland Meadows and Pasture. It is therefore designated as Priority Habitat in the Durham Biodiversity Action Plan.
- 5.26 The applicant has submitted a draft Unilateral Undertaking in respect of the provision of offsite ecological compensation at Felling Shore – some 500m from the application site. The Unilateral Undertaking satisfies the three tests that need to be met, namely the necessity to make the development acceptable in planning terms; to be directly related to the development; and, to be fairly and reasonably related in scale and kind to it. It therefore satisfies paragraph 56 of the revised NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010. As a result, officers consider there would be no net loss of biodiversity as a result of the development.
- 5.27 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against

the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying housing or retail development. Therefore, this proposal would not be charged.

## **6.0 CONCLUSION**

- 6.1 Taking all the material planning considerations into account it is recommended that planning permission be GRANTED subject to the conditions outlined below.
- 6.2 A planning obligation is necessary to secure the requirements of policy CS18 of the CSUCP and saved policies DC1(d) and ENV47 of the UDP for the provision of off-site ecological compensation at Felling Shore. The applicant has submitted a draft Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 to satisfy this obligation.

## **7.0 Recommendation:**

**GRANT SUBJECT TO A UNILATERAL UNDERTAKING UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

- 1) The planning obligation shall include the payment of £18,100 for off-site ecology compensation at Felling Shore.
- 2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the obligation.
- 3) That the Service Director of Development, Transport and Public Protection be authorised to add, delete, vary and amend the planning conditions as necessary.
- 4) That the conditions shall be as follows:

1

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

Reason

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

2

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

1813101b dated Nov 2018

MHS-02\_500 Rev B dated 21.05.2018

MHS-02\_1250 Rev B dated 21.05.2018

N18353-900 Rev P3 dated 17.12.2018

G [2] received 17.05.2018

G[7] received 17.05.2018

G[8] received 17.05.2018

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

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on:

G [2] received 17.05.2018

G[7] received 17.05.2018

Application form signed and dated 02.05.2018

Reason

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

4

Prior to the first use of the buildings hereby approved, drainage works shall be completed in accordance with drawing number N18353-900 Rev P3 dated 17.12.2018

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment to comply with the NPPF and policy CS17 of the Core Strategy and Urban Core Plan.

5

The proposed new boundary fence along the western boundary of the site shall be green in colour and hereafter retained as such.

Reason

In the interest of visual amenity in accordance with policy CS15 of the Core Strategy and Urban Core Plan.

6

Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes (including timescales) shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out in accordance with the approved details and timescales before the development is resumed or continued in the affected part of the site and a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the approved buildings.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policies DC1(p) and ENV54 of the Unitary Development Plan.

7

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

**Reason**

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan.

8

Prior to the first use of the buildings hereby approved, full details of the two site accesses to be improved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include kerbed radii.

**Reason**

In the interests of highway safety in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

9

The accesses shall be constructed in accordance with the details approved under condition 8 prior to the first use of the buildings hereby approved and shall thereafter be retained.

**Reason**

In the interests of highway safety in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

10

Prior to the first use of the buildings hereby approved, the redundant site access (shown on plan 1813101b dated Nov 2018) shall be permanently closed to vehicles and the existing gated vehicle access into the car park of Units 5 - 7 Ensign House shall be permanently closed.

Reason

In the interests of highway safety in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

11

Prior to the first use of the buildings hereby approved, details of the provision of 2 motorcycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the motorcycle parking and provision for secure fixing.

Reason

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

12

The motorcycle parking spaces approved under condition 11 shall be implemented prior to the first use of the buildings hereby approved.

Reason

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

13

Prior to the first use of the buildings hereby approved, details of the provision of 8 cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be secure and weatherproof.

Reason

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

14

The cycle parking spaces approved under condition 13 shall be implemented prior to the first use of the buildings hereby approved.

Reason

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

15

Notwithstanding the 'Interim Travel Plan Green Lane Felling' dated 12.11.2018, within 3 months of the development being brought into use, a finalised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car.

**Reason**

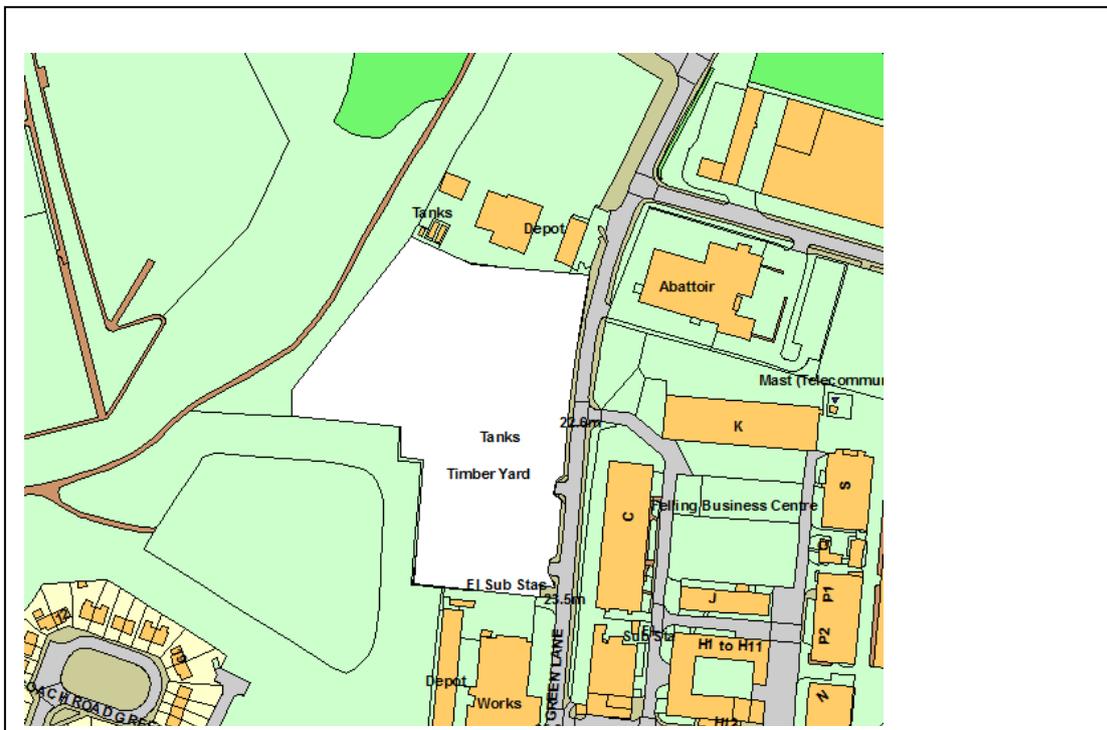
To promote sustainable travel objectives in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

16

The finalised Travel Plan approved under condition 15 shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is in use.

**Reason**

To promote sustainable travel objectives in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.



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**Committee Report**

<b>Application No:</b>	<b>DC/18/01037/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>30 October 2018</b>
<b>Applicant</b>	<b>Mr Alistair Sundin</b>
<b>Site:</b>	<b>25 Cornmoor Road Whickham Whickham NE16 4PU</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Proposal:</b>	<b>Erection of detached dwelling in rear garden.</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

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

The site is located within the Whaggs Lane/Broom Lane Area of Special Character, as identified by saved UDP Policy ENV25. The site was typical of the original layout of plots in the area where properties have large elongated rear gardens with dense landscaping, albeit a large part of the curtilage has been annexed off through the introduction of a boundary treatment across the garden and adjacent to the existing driveway.

1.2 The site remains relatively well planted, however there is evidence of the recent removal of trees and planting, further the garage associated with the site has been removed.

1.3 There are residential properties located to the north (23 and 19b Cornmoor Road), to the south (27 and 27a Cornmoor Road) and also to the west (14a, 14, 16 and 18 Whaggs Lane).

**1.4 DESCRIPTION OF THE APPLICATION**

The application seeks planning consent for the erection of a single detached dwellinghouse, the dwelling would have two levels of accommodation with one level being provided within the roofspace.

1.5 The dwelling would have a maximum width of 11.5 metres and a maximum depth of 21 metres. The proposed dwelling would have a maximum overall height of 5.7 metres. All windows proposed within the northern and southern elevations are proposed to be provided as rooflights, all ground floor rooms would be served by windows within the eastern and western elevations.

1.6 The following documents were submitted with the application;

- Coal Mining Risk Assessment
- Contaminated Land Preliminary Risk Assessment

**1.7 PLANNING HISTORY**

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

- DC/10/00995/FUL for a single two storey dwellinghouse in the rear garden of 25 Cornmoor Road was refused planning permission 01 December 2010 on the grounds that the proposal would result in backland development contrary to UDP policy ENV25 and the second ground was that the proposed development would result in significant harm to the visual amenity of the area and would have a detrimental impact on the area of special character and the amenities of neighbouring properties contrary to policy ENV3 of the UDP.
- DC/10/01349/FUL for a dormer bungalow in the rear garden of 25 Cornmoor Road was refused planning permission on 02 February 2011 on the grounds that the proposal would result in backland development contrary to UDP policy ENV25. The decision was appealed and the appeal was dismissed on 08 June 2011, the Planning Inspector stating '*... the proposed dwelling would create a continuous run of four backland properties. This would result in a concentration of this form of development in the immediate vicinity and would undermine the sense that backland housing is only a sporadic feature of the area*' and would thus be unacceptable when considered against Policy ENV25 and the Planning Policy Statement 1 (PPS1).
- DC/14/00167/FUL for the erection of a dormer bungalow in the rear garden of 25 Cornmoor Road was refused planning permission on 29 April 2014 on the grounds that the proposal would result in backland development contrary to UDP policy ENV25. An appeal to the Planning Inspectorate was lodged by the Applicant, the appeal was dismissed on 29 August 2014.
- DC/14/00484/CPL was an application for a certificate of lawfulness for 'The provision within the curtilage of the dwellinghouse of a building required for purposes incidental to the enjoyment of the dwellinghouse.' The application was refused on 10 June 2014 for the following reason;

*"Following consideration of the evidence provided by the applicant, it is considered that on the information submitted it has not been demonstrated that the proposed detached building would benefit from a deemed planning permission by virtue of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 as amended."*
- DC/14/01096/CPL was an application for a certificate of lawfulness for 'The provision within the curtilage of the dwellinghouse of a building required for purposes incidental to the enjoyment of the dwellinghouse.' The application was refused on 14 November 2014 for the following reason;

*"Following consideration of the evidence provided by the applicant, it is considered that on the information submitted it has not been demonstrated that the proposed detached building would benefit from a deemed planning permission by virtue of Article 3, Schedule 2, Part 1, Class E of the Town and Country*

*Planning (General Permitted Development) Order 1995 as amended."*

The applicant subsequently appealed the refusal to the Planning Inspectorate; the appeal was allowed on 17 September 2015.

- DC/15/00969/FUL was a planning application for 'Proposed erection of a single-storey 3-bed bungalow (Use Class C3) to rear of existing property with shared access and erection of single garage for host property.' The application was approved on 20 November 2015.

## **2.0 Consultation Responses:**

The Coal Authority No objection subject to planning conditions.

## **3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of six letters of objection were received including one from a Ward Councillor (Councillor Peter Maughan). These objections are summarised below;

- The proposal would potentially result in flooding of adjacent land;
- The proposal would conflict with Policy ENV25 of the UDP;
- The development would impact on the amenities of surrounding properties;
- As a result of the proposal there would be disturbance to the wildlife within the area;
- The proposed development would lead to additional parking congestion and;
- It will not be possible to get heavy plant and machinery to the rear of the application site.

## **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H12 Housing Density

H13 Local Open Space in Housing Developments

H14 Neighbourhood Open Space-New Housing Dev

H15 Play Areas in Housing Developments

ENV3 The Built Environment - Character/Design

ENV25 Areas of Special Character

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC2 Residential Amenity

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

MSGP Making Spaces for Growing Spaces (Submission Draft)

## **5.0 Assessment:**

5.1 The key planning considerations are whether the development would comply with relevant national, regional and local housing policies, the principle of the development in an Area of Special Character, the impact on the visual amenity of the site, the residential amenity of neighbouring properties, density, any impact on trees, any highway safety implications, open space and play provision, land conditions and any other issues arising.

5.2 PRINCIPLE OF THE DEVELOPMENT

5.3 Housing demand and policy

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

5.4 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result, the principle of developing this site for residential use is

considered acceptable should all other material planning considerations be satisfied.

5.5 Housing choice

Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application proposes the erection of a single family home and as such the development is considered appropriate in the context of the NPPF, saved policy H4 of the UDP and policies CS10 and CS11 of the CSUCP.

5.6 Residential space standards

Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered based upon the submitted information that the application meets the above requirements, providing an acceptable level of internal and external space for existing and proposed properties.

5.7 AREA OF SPECIAL CHARACTER

The application site is within the Broom Lane/Whaggs Lane Area of Special Character and therefore saved policy ENV25 of the UDP applies. This policy states that certain areas of the borough have '*...a distinctive built character deriving from their buildings and spaces, which are worthy of recognition.*' Specifically referring to the Broom Lane/Whaggs Lane area, the policy identifies low density housing, a dense coverage of mature trees and long, well established gardens as the key characteristics of the area.

5.8 The supporting text of this policy states that the detrimental development allowed in the 1980's and 1990's, namely small housing estates and single dwellings on infill and rear garden plots has had an adverse impact on the established character of the area and that 'The area's protection under this policy will control similar damaging development in the future.'

5.9 The current UDP was adopted in 2007. The previous UDP was adopted in 1998 and had a policy relating specifically to the Broom Lane/Whaggs Lane area alone. This policy (E12) identified specific blocks within the area where single residential developments at the rear of properties would be unacceptable but that 'elsewhere, they will be permitted at the rear of properties' but only if new dwellings were not 'visually intrusive' and that new access arrangements were linked to existing access into the site and that parking capacity and any trees were not detrimentally affected.

5.10 The two policies are considered to be fundamentally different. The 1998 policy focuses on the design of backland development as opposed to the principle, except within very specific parts of the Broom Lane/ Whaggs Lane area where it was clear such development was not acceptable. The current UDP policy adopted in 2007 focuses on the principle and states that backland development damages the character of the area and should be resisted.

- 5.11 Whilst eight backland developments have been granted permission within the Area of Special Character since 2007, all of these have been revised and resubmitted versions of schemes originally determined under the previous UDP (adopted in 1998) or have been significantly different from the one currently proposed. Where original schemes had been approved, the principle of development had been established as acceptable, under policy E12 of the 1998 UDP. Where schemes had been refused, the refusal reasons were not based on the principle of backland development, due to the more relaxed nature of the policy in the previous UDP policy (adopted in 1998) and were refused on design.
- 5.12 Where extant permissions existed which could be implemented and were approved prior to 2007 the Council took a pragmatic approach to resubmissions of schemes where it was considered these were an improvement on the extant permissions that could be implemented.
- 5.13 Schemes that were refused permission under the former Policy E12 (1998 UDP) were refused due to the design considerations of the scheme rather than the principle of developing in rear gardens and in those cases if resubmissions were made post adoption of the 2007 policy these would need to be considered against the current development plan in force which resists the principle of backland development in this area unless there are material considerations of significant weight to outweigh that policy (ENV25).
- 5.14 The three most recent approvals for a backland development within the area were at 35A Broom Lane (October 2008), 36A Cornmoor Road (August 2013) and 25 Cornmoor Road (October 2015). The application at 35A Broom Lane was not considered to be further detrimental to the character of the area due to an existing tandem arrangement of dwellings on that specific plot where one dwelling sat behind the other (albeit linked) and where the elongated garden was already subdivided and also where important mature trees and landscaping were being retained. In assessing the application at 36A Cornmoor Road significant weight was offered to the fall back position of a previously approved detached granny annex, it was concluded given the proposed dwelling was *"... almost identical [to the annex] except for the ground floor window arrangement... that the effect of the proposed bungalow on the character and appearance of the area would not be different from that of the previously approved granny annex."* The same view was taken in approving the development at 25 Cornmoor Road given the existence of a certificate of proposed lawful development which allowed the erection of a swimming pool building. In approving the application Officers concluded *'It is considered that the fallback position open to the application is of such material weight that the non-compliance with Policies ENV25 and ENV3 are outweighed in this instance.'*
- 5.15 It is therefore considered that a precedent has not been set for the approval of new schemes submitted since 2007 and although backland development has been allowed, the policy acknowledges this and aims to prevent further detriment to the character of the area.

- 5.16 There was a significant change in circumstance following the refusal of planning application DC/14/00167/FUL at 25 Cornmoor Road. Two separate applications seeking to obtain certificates of lawful development (DC/14/00484/CPL and DC/14/01096/CPL) were submitted. The first application (DC/14/00484/CPL) sought a certificate of lawfulness for the provision of a building required for purposes incidental to the enjoyment of the dwellinghouse, the application was refused and was not subsequently appealed.
- 5.17 The second application (DC/14/01096/CPL) again sought to obtain a certificate of lawful development for the erection of a building required for purposes incidental to the enjoyment of the dwellinghouse. More specifically the application proposed that the structure would be single storey in nature with a footprint of 20 metres by 10 metres, the building would have an eaves height of 2.4 metres and ridge height of 3.5 metres. The building would be located 4 metres and 4.2 metres from the common boundary with the properties to the north and south of the site respectively and 15.3 metres from the boundary with the boundary to the rear.
- 5.18 The proposed detached building would be made up of the following accommodation; a swimming pool, a plant/store, a shower/changing room and a hallway.
- 5.19 It must be noted that a Certificate of Lawfulness application is determined not on the basis of planning policies or material planning considerations, but in accordance with the specific factual matrix and in accordance with all relevant legal principles. Therefore, while it is considered that the erection of such a detached building would undoubtedly have a significant detrimental impact on the application site and the wider area in direct conflict with saved UDP Policy ENV25 this was not material in determining the application for the swimming pool structure.
- 5.20 Once granted, a certificate of lawfulness remains valid for the use or development described in it, on the land it describes, provided there is no subsequent material change in the circumstances. This is clearly set out in Section 192 of the Town and Country Planning Act 1990;  
*"The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness."*
- 5.21 The existence of the above certificate of lawfulness was afforded significant weight in the granting of application DC/15/00969/FUL. However, in assessing all previous planning applications for housing development within the Broom Lane/Whaggs Lane Area of Special Character, Policy ENV25 has been viewed as, and applications determined on the basis of it being a restrictive policy.
- 5.22 In considering the previous appeal (DC/10/01349/FUL) on the current application site the Planning Inspector concluded;

*"The proposal does not strictly conflict with the wording of policy ENV25 which seeks to encourage development that maintains and/or enhances Areas of Special Character. However, when read in conjunction with the supporting justification, it is clear that the intention of the policy is to control development which would damage the character and appearance of the Broom Lane/Whaggs Lane area"*

- 5.23 The Gateshead Placemaking Supplementary Planning Document which has been prepared as an accompaniment to the Local Plan makes specific reference to Broom Lane within Appendix B - Local Character Guidance - 'Place Portraits'. It is stated within the Design Guidance for Broom Lane that the aims of the LPA should be to;
- "Resist backland development within the gardens of existing properties to protect the character and setting of existing properties."*
- 5.24 Further to the above, Policy MSGP24 of the emerging Making Spaces for Growing Spaces DPD (MSGP) continues to identify Broom Lane/Whaggs Lane as an area of special character. The inclusion shows a clear direction of travel indicating a clear intention to continue to protect the Broom Lane/Whaggs Lane Area of Special Character while also confirming that Saved UDP Policy ENV25 remains in compliance with the NPPF.
- 5.25 It is considered that the proposal for the dwelling at the rear in a tandem arrangement would not accord with Policy ENV25 of the current development plan.
- 5.26 Following the grant of the Certificate of Lawfulness (as set out above) significant changes have been undertaken on site; a wall has been erected on site effectively separating the land on which the proposed dwellinghouse would stand from the existing dwellinghouse and its curtilage. In addition, it is understood that the existing dwellinghouse and the land on which the proposed dwellinghouse would stand within different ownership. Based on the above Officers are of the view that the area of land on which the proposed dwelling would be constructed is no longer within the curtilage of 25 Cornmoor Road. The land is now physically separate and distinct from the land on which the existing dwellinghouse stands, the two areas of land are separately enclosed and appear to be in separate legal ownership or comprised in separate legal titles. On this basis, the swimming pool structure would no longer benefit from a deemed planning permission by virtue of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) as amended.
- 5.27 Further, the previously approved planning application (DC/15/00969/FUL) lapsed in November 2018 with no lawful commencement taking place.
- 5.28 It is, therefore, considered that no fallback position exist on the site. It is accepted by officers that the subdivision of the land could be reversed and as such a fallback could be re-established. The Case Law on the issue of fallbacks (R (on the application of Zurich Assurance Ltd) v North Lincolnshire Council [2012] EWHC 3708 (Admin)) is clear.

- 5.29 The judgement states;  
*"The prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fallback position happening is "very slight indeed", or merely "an outside chance", that is sufficient to make the position a material consideration (see Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] EWCA Civ 333 at [20]-[21] per Sullivan LJ). Weight is, then, a matter for the planning committee."*
- 5.30 Therefore, even were a fallback position to be established, as set out above the weight attached to such a fallback is a matter for the decision maker.
- 5.31 In this instance, it is considered that such a fallback position should be attributed little weight, given it is considered that there is no genuine prospect of the (swimming pool building) development coming forward. This view is taken given the site has been subdivided and the dwelling and its curtilage are within separate ownership.
- 5.32 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.'*
- 5.33 As set out above, it is considered that the proposed development would conflict directly with the requirements of saved UDP Policy ENV25, The Gateshead Placemaking Supplementary Planning Document and Policy MSGP24 of the emerging MSGP. In the absence of a fallback position no material considerations exist which would outweigh the presumption to refuse the application based upon its impact on the Broom Lane/Whaggs Lane Area of Special Character.
- 5.34 IMPACT ON THE STREETSCENE AND APPEARANCE OF THE AREA  
The NPPF at Paragraph 124 makes it clear *that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.'* It goes on to make clear that *'good design is a key aspect of sustainable development...'*
- 5.35 Further, Paragraph 130 states that;  
*"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."*

- 5.36 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.37 The proposed dwelling is considered to be of a not dissimilar (in terms of its footprint) to the adjacent properties to the east and south of the application site. The proposed dwelling would create a continuous run of four backland properties. It is considered that the development would undermine the sense that backland housing is only a sporadic feature within the area, while also being prominent and causing a visual intrusion when seen from surrounding properties. It is considered that the proposal would not maintain the essential spacious distinctiveness of the Area of Special Character, contrary to the objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the CSUCP.
- 5.38 It is considered that the proposed development would conflict directly with the requirements of the NPPF saved UDP Policy ENV3 and policy CS15 of the CSUCP.
- 5.39 RESIDENTIAL AMENITY  
It is considered that the proposed development would not lead to any significant impact on residential amenity. The proposed dwelling would be located an acceptable distance from all neighbouring properties. The separation distance between the proposed dwelling and the existing bungalow at 19b is 5.5 metres and the separation distance between the proposed dwelling and the two storey dwelling at 27a Cornmoor Road is 3.5 metres. The property in situ at 27a Cornmoor Road does have windows located in the side elevation, however it is considered that impact would be minimal based upon the scale of the dwelling and the separation distance afforded. The distance to the rear elevation of 16 Whaggs Lane is in excess of 75 metres, due to the length of the property's garden. The front elevation of the proposed dwelling is 48 metres from the rear elevation of 25 Cornmoor Road.
- 5.40 It is considered these separation distances, combined with the orientation of the dwelling ensure that no significant impact would be suffered by neighbouring occupiers.
- 5.41 Further, it is considered that the proposed garage, access and landscaping would have a minimal impact on amenity owing to the minor nature of the operations.
- 5.42 It is not considered that the proposal would have an adverse impact on the amenity of nearby residents and as a result it would comply with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the CSUCP.
- 5.43 HIGHWAY SAFETY

The existing access to the side of 25 Cornmoor Road at its narrowest is 2.44m and at the widest point is 2.85m wide. The drive is bounded by the gable end of the existing dwelling and cannot be widened at this point. The access is not wide enough to accommodate heavy plant and a concern has been raised by neighbours in respect of construction traffic not being able to access the development site with the resultant storage of materials on the footpath on Cornmoor Road. An area for storage of materials could be secured by a planning condition, if the application was approved and if material was stored on the highway this matter could be dealt with through other legislation.

5.44 However, it is proposed to widen the drive to 3.7 metres beyond the existing dwelling. This will include demolition of the existing single storey garage, provision of a replacement single garage and a turning head. This access is also to be used to access the new proposed dwelling.

5.45 The car parking for the existing dwelling and the proposed development is acceptable and the garages can also accommodate the cycle parking requirements.

5.46 Regarding refuse collection, as the new dwelling would be 79m from the public highway, a storage collection area would be necessary. This could be secured by a planning condition.

5.47 LAND CONDITIONS

5.48 Contaminated Land

As the applicant proposes a sensitive end use on the site, a Preliminary Risk Assessment (PRA) was submitted with the application. The historical use of the land was for agricultural purposes prior to residential development on the site and that the site is not within an area identified as potentially contaminated, the Local Planning Authority is satisfied that no further investigation would be required prior to the commencement of development. It is not considered necessary to condition further investigative works beyond those that would be required under the Building Control regime. The development complies with policy CS15 of the CSUCP and policy ENV54 of the UDP.

5.49 Land Stability

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

5.50 The Coal Authority is satisfied with the broad conclusions of the report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority does not object to the proposed application, however it is considered necessary to condition that site

investigation works should be undertaken prior to the commencement of any works.

5.51 The proposed development is therefore considered to be in accordance with the NPPF and policy DC1 of the UDP.

5.52 **PLAY AND OPEN SPACE**

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

5.53 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.

5.54 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

On 1st January 2017 Gateshead Council became a 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. The development is located within a Charging Zone with a levy of £30 per square metre for this type of development.

5.55 **OTHER MATTERS**

Objections also raised the issue of Flood Risk and drainage. The site lies within flood zone 1, an area at least risk of flooding. The surface water is proposed to be disposed of to the mains sewer. The development would increase the area of hard surfacing within the site, however it is considered that this would not lead to a significant increase in surface water and the disposal of water into the mains sewer is considered appropriate.

5.56 It is considered that the application would not result in any significant loss of wildlife habitat and therefore would not lead to any significant impact on any protected species and/or wildlife within the immediate area.

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

## **6.0 CONCLUSION**

6.1 The fundamental issue in determining this application is the principle of back land development in this location. Policy ENV25 and Policy MSGP24 clearly states that the character of the area is defined by long garden plots and that this character has been damaged by schemes approved prior to the adopted UDP or schemes where an extant permission existed prior to adoption.

6.2 It is considered that the proposed development remains in conflict with the NPPF and saved policies ENV3 and ENV25. The proposal would therefore have a detrimental impact on the area of special character. The overriding issue

is the fact that policy ENV25 of the UDP seeks to control and presumes against further backland development within the Whaggs Lane/Broom Lane Area of Special Character.

## 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 proposed dormer bungalow would result in back land development and the subdivision of the existing plot. This would have a detrimental impact on the area of special character, the development would therefore fail to comply with aims and objectives of the NPPF, saved Policies ENV3 and ENV25 of the Unitary Development Plan, the Gateshead Placemaking SPD and Policy MSGP24 of Making Spaces for Growing Spaces DPD.



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# **UPDATE**

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
9 January 2019**

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



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01037/FUL</b>
<b>Site:</b>	<b>25 Cornmoor Road Whickham Whickham NE16 4PU</b>
<b>Proposal:</b>	<b>Erection of detached dwelling in rear garden.</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Recommendation:</b>	<b>Withdraw</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Application has been withdrawn**

**The application has been withdrawn in accordance with the applicant's email of 03 January 2019.**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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**Committee Report**

<b>Application No:</b>	<b>DC/18/01112/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>28 November 2018</b>
<b>Applicant</b>	<b>Mr Barry Watson</b>
<b>Site:</b>	<b>Land To Side And Rear Of Field View Lead Road Greenside Ryton NE40 4JT</b>
<b>Ward:</b>	<b>Crawcrook And Greenside</b>
<b>Proposal:</b>	<b>VARIATION OF CONDITION 1 (approved plans) of DC/15/00700/FUL to allow increase in footprint, repositioning of garage, removal of turret, amendments to roof and alterations to fenestration detailing.</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is an area of garden land to the rear of Fair View and Field View, Greenside, Ryton. The land is bounded by mature planting, hedging and several trees of differing heights and densities. To the north are long gardens that serve the properties of Lister Avenue, to the east is Hollyholme and to the south/west are Field and Fair View. The applicant has begun clearance of the application site.

**1.2 DESCRIPTION OF THE APPLICATION**

The principle of developing the site for residential purposes has been established through the granting of applications DC/08/01327/FUL, DC/12/00627/FUL and DC/15/00700/FUL (the last of which remains extant). The latest approval considered the issues of principle, design, highway safety, residential amenity, ground conditions and open space and play provision. The development, subject to conditions, was considered acceptable in all regards.

1.3 The latest planning application seeks the variation of Condition 1 (Approved Plans) of planning approval DC/15/00700/FUL. The application seeks the omission of a 'turret' detail to the front elevation, proposed to 'flip' the location of the garage and increase the overall footprint of the proposed dwelling.

**1.4 RELEVANT PLANNING HISTORY**

The planning history relevant to the current planning application is summarised as follows;

- DC/06/01109/FUL; Planning permission refused for 'Erection of two storey extension at side of dwellinghouse.' Date; 05 September 2006.
- DC/08/01327/FUL; Planning permission granted for 'Erection of detached dwellinghouse (use class C3) with integral garage on land at rear of existing dwellinghouse (revised application).' Date; 17 March 2009.
- DC/12/00627/FUL; Planning permission granted for 'Erection of detached dwellinghouse (use class C3) with integral garage on land at rear of existing dwellinghouse.' Date; 19 July 2012.
- DC/15/00700/FUL; Planning permission granted for 'Erection of detached dwellinghouse (use class C3) with integral garage on land at rear of existing dwellinghouse (Additional Info Recd 4/11/15).' Date; 22 January 2016.

## **2.0 Consultation Responses:**

Coal Authority                      No objection subject to conditions.

## **3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of five responses (four objections and one representation) have been received from local residents, the responses are summarised as follows;

- The applicant has failed to comply with any planning conditions attached to application DC/15/00700/FUL;
- The submitted tree survey is not sufficiently detailed;
- Insufficient information has been submitted in regard to ground conditions;
- No ecological survey work has been submitted in support of the application;
- The proposal would result in a severe loss of light and would reduce the usability of garden areas;
- The ridge height would appear larger from neighbouring properties;
- The proposal would result in overlooking;
- The proposal does not comply with Green Belt policy;
- The proposal does not provide for wheelchair or lifetime homes;
- A query is submitted as the location of the proposed garage and;
- There are discrepancies between the submitted information and proposed plans.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS14 Wellbeing and Health

CS15 Place Making

GPGSPD Gateshead Placemaking Guide SPG

MSGP Making Spaces for Growing Places

## **5.0 Assessment:**

- 5.1 It is considered necessary to consider the application in regard to changes in site circumstance, planning policy and any implication with regard to the amendment of the planning condition.
- 5.2 **POLICY BACKGROUND**  
The principle of the proposed development has already been considered to be acceptable through the approvals of DC/08/01327/FUL, DC/12/00627/FUL and DC/15/00700/FUL. The principle of residential development on the site has been established and there is still currently an extant planning permission on the site.
- 5.3 The two latest applications were considered under the NPPF (2012) and were considered to be acceptable. Following these approvals an updated NPPF (2018) has come into force and replaces the previous version of the document. Following a review of this document, it is considered that the principle of residential development remains acceptable in principle on the application site.

- 5.4 Further, local planning policy has not changed significantly following the grant of the previous approval. The Unitary Development Plan for Gateshead was adopted in 2007 and the remaining saved policies together with the CSUCP (adopted in 2015) represent a current up-to-date development plan.
- 5.5 **CONDITION 1 (APPROVED PLANS)**  
The key issues to be assessed in relation to this application are the impacts the amendment to Condition 1 would have visually on the appearance of the area and in regard to residential amenity.
- 5.6 **Visual Impact**  
The proposed development would not lead to any significant increase in the scale and/or bulk of the proposed development, as such it is considered that the proposal alterations would have a minimal impact when considered against the original approval. It is considered that the view of Officers in assessing application DC/15/00700/FUL remain valid; it is considered that the screening effect of the existing house would reduce any visual impacts caused by the proposed development.
- 5.7 It is considered that the proposed development accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.
- 5.8 **Residential Amenity**  
In regard to residential amenity, it is considered that the proposed amendments would not result in a significant impact on the amenities of neighbouring occupiers. The application proposes the 'flipping' of the garage location, this amendment results in the addition of additional windows within the front elevation of the premises (serving a living room and a bedroom respectively). It is proposed for these front facing (secondary) windows are proposed to be obscurely glazed; subject to this detail (which could be secured via planning condition) it is considered that the alterations would not give rise to any increased amenity impact.
- 5.9 Further, it is considered that the proposed omission of the 'turret' detailing would not lead to any significant impact on amenity. This view is formed based on the fact the proposal would not significantly impact on window details and therefore overlooking.
- 5.10 Given the minor nature of the footprint increase and increase in bulk, it is considered that this element of the proposal would not lead to any significant impact on the amenities of neighbouring occupiers.
- 5.11 Officers are therefore of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.

## 5.12 CONDITIONS

The current application, given it would grant a new planning consent, allows an opportunity to re-consider the conditions attached to permission DC/15/00700/FUL.

5.13 The applicant has provided additional information in regard to materials, site access and land stability. Based on the information provided it is considered that conditions pertaining to materials and the site access can be omitted from the previous recommendation or amended to reflect the additional information submitted by the applicant.

5.14 Further, the applicant has partially cleared the application site including the removal of several unprotected trees. The submitted information takes account of these changes and the submitted Tree Protection Plan outlines the proposed tree protection on the site; this would require amendment to Conditions 5 (Tree Protection) and 6 (Implement Tree Protection).

5.15 It is considered that Conditions 11 - 15 (all pertaining to land stability) should be re-imposed (as requested by The Coal Authority).

## 5.16 OTHER MATTERS

The application is not located within the Green Belt and as such Green Belt Policy does not apply.

5.17 Given the scale of the proposal neither wheelchair nor lifetime homes policy apply.

5.18 The application site is not considered to be ecologically sensitive, further the site has recently undergone clearance further reducing any potential ecological value. It is therefore not considered necessary for the application to be supported by ecological survey work.

5.19 Issues of ground conditions and trees were considered in the granting of the original application and principle developing the site in regard to these matters has been established.

5.20 It is considered that all other material issues raised by objectors have been addressed within the main body of the report.

## 6.0 CONCLUSION

6.1 Following full consideration of policies contained in the Council's Unitary Development Plan, the CSUSP, national planning policy and all other material planning considerations it is considered that the development should be granted planning permission 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

030 100:04 01

030 100:02 10

030 100:01 08

030 100:03 05

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 21 January 2018.

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials detailed in the materials schedule (dated 28 November 2018.)

Reason

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

4

The windows on the south eastern elevation of the ground floor living room and the southern most first floor bedroom shall be glazed with obscure glass at a level three or greater (in accordance with the levels set by Pilkington) and non opening except at top vent level for the lifetime of the development.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

The Tree Protection Scheme shown on the submitted Tree Protection Measures (revised 29/11/18) shall be implemented prior to the commencement of the development and any works in connection with the development hereby approved and retained as such in accordance with the approved details for the duration of the development and shall not be removed until all equipment; machinery and surplus materials have been removed from the site.

Reason

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

6

Unless otherwise approved in advance and 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 1700 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 the NPPF, saved 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

7

The proposed access shown on approved plan 030 100:04 01 shall be installed in full prior to the first occupation of the dwellinghouse hereby approved, thereafter the access shall be retained as approved for the lifetime of the development.

Reason

In the interests of highway safety and in accordance with policy CS13 of the Core Strategy and Urban Core Plan.

8

The development hereby approved shall not commence until a scheme for intrusive site investigation has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the safety and stability of the proposed development and in accordance with saved policy DC1(p) of the Unitary Development Plan.

9

The scheme approved under condition 8 shall be implemented before the development commences and in full accordance with the approved details.

Reason

To ensure the safety and stability of the proposed development and in accordance with saved policy DC1(p) of the Unitary Development Plan.

10

The development hereby approved shall not commence until a report of findings arising from the intrusive site investigations has been submitted to and approved in writing by the Local Planning Authority.

In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings or to address instability arising from the off-site recorded mine entry or mine gas emissions, a scheme of remedial works shall be included in the above report.

Reason

To ensure the safety and stability of the proposed development and in accordance with saved policy DC1(p) of the Unitary Development Plan.

11

The scheme approved under condition 10 shall be implemented before the development commences and in full accordance with the approved details.

Reason

To ensure the safety and stability of the proposed development and in accordance with saved policy DC1(p) of the Unitary Development Plan.

12

Where remediation is required, following completion of measures identified in the approved remediation scheme, the dwelling 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 the safety and stability of the proposed development and in accordance with saved policy DC1(p) of the Unitary Development Plan.



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**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01112/FUL</b>
<b>Site:</b>	<b>Land to Side And Rear Of Field View Lead Road Greenside Ryton NE40 4JT</b>
<b>Proposal:</b>	<b>VARIATION OF CONDITION 1 (approved plans) of DC/15/00700/FUL to allow increase in footprint, repositioning of garage, removal of turret, amendments to roof and alterations to fenestration detailing.</b>
<b>Ward:</b>	<b>Crawcrook And Greenside</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

Further representations made, and further consultation response received.

***Additional Representations***

Two additional representations have been received and are summarised as follows;

- The proposed increase in the building footprint is not 'minor' as suggested by the Committee Report. The proposal results in a 15% increase in footprint.
- The submitted comparison plans (provided by the applicant) indicate different dimensions than those shown on the original plans e.g. the width of the building is 115mm shorter on the comparison drawing.
- There is discrepancy between the submitted Design and Access Statement and the submitted plans. The Design and Access Statement states the building has been located '*3m from the north west boundary, as suggested by the local authority*' when in fact it is 2.5 metres from the boundary.
- The distance between the proposed development and Field View has been reduced from 10.3 metres to 8.23 metres; this distance should be 21 metres. This amendment would have a dramatic impact on residential amenity for both Field View and further occupiers (owing to the use of obscure glazing).
- The change in roof form (from hip to gable) and heights would again impact on amenity of both Field View and Hollyholme.

- The applicant has not provided sufficient information to allow an informed decision to be made owing to changes in land levels between the site and Field View.
- The objector disagrees that the existing dwellinghouse (at Field View) would have a screening impact owing to the proposed height of the proposed dwellinghouse.
- The developer has breached planning conditions associated with the previous planning approval, specific concern has been raised around;
  - The impact on trees and;
  - The lack of intrusive site investigations.
- The officer report fails to address all objections raised by residents including the ‘overbearing’ nature of the proposal.

Officers are of the view that the information contained within the Committee Report in conjunction with the proposed plans provides sufficient information to allow the determination of the application. Further, it is considered that the description of the increase in the building footprint as ‘minor’ is appropriate in the context of the amendments proposed.

Officers are of the view that the submitted comparison plans are sufficiently accurate and fit for purpose, the plans will not be included within the list of approved documents.

Discrepancies between the submitted Design and Access Statement and plans is not material, the assessment has been made based on the submitted plans. The separation distance of 2.5 metres between the proposed dwelling and the north west boundary is acceptable.

In assessing the previous application (DC/15/00700/FUL), Officers acknowledged the separation distances between Field View;

*“The separation distance of between 10.3m and 13.5m to the rear of Field View doesn’t meet the Council’s Household Design Guidance relating to two-storey extensions, given the change in land levels. However these figures form only guidance and ultimately each case must be considered on its own merits against adopted policy.”*

However, it was concluded given the orientation of the dwellings, the nature of the windows proposed and scale of the proposal that amenity would not be impacted to an unacceptable degree. Officers have considered the amended scheme in the same context and the proposed amendments are not considered not to impact to a degree which would warrant refusal of the application.

The amendment to the roof design has been considered within the wider assessment of the proposal. It is not considered that this amendment either on its own or cumulatively would impact to an unacceptable degree on any neighbouring property.

While limited information on land levels has been provided, based upon the submitted plans and site visits conducted by officers, it is considered sufficient information is available to allow a full and considered assessment of the proposal to be made.

Officers disagree that any breach of planning conditions has occurred. While site clearance works have been undertaken these works fall outside of the scope of the original application. Further, the applicant has submitted sufficient information (in support of the current application) in regard to the site access, tree protection and land stability.

Regarding contaminated land, it is recommended by officers that an additional planning condition be added to the recommendation. The condition should require the submission of a site investigation and (where necessary) a remediation strategy if any contaminated material is found during the development of the site.

It is the view of officers that all material planning considerations raised by objectors were addressed within the body of the Committee Report.

#### *Additional Consultation Response*

Further to paragraph 2.0 of the Committee Report the Coal Authority have amended their consultation response. Their view is that sufficient information has been submitted in regard to coal mining legacy issues.

As such, it is considered that the recommendation should be amended so that Conditions 8 – 12 will either be removed or become compliance conditions (as opposed to requiring the submission of further information).

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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### Committee Report

<b>Application No:</b>	<b>DC/18/01012/BPIP</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>5 October 2018</b>
<b>Applicant</b>	<b>Gateshead Council</b>
<b>Site:</b>	<b>Former Chase Park Depot Off Rectory Lane Whickham</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Proposal:</b>	<b>Permission In Principle for residential development of between 1 and 6 dwellings.</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Permission in Principle</b>

### 1.0 The Application:

#### 1.1 BACKGROUND

##### Permission in Principle and Technical Details Consent Route

- 1.2 The Permission in Principle (PIP) consent route is an alternative way of obtaining planning permission which separates the consideration of matters of principle for proposed development from the technical details of the development. The PIP route has 2 stages: the first stage, or 'permission in principle' stage, establishes whether a site is suitable in-principle for residential development, and the second 'technical details consent' (TDC) stage is when the detailed development proposals are assessed.
- 1.3 The combination of a PIP and a subsequent TDC means that the site has an implementable planning permission.
- 1.4 PIP does not consider the details of a particular scheme and simply establishes the principle of residential-led development on a site and the number of dwellings that the site can accommodate (in a similar way to an outline planning application).
- 1.5 The scope of PIP is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the PIP stage. Other matters should be considered at the TDC stage. Once PIP is granted these issues cannot be re-considered at TDC stage.
- 1.6 No planning conditions or planning obligations can be attached to a PIP. However, LPAs can inform applicants about what they expect to see at the TDC stage, where conditions can be imposed.
- 1.7 Additionally, it should be noted that if a PIP is granted, a TDC application could still be refused if it is unacceptable.

### Type of PIP application

- 1.8 LPAs can grant PIP to a site upon receipt of a valid application (from an external applicant), or by entering a site in Part 2 of its brownfield land register, which would trigger a grant of permission in principle for that land.
- 1.9 This application seeks to include the site in Part 2 of the Brownfield Land Register as land allocated for residential development.
- 1.10 A Brownfield Land Register is made up of two parts. Part 1 of a Brownfield Land Register is a list of sites that an LPA consider to be appropriate for residential or residential-led development.
- 1.11 If a site is included on the Brownfield Land Register, the Town and Country Planning (Permission in Principle) Order 2017 (15th April 2017) allows an "in principle" permission to be granted on sites, and would form Part 2 of the register. This means that a site would be granted PIP for residential or residential-led development subject to the number and scale of development that the Council considers to be appropriate.
- 1.12 Where PIP is granted through allocation on the Brownfield Land Register, the default duration of that permission is 5 years. Applications for TDC must be determined within the 5 year or amended period.
- 1.13 DESCRIPTION OF SITE  
The site is to the north of Chase Park and Wickham and was used as a council depot and store for the park, as well as an adult day care centre. The existing structures on site are a former maintenance depot and store (including storage land to the south west of the site), a former adult day centre (at the northern part of the site) and an old stable block. The buildings are vacant and in poor condition.
- 1.14 There is an existing access point at the western end of the site via Rectory Lane, and this also serves as a pedestrian link to the park further south.
- 1.15 The site is within Wickham Conservation Area and within Chase Park Locally Listed Park and Garden.
- 1.16 The site is already included on Part 1 of the Brownfield Land Register and is also proposed to be allocated for residential development in the Making Spaces for Growing Places (MSGP) Local Plan Document.
- 1.17 DESCRIPTION OF APPLICATION  
This application seeks to include the site in Part 2 of the Brownfield Land Register as land allocated for residential development. If the land is included in Part 2 of the Register it will be granted permission in principle, which establishes the suitability in principle for housing development. The Council consider that the number of dwellings which the land is capable of supporting is between one and six dwellings.

- 1.18 This application is to be considered against location, land use and amount of development only. Neither planning conditions nor planning obligations can be attached to a PIP.
- 1.19 The application is supported by a location plan of the site, a development framework (giving detail of the proposal site, constraints and surrounding area), and indicative layouts for the site, setting out how the number of dwellings could in theory be accommodated.
- 1.20 The submitted development framework indicates the area of proposed residential development and suggests the potential for retention and conversion of the building in the south eastern part of the site.
- 1.21 The framework also indicates that the existing vehicular access via Rectory Lane could be retained, and that there is potential for additional pedestrian access from Front Street to the north east. Additionally, there is reference to rights of access and parking space for a park maintenance vehicle and right of access for pedestrians.
- 1.22 RELEVANT PLANNING HISTORY

1008/93 - Change of use of part of Leisure Services Department depot to day centre, installation of 2 entrance doors and construction of access ramp with canopy above - Granted 03.12.1993

DC/15/00323/FUL - Improvements to Chase Park including works to entrances and replacement of enclosures - Granted 29.05.2015

## 2.0 Consultation Responses:

Coal Authority	Request consultation at TDC stage and confirmation that a risk assessment should be submitted with a TDC application
Northumbrian Water	Advice provided
Tyne And Wear Archaeology Officer	Advice provided

## 3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures in the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- 3.2 Three objections have been received from Councillor Peter Maughan, Councillor Kevin McClurey and Councillor Peter Craig, raising concerns regarding:

- The use of the site, and specifically that this should be used for leisure purposes only;
- The sale of the site.

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

H5 Housing Choice

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV19 Locally Listed Parks and Gardens

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV23 Building Recording

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

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 This application is to be considered against location, land use and amount of development.

### **5.2 LOCATION**

The site is within Whickham Conservation Area (as defined by saved policy ENV7 of the UDP) and within Chase Park Locally Listed Park and Garden (as defined by saved policy ENV19 of the UDP). Additionally, the western edge of the retail centre (as defined by saved policy RCL5 of the UDP and policy CS7 of the CSUCP) is immediately north of the site.

5.3 Whickham Front Street has a mix of commercial and residential properties on it, with the latter mainly being set back from the road. In this location on Front Street there are also existing examples of dwellings located on streets/areas behind the main retail centre frontage, for example, at Chase Court, Church Chare and School Lane.

5.4 The village core has a quasi-rural character, which is enhanced by Chase Park and the grounds of the former Rectory (now a medical centre) presenting a frontage of tall trees to one side of Front Street through the centre of the village.

5.5 Precise details of appearance and layout of the proposed residential development in relation to the character of the location/area would be considered at TDC stage. However, at this stage it is considered that a suitably scaled, designed, laid out and landscaped development could be achieved at the technical details stage which would be acceptable in terms of the impact on the character and appearance of the locality, in accordance with saved policies ENV3, ENV7 and ENV19 of the UDP, and policy CS15 of the CSUCP.

5.6 As the site is within Whickham local centre it is well placed for access to a variety of shops and services within walking distance. The area is also well served by public transport and at this stage, the LPA is satisfied that the development would be sustainable in transport terms. It is considered that suitable details could be provided at TDC stage that would be acceptable in terms of access (including that for park maintenance), highway safety, and have adequate parking provision, in accordance with policy CS13 of the CSUCP.

5.7 Additionally, given the site is in the Conservation Area, trees on site would have a level of protection, and the site is also within an area sensitive to bats, so appropriate levels of detail relating to the impacts on trees and ecology should be submitted for consideration at TDC stage. It is considered that schemes/details could be provided at TDC stage that would be acceptable in terms of tree and ecological protection/mitigation, in accordance with saved policies DC1(d), ENV44, ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

- 5.8 In terms of archaeology, the site lies within an area of archaeological interest where development could encounter remains. Given the location of the site within the medieval village and the relatively undisturbed nature of the site, evaluation and building recording (of the stable block, as it is the only surviving building associated with Wickham House) would be matters considered at TDC stage. It is considered that schemes/details could be provided at TDC stage that would be acceptable in terms of archaeology, in accordance with saved policies ENV21, ENV22 and ENV23 of the UDP.
- 5.9 The site is within a Coal Authority defined high risk area and a risk assessment would need to be carried out relating to land stability. This would be required at TDC stage. It is considered that the development could be carried out safely without unacceptable risks to land stability, in accordance with saved policy DC1(p) of the UDP and policy CS14 of the CSUCP.
- 5.10 Furthermore, in terms of drainage, it is considered that adequate means of foul and surface water drainage could be provided for the site at the technical details stage where the risk of surface water flooding to the surrounding area would not be increased, and the risk of pollution to the surrounding environment minimised. This would be in accordance with policy CS17 of the CSUCP.
- 5.11 In terms of the location of the site in the north western end of Chase Park, redevelopment of the site would discourage further vandalism in this location and augment the appearance of the currently vacant site. Furthermore, detailed consideration of access to the park would be dealt with at TDC stage and it is considered that a suitable scheme to address this could be achieved at TDC stage.
- 5.12 At this PIP stage, the LPA is satisfied that in terms of its location the site would be appropriate for residential development.
- 5.13 LAND USE  
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.'

- 5.14 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.
- 5.15 As above, at this stage the LPA is satisfied that the development, would be sustainable. The additional requirements of policy H4 are addressed elsewhere in this report.
- 5.16 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area being suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms. The scheme proposes between one and six dwellings but the application does not confirm how many bedrooms each would have. The policy requirement is a plan wide target and the submitted indicative layout provides reasonable evidence that the proposal would contribute to this objective. It is considered that an appropriate scheme to contribute to this target could be achieved at TDC stage, in accordance with the relevant parts of these policies.
- 5.17 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." The arrangement/layout of the site is not known at this stage, however it is considered that a scheme providing adequate internal and external space could be achieved at TDC stage, in accordance with this policy.
- 5.18 Similarly, it is considered that a suitable detailed scheme of development could be achieved at the TDC stage that would provide future occupants of the proposed dwellings with an acceptable degree of residential amenity, and would be acceptable in terms of its impact on the residential amenities of neighbouring properties, in accordance with saved policies DC2
- 5.19 Furthermore, given the proposed sensitive end use of the site, the potential for contaminated land and its treatment would need to be considered. It is considered that the risks from land contamination to future users of the land and neighbouring properties would be appropriately controlled, and that the development could be carried out safely without unacceptable risks to workers, neighbours, and other receptors, in accordance with saved policies DC1(p) and ENV54 of the UDP and policy CS15 of the CSUCP.
- 5.20 At this PIP stage, the LPA is satisfied that in terms of land use the site would be appropriate for residential development.
- 5.21 AMOUNT OF DEVELOPMENT  
The application proposes residential development of between one and six dwellings. It is considered that this would be appropriate and that a suitable

scale and layout could be achieved at the TDC stage that would be acceptable in terms of the density of development and its impact on the character and appearance of the area, in accordance with saved policies ENV3, ENV7 and ENV19 of the UDP, and policy CS15 of the CSUCP.

5.22 At this PIP stage, the LPA is satisfied that in terms of the amount of development proposed, the site would be appropriate for residential development.

5.23 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 housing related. The development is located within Charging Zone B, with a levy of £30 per square metre for this type of development.

5.24 OTHER MATTERS

The sale of land is not a planning matter.

**6.0 CONCLUSION**

6.1 It is considered that a suitable detailed scheme of development could be achieved at the subsequent TDC stage which would be acceptable in terms of its impact on the character and appearance of the area, the residential amenities of existing neighbours and future occupants, access requirements, highway safety and parking, flood risk, heritage assets, and the environment of the surrounding area.

6.2 On consideration of the above, the inclusion of the site in Part 2 of the Brownfield Land Register as land allocated for residential development would be acceptable and it is recommended that Permission in Principle be granted.

6.3 It is also recommended that an informative be attached to the permission advising the developer on matters that would be addressed in the TDC application.

**7.0 Recommendation:**

That Permission in Principle be GRANTED and the following informative be attached to the permission.

7.1 MATTERS FOR TECHNICAL DETAILS CONSENT APPLICATION

The following wording is recommended to be attached as an informative to advise the developer on matters that would be addressed in the TDC application.

7.2 'Please be advised that the following matters would be addressed in the TDC application (please note this is not necessarily an exhaustive list but guidance on the details considered at TDC stage):

### 7.3 Appearance

Development should accord with the special architectural and visual qualities and characteristics of the Conservation Area. New buildings should be designed with reference to their surroundings and the design should have regard to the arrangement of plots, plan forms and the bulk, height, colour and design of buildings. Where modern materials are used that they blend in with those used traditionally in the locality. Special regard will be taken of their colour, texture and detailing.

7.4 Ideally the old stable block at the south east of the site, would be retained for conversion. This would help to link the development back to some of the heritage of the area. If the stable block is proposed to be removed, an explanation within an heritage statement should be submitted in the TDC application.

### 7.5 Highway Safety and Parking

Indicative plans show retention of the existing permeability from a pedestrian and park maintenance point of view, which is welcomed, as it also allows for a certain amount of natural surveillance. Consideration would need to be given to maintaining the access and regarding times when the park is closed.

7.6 Particularly in relation to the pedestrian access to the park, consideration should be given to the existing street lighting arrangement on the access road and its retention and/or improvement.

7.7 Refuse collection would need to be considered. Consideration would need to be given to whether the access road would be a private driveway, whether refuse vehicle(s) would enter the site, and how these would be accommodated for turning etc.

7.8 Council standards for car parking provision for this type of development is between 1 and 2 spaces per property for residents and between 1 space per 3 to 4 properties for visitors.

7.9 Consideration should be given to the provision of secure and weatherproof cycle parking for residents and electric car charging.

### 7.10 Ground conditions

The site is within a Coal Authority defined high risk area and a coal mining risk assessment would need to be carried out relating to land stability and submitted with the TDC application.

7.11 Given the proposed sensitive end use of the site, the potential for contaminated land and its treatment would need to be considered. A Preliminary Risk Assessment should be submitted with a TDC application.

### 7.12 Trees

The site is in the Conservation Area and as such trees on site would have a level of protection. An Arboricultural Impact Assessment should be submitted with a TDC application.

### 7.13 Ecology

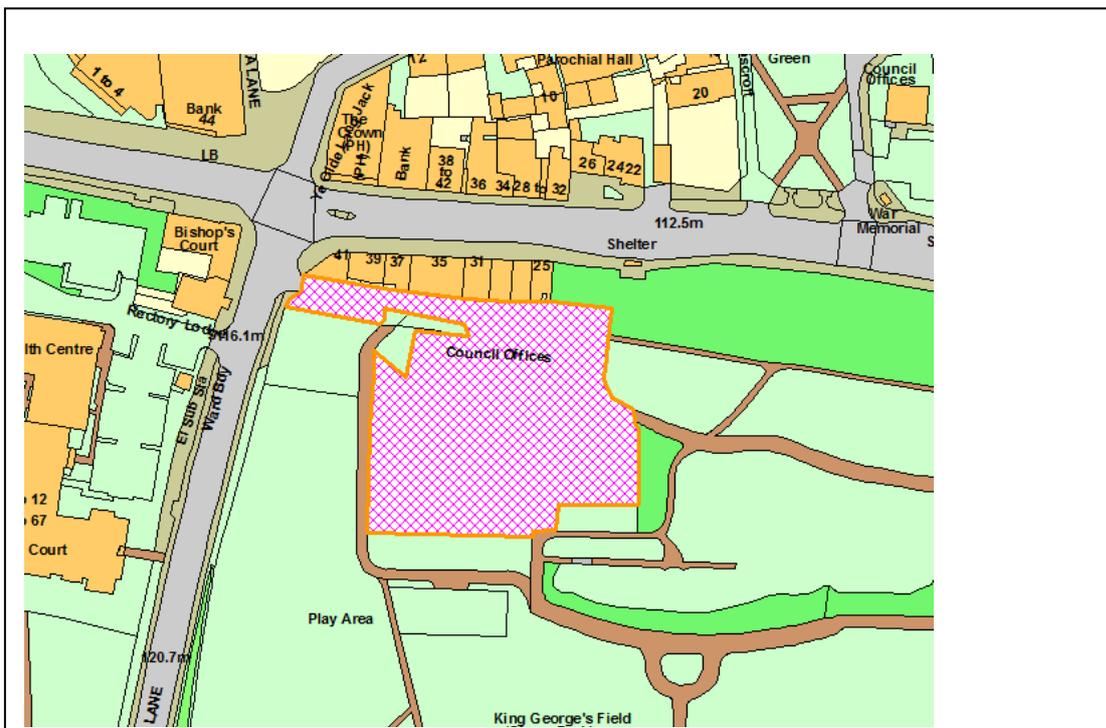
An appropriate level of ecological survey and assessment, including as a minimum an appropriate level of bat survey undertaken by a suitably qualified and experienced ecologist in accordance with the Bat Conservation Trust Bat Surveys Good Practice Guidelines (3rd Edition) should be submitted with a TDC application. Additionally, where impacts on biodiversity are predicted, appropriate mitigation/compensation would be required to be submitted.

### 7.14 Flood Risk

The disposal of foul and surface water would be considered at TDC stage.

### 7.15 Archaeology

The site lies within an area of archaeological interest where development could encounter remains. Given the location of the site within the medieval village and the relatively undisturbed nature of the site, evaluation and building recording (of the stable block, as it is the only surviving building associated with Whickham House) would be matters considered at TDC stage.'



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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 9 JANUARY 2019:

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

<b>Application ref.</b>	<b>Nature of proposed development</b>	<b>Location of proposed development</b>	<b>Decision</b>	<b>Ward</b>
DC/18/00694/COU	Continued use of temporary car park on site of former Ciborio Ltd (Renewal of temporary permission DC/15/00722/COU)	Site Of Former Ciborio Ltd, Hawks Road,	Temporary permission granted;	Bridges
DC/18/00914/HHA	Single storey extension to the north, south and west elevation	Holly House , Fellside Road,	Granted;	Whickham South And Sunnside
DC/18/00982/HHA	Single storey side and rear extension	13 Berkley Avenue, Blaydon,	Granted;	Blaydon
DC/18/00935/HHA	Dormer window to rear	11 Pinewood Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/18/00968/HHA	Single storey rear and front extension and creation of off street parking.	102 Dryden Road, Low Fell,	Granted;	Low Fell

DC/18/01018/LBC	Re-covering existing roof with new tiles	5 Barrington Place, Gateshead,	Granted;	Lobley Hill And Bensham
DC/18/01034/HHA	Single storey side and rear extension	47 Otterburn Gardens, Gateshead,	Granted;	Low Fell
DC/18/01024/FUL	External Wall Insulation and render to be applied to properties and addition of replacement felt roofing to outhouse roofs, plus new rainwater goods and fascia boards to match existing, new roof covering to 45 The Drive	Nos. 34, 38, 43, 45, 61, 67 The Drive And 9, 11,17, 27, 35 Southfield Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/01025/FUL	Application of external Wall Insulation and Render and addition of new felt roofing to outhouse roofs, plus installation of new rainwater goods and fascia boards	36, 53, 55, 57 Cromwell Avenue And 26, 28, 30, 32, 38, 48, 50, 52, 54, , 56, 73 Tynebank, Winlaton,	Granted;	Blaydon
DC/18/01027/FUL	Erection of two new seven bed residential care service units for children and young people with specialist needs.	Hillside Grange , Sunderland Road,	Granted;	Felling

DC/18/01040/COU	Change of Use from A4 (drinking establishment) to A3 (restaurant and cafes)	Former Champagne Bar, Upper Platinum Mall,	Granted;	Whickham North
DC/18/01110/HHA	Two storey side and single storey rear extension	24 Grange Lane, Whickham,	Granted;	Whickham South And Sunnside
DC/18/01062/HHA	Two storey side extension.	102 Greenford, Kibblesworth,	Granted;	Lamesley
DC/18/01063/HHA	Installation of a metal mesh landing area level with doorways plus the creation of a level and graded paved area to marry metal mesh landing area with public highway so-as to allow disabled access to and from property.	76 Ashford, Allerdene,	Granted;	Chowdene
DC/18/01068/HHA	Proposed brick wall to north and south boundaries	36 Grange Crescent, Leam Lane Estate,	Granted;	Pelaw And Heworth
DC/18/01071/HHA	2.2m tall brick wall along the northern boundary to border existing balcony area above single storey extension (retrospective)	Dalston House, 29 Dene Avenue,	Granted;	Chopwell And Rowlands Gill
DC/18/01072/COU	Change of use from Sui Generis to Use Class A3	12 High Level Parade, Wellington Street,	Granted;	Bridges
DC/18/01104/HHA	Single storey rear extension	13 West View, Clara Vale,	Granted;	Crawcrook And Greenside

DC/18/01076/HHA	Proposed part-single, part-two storey rear extension, with accessible entrance and disabled ramped access to the rear	104 Broadway, Carr Hill,	Granted;	Deckham
DC/18/01077/FUL	Erection of steel framed Cow Byre	Broomfield Farm , Clayton Terrace Road,	Granted;	Chopwell And Rowlands Gill
DC/18/01079/FUL	Render, replacement front windows and addition of three new rooflights to existing front extension	53 Naylor Avenue, Winlaton Mill,	Granted;	Winlaton And High Spen
DC/18/01128/HHA	Proposed single storey front extension to replace existing extension	88 Church Road, Gateshead,	Granted;	Low Fell
DC/18/01080/HHA	Proposed single storey front and rear extension, and footpath to front	4 Stileford, Leam Lane Estate,	Granted;	Pelaw And Heworth
DC/18/01081/HHA	Proposed single storey side extension	11 Ellerton Way, Felling Central,	Granted;	Deckham
DC/18/01083/COU	Change of use from a Jobcentre (A2) to a Childrens Role Play centre (D2) with cafe as an ancillary use	Former Felling Job Centre, 31 High Street,	Granted;	Felling
DC/18/01084/HHA	Demolition of existing single storey side extension and replace with two storey side extension. Removal of external signage.	Cross House , 35 Cross Keys Lane,	Granted;	Low Fell

DC/18/01096/COU	Change of Use of the first floor from a beauty salon (sui generis use) to two, one bedroomed flats (C3 use) and associated external alterations	First Floor, 28A Harraton Terrace,	Granted;	Birtley
DC/18/01086/HHA	Single storey extension to the rear	36 Spen Burn, High Spen,	Granted;	Winlaton And High Spen
DC/18/01089/HHA	Single storey rear and side extension	19 Crossfield Park, Felling,	Granted;	Windy Nook And Whitehills
DC/18/01134/HHA	Single storey rear extension	16 Shrewsbury Street, Gateshead,	Granted;	Dunston Hill And Whickham East
DC/18/01090/HHA	Rear sun lounge extension and first floor rear dormer bedroom	34 Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/01106/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front door of domestic property. The laying of new concrete to marry modular ramp in with and widen existing pathway	7 Chapel Close, Kibblesworth,	Granted;	Lamesley
DC/18/01129/HHA	Single storey rear extension	11 Burns Close, Whickham,	Granted;	Whickham North

DC/18/01109/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front door of domestic property. The laying of new concrete and edging to widen existing pathway.	31 Rugby Gardens, Wrekenton,	Granted;	High Fell
DC/18/01143/HHA	Single storey side extension	67 Slaley Close, Felling,	Granted;	Wardley And Leam Lane
DC/18/01122/HHA	The removal and disposal of the existing non compliant steel access ramp followed by the supply and installation of a new modular metal mesh access ramp from front door of domestic residence.	10 Greenbank, Winlaton,	Granted;	Blaydon
DC/18/01123/HHA	Porch and 2 velux windows to front, installation of lantern roof to existing extension, bifold doors, 4 velux windows and french doors to rear (as amended 06.12.2018)	3 Whickham Park, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/01124/HHA	New single story Sukkah extension to rear of property	12 Richmond Terrace, Bensham,	Granted;	Saltwell
DC/18/01152/HHA	Proposed pitched roof dormer and Velux window to front roof slope, flat roof dormer to rear roof slope, first floor rear extension and single storey Succah rear extension	34 Lincoln Street, Gateshead,	Granted;	Bridges

DC/18/01142/COU	Change of use from office (B1) to taxi booking office with no public access (operating from room 6s only) (sui generis)	6S Pinetree Centre (First Floor), Birtley,	Granted;	Birtley
DC/18/01137/ADV	Display of various non-illuminated signs within Saltmeadows Industrial Estate	Saltmeadows Industrial Estate , Land South Of Saltmeadows Road,	Temporary permission granted;	Bridges
DC/18/01140/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front door of domestic property. The laying of new paving to replace damaged/uneven paving to marry access ramp in with public footpath.	6 Allerdene Walk, Whickham,	Granted;	Whickham North
DC/18/01159/OHL	Installation of overhead line pole at Ricklees Farm	Ricklees Farm, Spen Lane,	Observations	Crawcrook And Greenside
DC/18/01160/HHA	Single storey rear extension	The Poplars, 78 Windy Nook Road,	Granted;	Windy Nook And Whitehills
DC/18/01168/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The laying of new concrete to widen existing pathway	119 Garden House Estate, Crawcrook,	Granted;	Crawcrook And Greenside

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**TITLE OF REPORT: Enforcement Team Activity**

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

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**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 28.11.18 and ending 12.12.18, the enforcement team has received **52** new service requests:

Type of complaint	Cases under investigation	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
<b>PLANNING</b>	380	12	4	8	2
<b>HIGHWAYS</b>	220	12	5	11	0
<b>WASTE</b>	570	28	18	17	47
<b>TOTALS</b>	1170	52	27	36	49

**COURT HEARINGS**

The Enforcement Team attended **five** Court Hearings, **three** of which were finalised, resulting in **£406** fines and **£400** costs

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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**

**9 January 2019**

**TITLE OF REPORT: Enforcement Action**

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

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**Purpose of the Report**

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

**Background**

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

**Recommendations**

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

**1. FINANCIAL IMPLICATIONS**

Nil.

**2. RISK MANAGEMENT IMPLICATIONS**

Nil.

**3. HUMAN RESOURCES IMPLICATIONS**

Nil.

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil.

**6. SUSTAINABILITY IMPLICATIONS**

Nil.

**7. HUMAN RIGHTS IMPLICATIONS**

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

**8. WARD IMPLICATIONS**

Birtley, Bridges, Blaydon, Pelaw & Heworth, Chowdene, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Windy Nook And Whitehills, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

**9. BACKGROUND INFORMATION**

Nil.

## APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	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 29 <sup>th</sup> 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 <sup>th</sup> Sep 2018	A site visit was undertaken in October where it was evident that the land has not been cleared and additional scrap had been brought on to the site. A further prosecution file is currently with the Councils legal department.
4.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unightly Land	19 <sup>th</sup> October 2017	19 <sup>th</sup> October 2017	23 <sup>rd</sup> November 2017	4 <sup>th</sup> 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 <sup>th</sup> 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 <sup>TH</sup> November 2017	29 <sup>th</sup> November 2017	29 <sup>th</sup> November 2017	26 <sup>th</sup> 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 <sup>th</sup> 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.  A letter has been sent to the developer, from the Councils Legal Department asking them to consider erecting a secure hoarding to prevent continued visual impact on the amenity of the area and to protect the site from unauthorised access.

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
								A written response dated 22 <sup>nd</sup> November 2018 has been received from Gleasons.
6.A	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 <sup>th</sup> January 2018	12 <sup>th</sup> January 2018	16 <sup>th</sup> February 2018	16 <sup>th</sup> 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	27 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> April 2018	<p>Despite communication with the occupiers and owners of the site, conditions relating to planning permission DC/12/01266/MIWAS have not been discharged.</p> <p>Notice served in relation to breach of condition 12 to require submission of a noise monitoring scheme for all restoration activities. A Consultant has been employed by the owner and occupiers of the site to address the issues contained within each of the Notices. The Consultant is currently working with the Council to secure compliance.</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted.</p>
8.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> April 2018	<p>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</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p>
9.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> April 2018	<p>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</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p>
10.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> April 2018	<p>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</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p>
11.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> April 2018	<p>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</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p>

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
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
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 <sup>th</sup> June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.

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
20.	25 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10 <sup>th</sup> August 2018	10 <sup>th</sup> August 2018	14 <sup>th</sup> September 2018	12 <sup>th</sup> 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.
21.	27 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10 <sup>th</sup> August 2018	10 <sup>th</sup> August 2018	14 <sup>th</sup> September 2018	12 <sup>th</sup> 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 <sup>rd</sup> September 2018	03 <sup>rd</sup> September 2018	5 <sup>th</sup> October 2018	30 <sup>th</sup> 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  Given the potential bat roost, Natural England will not issue a licence for the roost to be destroyed until after the hibernation period which is November to March.
23.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05 <sup>th</sup> September 2018	05 <sup>th</sup> September 2018	5 <sup>th</sup> October 2018	30 <sup>th</sup> 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.  Following a site visit on the 19 <sup>th</sup> November, a scope of works should be submitted by the developer no later than the 30 <sup>th</sup> November. Quotes however are being sought for the demolition of the property in preparation that the information is not forthcoming.  <b>Scaffolding has been erected and works are commencing to bring the building back into use.</b>
24.	3 Charlton Villas, Greenside, Ryton NE40 4RR	Crawcrook and Greenside	Untidy Land	18 <sup>th</sup> October 2018	18 <sup>th</sup> October 2018	15 <sup>th</sup> November 2018	13 <sup>th</sup> 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. <b>A site visit has been arranged to check compliance of the notice.</b>
25.	321 And 323 Rectory Road Bensham Gateshead NE8 4RS	Saltwell	Unauthorised change of use	7 <sup>th</sup> November 2018	7 <sup>th</sup> November 2018	11 <sup>th</sup> December 2018	8 <sup>th</sup> January 2019	Complaints have been received regarding the use of a dwelling as a House of Multiple Occupation (HMO). A previous planning application was refused for the change of use and the subsequent appeal dismissed; therefore, an Enforcement Notice has been issued requiring the use of the property as an HMO to cease. <b>An appeal has been received but no start date has been given yet.</b>

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
26.	North Side of Barlow Road, Barlow, Bladon on Tyne	Winlaton and High Spen	Untidy Land	10 <sup>th</sup> December 2018	11 <sup>th</sup> December 2018	15 <sup>th</sup> January 2019	29 <sup>th</sup> January 2019	Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the upvc doors and window frames be removed from the site.



**TITLE OF REPORT:** Planning Appeals

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

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**Purpose of the Report**

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

**New Appeals**

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

DC/18/00623/FUL - The Chopwell, Derwent Street, Chopwell, NE17 7AA  
Change of use from public house to twelve assisted living units (use class C3)  
(description amended 07/09/18)  
This application was a committee decision refused on 28 September 2018.

DC/18/00964/FUL - Hollinhill Lane/High Thornley, Rowlands Gill  
Temporary siting of equestrian worker's caravan  
This application was a delegated decision refused on 13 November 2018

DC/18/00958/TPO – Woodlands, Derwent Avenue, Rowlands Gill, NE39 1BZ  
This application was a delegated decision refused on 9 November 2018.

**Appeal Decisions**

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

**Appeal Costs**

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

**Outstanding Appeals**

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

**Recommendation**

6. It is recommended that the Committee note the report

**Contact: Emma Lucas Ext: 3747**

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

**WARD IMPLICATIONS**

Various wards have decisions affecting them in Appendix 3.

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate

**APPENDIX 2**

**OUTSTANDING APPEALS**

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
DC/17/00473/HHA	17 Limetrees Gardens Low Fell Gateshead NE9 5BE	First floor extensions to side and rear	Written	Appeal in Progress
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/18/00064/HHA	8 Woodbine Terrace Bensham Gateshead NE8 1RU	Erection of two storey extension and single storey extension to rear of terraced property (as amended 22.03.2018)	Written	Appeal in Progress
DC/18/00069/LBC	8 Woodbine Terrace Bensham Gateshead NE8 1RU	LISTED BUILDING CONSENT: Erection of two storey rear extension, single storey rear extension and internal alterations (as amended 22.03.2018)	Written	Appeal in Progress
DC/18/00230/HHA	14 Saltwell View Bensham Gateshead NE8 4JS	Replace timber framed sliding sash windows with white grain uPVC in ground floor and 1st floor bay windows, 1st floor window above front door, and front dormer window (description amended 30.05.18)	Written	Appeal in Progress

DC/18/00440/TPO	9 Axwell Park Road Axwell Park Blaydon NE21 5NR	Felling of one Sycamore tree in garden of 9 Axwell Park Road.	Written	Appeal in Progress
DC/18/00623/FUL	<b>The Chopwell Derwent Street Chopwell NE17 7AA</b>	<b>Change of use from public house to twelve assisted living units (use class C3) (description amended 07/09/18)</b>	Written	<b>Appeal in Progress</b>
DC/18/00964/FUL	Hollinhill Lane/High Thornley Rowlands Gill	Temporary siting of equestrian worker's caravan	Written	Appeal in Progress
DC/18/00958/TPO	Woodlands Derwent Avenue Rowlands Gill NE39 1BZ	Tree works at Woodlands, Derwent Avenue, Rowlands Gill	Written	Appeal in Progress



**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

9 January 2019

**TITLE OF REPORT: Planning Obligations**

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

**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 has been **one** new payment received in respect of planning obligations:

DC/17/01168/FUL - £22,000 paid to facilitate undertaking of off-site ecological compensatory works to create area of replacement habitat.

Land To The East Of Marigold Avenue, Gateshead

Proposed erection of 41 dwellings with associated open space, landscaping and infrastructure.

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 9 January 2019.

**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



**TITLE OF REPORT:** Community Infrastructure Levy Annual Report

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

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**1. Purpose of the Report**

1.1 To update members on the money received and expended following the introduction of the Gateshead Council Community Infrastructure Levy Charging Schedule. This is the first CIL annual report and covers the period from 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018.

**2. Background**

2.1 The Gateshead Council Community Infrastructure Levy (CIL) Charging Schedule was adopted on the 10<sup>th</sup> November 2016 and the charge was implemented from the 1<sup>st</sup> January 2017, meaning any planning applications determined on or after the 1<sup>st</sup> January 2017 may therefore be subject to CIL.

2.2 The money raised through the Community Infrastructure Levy will help to pay for infrastructure required as a result of growth in Gateshead, as set out in the Regulation 123 List. This includes primary schools, strategic transport and green infrastructure.

**3. Allocation of CIL**

3.1 CIL income is required to be allocated as follows:

- 5% towards the implementation and ongoing administration by Gateshead Council.
- 15% of levy receipts will be passed to Parish Councils (Lamesley Parish), Wards (Neighbourhood Portion) where the development that paid CIL will take place. This can be used for the provision of local infrastructure improvements or other measures to support the development of the area.
- 80% of CIL is to be applied to strategic infrastructure as identified within the Regulation 123 List.

**4. Reporting**

4.1 The Community Infrastructure Regulations 2010 (as amended) – Regulation 62(4) require a Charging Authority to report for the financial year (1 April 2017 – 31<sup>st</sup> March 2018) on:

- a) Total CIL receipt for year<sup>1</sup> - £103,058.26
- b) Total CIL expenditure for year<sup>2</sup> - £0
- c) Summary details of expenditure<sup>3</sup> - N/A
- Total Neighbourhood Portion received for year<sup>4</sup> - £ 5,101.38
- Total CIL received for year<sup>5</sup> - £34,009.23

- Total Administration Fee received for year<sup>6</sup> - £ 1,700.46

<sup>1</sup> *This is the amount that has been secured through planning applications in chargeable areas which have generated a CIL charge for the past financial year.*

<sup>2</sup> *This relates to the amount expended for the past financial year.*

<sup>3</sup> *N/A.*

<sup>4</sup> *This relates to the total neighbourhood portion received for the past financial year.*

<sup>5</sup> *This relates to the total amount received for the past financial year. This is different to the receipt due to payment triggers not being met.*

<sup>6</sup> *This relates to the amount received to date which we can use to administer the collection of the CIL charge.*

## **5. Recommendation**

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

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Contact: Sarah Kelly - extension 3932

**APPENDIX 1**

**FINANCIAL IMPLICATIONS**

Nil.

**RISK MANAGEMENT IMPLICATIONS**

Nil.

**HUMAN RESOURCES IMPLICATIONS**

Nil.

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil.

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil.

**HUMAN RIGHTS IMPLICATIONS**

Nil.

**WARD IMPLICATIONS**

All Wards

**BACKGROUND INFORMATION**

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**TITLE OF REPORT:**           **Housing Permissions in 2018**

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

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## **Purpose of the Report**

**1.1**    To update members on the Housing decisions made in 2018.

## **Background**

- 1** In light of the challenging housing delivery targets set out in the Core Strategy and Housing Delivery Test, and the recognition that granting planning permission is the first stage of enabling delivery of the required houses, this report sets out the progress made in 2018 in granting planning permissions for new housing provision.
- 2** In 2018, 109 decisions on housing applications have been made. 7 of these were withdrawn, 16 refused and 86 granted. This has granted a total of 1822 new dwellings in Gateshead.
- 3** In the past 6 weeks alone, 9 applications have been granted or minded to grant at Planning and Development Committee with a combined total of 1373 dwellings.
- 4** The results of the Housing Delivery Test are likely to show that the level of housing delivery in Gateshead is not keeping pace with the amount required in the Council's Local Plan. As a result there will be a requirement for the Council to produce an Action Plan to set out the causes of under delivery and to put in place measures to increase delivery. There are several factors affecting the level of housing delivery in the Borough a number of which the Council has limited control over. However the granting of planning permission for development that meet our policies in the Local Plan reduces a potential barrier to housing development

## **Recommendation**

- 5** It is recommended that the Committee note the report for information.

## **APPENDIX 1**

### **FINANCIAL IMPLICATIONS**

Nil.

### **RISK MANAGEMENT IMPLICATIONS**

Nil.

### **HUMAN RESOURCES IMPLICATIONS**

Nil.

### **EQUALITY AND DIVERSITY IMPLICATIONS**

Nil.

### **CRIME AND DISORDER IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

Nil.

### **HUMAN RIGHTS IMPLICATIONS**

Nil.

### **WARD IMPLICATIONS**

Nil.

### **BACKGROUND INFORMATION**