

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 30 January 2019 at 6.00 pm in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 9 January 2019 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 8) Report of the Service Director, Communities and Environment
4i	No. 1 - Former Stadium Service Station, Park Road, Gateshead NE10 0XF (Pages 9 - 28)
4ii	No. 2 - Land West of Follingsby Way, Follingsby Park, Gateshead (Pages 29 - 42)
4iii	No. 3 - Land on North Side of Lead Road (Penny Hill) (Pages 43 - 62)
4iv	No. 4 - Granby Stables Opposite Streetgate Farm, Gateshead Road (Pages 63 - 70)
4v	No. 5 - Land to west of 10 Beverley Gardens, Ryton (Pages 71 - 84)
4vi	No. 6 - 572A Durham Road, Gateshead NE9 6HX (Pages 85 - 90)
5	Former Chase Park Depot, Off Rectory Lane, Whickham (Pages 91 - 102)
6	Delegated Decisions (Pages 103 - 112) Report of the Service Director, Communities and Environment

- 7 **Enforcement Team Activity (Pages 113 - 114)**
Report of the Service Director, Communities and Environment
- 8 **Enforcement Action (Pages 115 - 122)**
Report of the Service Director, Communities and Environment
- 9 **Planning Appeals (Pages 123 - 138)**
Report of the Service Director, Communities and Environment
- 10 **Planning Obligations (Pages 139 - 140)**
Report of the Service Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
30 January 2019

TITLE OF REPORT: Planning applications for consideration

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

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/18/00715/FUL	Former Stadium Service Station Park Road	Bridges
2. DC/18/00860/OUT	Land West Of Follingsby Way Follingsby Park	Wardley And Leam Lane
3. DC/18/01009/FUL	Land On North Side Of Lead Road (Penny Hill)	Crawcrook And Greenside
4. DC/18/01180/COU	Granby Stables Opposite Streetgate Farm Gateshead Road	Whickham South And Sunnyside
5. DC/18/01213/FUL	Land To West Of 10 Beverley Gardens Ryton	Ryton Crookhill And Stella
6. DC/18/01215/COU	572 A Durham Road Gateshead	Low Fell
Agenda Item 5		
DC/18/01012/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)

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

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

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Committee Report

Application No:	DC/18/00715/FUL
Applicant	Mr Frank Craney
Date Application Valid	23 July 2018
Site:	Former Stadium Service Station Park Road Gateshead NE10 0XF
Ward:	Bridges
Proposal:	Erection of two storey building for Motorbike Sales (Sui Generis Use) and two ground floor units with uses to include A1 (retail), A3 (food and drink) and/or a mixed A1/A3 drive-thru facility, with associated car parking, access and landscaping (amended and additional information received 12/11/18).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

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

The application site is an area of vacant land adjacent to the east bound carriageway of the A184 Felling Bypass, which is accessed via Park Road. To the east and north of the site is the Stadium Industrial Park, the A184 is to the south and to the west is Park Road and the Gateshead Council Depot (Park Road). Towards the western edge of the site a foot bridge spans the A184 and its northern landing abuts the application site. The site is roughly rectangular and has an area of approximately 0.35 hectares. The application site is located within East Gateshead Primary Employment Area (PEA). The character of the area is mixed with a range of industrial, recreational and residential developments.

1.2 DESCRIPTION OF THE APPLICATION

This application proposes the re-development of the Former Stadium Industrial Park Petrol Filling Station via the erection of a two storey building for Motorbike Sales (Sui Generis Use) and two ground floor units with uses to include A1 (retail), A3 (food and drink) and/or a mixed A1/A3 drive-thru facility, with associated car parking, access and landscaping (amended and additional information received 12/11/18).

1.3 The proposed building would be made up of 2 adjoining blocks, the larger of which would have footprint of 18m by 23m and the smaller would have a footprint of 18m by 18m. Both would feature a mono-pitch roof layout with the larger having a maximum roof height of between 6.4m and 8.1m and the smaller having a maximum roof height of between 6m and 7.3m.

- 1.4 The ground floor level would be split between the showroom and the two retail/cafe units and the first-floor would be given over exclusively to the showroom and ancillary office space.
- 1.5 The elevations would be a combination of double-glazed aluminium curtain walling with solid infill panels. The roof would be constructed from seamed metal cladding.
- 1.6 The building would have a total floor area of 1400 square metres (sqm) over the two floors, of which on the ground floor the motorcycle showroom occupies 356sqm, Unit 1 provides 136sqm and Unit 2 occupies 170sqm. The first floor provides 692sqm of accommodation solely for the Motorcycle Showroom.
- 1.7 The building is situated in the centre of the site, with two access points off Stadium Road. The road serves the facilities, with entrance and exit both out onto Park Road. There are 10 car parking spaces, including 2 for electric vehicles, and 7 motorcycle parking spaces designated to the motorcycle showroom, lying to the north west of the site. An additional 27 car parking bays (including 2 no. holding bays and 2 no. disabled bays) are situated to the south east of the site. 6 cycle parking bays are also situated on the north edge of the showroom, alongside a rear entrance for deliveries with a designated unloading bay on the northern site boundary.
- 1.8 **RELEVANT PLANNING HISTORY**
 DC/15/00540/FUL: Planning permission granted for the erection of a two-storey car showroom and ancillary cafe.
- DC/10/00282/FUL: Planning application withdrawn for the erection of 5 light industrial units with associated parking and hardstanding.
- 318/83: Planning permission granted for the erection of a self-service filling station and sales kiosk.

2.0 Consultation Responses:

- | | |
|--------------------------------------|-------------------------------------|
| Tyne And Wear
Archaeology Officer | No comments or concerns. |
| Northumbria Water | No objection subject to conditions. |

3.0 Representations:

- 3.1 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS6 Employment Land

CS7 Retail and Centres

CS8 Leisure, Culture and Tourism

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

JE1 Primary Employment Areas

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

MWR28 Prov of Facilities in new Developments

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main issues to be considered are the principle of the development, ecology, flood risk and drainage, the design/landscaping, any transport implications/refuse, contamination and any loss of amenity that may result to neighbouring properties.

5.2 PRINCIPLE

The proposed development is located within the East Gateshead Primary Employment Area (PEA). The site was assessed in the 2017 Employment Land Review (ELR) Update, including giving weight to the existing planning permission (DC/15/00540/FUL) granted for a non-B class use, and stated the development of such a use is unlikely to affect the operations of nearby businesses operating in B-class uses.

5.3 Saved Unitary Development Plan (UDP) policy JE1 states that PEAs should be protected for employment uses, and as such notes that change of use to non-employment uses including retailing will not normally be permitted, although it states: Exceptions may be made for complementary supporting uses A1, A2, A3, A5 and D1 (less than 200sqm) where local need is demonstrated. Importantly, JE1 also notes that exceptions may be made for car showrooms within PEAs:

1. demonstrating that the proposal cannot be accommodated on alternative edge of centre sites;
2. locating in the vicinity of the main road network;
3. integrating within an existing cluster of car showrooms; and
4. being accessible by a choice of means of transport.

5.4 The proposal includes the erection of a two-storey building for motorbike sales (sui generis use) and restaurant / coffee shop with drive-through (use classes A1, A3, A1/A3) including car parking, access and landscaping - the two units to be occupied by the restaurant / coffee shop elements are Unit 1 (136m²) and Unit 2 (170m²).

5.5 The applicant has undertaken a sequential assessment to consider the suitability, availability and viability of alternative in or edge-of-centre sites, in accordance with policy CS7 of the Core Strategy and Urban Core Plan (CSUCP) and the National Planning Policy Framework (NPPF). The applicant has provided an assessment of alternative sites and premises within or close to Gateshead, Felling, Pelaw and Wrekenton centres, and finds each of them unsuitable on the basis of either being too small, currently in use or with unsuitable access/configuration.

5.6 The application does not provide information on local need (generated by workers within the East Gateshead PEA) for the retail/restaurant and/or coffee shop (with drive-through), nor on the business format requiring the co-location of the elements proposed. An ancillary café was accepted in principle in the

previous application - however, although not a significant difference in floorspace terms, two such units/uses now proposed would operate independently of the showroom.

5.7 Furthermore, it is considered that the location of the site addresses the points raised by policy JE1 and the National Planning Policy Framework (NPPF) promotes a more pragmatic approach to the development of formerly developed sites within industrial areas. It is also worth noting that the previous use of the site as a petrol filling station (sui generis) is not a B class use and in this case the site has been vacant for 16 years. Therefore, this development would help to revitalise the area.

5.8 Overall, it is considered that the proposal would be acceptable in principle and hence accords with the NPPF, policies CS6, CS7 and CS8 of the Core Strategy and Urban Core Plan (CSUCP) and saved policy JE1 of the UDP.

5.9 CONTAMINATION

The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. Therefore, given that a more sensitive end use is being proposed a Phase 1 Contamination Assessment has been submitted. The report has assessed the history of the site and recommends that a Phase 2 Intrusive Investigation is required and where required remediation and validation. This has been considered by Council officers and the recommendations of the report are considered to be correct. Therefore, it is appropriate to condition the above should permission be granted and subject the conditions the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies DC1(p) and ENV54 of the UDP (conditions 4-6).

5.10 FLOOD RISK AND DRAINAGE

The application site area is less than 0.5 hectares, is in Flood Zone 1 and the proposed mixed-use development is not considered to be more vulnerable than the current established use of the site as a service station. Therefore, the site is considered to have a low flood risk and thus a Flood Risk Assessment is not required.

5.11 That said this is a major development and so a SuDS system should be proposed for the site to conform to the requirements of NPPF, policy CS17 of the CSUCP and the DEFRA Non-Statutory Technical Standards for SuDS. It is considered that this can be dealt with via conditions (conditions 7-8).

5.12 ECOLOGY

The proposed development site measures approximately 0.35 hectares and comprises a mosaic of habitats including ephemeral/short perennial grassland (DBAP priority habitat), scrub, introduced shrubs and hardstandings. The habitats may support statutorily protected and priority species including breeding/foraging birds, foraging bats & commuting bats, invertebrates (including potentially dingy skipper butterfly) and small mammals (including hedgehog).

- 5.13 Therefore, a Preliminary Ecological Appraisal Report has been submitted in support of the application, which involved a single survey visit to the site in early-June to identify, map and describe the main habitat types/features on site. Prior to the ecological survey being undertaken the site was subject to extensive vegetation management works, including the removal of scrub/small trees and the spraying off of vegetation using a contact herbicide.
- 5.14 The proposed development will result in the direct loss of all existing habitats and associated fauna from within the site and the submitted plans include the creation of soft landscaped areas spread across the site. However, whilst the provision of an area of soft landscaping within the site is welcome, the proposed development will result in a residual net loss of biodiversity, including an area of ephemeral/short perennial grassland (priority habitat) and associated fauna including dingy skipper butterfly.
- 5.15 In accordance with the mitigation hierarchy/NPPF the requirement for suitable ecological compensation (to be delivered offsite) to ensure no net loss of biodiversity is required.
- 5.16 The Council's ecologist has identified an appropriate/proportionate biodiversity offset to be delivered on Council land. This comprises the creation of 260m of native hedgerow on land east of Wardley Lane.
- 5.17 The provision of an appropriate biodiversity offset is secured through a S106 agreement, which means the proposed development can be delivered within ecologically acceptable limits and achieving no net loss of biodiversity and thus according with the NPPF and the relevant Core Strategy policy CS18 and saved UDP policies DC1(d), ENV44, ENV46 and ENV47.
- 5.18 Invasive non-native species plants (Cotoneaster) have been identified on site and should be dealt with appropriately in accordance with Schedule 9 of the Wildlife & Countryside Act, 1981 (as amended). An informative to that effect has been added to this recommendation.
- 5.19 Vegetation clearance should not take place during the bird breeding season wherever possible and thus a condition to that effect is recommended (condition 3).
- 5.20 **TRANSPORT**
The location of the site is considered sustainable in Transport Planning terms being well served by cycle routes and bus lanes within 300m and a Metro Station within 700m of the site. Whilst the A184 is a barrier there is ample opportunity to cross via signalised crossings and via the footbridge immediately adjacent to the site. There are also other similar vehicle sales and food retail units in close proximity.
- 5.21 It is considered that the amended information provided within the transport statement, the methodology used, and the amended plans are appropriate and are acceptable.

- 5.22 The layout of the site was a major concern previously, however, the amended plan drawing no 00-DR-A-A060 now provides for two-way movement within the site which is welcomed. Nonetheless, this will need to be strongly enforced with signing, direction plates within the site and signage works on the highway (via Section 278 agreement). The parking locations and numbers provided, the inclusion of the electric charging facilities and disabled bays are shown on the amended plans and all are welcomed.
- 5.23 The retention of the exit onto the A184 is accepted and after further assessment, it is considered better to retain the short slip rather than carry out a minor amendment to the junction. Full construction details can be agreed as part of the S278 agreement process, which is separate from this planning application.
- 5.24 Given the sensitivity of the A184 and the fact Stadium Road is designated an emergency access route to Gateshead International Stadium, the total of 35 spaces proposed is acceptable, as this will help prevent overspill parking taking place on those roads. Parking numbers are also considered acceptable due to the mixed-use nature of the proposal, which makes it harder to pin down likely parking requirements.
- 5.25 Travel plans for each of the uses will be required and can be addressed via conditions (conditions 9-10)
- 5.26 Two electric charging bays are proposed, which is welcomed, and the final details can be agreed via condition (condition 11).
- 5.27 Cycle parking provision is also proposed for both staff and visitors, which is welcomed, and the final details can be agreed via conditions (conditions 12-13).
- 5.28 Subject to the conditions referred to above, the proposal would safeguard highway safety and thus accord with the NPPF and policy CS13 of the CSUCP.
- 5.29 DESIGN/LANDSCAPING
The modern design proposed for the building, the materials and the combination of hard and soft landscaping are considered acceptable. Therefore, subject to conditioning the final details that the proposal would accord with the NPPF, policy CS15 of the CSUCP and saved policies ENV3 and DC1 (c and e) of the UDP. (Conditions 14-18).
- 5.30 REFUSE
Enclosed bin stores are proposed for each unit in appropriate locations. Therefore, the provision raises no issues, subject to implementing the details as shown, which can be done via a condition (condition 19). Subject to the condition the proposals accord with the NPPF and saved policy MWR28 of the UDP.

5.31 RESIDENTIAL AMENITY

The separation distance of approximately 55m to the nearest residential property, the intervening land use of the Felling Bypass, the other industrial uses in the vicinity and the none industrial nature of this proposal are such that residential amenity should be maintained to a reasonable level in terms of noise and general intrusion. That said hours of operation have not been submitted thus it is necessary to condition they are submitted for approval in order to safeguard residential amenity (conditions 20-21). Furthermore, it is considered reasonable to condition the hours of construction due to the proximity of residential properties (condition 22).

5.32 In addition, it is considered appropriate to condition that a final lighting scheme is approved to ensure that the development is lit sympathetically to prevent light intrusion (conditions 23-24).

5.33 Overall, subject to the conditions referred to above the proposal would accord with the NPPF, policies CS14 and CS15 of the CSUCP and saved policies DC1(p), DC2 and ENV61 of the UDP.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

- £7,944.00 for off-site ecological mitigation works

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

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) And that the conditions shall include;

1

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

SK-SI-001; ADTL-SBA-XX-FF-DR-A-A301; ADTL-SBA-XX-01-DR-A-A101; ADTL-SBA-XX-FF-DR-A-A401.

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

Reason

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

2

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

Reason

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

3

No vegetation clearance works shall be undertaken during the bird breeding season (i.e. March to August inclusive). Where this is not possible a breeding bird checking survey will be undertaken by a suitably qualified ecologist immediately prior (i.e. no more than 48hrs) to the commencement of works on site. Where active nests are confirmed these must be retained undisturbed until the young have fledged and the nest(s) is no longer in use.

Reason

To safeguard biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy DC1(d) of the Unitary Development Plan.

4

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

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

(ii) an assessment of the potential risks to,
- land stability
- human health,

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

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

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

Reason

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

5

The remediation and mitigation schemes must be carried out in accordance with the details approved under condition 4. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reason

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

6

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment must be undertaken and where remediation is necessary a revised remediation scheme must be prepared in accordance with the requirements of condition 4; (Land

contamination assessment), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5 (Implementation of Approved Remediation).

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

Reason

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

7

Construction of the development hereby approved shall not commence until a detailed SuDS scheme and detailed drainage assessment (including modelling results) has been submitted to and approved in writing to the Local Planning Authority. The scheme and assessment shall include detailed drainage layout and detail designs of the SuDS components in accordance with the Gateshead Council Interim SuDS Guidelines (V2); drainage maintenance plan for the lifetime of the development; drainage construction method statement; and evidence to demonstrate that there is adequate foul and surface water public sewerage capacity based upon NWL's agreed discharge volumes and rates before connecting to the public sewerage system.

Reason

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

8

The details approved under condition 7 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

To ensure appropriate drainage and the exploration as to sustainable drainage systems so as to prevent the risk of flooding in accordance

with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

No part of the "showroom" shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Neither "Unit 1" or "Unit 2" shall be occupied until the submission of a Travel Plan for each occupier(s) and successive occupier(s) has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason

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

10

The Travel Plans shall be implemented in accordance with the details and timescales approved under condition 9 and retained as such thereafter unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

11

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

Reason

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

12

Notwithstanding the details on the submitted plans, final details of secure and weatherproof cycle parking facilities for staff, as well as separate cycle parking facilities for visitors shall be submitted to and approved in writing by the Local Planning Authority, prior to any part of the development hereby approved being first occupied.

Reason

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

13

No part of the development hereby approved shall be occupied until the cycle parking facilities have been implemented in accordance with the details approved under condition 12 and the plans approved as part of the application. The approved facilities shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

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

14

Construction of the new development hereby approved shall not proceed beyond foundation level until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

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

15

The materials used shall be in accordance with the details approved under condition 14 unless otherwise approved in writing by the Local Planning Authority.

Reason

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

16

The development hereby approved shall not be commenced until a fully detailed scheme for the landscaping of the site, has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard and soft landscaping, proposed trees and hedges, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

17

The landscaping scheme approved under condition 16 shall be implemented in accordance with the timescale approved through condition 16.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

18

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

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in

accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

The bin storage and collection facilities and arrangements shown on plan reference SK-SI-001 and ADTL-SBA-XX-00-DR-A-A100 shall be provided on site prior to the first occupation of the relevant part of the development and maintained as such thereafter.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, residential amenity and the appearance and design of the development and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan and policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

No unit shall not be occupied until the opening hours of that unit have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the amenities of the neighbouring residents in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC2 of the Unitary Development Plan.

21

The opening hours approved under Condition 20 shall be implemented before each unit is first occupied and retained as such thereafter.

Reason

In the interests of the amenities of the neighbouring residents in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC2 of the Unitary Development Plan.

22

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 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(h), 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.

23

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

Reason

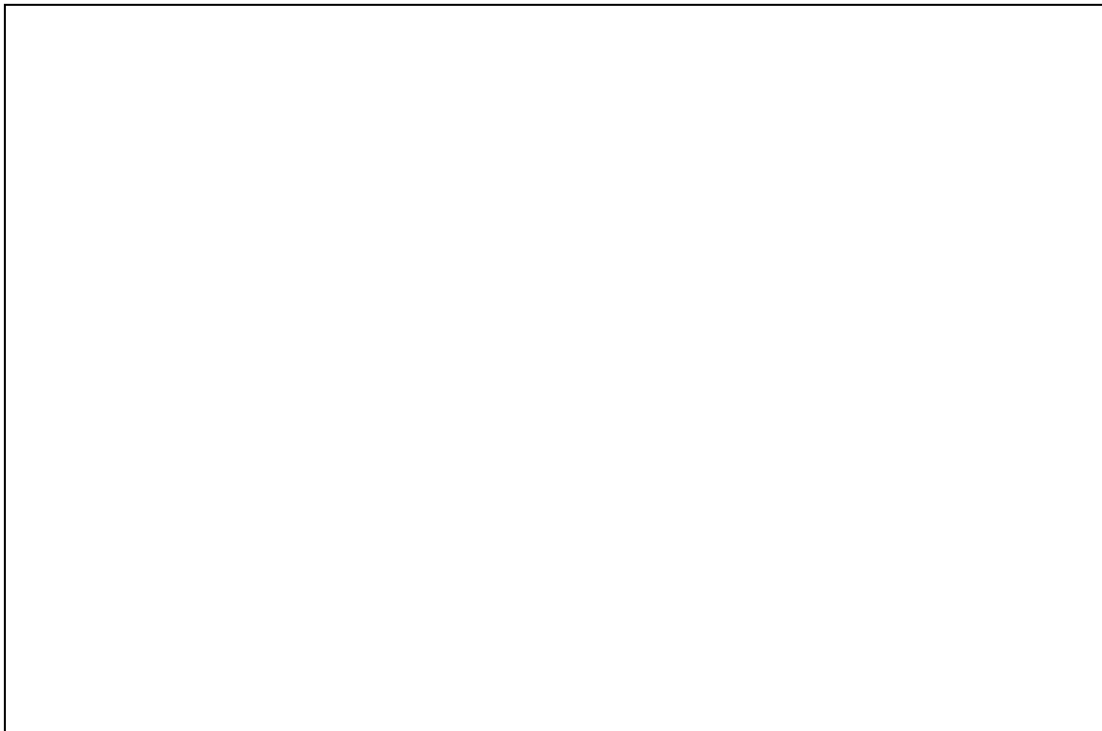
In the interests of the amenities of the neighbouring residents in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC2 of the Unitary Development Plan.

24

The external lighting scheme approved under Condition 23 shall be implemented before the development is first occupied and retained as such thereafter.

Reason

In the interests of the amenities of the neighbouring residents in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC2 of the Unitary Development Plan.



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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, DEVELOPMENT TRANSPORT AND PUBLIC
PROTECTION**

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

Please note this document should be read in conjunction with the main report of the
Service Director, Development Transport and Public Protection

MINOR UPDATE

Application No:	DC/18/00715/FUL
Site:	Former Stadium Service Station Park Road Gateshead NE10 0XF
Proposal:	Erection of two storey building for Motorbike Sales (Sui Generis Use) and two ground floor units with uses to include A1 (retail), A3 (food and drink) and/or a mixed A1/A3 drive-thru facility, with associated car parking, access and landscaping (amended and additional information received 12/11/18).
Ward:	Bridges
Recommendation:	Grant subject to S106
Application Type	Full Application

Reason for Minor Update - Condition amended

Condition 16 - Landscaping scheme for approval

Within the main agenda report condition 16 is written as a “pre-commencement condition”:

The development hereby approved **shall not be commenced until** a fully detailed scheme for the landscaping of the site...

In retrospect, it is considered a “pre-commencement” trigger is unnecessary and a “prior to occupation” trigger would be sufficient. It is recommended the wording of condition 16 be revised as follows:

The development hereby approved **shall not be occupied until** a fully detailed scheme for the landscaping of the site...

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/18/00860/OUT
Applicant	Legal & General UK Property Fund
Date Application Valid	22 August 2018
Site:	Land West Of Follingsby Way Follingsby Park Gateshead
Ward:	Wardley And Leam Lane
Proposal:	Erection of business/industrial development (within Use Classes B1(c) and/or B2 and/or B8) with associated car parking and hard landscaping, with access to be considered and all other detailed matters reserved (description amended 18.09.2018)
Recommendation:	MINDED TO GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Outline Application

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

The site is a vacant plot in the existing industrial estate at Follingsby Park. The site is at the north western part of the estate, with the A194(M) to the north west beyond. The surrounding plots have been developed and are in operation.

1.2 DESCRIPTION OF APPLICATION

The application seeks outline planning permission for a business/industrial development (within Use Classes B1(c) and/or B2 and/or B8) with associated car parking, hard landscaping and access.

1.3 With this outline application, the applicant has chosen to apply for Access also. The remaining matters of Appearance, Landscaping, Layout and Scale are to be reserved for subsequent reserved matters approval.

1.4 Therefore, this application is to be considered against:

- the general principles of how the site can be developed; and
- the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

1.5 Indicative plans have been submitted with the application documents to demonstrate how the site could be brought forward.

1.6 RELEVANT PLANNING HISTORY

1604/83 - Development of 52.3 acres of land for industrial/warehousing purposes (use class III, IV, X) - Granted 29.06.1984

728/93 - Redevelopment of 33 hectares of land including new loop road and landscaping and change of use of site to use classes B1, B2 and B8 development with ancillary and supporting uses (amended 3/8/93) - Granted 07.09.1993

1070/93 - Redevelopment of 33 hectares of land including new loop road and landscaping and change of use of site to use classes B1, B2 and B8 development with ancillary and supporting uses, with variation of conditions 3, 4, 7, 8 and 9 of planning permission 728/93 (amended 23/11/93, 1/12/93 and 6/12/93) - Granted 06.12.1993

1247/97 - Erection of six industrial/warehouse units (use class B2 and B8) with associated parking and service areas (amended 10/2/98) - Granted 26.02.1998

DC/03/00488/FUL - Development of 12 industrial units (use class B1, B2 + B8) with associated external works and car parking - Granted 02.06.2003

2.0 Consultation Responses:

Northumbrian Water

Condition recommended

3.0 Representations:

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

3.2 No representations were received.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

JE1 Primary Employment Areas

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CS1 Spatial Strategy for Sustainable Growth

CS3 Spatial Strategy for Neighbourhood Area

CS5 Employment-Economic Growth Priorities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP Making Spaces for Growing Places

5.0 Assessment of the Proposal:

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

5.2 PRINCIPLE

Follingsby Park industrial estate is allocated as a Primary Employment Area policy JE1 in the UDP. The estate is also identified as a Key Employment Area in policies CS1 and CS3 of the CSUCP and its potential to support growth in the distribution and logistics sector is acknowledged in policy CS5 of the CSUCP.

5.3 Policy JE1 of the UDP states that general industrial (B2) and storage or distribution (B8) are acceptable uses within Primary Employment Areas. Whilst B1 uses are not included in this, as the proposal does not seek permission for B1a office use, the proposal would be compatible with NPPF policy on town centres and economic development.

5.4 Additionally weight is afforded to emerging policy MSGP2 (submission draft plan stage), which states that the continued success of Key Employment Areas will be supported by ensuring the provision and availability of a suitable range of land and premises.

5.5 With particular reference to Follingsby Park, MSGP2 requires that this should accommodate growth in the distribution and logistics sectors, and that B8

uses will be supported. Within the areas north of Follingsby Lane, proposals for B1b, B1c, and B2 uses will be supported where it can be demonstrated that they would be compatible with Follingsby Park's role as a strategically important distribution park.

- 5.6 Given the above, the status of the emerging policy, and taking into account the previous approvals on this site for a mix of B1, B2 and B8 uses, it is considered that on balance, the proposal would broadly comply with the aims and requirements of saved policy JE1 of the UDP and with the aims and requirements of emerging policy MSGP2, and the principle a flexible use within Use Classes B1(c) and/or B2 and/or B8 would be acceptable
- 5.7 **VISUAL AMENITY**
Saved policy ENV3 of the UDP requires that new development should make a positive contribution to the established character and identity of its locality; policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.
- 5.8 The impact of the appearance, landscaping, layout and scale of the proposed development on the character of the area would be considered at reserved matters stage.
- 5.9 However, at this stage, the LPA are satisfied that a scheme could be brought forward that would make a positive contribution to the established character of the street scene and would respond positively to local distinctiveness and character.
- 5.10 The proposal at outline stage would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.
- 5.11 **RESIDENTIAL AMENITY**
Given the site is within an existing industrial estate, and given the distances from residential properties (at least 350m), it is considered that the proposed uses and access would not have an unacceptable impact on residential amenity.
- 5.12 Therefore, the development at this outline stage would comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.13 **HIGHWAY SAFETY AND PARKING**
The site is allocated within a Primary Employment Area and given the scale of the proposed development, it is considered that conditions could be imposed to make the development acceptable in terms of highway safety and parking.
- 5.14 It is recommended that conditions be imposed requiring final details of a travel plan to be submitted to the LPA for consideration and implementation of the approved details.

- 5.15 Additionally, it is recommended that conditions be imposed requiring final details of parking and layout of the site (including accessible bays, cycle parking, motorcycle parking, electric vehicle charging provision, access control, service yard layout including vehicle tracking)
- 5.16 Finally, it is recommended that details of a visibility splay associated with the site access be required by conditions to be submitted to the LPA for consideration and implemented in accordance with the approved details.
- 5.17 Subject to conditions, the proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.18 ECOLOGY
In considering the above application in regard to ecological impact regard is offered to saved UDP Policies DC1, ENV46 and ENV47, Policy CS18 of the CSUCP and the NPPF.
- 5.19 Paragraph 175 of the NPPF states:

'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'
- 5.20 Without appropriate measures in place, it is considered that the proposed development would result in the following unacceptable impacts:
- Net-loss of Open Mosaic Habitats on Previously Developed Land
 - Direct loss of priority habitat supporting dingy skipper butterfly
 - Overall net-loss of biodiversity
- 5.21 Therefore, the site has ecological value and as it is not possible to avoid the identified harm through relocation, adequate mitigation and/or compensation should be provided. This is dependent on the outcome of discussions regarding final details and officers will offer an update to Planning and Development Committee on this point.
- 5.22 Whilst there is not full agreement with the details submitted with the application in terms of ecology, it is considered that the proposal is unlikely to have a significant adverse impact on designated sites and/or ecological connectivity.
- 5.23 It is considered that potential residual impacts on amphibians (including great crested newt and common toad) and reptiles resulting from the construction phase of the development can be reduced to an acceptable level through the imposition of conditions. Therefore, it is recommended that conditions be imposed requiring a Biodiversity Method Statement to be submitted to the LPA for consideration and implementation of the approved scheme.

- 5.24 Additionally, it is recommended that conditions be imposed requiring the submission of details relating to an ecological lighting strategy and landscaping be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.25 Whilst it is not possible at this stage to reach a final recommendation in relation to ecology, officers are satisfied that an appropriate scheme could be achieved.
- 5.26 GROUND CONDITIONS
The site is not within a Coal Authority defined high risk area, so further information on this was not required to be submitted with the application.
- 5.27 In terms of potential contamination risks on site, a Phase II Detailed Risk Assessment and site investigation report has been submitted with the application. Officers broadly agree with the recommendations of the report as to the requirement clean cover above buried asbestos in soft landscaping areas, but officers consider that the depth of this clean cover should be 1.15m.
- 5.28 It is recommended that conditions be imposed requiring provision of the above clean cover, and submission of a risk assessment and relevant remediation and verification reports, if undesirable/unexpected material is encountered on site.
- 5.29 Given the above, the proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.
- 5.30 FLOOD RISK
Drainage details have been submitted with the application, however, Northumbrian Water have commented that these details are not sufficient in terms of the management of foul and surface water from the development for them to be able to assess our capacity to treat the flows from the development.
- 5.31 Therefore, it is recommended that a condition be imposed requiring final details of the disposal of foul and surface water to be submitted to the LPA for consideration (in consultation with Northumbrian Water), and the implementation of the approved scheme.
- 5.32 Given the above, and taking into account the allocation of the site within a primary employment area and the previous approvals for industrial uses on site, it is considered that the proposal would not have an unacceptable impact on flood risk in the area, subject to conditions, and would broadly comply with the aims and requirements of policy CS17 of the CSUCP.
- 5.33 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.

6.0 CONCLUSION

- 6.1 It is considered that the development would bring about a number of benefits such as the provision of additional employment opportunities in Gateshead and the use of currently vacant land for an appropriate use.
- 6.2 Taking all other matters into account, it is considered that the proposed development is acceptable (subject to satisfactory resolution of ecology matters), the proposal (subject to planning conditions) is considered to accord with the aims and objectives of both national and local planning policies.
- 6.3 Given the above, it is recommended that outline planning permission be granted subject to planning conditions set out below.

7.0 Recommendation:

MINDED TO GRANT permission subject to:

- 1) Where required, subject to an agreement under Section 106 of the Town and Country Planning Act 1990 to deliver ecological mitigation/compensation;
- 2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement, where required.
- 3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary.
- 4) And that the conditions shall include;

1

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

Reason

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

2

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

3

The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

4

The details approved under Condition 3 shall be implemented before the use hereby approved is brought into operation and retained in accordance with the approved details for the lifetime of the development.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

5

A minimum 1.15m thick proven clean cover above buried asbestos shall be provided in all soft landscaping areas on site.

Reason

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

6

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

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been

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

Reason

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

7

The amended remediation and monitoring measures approved under condition 6 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

Reason

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

8

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

Reason

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

9

The development hereby approved shall not commence until a Biodiversity Method Statement, addressing the potential residual impacts on amphibians (including great crested newt and common toad) and reptiles resulting from the construction phase of the

development, has been submitted to and approved in writing by the local planning authority.

Reason

To ensure and appropriate construction method, in accordance with saved policies DC1, ENV46 and ENV47 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

10

The details approved under condition 9 shall be implemented at all times during the construction phase in full accordance with the approved details.

Reason

To ensure and appropriate construction method, in accordance with saved policies DC1, ENV46 and ENV47 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

11

No new external lighting shall be installed on the application site until an ecological lighting strategy has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity; and
- b) show how and where external lighting would be installed (through the provision of lighting contour plans and technical specifications).

Reason

To minimise the risk of harm and long-term adverse impacts on biodiversity in accordance with DC1, ENV46 and ENV47 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

12

The external lighting scheme shall be implemented in full accordance with the strategy approved under condition 11, and shall be maintained as such for the lifetime of the development.

Reason

To minimise the risk of harm and long-term adverse impacts on biodiversity in accordance with DC1, ENV46 and ENV47 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

13

The development hereby approved shall not commence until a fully detailed scheme for the landscaping of the site (including

establishment, aftercare, long term management, and timescales for delivery) has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity and highway safety of the area and in accordance with the Policies DC1 and ENV3 of the Unitary Development Plan and Policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

14

The landscaping scheme shall be implemented in full accordance with the details and timescales approved under condition 13.

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

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity highway safety of the area and in accordance with the Policies DC1 and ENV3 of the Unitary Development Plan and Policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework

15

The development hereby approved shall not commence until details of a visibility splay associated with the site access (considering existing landscaping and including timescales for delivery) have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure safe movements to and from the site in accordance with Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

16

The details approved under condition 15 shall be implemented in full accordance with the approved details and timescales, and retained as such for the lifetime of the development.

Reason

To ensure safe movements to and from the site in accordance with Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

17

The use(s) hereby approved shall not be brought into operation until a full Travel Plan has been submitted to and approved in writing by the local planning authority.

The Travel Plan shall include:

- (a) Details to employ or engage a site-wide travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority
- (b) Clearly defined objectives and indicators.
- (c) Indicative targets based on trip generation figures.
- (d) Details of proposed measures to address the objectives. Focus should be given to public transport and cycling and may include:
 - Salary sacrifice cycle scheme
 - Public Transport annual ticket scheme
 - Public transport taster tickets for employee's. Or perhaps pre-loaded Pop cards
- (e) Detailed timetable for implementing measures, travel surveys and monitoring.
- (f) A summary of costs associated with the measures, monitoring and management of the Travel Plan over its lifetime together with details on how this will be funded.
- (g) Details of the governance that will be in place to ensure measures are implemented effectively.
- (h) Commitment to use the Council's preferred monitoring system

Reason

To promote sustainable travel choices in accordance with the Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

18

The Travel Plan approved under condition 17 shall be implemented in full accordance with the approved details and timescales (including any changes made under the review process), and shall be in place for the lifetime of the development

Reason

To promote sustainable travel choices in accordance with the Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

19

Within 18 months from the Travel Plan's first implementation, evidence of the travel plan's implementation over a minimum period of 12 months from first implementation shall be submitted to the Local Planning Authority for consideration.

Reason

To promote sustainable travel choices in accordance with the Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

20

The development hereby approved shall not commence until final details of parking at the site (including accessible bays, cycle parking, motorcycle parking, electric vehicle charging provision, access control, service yard layout including vehicle tracking) have been submitted to and approved in writing by the local planning authority.

Reason

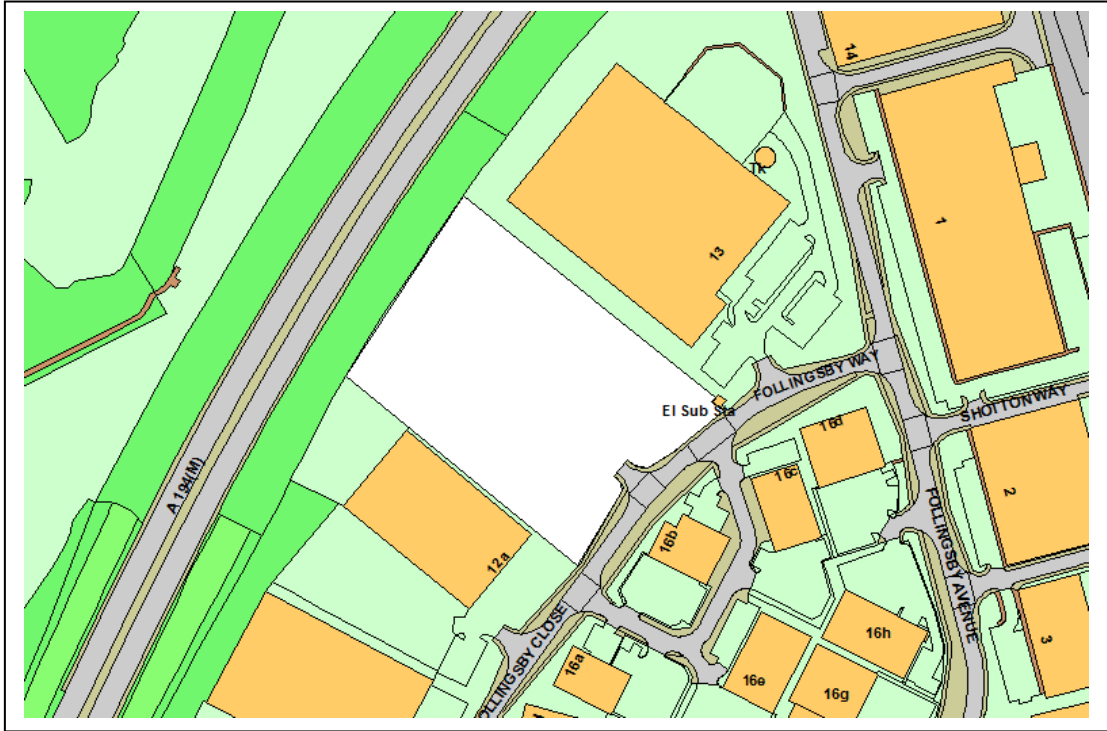
To ensure adequate parking and access at the site in accordance with Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

21

The details approved under condition 20 shall be implemented in full accordance with the details approved before the use(s) are brought into operation and retained/maintained as such for the lifetime of the development.

Reason

To ensure adequate parking and access at the site in accordance with Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.



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Committee Report

Application No:	DC/18/01009/FUL
Case Officer	Owain Curtis
Date Application Valid	8 October 2018
Applicant	Enso Energy Ltd
Site:	Land on North Side Of Lead Road (Penny Hill)
Ward:	Crawcrook And Greenside
Proposal:	Construction of gas powered standby generation plant (as amended 11.01.2019)
Recommendation:	GRANT TEMPORARY PERMISSION
Application Type	Full Application

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

The application site is located in the west of Gateshead on land off Lead Road known as Penny Hill, approximately halfway between Coalburns and Leadgate (Northumberland). The site is located on the north side of Lead Road and comprises of undeveloped greenfield land in open countryside. Some vegetation is present to the south and west of the site and the surrounding area is rural in character. On the south of Lead Road is the Coalburns Bulk Supply Point Sub-station. The application site is approximately 0.95ha in area.

1.2 DESCRIPTION OF THE APPLICATION

This application is for the construction of a 40 megawatt gas powered electricity generation plant ("peaking plant") which consists of the construction and installation of: 40 gas engines, welfare cabin, switchgear cabin, control relay room, gas governor, various fences between 1.2m and 4m in height and 6m high security columns.

1.2 Vehicular access would be gained via an 85m track running parallel with Lead Road some 60m from the existing access into the electricity sub-station site on the South side of the road.

1.3 The purpose of the peaking plant would be to generate electricity at short notice to meet peaks in demand within the local electricity network. When required by the National Grid the peaking plant would be turned on remotely and the gas would spin a generator to produce electricity which would be exported to the electricity network by the existing Coalburns Bulk Supply Point Sub-station. The applicant states the lifespan of the peaking plant would be 25 years.

1.4 PLANNING HISTORY

None

2.0 Consultation Responses:

Campaign to Protect Rural England	No objection
Coal Authority	No objection subject to informative note
Environment Agency	No objection
National Grid	No response received
Northern Powergrid	No conflict with Northern Powergrid infrastructure
Northern Gas Networks	No objection
Tyne and Wear Fire and Rescue Service	No response received

3.0 Representations:

3.1 Publicity was carried out in accordance with Article 15 of the Town & Country Planning (Development Management Procedure) Order 2015 (as amended).

- 3.2 Two objections have been received raising the following points:
- Why in countryside?
 - Gas is a fossil fuel – why not build at Stella where there would be less impact on the countryside?
 - Very limited information received
 - Concerns over possible bio / waste gas and smells
 - Extra traffic
 - Health concerns

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1H Pollution

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

5.0 Assessment of the Proposal:

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

- i. whether the development comprises inappropriate development in the Green Belt;
- ii. the effect on the openness and purposes of the Green Belt;
- iii. the effect on the character and appearance of the area;
- iv. the impact on the living conditions of surrounding residents;
- v. the impact on air quality;
- vi. whether the development would give rise to any highway safety issues;
- vii. the local ecological impact of the development;
- viii. whether land stability or contamination issues are mitigated; and
- ix. if the proposal comprises inappropriate development in the Green Belt, whether any harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development proposed.

- 5.2 **WHETHER INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT**
The application site is located within the Green Belt. Policy CS19 of the Core Strategy and Urban Core Plan states that the Green Belt will be protected in accordance with national policy.
- 5.3 Paragraph 145 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate save for seven specified exceptions. Paragraph 146 advises that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 5.4 The application proposal does not accord with any of the exceptions within paragraphs 145 and 146 of the NPPF and, as such, comprises inappropriate development in the Green Belt contrary to policy CS19 of the Core Strategy and Urban Core Plan. Consequently, the development should not be approved unless very special circumstances can be demonstrated which outweigh the harm to the Green Belt and any other harm.
- 5.5 **EFFECT ON OPENNESS AND PURPOSES OF THE GREEN BELT**
The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development and is thus characterised by a lack of buildings, structures or other above-ground items rather than those that are unobtrusive or screened in some manner. There is therefore a clear distinction between openness and visual impact, and the containment of the application site by shrubs, hedges and trees has no bearing on this assessment.
- 5.6 Given the nature and scale of the development, it is clear that the proposed structures, buildings and containers would diminish the openness of the Green Belt; albeit only for anticipated the 25 year lifespan of the facility. Furthermore, the proposal would conflict with one of the five purposes of the Green Belt as set out in paragraph 134 of the NPPF, namely to assist in safeguarding the countryside from encroachment.
- 5.7 **CHARACTER AND APPEARANCE**
The proposed development would be clearly visible from Lead Road and the adjacent Public Right of Way and the prominence of the development would be increased during the autumn and winter months when the landscaping foliage thins out. The application site has a distinctly rural character and appearance and is seen as part of the wider open countryside. Although the existing sub-station detracts from that countryside character, it is contained on one side of Lead Road with the predominant character of the area remaining rural and open. The siting of the proposed peaking plant to the north of Lead Road, and opposite the sub-station, would cause a fundamental change in character due to the introduction of structures and buildings close to the northern boundary of the road creating a sense of enclosure by industrial urbanising features on both sides of Lead Road. As a result, notwithstanding

the proposed landscaping, officers consider the development would cause localised harm to the appearance and character of this part of the countryside.

- 5.8 The proposed plant would therefore conflict with policies CS1(8)(iii) and CS15, of the Core Strategy and Urban Core Plan and saved policies DC1(c) and ENV3 of the Unitary Development Plan.
- 5.9 **LIVING CONDITIONS**
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 of pollution on health and living conditions. Decisions should, amongst other things, mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 5.10 Local policies CS14 of the CSUCP and saved policies DC1(h) and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of amenity for residents.
- 5.11 The applicant has submitted an acoustic report prepared by a qualified acoustic consultant. The noise assessment models the proposed peaking plant noise levels against existing background noise levels at the nearest noise sensitive receptors to determine the impact. The report concludes that that noise levels from the operation will be below background noise levels during the day therefore the impact of the development on surrounding residents by virtue of noise would be low. Officers consider it is appropriate to condition that the noise rating level from the operation of the peaking plant shall not exceed the background noise level when measured at the façade of a noise sensitive receptor (condition 10). It would also be necessary to condition the hours of construction (condition 9).
- 5.12 Subject to the suggested conditions, officers consider the development would not cause harm to the living conditions of the occupiers of surrounding properties and would accord with the NPPF, policy CS14 of the CSUCP and saved policies DC1(h) and DC2 of the UDP in regard to noise.
- 5.13 **AIR QUALITY**
Paragraph 181 of the NPPF requires that planning decisions sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account, amongst other things, the cumulative impacts from individual sites in local areas. Policy CS14(1)(iii) of the Core Strategy and Urban Core Plan is consistent with this aim.
- 5.14 The applicant states all 40 engines would always operate at maximum load order to produce as much additional electricity as possible in a short space of time during periods of high demand. The gas engines would take 30 seconds to 2 minutes to start-up and 2 to 5 minutes to ramp down.

- 5.15 An assessment of the potential impacts on local air quality from construction activity and the operation of the peaking plant has been conducted by a qualified consultant. Officers concur with the consultant's recommendations that the peaking plant would not interfere with the implementation of the Council's Air Quality Action Plan and air quality management related policies.
- 5.16 The peaking plant is also subject to the Environmental Permitting Regime and the operator must apply to the Environment Agency for a permit under the Medium Combustion Plant Directive which sets out rules to control emissions of sulphur dioxide (SO₂), nitrogen oxides (NO_x) and dust into the air.
- 5.17 HIGHWAY SAFETY
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'.
- 5.18 Whilst the site is not sustainable in transport terms, the peaking plant would not be a main place of employment and would only receive occasional visits, being in-large monitored remotely. The applicant advises that the number of visits to the site would be very small once the plant is operational – approximately one visit every two weeks. On this basis, officers do not raise concerns over the use of the existing access in terms of visibility as this level of use would be similar to that of a typical field access and the level of visibility which can be achieved appears to be good.
- 5.19 A condition can be imposed requiring the submission of a Construction Management Plan (conditions 1 and 2). This would include details of how vehicles could turn in and out of the access and turn within the site before re-entering the highway. It would also include details regarding wheel washing to prevent the spread of mud onto the highway.
- 5.20 Overall the application is acceptable from a highway safety perspective and therefore accords with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.
- 5.21 ECOLOGY
The application site lies within a Wildlife Corridor which broadly sweeps over the site and surrounding area in a 1km-wide band. Saved policy ENV51 of the UDP states that a network of wildlife corridors will be protected by resisting development which would seriously impair their integrity or value to wildlife. It goes on to state that in exceptional occasions, damaging developments may be allowed where habitats would be enhanced or where suitable replacement land is provided to retain the integrity of the corridor.
- 5.22 The site comprises of a small area of arable land in a wider agricultural landscape. Officers consider the loss of this habitat will not cause any significant impact on any wider green infrastructure resource. In order to avoid harm to breeding birds and reptiles it can be conditioned that the mitigation

and protection measures contained within the ecological report submitted by the applicant are implemented on-site (condition 12).

5.23 Subject to the condition above, the development would be acceptable in terms of its impact on wildlife and ecology.

5.24 GROUND CONDITIONS

The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and appears to have never been subject to significant commercial end use, with the area having been used for agriculture since circa 1856. Overall the potential level of contamination possibly being a hazard to site operatives and future site users is low and, as such, contaminated land conditions are not necessary.

5.25 The application site falls within a Coal Mining High Risk Area as defined by The Coal Authority. Records indicate that the site is subject to historic recorded and likely unrecorded coal mine workings at shallow depth. The applicant has submitted a ground conditions report with the planning application. On the basis that the development would not require substantial groundworks it is considered it would be unreasonable in this instance to condition the undertaking of intrusive investigation works for coal mining.

5.26 WHETHER VERY SPECIAL CIRCUMSTANCES EXIST AND PLANNING BALANCE

The proposal comprises inappropriate development in the Green Belt and, in accordance with paragraph 143 of the revised NPPF, the development should not be approved except in very special circumstances.

5.27 Paragraph 144 advises that the Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt and that "very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

5.28 *Need*

The Government's 'Energy Security Strategy' states that it is essential that a robust strategy is in place to maintain the energy security needed for domestic and business consumers in the UK. This means providing the energy services they need, at prices that avoid excessive volatility whilst delivering the Government's 'Overarching National Policy Statement for Energy (EN-1)'. EN-1 demonstrates that energy is vital to economic prosperity and social well-being and that it is important to ensure that the UK has secure and affordable energy.

5.29 Peaking power generation forms an important part of balancing services procured by the National Grid for it to balance demand and supply, and to ensure security and quality of electricity supplies. Whilst renewable energy provides a low carbon option, its generation is intermittent, as it is dependent on the time of day and weather. The larger the difference between available capacity and demand, the more resilient the system will be in dealing with

unexpected events, and consequently the lower the risk of a supply interruption. This helps protect businesses and consumers from rising and volatile prices and, eventually, from physical interruptions to supplies that might impact on essential services.

- 5.30 Officers note that the application proposes a non-renewable energy source to provide energy to the National Grid however 'flexible' peaking power generation capacity specifically forms part of the renewable energy associated infrastructure being developed to meet the UK's obligations under the EU Renewable Energy Directive to cover the intermittency of generation.
- 5.31 Paragraph 148 of the NPPF is clear that the planning system should support the transition to a low carbon future in a changing climate and should help to support renewable and low carbon energy and 'associated infrastructure'.
- 5.32 The proposed peaking plant would be to provide back-up generation capacity and would not be in continuous operation. It is designed to specifically work around renewables and to support the system when renewable generation levels decline. It is recognised in the electricity industry that combined carbon emissions from peaking plants, along with renewable sites can provide very low carbon power therefore peaking plants of this nature are categorised as low carbon energy 'associated infrastructure', as supported by paragraph 148.
- 5.33 Taking the above into account, officers are of the view that on balance it is not unreasonable to conclude that the proposed development would constitute development required for the exploitation of sources of renewable energy. The proposed development would be environmentally sustainable in so far as it would support the move towards low carbon energy supplied by renewable energy developments and would have a limited operational life. As such, the development would be in accordance with the aims and objectives of section 14 of the NPPF.
- 5.34 *Site Selection and Grid Connection*
The applicant has submitted detailed information regarding the site selection. Site selection is grid connection led. Sites can only be considered when a District Network Operator has the ability to allocate a developer with a point of connection to the electricity network. Nationally, the general availability of grid connections is increasingly located in countryside locations. Available grid connections in urban and industrial areas are more restricted as the grid networks in these areas are generally highly constrained and available sites are developed for other uses which command a higher commercial value. The applicant proffers that this means that if standby generation facilities are to continue to play the role envisaged by the UK Government, then local planning authorities everywhere "need to consider proposals for them positively". An addition site selection restriction is that the capacity of the grid to accommodate such development varies over time and over geography (the availability of suitable grid connections changes constantly), and so it calls on local planning authorities to "adopt a positive and flexible approach to applications for the development of standby generation facilities".

- 5.35 The applicant has shown it has a national remit to find, build and operate sites for peaking power generation to help balance the network and since January 2016, it has identified some 2,000 prospective sites nationally. After applying an initial planning filter for top-level planning constraints such as National Parks and AONBs, Conservation Areas and SSSIs/SPAs/SACs/Ramsars, around 1,500 sites were left. Of these, fewer than 100 sites were then identified as having a practicable grid connection therefore 95% of the initially identified sites are unsuitable. The applicant then carried out a comprehensive search of gas infrastructure maps to find a location where acceptable gas infrastructure passed near to an electrical point of connection. The sites were then filtered further - including technical considerations, capacity, electrical and gas constraints amongst other factors.
- 5.36 The applicant acknowledges that there are other sites theoretically capable of accommodating a peaking plant however these were discounted as the distances from the gas and electricity connection points were further than those at the Penny Hill application site. This would result in costs which would render a scheme unviable due to the extremely high cost of laying additional lengths of electrical cable and gas piping (at approximately £13,000 for every 10 metres). Consequently, the proposed points of connections to the gas and electricity network at Penny Hill are the only viable connections available for this development.
- 5.37 The applicant states the Penny Hill site was chosen as overall: it is in close proximity to the Coalburns Bulk Supply Point Sub-station with a point of connection 30m from the site; the gas point of connection is 550m from the site; the site is located away from potentially sensitive receptors; the location will provide good access for maintenance vehicles; the site is located entirely within flood zone 1 and the site is not located within an Air Quality Management Area. Alternative sites were considered within a 1km radius of the application site. No other sites were suitable or capable of accommodating the peaking plant due to the distance from electricity and gas connections. Further, no non-Green Belt site alternatives exist which would provide a viable connection to the electricity and gas network and, as a result, officers accept that the application site is one of a very limited number of possible sites.
- 5.38 Furthermore, officers accept a peaking plant at the application site would be the most beneficial for the region as the Coalburns Bulk Supply Point Sub-station, to which the peaking plant would connect, is directly connected to Northern Powergrid's sub-stations in the area including Consett, Tanfield, Annfield, Ravensworth and infrastructure connected to National Grid's 400kV network at Newburn Bridge Road, Blaydon, which distributes power throughout the North East.
- 5.39 Overall, in addition to harm by reason of inappropriateness, substantial weight must be attributed to the harm to the openness of the Green Belt and harmful effects in relation to encroachment. Officers have also identified a moderate degree of harm to the character and appearance of the countryside. The

energy balancing and renewable-facilitating benefits of the proposal carry significant weight and the economic and social benefits (through the provision of infrastructure and supporting strong, vibrant and healthy communities through the supply of energy to meet their needs) also weigh in favour of the proposal. On balance, officers consider that the benefits of the development outweigh the temporary harm by reason of inappropriateness and any other harm identified. As such, it is considered that the very special circumstances necessary to justify inappropriate development in the Green Belt exist in this instance.

5.40 Notwithstanding this, it is considered the permission should be temporary for the anticipated 25 year lifespan, and once the use ceases, the infrastructure shall be removed and the site. The site would then be restored in accordance with a scheme that has been approved by the Local Planning Authority

5.41 OTHER ISSUES

For clarity, saved policy MWR31 of the Unitary Development Plan which seeks to encourage renewable energy generation does not apply to this proposal as the gas-powered plant would use a non-renewable energy source to generate electricity.

5.42 COMMUNITY INFRASTRUCTURE LEVY

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

Substantial weight must be given to the potential harm to the Green Belt by reason of inappropriateness. Substantial weight must also be given to the loss of openness of this part of the Green Belt that would be a consequence of the proposed development. In addition, there would be moderate harm in terms of the localised impact of the development on the character and appearance of the countryside. Both these harms would be relatively short-term (25 years).

6.1 Weighing in favour of the proposal are the energy balancing and renewable-facilitating benefits which carry significant weight, and the consequential economic and social benefits through the provision of infrastructure and supporting strong, vibrant and healthy communities through the supply of energy to meet their needs.

7.0 **Recommendation:**

That temporary planning permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, delete, vary and amend the planning conditions as necessary:

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority.

The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors;
2. A Construction Traffic Management Plan which includes further details of the management of vehicles arriving at and leaving the site during construction;
3. Storage of plant and materials used in constructing the development;
4. The erection and maintenance of security hoarding;
5. Wheel washing facilities;
6. Measures to control the emission of dust and dirt during construction; and
7. A scheme for recycling/disposing of waste resulting from construction works.

Reason

To safeguard the amenities of nearby sensitive receptors and to safeguard highway safety and in accordance with policies CS13 and CS14 of the Core Strategy and Urban Core Plan and saved policies DC1, DC2 and ENV61 of the Unitary Development Plan.

Pre-commencement reason

To ensure that construction details can be approved prior to on-site works thereby avoiding any abortive work and preventing harm to nearby sensitive receptors due to uncontrolled construction and harm to highway safety which could otherwise occur.

2

The Construction Method Statement approved under condition 1 shall be adhered to throughout the construction period for the development.

Reason

To safeguard the amenities of nearby sensitive receptors and to safeguard highway safety and in accordance with policies CS13 and CS14 of the Core Strategy and Urban Core Plan and saved policies DC1, DC2 and ENV61 of the Unitary Development Plan.

3

Prior to their use on-site, details and samples of the materials to be used in the construction of the structures hereby approved shall be submitted to and approved in writing by the local planning authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the area in accordance with the NPPF, Saved Policies

DC2 and ENV3 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

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

Reason

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

5

Prior to the development hereby approved being brought into use for the first time, details of any external lighting shall be submitted to and approved in writing by the local planning authority.

Reason

In order to safeguard the character and appearance of the countryside, in the interest of the residential amenity of surrounding residents and to prevent harm to local wildlife in accordance with policies CS14, CS15 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, DC2 and ENV46 of the Unitary Development Plan.

6

The illumination of the external areas shall be in accordance with the details approved under condition 5.

Reason

In order to safeguard the character and appearance of the countryside, in the interest of the residential amenity of surrounding residents and to prevent harm to local wildlife in accordance with policies CS14, CS15 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, DC2 and ENV46 of the Unitary Development Plan.

7

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.

8

The development shall be carried out in complete accordance with the approved plans and documents as detailed below -

911-PL-01 Rev 3 dated 10.07.2018
911-PL-02 Rev 9 dated 31.08.2018
911-PL-03 Rev 9 dated 02.07.2018
911-PL-04 Rev 7 dated 10.07.2018
911-PL-06 Rev 2 dated 31.08.2018
911-PL-07 Rev 1 dated 15.10.2018
CRM.349.008.L.D.001 dated 31.08.2018
CRM.349.008.L.D.002 dated 17.12.2018
CRM.349.008.L.D.003 dated 17.12.2018
CRM.349.008.L.D.004 dated 17.12.2018
1750103/01 R2018/004 Rev A dated 29.08.2018
CRM.349.008.EC.R.001 dated 05.09.2018
CRM.349.008.GE. R.006.A dated April 2018
Acoustic Report Rev D dated 19.09.2018

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

Reason

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

9

Construction works shall take place only between 0730 and 1800 Mondays to Fridays, and between 0900 and 1700 Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason

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

10

The noise rating level from the operation of the plant hereby approved shall not exceed the daytime background noise level, as measured at the façade of any noise sensitive receptor identified in section 5.4 of the Acoustic Report Rev D dated 19.09.2018. The measurements and assessment shall be made in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

Reason

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

11

The implementation of the approved landscaping details shall be carried out in the first planting and seeding season (October to March) following the completion of the development, and any trees, shrubs or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

To ensure that the approved landscaping scheme is completed within a reasonable time scale in the interests of the visual amenity of the area and in accordance with policies CS15 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1 and ENV3 of the Unitary Development Plan.

12

The ecological mitigation measures in Section 5.2 of Ecological Appraisal report CRM.349.008.EC.R.001 dated 05.09.2018 shall be adhered to and carried out in full during any site preparation works and the construction of the development hereby approved.

Reason

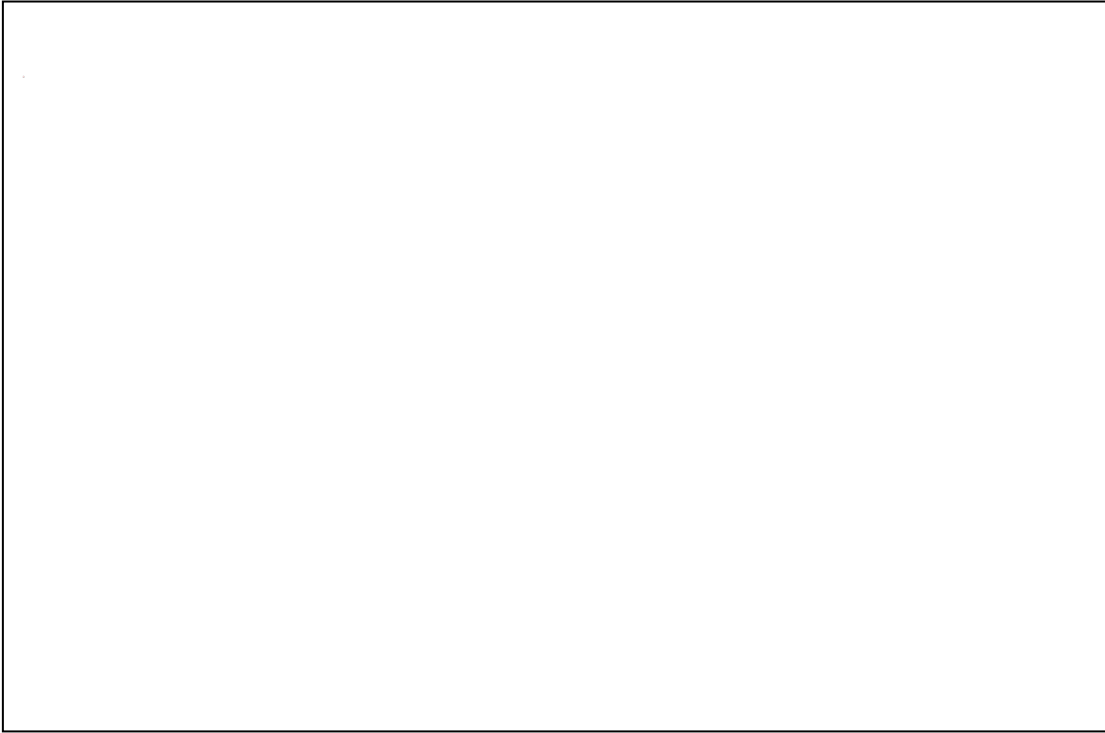
In order to avoid harm to breeding birds and reptiles in accordance with policy CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV44, ENV46, ENV47 and ENV51 of the Unitary Development Plan.

13

Within 25 years of the date of this permission or 6 months of the end of the operational life of the standby generation plant hereby approved (whichever is soonest) the plant shall be decommissioned, all items, structures, hardcore and any underground apparatus or concrete shall be removed from the site within the red line application site identified on drawing 911-PL-04 Rev 7 dated 10.07.2018 and the land shall be subsequently restored to its undeveloped state in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that upon the end of the operational life of the development the harm to the Green Belt ceases and the visual amenity of the countryside is restored in accordance with the NPPF, policies CS15 and CS19 of the Core Strategy and Urban Core Plan and saved policy ENV3 of the Unitary Development Plan.



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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, DEVELOPMENT TRANSPORT AND PUBLIC
PROTECTION**

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

Please note this document should be read in conjunction with the main report of the
Service Director, Development Transport and Public Protection

MINOR UPDATE

Application No:	DC/18/01009/FUL
Site:	Land On North Side Of Lead Road (Penny Hill)
Proposal:	Construction of gas powered standby generation plant (as amended 11.01.2019)
Ward:	Crawcrook And Greenside
Recommendation:	Grant Temporary Permission
Application Type	Full Application

Reason for Minor Update

Further Representations and Amended Recommendation

One additional objection has been received (bringing the number received to three). The further objections relate to

- Increased traffic during construction
- The development is not in keeping with the local area
- The technology proposed is becoming outdated
- Insufficient information in relation to noise
- Other sites are available
- The restoration strategy is inadequate.

Officers are of the view that the Committee report explains the site selection process, and that the traffic, visual and noise impacts have been properly assessed. Furthermore, a condition is recommended (no. 13) to secure details of a suitable restoration scheme.

AMENDED RECOMMENDATION

It is recommended that Members are MINDED TO GRANT a temporary (25 year) planning permission, subject to planning conditions and referral of the application to the Secretary of State.

The Town and Country Planning (Consultation) (England) Direction 2009 sets out the applicable criteria and arrangements that must be followed for consulting the Secretary of State once the local planning authority has resolved to grant planning permission for certain types of development that are set out in paragraphs 3-8 of the Direction.

The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to 'call in' an application under section 77 of the Town and Country Planning Act 1990. The use of the call-in power requires that the decision be taken by the Secretary of State rather than the local planning authority.

Paragraph 4 of the Direction states that "Green Belt development" means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes:

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;**
- or**
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.**

Paragraph 11 of the Direction stipulates that where a Local Planning authority is required to consult the Secretary of State, it shall not grant planning permission on the application until the expiry of a 21-day period after the Secretary of State acknowledges receipt of the referral.

It is therefore recommended that the application be referred to the Secretary of State, in accordance with the requirements of The Town and Country Planning (Consultation) (England) Direction 2009 on the basis that the proposal would have a significant impact on the openness of the Green Belt.

SEE MAIN AGENDA FOR OFFICERS REPORT.

Committee Report

Application No:	DC/18/01180/COU
Case Officer	Joanne Munton
Date Application Valid	20 November 2018
Applicant	Mr Robert Swan
Site:	Granby Stables Opposite Streetgate Farm Gateshead Road Sunniside Whickham NE16 5LE
Ward:	Whickham South and Sunniside
Proposal:	Change of use of one block from livery stable to indoor daycare facility for dogs, including alterations to doors and fenestration (amended 06/12/18 and additional information received 08/01/19).
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site is within an existing stables/livery, which includes northern and southern stable blocks, a yard between the blocks, access point and car park to the east of the blocks, and surrounding fields associated with the use.

1.2 Specifically, the application site comprises the northern stable block, yard, car parking area and access road. The stable block is a single storey timber building with concrete floor and corrugated bitumen roof. The northern stable block currently accommodates five horses and the stable doors face south onto the yard.

1.3 The site is in the Green Belt.

1.4 DESCRIPTION OF APPLICATION

The application proposes the change of use of the northern stable block to an indoor daycare facility for dogs and external alterations comprising:

- replacement of three stable doors with double glazed windows;
- replacement of the easternmost stable door with an entrance door;
- blocking up of the stable door nearest the new entrance door;
- creation of access door on northern elevation.

1.5 The indoor daycare would provide a quiet area, and indoor play area and a reception area with a kitchen/storage area.

1.6 The information submitted with the application proposes that the daycare provision would be for up to 10 dogs between the hours of 08.00 and 18.00.

1.7 RELEVANT PLANNING HISTORY

727/94 - Erection of five additional stables and two loose boxes and siting of caravan for use as office (retrospectively) and erection of 9 feet high screen fencing around caravan - Granted 07.08.1995

2.0 Consultation Responses:

None

3.0 Representations:

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

3.2 Councillor Marilyn Ord has requested that the application be reported to Planning Committee.

3.3 Additionally, 6 letters of objection have been received from residents, raising concerns regarding:

- Increased noise and disturbance;
- Impact on stress and mental health as a result of increased noise;
- Increased smell from dog waste and health impacts from the waste;
- Potential for business to provide care overnight and/or seven days a week;
- Existing use has insufficient parking;
- Drop off and pick ups would occur at similar times and at rush hour/when roads are busy.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are Green Belt, visual amenity, residential amenity and highway safety and parking.

5.2 GREEN BELT

The site is in the Green Belt. Paragraph 143 of the NPPF states:

5.3 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

5.4 Paragraph 146 of the NPPF continues:

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

d) the re-use of buildings provided that the buildings are of permanent and substantial construction'

5.5 It is considered that the proposal would fall within the above exception and would therefore not be inappropriate development in the Green Belt. The proposal would comply with the aims and requirements of policy CS19 of the CSUCP and the NPPF.

5.6 VISUAL AMENITY

The building is existing and it is considered that the proposed external alterations, and the proposed change of use itself, would not have an unacceptable impact on visual amenity in the area.

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

5.8 RESIDENTIAL AMENITY

The subject building is located 60m from the boundary with land at neighbours at Granby Cottage and 62m from the boundary with land associated with neighbours at Bracken Cottage and Ponticherry Cottage, to the west.

5.9 It is acknowledged that Gateshead Road to the south is busy and contributes to background noise levels. Additionally, there is an existing business currently running on site every day of the week and noise associated with the horses.

5.10 The applicant proposes operating hours as 08.00-18.00 Monday to Friday. Therefore, this application does not propose dog boarding, but care for dogs

during the day on weekdays only, with no overnight care on offer. It is considered that a condition restricting the use to the proposed hours of operation would be unnecessary and it is recommended that a condition be imposed restricting the use to the hours of 07.00-21.00 on any day.

- 5.11 Additionally, it is considered that a maximum of 10 dogs in the day care at any one time would be reasonable and a condition is recommended to be imposed restricting numbers to this.
- 5.12 The red line boundary of the application site does not include the field to the north of the stables, as this would remain in primary use for horses. It is appreciated that dogs normally require exercise, and that it would be reasonable for a dog day care business to offer dog walking in their package. Planning cannot reasonably control where dogs are walked, and if the business were to offer this service this could occur off-site. Additionally, if the field to the north of the stables ceased to be primarily used for horses and a material change of use occurred, this itself would require planning permission, and would be dealt with separately to the proposal in this application.
- 5.13 The applicant proposes in their submitted statement that the business would conduct behaviour assessments of dogs to determine if they would be suitable for the day care on offer. The statement also proposes insulation on the walls and ceilings of the building, and for windows to be double glazed.
- 5.14 To ensure that appropriate measures would be in place to address potential noise generation, it is recommended that conditions be imposed requiring a noise management plan to be submitted to the LPA for consideration, and implementation of the approved details.
- 5.15 In terms of concerns raised by objectors regarding dog waste, the applicant's submitted statement confirms that measures would be in place to appropriately deal with this. In any event, this matter would be addressed by the license application that would also be required, and would therefore be dealt with outside of planning, so a condition relating to management of dog waste is not considered to be necessary.
- 5.16 Therefore, it is considered that conditions could appropriately address issues of potential noise and smells resulting from the proposed use. Subject to conditions, the proposal would comply with the aims and requirements of saved policies DC2 and ENV61 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.17 **HIGHWAY SAFETY AND PARKING**
The applicant has submitted a statement advising that currently the livery business has 12 stables and therefore generating a potential 24 visits per day (trips by owners to turn horses out in the morning and bring them in in the evening). The proposed conversion of 5 stables would remove the need for 10 trips per day associated with horses. The applicant also states that fewer horses on site would reduce the number of tractor visits for the supply of hay

and straw, and the number of farrier, vet and dentist visits associated with the remaining horses on site.

5.18 The applicant proposes that their livery business offer morning turn out and evening bring in as part of the customer livery package, which would reduce the need for regular trips to the site by owners. In addition to this, the applicant proposes to offer a collection and drop off service to customers of the dog day care business, which would also reduce trips to and from the site.

5.19 However, it is acknowledged that the proposal for day care for up to 10 dogs has the potential to increase customer visits to the site, and the application proposes two additional part time members of staff.

5.20 A number of customer visits to the site already occur and there is existing parking provision on site. It is considered that the proposal would not result in an unacceptable number of trips to/from the site and that the proposal would comply with policy CS13 of the CSUCP and the NPPF.

5.21 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development.

5.22 **OTHER MATTERS**
The proposal must be considered on its merits as proposed in the application, and any future extension of hours of operation would be considered in a separate application process.

6.0 CONCLUSION

6.1 The proposal allows an existing business to diversify and it is considered that potential impacts on residential amenity could be addressed by appropriate conditions.

6.2 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in terms of Green Belt, visual and residential amenity, highway safety and parking, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

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

7.0 Recommendation:

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

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

Pp0000000Granby Stables Existing and Proposed Site Layout
(received 06.12.2018)

AD01: Existing and Proposed Layout

AD02: Existing and Proposed Front Profile

AD03: Existing and Proposed Back Profile

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

Reason

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

2

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

Reason

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

3

The day care business shall not care for more than ten dogs on site at any given time.

Reason

To prevent undue harm to the living conditions of the occupiers of surrounding properties in accordance with saved policies DC2 and ENV61 of the Unitary Development Plan, policy CS14 of the Core Strategy and the National Planning Policy Framework.

4

The use hereby approved, including picking up and dropping off of dogs, shall only operate between the hours of 07.00-21.00 on any day.

Reason

To prevent undue harm to the living conditions of the occupiers of surrounding properties in accordance with saved policies DC2 and ENV61 of the Unitary Development Plan, policy CS14 of the Core Strategy and the National Planning Policy Framework.

5

The use hereby approved shall not be brought into operation until a noise management plan, providing details of mitigation of potential noise generation and including timescales for implementation, has been submitted to and approved in writing by the local planning authority.

Reason

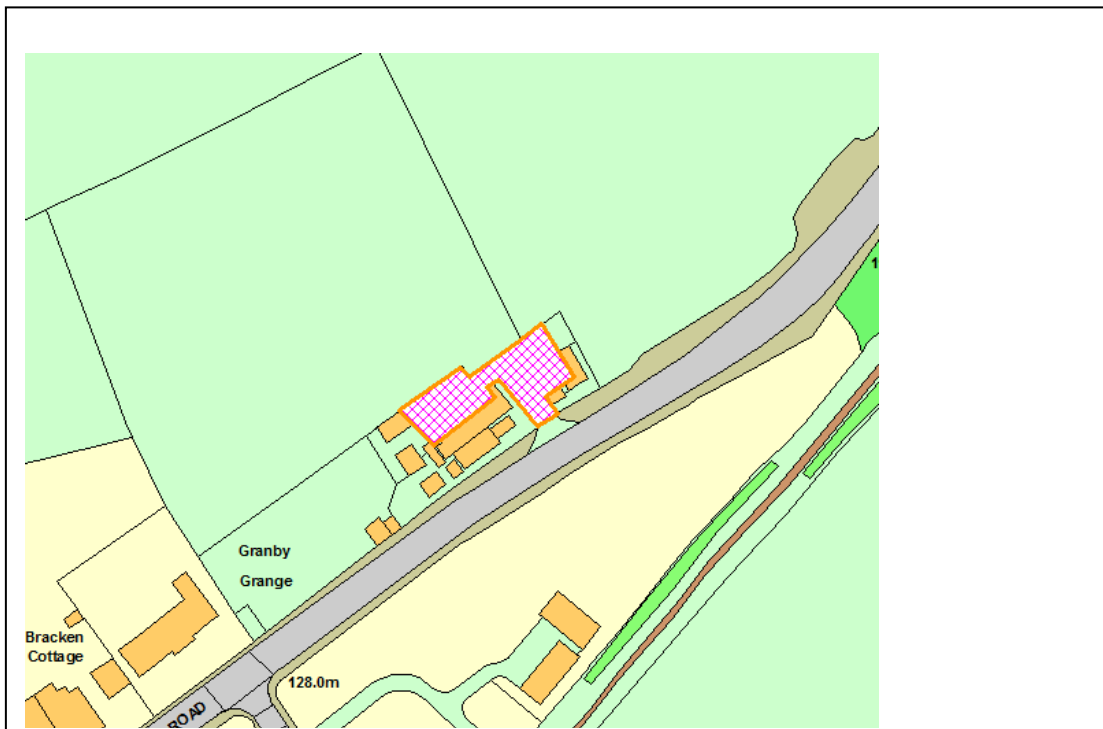
To prevent undue harm to the living conditions of the occupiers of surrounding properties in accordance with saved policies DC2 and ENV61 of the Unitary Development Plan, policy CS14 of the Core Strategy and the National Planning Policy Framework.

6

The details approved under condition 5 shall be implemented in full accordance with the approved details and timescales and retained/maintained on site for the lifetime of the development.

Reason

To prevent undue harm to the living conditions of the occupiers of surrounding properties in accordance with saved policies DC2 and ENV61 of the Unitary Development Plan, policy CS14 of the Core Strategy and the National Planning Policy Framework.



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Committee Report

Application No:	DC/18/01213/FUL
Case Officer	Joanne Munton
Date Application Valid	29 November 2018
Applicant	Mr Garry Birkett
Site:	Land To West Of 10 Beverley Gardens Ryton NE40 3BD
Ward:	Ryton Crookhill And Stella
Proposal:	Proposed Single Dwelling (revised application) (additional information received).
Recommendation:	REFUSE
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The site is that of an existing garage building, running east to west and measuring 6.0 metres deep by 3.3 metres wide, and land to the north. The site sits at the northern end of a collection of garages on the south western side of a lane, opposite the ends of terraces at Beverley Gardens and North View.

1.2 To the north is a motor salvage yard, to the east are allotment gardens, to the south are terraced dwellings and associated detached garages and to the west is open grassed land, with desire line paths showing evidence of public usage. Public right of way Ryton77 also runs east to west, immediately north of the site.

1.3 The application site is in the Green Belt.

1.4 DESCRIPTION OF APPLICATION

The application proposes the replacement of the existing single storey garage with a detached dwelling with rooms in the roof. On the ground floor the dwelling would provide an integral garage, a kitchen/dining room, separate utility and living/family room, and on the first floor would provide three bedrooms, two en-suites and a separate bathroom.

1.5 The building would run north to south and would be 6.5 metres deep by 13.3 metres wide, with a height of 6.2 metres to the ridge and 2.6 metres to the eaves.

1.6 Parking provision would be hardstanding in front of the proposed dwelling and there would be a private garden at the northern end of the site.

1.7 Existing hedgerow would be retained on the eastern/north eastern boundary and close boarded timber fencing is proposed on the south east and south west boundaries.

1.8 This application is a revised proposal following the withdrawal of DC/18/00400/FUL earlier in 2018.

1.9 RELEVANT PLANNING HISTORY

DC/18/00400/FUL - Erection of single dwelling - Withdrawn 07.06.2018

2.0 Consultation Responses:

Coal Authority	Conditions recommended
Northumbria Water	No objection
Environment Agency	No response

3.0 Representations:

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

3.2 Councillor Buckley has objected to the application, raising concerns regarding the impact on the Green Belt.

3.3 Additionally, 19 objections have been received from residents, raising concerns including:

- Impact on Green Belt and potential to set a precedent for land surrounding the application site;
- Land is not previously developed;
- Residential properties are available elsewhere;
- Use of land is for parking cars;
- Impact on existing condition of access road, infrastructure and services;
- Increased congestion on lane and increased parking demand, in addition to existing local parking and access issues;
- Increased impact on highway safety in relation to the existing narrow lane;
- Impact on children playing in the street and highway safety;
- Loss of privacy;
- Overbearing impact;
- Loss of light;
- Loss of views;
- Out of character with the surrounding area;
- Overdevelopment of the site;
- Impact on amenity of potential future occupiers in terms of proximity to a salvage yard;
- Inadequate living space for potential future occupiers;
- Increased light pollution;
- Loss of open space;
- Impact on wildlife corridor, habitats and birds in particular;

- Restricted access to paths on land to the west;
- Impact on appearance of countryside and recreational value of the public right of way.

3.4 One letter of support has also been received, commenting that the proposal would be a positive and attractive addition in the area.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CFR20 Local Open Space

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

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

CS19 Green Belt

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are the principle of the development, Green Belt, visual amenity, residential amenity, highway safety and parking and ground conditions.

5.2 PRINCIPLE

5.3 Green Belt

The application site in its entirety is in the Green Belt (contrary to the detail in the submitted planning statement).

5.4 Paragraph 133 of the NPPF states that:

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

5.5 Paragraph 134 of the NPPF sets out the five purposes of the Green Belt:

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

5.6 Policy CS19 of the CSUCP reflects the above.

5.7 Paragraph 143 of the NPPF states that:

'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

5.8 Additionally, NPPF paragraph 145 states that:

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are [amongst others]:

- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

5.9 In this case, the above exception is formed of two parts that must be assessed:

1. Whether the proposal would be redevelopment of previously developed land, and

2. Whether the proposal would have a greater impact on the openness of the Green Belt than the existing development

5.10 Taking each part in turn:

1. Whether the proposal would be redevelopment of previously developed land

5.11 The NPPF defines previously developed land as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

5.12 It is considered that the application site would fall within the above definition. It must be noted, however, that falling within the definition of 'previously developed land' does not stop land from being designated as Green Belt land, as in this case.

5.13 Turning to the second part of the exception:

2. Whether the proposal would have a greater impact on the openness of the Green Belt than the existing development

5.14 The existing building on site is a single storey garage constructed of timber and corrugated metal, with a footprint of 19.8sqm. The scheme proposes a detached dwelling with rooms in the roof, and with a footprint over four times larger than the existing garage (87.14sqm), and with additional hardstanding parking area and formalised garden.

5.15 It is considered that the proposed dwelling would result in additional bulk significantly over and above that of the garage on the immediate site, and would introduce domestic paraphernalia, formalisation of external space and, at the very least, the potential for hard boundary treatment surrounding the site. Therefore, it is considered that the proposal would have a greater impact on the openness of the Green Belt than the existing development.

5.16 Also, whilst the planning statement refers to dwellings on the main road restricting views of the land, openness is not assessed wholly on views and whether the site is visible from a public area. In any event, there is a public right of way (Ryton 77) immediately north/north east of the application site and the site is widely visible from the public domain.

5.17 Further, the proposal would have a greater impact on the purpose of the Green Belt, particularly safeguarding the countryside from encroachment.

5.18 The proposal would have a greater impact on the openness of the Green Belt than the existing development. The proposal would not fall within the

exception identified in NPPF paragraph 145 and would be inappropriate development within the Green Belt.

- 5.19 Consequently, as stated above and in NPPF paragraph 143, in order for the proposal to be acceptable in Green Belt terms, very special circumstances must exist. Paragraph 144 of the NPPF states:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. '

- 5.20 No very special circumstances have been proposed with the submission, and based on the information currently available officers are of the view that no such circumstances exist that would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness.

- 5.21 Therefore, the proposal remains inappropriate development within the Green Belt and would not comply with policy CS19 of the CSUCP and the NPPF.

5.22 Loss of Open Space

The NPPF defines open space as:

'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.'

- 5.23 The majority of the existing site is taken up with the garage building and space for car parking. It is understood that parking associated with the salvage yard to the north also takes place on the land.

- 5.24 The application form confirms that the land within the red line boundary is privately owned and therefore public access and use is likely to be significantly restricted. From desire line paths it appears that the application site is not a primary access to the grassland to the west and it is considered that the site itself would have minimal public value as open space at most.

- 5.25 It should be noted however, that this does not impact on the allocation of the land as Green Belt.

5.26 Housing Policy

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.

- 5.27 It is considered that the location of the proposal is sustainable and that the proposal would comply with saved policy H4 of the UDP.

- 5.28 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 one dwelling with three bedrooms, so this policy requirement would be satisfied.
- 5.29 Policy CS11(4) of the CSUCP requires that new residential development provides 'adequate space inside and outside of the home to meet the needs of residents.' It is considered that the proposal would provide adequate space internally and externally.
- 5.30 It is considered that the proposal accords with saved policies H4 and H5 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.
- 5.31 VISUAL AMENITY/DESIGN
Whilst the majority of dwellings in the locality have two storeys, it is considered that given the detached nature and location of the proposed dwelling, the proposal would not have an unacceptable impact on visual amenity in the area in terms of design.
- 5.32 Fenestration would maintain an adequate level of vertical emphasis, reflecting the nearby terraced properties, and the proposed materials would draw from dwellings in the surrounding area. Final details of materials could be secured through a condition if the application was to be granted.
- 5.33 Subject to conditions, the proposal would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.
- 5.34 RESIDENTIAL AMENITY
The nearest residential property is 10 Beverley Gardens, 25 metres to the south east across the street. Given the application site location and distance from residential neighbours, the proposal would not result in an unacceptable impact on the residential amenity of neighbouring dwellings. If the application was to be granted, a condition could be imposed to ensure construction hours would not result in unacceptable noise/disturbance at neighbouring dwellings.
- 5.35 In terms of the residential amenity of potential future occupiers of the proposed dwelling, the proposal would provide adequate internal and external space for future occupiers. Additionally, in terms of privacy, the windows serving the bathroom and en-suites would be rooflights (at an angle rather than first floor vertical windows). The proximity to the salvage yard to the north would not lead to an unacceptable level of noise at the dwelling.
- 5.36 Therefore, subject to condition, the proposal would comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.37 HIGHWAY SAFETY AND PARKING

The access lane is narrow and there are no footways leading to the plot of an acceptable/usable width. It is considered that the addition of one dwelling is unlikely to have an unacceptable impact on the access road and surrounding highway.

- 5.38 The garage dimensions shown on the proposed drawing would not meet the council's cycle parking requirements (7m x3m), however, a condition requiring final details of secure and weatherproof cycle parking could be imposed if the application was to be granted.
- 5.39 In terms of paths near the site, public right of way Ryton77 runs east to west, immediately north of the site open grass land and it is considered that the proposal would not impede access to the right of way. There are also desire line paths showing evidence of public usage on the grass land to the west of the application site, and it is considered that the proposal would also not obstruct usual means of access to this land.
- 5.40 Subject to conditions, the proposal would comply with the aims and requirements of policy CS13 and the NPPF.
- 5.41 **GROUND CONDITIONS**
The application is supported by a Phase I Contaminated Land Risk Assessment and a Coal Mining Risk Assessment. If the application was to be granted, conditions could be imposed requiring further site investigations and, where required, further Risk Assessment and implementation of remediation measures.
- 5.42 Subject to conditions, the proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.43 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone A, with a levy of £60 per square metre for this type of development.
- 5.44 **OTHER MATTERS**
The availability of other residential properties instead of developing the land as proposed is not a material planning consideration in this case. Similarly, the application is considered on its planning merits, and the potential for other applications coming forward for land nearby is not a material planning consideration as these, if submitted, would be dealt with separately on their own merits.
- 5.45 Additionally, it is considered that the addition of one dwelling would not put an unacceptable strain on local infrastructure or services.

5.46 The site is not in a wildlife corridor and there is separate legislation outside of planning that seeks to protect species and habitats. Additionally it is considered that the proposal would not result in an unacceptable level of light spill/light pollution.

5.47 Loss of view is also not a material planning consideration.

6.0 CONCLUSION

6.1 It is considered that issues of visual amenity, residential amenity, highway safety and parking, and ground conditions could be addressed by conditions.

6.2 However, the proposal would not fall within any of the exceptions to inappropriate development in the Green Belt and no very special circumstances exist that would clearly outweigh the potential harm to the Green Belt by reason of this identified inappropriateness. Therefore, the proposal remains inappropriate development within the Green Belt and is contrary to policy CS19 of the CSUCP and the NPPF.

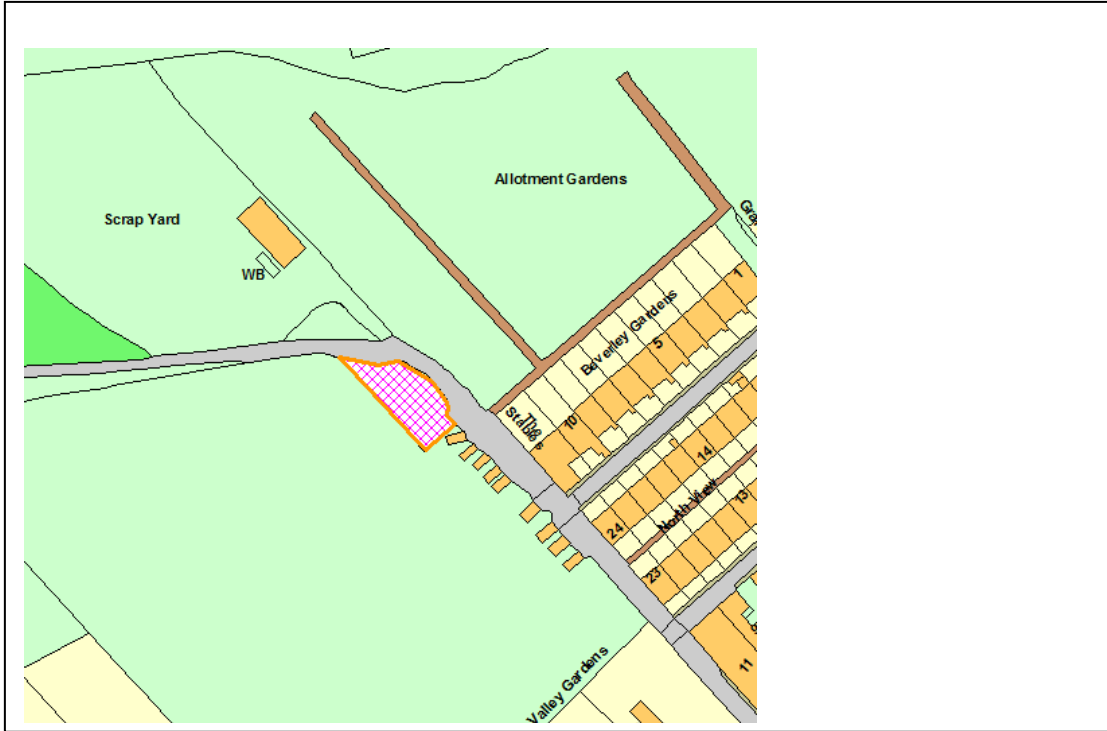
6.3 Therefore, it is recommended that the application be refused.

7.0 Recommendation:

That permission be REFUSED for the following reason:

1

The proposal would be inappropriate development in the Green Belt and no very special circumstances exist that would clearly outweigh this harm to the Green Belt. Therefore, the proposal is contrary to the aims and requirements of policy CS19 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, DEVELOPMENT TRANSPORT AND PUBLIC
PROTECTION**

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

Please note this document should be read in conjunction with the main report of the
Service Director, Development Transport and Public Protection

MINOR UPDATE

Application No:	DC/18/01213/FUL
Site:	Land To West Of 10 Beverley Gardens Ryton NE40 3BD
Proposal:	Proposed Single Dwelling (revised application) (additional information received).
Ward:	Ryton Crookhill And Stella
Recommendation:	Refuse Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

Councillor Buckley has submitted further comments in addition to the original objection, raising the following concerns:

- impact on the Green Belt and the strategic gap between Ryton and Crawcrook;**
- question whether the site is previously developed;**
- highway safety impacts;**
- out of character with the surrounding area.**

Additionally, one further objection has been received from a resident, raising concerns regarding:

- development on a greenfield site;**
- existing access issues;**
- question whether the site is previously developed;**
- potential precedent for further development in the area;**
- the height of the proposed dwelling.**

The above points area addressed within the main body of the officer's report.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/18/01215/COU
Case Officer	Amy Dunbar
Date Application Valid	10 December 2018
Applicant	Miss Jade Barrass
Site:	572 A Durham Road Gateshead NE9 6HX
Ward:	Low Fell
Proposal:	Change of use from solicitor's office (A2 use) to beautician's salon (sui generis).
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site is an existing, terraced property located on Durham Road. The property concerned with this application is located at first floor level while a charity shop operates at ground floor level. The site formerly operated as a solicitor's office and has been vacant since August 2017.

1.2 The site is located within Low Fell District Centre adjacent to Durham Road. The site is also located within Low Fell Conservation Area.

1.3 DESCRIPTION OF APPLICATION

The applicant proposes to change the use of the solicitor's office (A2) to a beautician's salon (sui generis). The property will be accessed via the existing front access door. No external alterations have been proposed as part of this application.

1.4 The applicant has proposed to operate 9:00-17:00 Monday to Friday and 8:00-14:00 on Saturdays. No opening hours have been proposed for Sundays and Bank Holidays.

1.5 RELEVANT PLANNING HISTORY

DC/18/01216/ADV Display of non-illuminated fascia sign on front elevation.

2.0 Consultation Responses:

None.

3.0 Representations:

3.1 The Council issued neighbour notification letters to 13 properties surrounding the application site on 19th December 2018. A notice was also displayed on site on the 8th January 2019.

At the time of writing, 7 letters of objection have been received which are summarised below:

- Business competition
- Parking issues
- Oversupply of beauty businesses in the surrounding area

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

RCL5 District and Local Centres

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV61 New Noise-Generating Developments

DC2 Residential Amenity

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when considering this planning application are the principle of the development, residential amenity, visual amenity and highway safety.

5.2 PRINCIPLE OF CHANGE OF USE

The proposed change of use would bring a currently vacant property located within Low Fell District Centre back into economic use. As a result, this development will contribute towards maintaining the vitality and viability of Low Fell's retail centre which complies with the aims and objectives of the NPPF, policy CS7 of the CSUCP and saved policy RCL5 of the UDP.

5.3 The proposed change of use is acceptable in principle, subject to all other material considerations being satisfied.

5.4 RESIDENTIAL AMENITY

It is considered that the proposed change of use would not have a detrimental impact on the amenity of nearby residents as it would not result in a loss of light, overshadow or visually intrude neighbouring properties.

5.5 The introduction of a beauty salon within a retail locality is would not create any additional noise disturbance to nearby residents and therefore whilst opening hours have been provided by the applicant it is not considered that it would be necessary to control these by condition.

5.6 This proposal is in accordance with the aims and objectives of the NPPF, policy CS14 of the CSUCP and saved UDP polices DC2 and ENV61.

5.7 VISUAL AMENITY/ CONSERVATION AREA

Commercial units are common place within the retail locality of the application site. This application does not propose any changes to the external appearance of the site therefore there will be no visual amenity issues associated with this change of use.

5.8 A proposal to display an advertisement at this property would be considered under a separate application.

5.9 This development would not have a negative impact on the conservation status of the area and does not pose any visual amenity issues, therefore the application accords with policy CS15 of the CSUCP and saved policies ENV3 and ENV7 of the UDP.

5.10 TRANSPORT/HIGHWAY SAFETY

The site is located within a local centre which is highly accessible by public transport and is within walking distance of nearby parking facilities.

Furthermore, the development is unlikely to have a significant impact on the demand for parking as there are public car parks located nearby to accommodate visitors to the district retail centre. Overall this application accords with policy CS13 of the CSUCP.

5.11 COMMUNITY INFRASTRUCTURE LEVY

On the 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 a CIL chargeable development as it is not for qualifying housing or retail development. Therefore, this proposal will not be charged.

5.12 OTHER MATTERS

Concerns have been raised regarding a perceived oversupply of beautician salons and increased competition between existing businesses in the nearby vicinity that offer similar services to that which are proposed in this application. These are not material planning considerations and furthermore, there is no requirement for a need for this use to be demonstrated. These objections cannot therefore be taken into account when assessing this change of use application.

6.0 CONCLUSION

- 6.1 Taking the relevant material planning considerations into account, it is considered that the proposed change of use is acceptable and accords with the relevant national and local planning policies.
- 6.2 It is recommended that planning permission is granted subject to conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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 –
Site Location Plan and Site Layout Plan

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

Reason

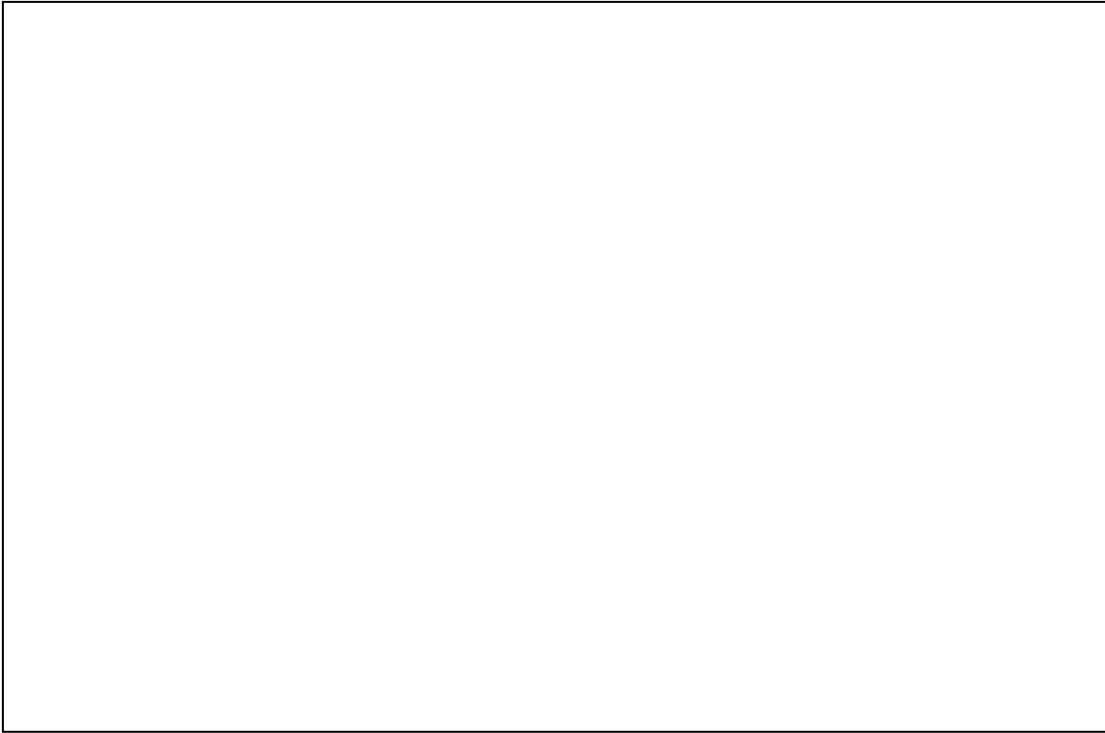
In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

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

Reason

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



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Committee Report

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

1.0 The Application:

This application was deferred at the meeting of the Planning and Development Committee on 9 January 2019 to allow the Committee to visit the site. Members visited the site on 24 January 2019.

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
Northumbria 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.

Additionally, since the application was reported to Planning Committee on 9 January 2019, three objections from residents have been received, raising concerns regarding:

- Use of the land for/by the community;
- Potential for land to be incorporated into the park area;
- Impact on highway safety;
- The sale of the site;
- Established access through 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 Whickham 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.

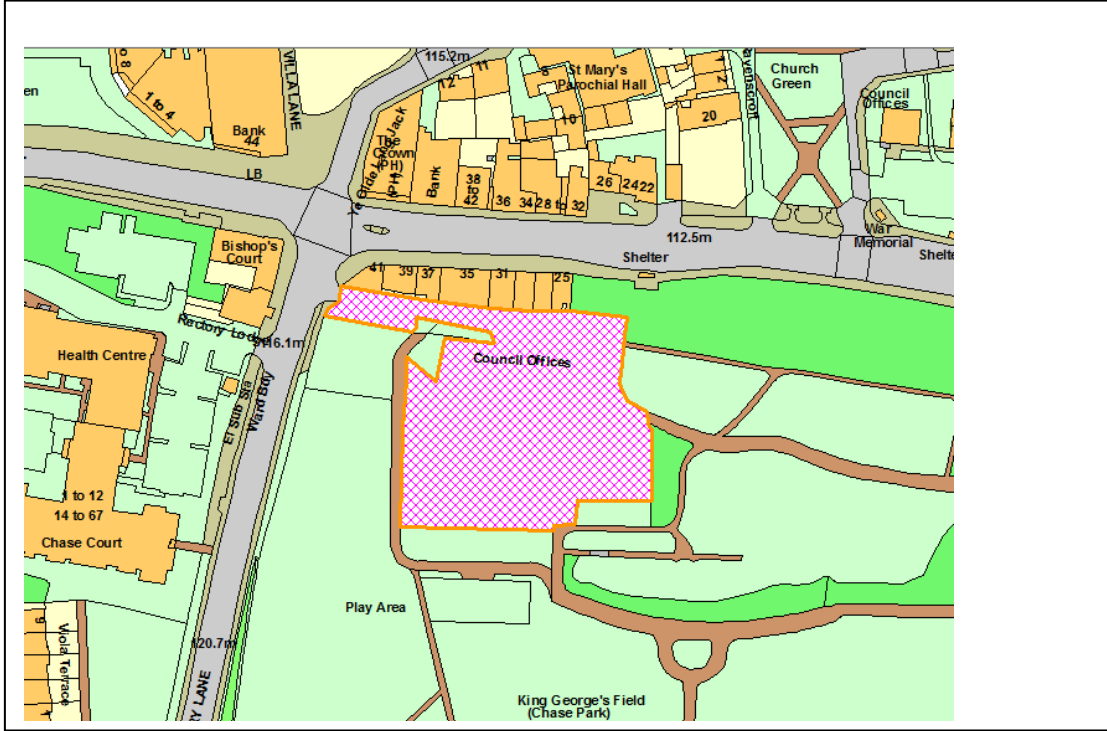
7.9 The final design of the access would be considered at the technical details consent stage. Historically the access provided access to a Council depot and day care centre; these uses would have resulted in a number of vehicular

movements. Given the nature of these uses it is likely that the vehicular movements would have taken place throughout the day and would have included a range of vehicles including large delivery vehicles, flat bed tippers along with small and large vans. The historic use of the access and the potential for the buildings to be put back into more intensive uses would need to be considered when assessing the proposed access details at technical details stage. If any widening of the access road is proposed at the technical details consent stage, any benefits that would flow from this would need to be considered against the potential impacts and in particular the removal of landscaped areas and alterations to the historic feature entrance wall and gateposts.

- 7.10 Consideration should be given to the provision of secure and weatherproof cycle parking for residents and electric car charging.
- 7.11 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.
- 7.12 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.
- 7.13 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.
- 7.14 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.
- 7.15 Flood Risk
The disposal of foul and surface water would be considered at TDC stage.
- 7.16 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.'

Recommendation:

That permission be GRANTED



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 30 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.

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/18/00377/HHA	Single storey rear extension	Pink House , 9 Front Street,	Granted;	Dunston Hill And Whickham East
DC/18/00681/HHA	Proposed boundary wall (amended plans received 03.01.19)	23 Cowen Gardens, Gateshead,	Granted;	Lamesley
DC/18/00745/FUL	Proposed erection of 30, two and three bed two-storey houses (amended 07/11/18).	Land At Hepburn Gardens, Cross Row,	Granted;	Felling
DC/18/00746/FUL	Erection of 6, two and three bed two-storey houses (amended 07/11/18).	Land At Hepburn Gardens, Felling,	Granted;	Felling
DC/18/00842/FUL	Erection of a coffee shop/cafe (Mixed A1 and A3 uses) (amended 14.11.2018).	Land At Hawks Road, Gateshead,	Granted;	Bridges

DC/18/01182/OHL	Replacement and relocation of electricity apparatus at St Agnes Gardens West, Crawcrook NE40 4NP.	St Agnes Gardens West, Ryton,	Observations	Crawcrook And Greenside
DC/18/01048/FUL	Proposed demolition of four dwellinghouses, erection of 183 dwellinghouses and associated works (amended 06/12/18).	Former Bleach Green Site, (Maple, Sycamore, Hazel, Birch, Elm And Larch Roads),	Granted;	Blaydon
DC/18/01056/FUL	Minor amendments to existing property and erection of one detached dwellinghouse (Use Class C3) with associated parking.	5 Brewery Bank, Whickham,	Granted;	Whickham North
DC/18/01059/COU	Change of use from day nursery to office (use class B1a) (additional info received 19.12.18)	Hexham Villa, Durham Road,	Granted;	Birtley
DC/18/01097/HHA	New garage to side of property (amended 19.11.18)	22 Dovedale Gardens, Gateshead,	Granted;	Chowdene
DC/18/01085/HHA	Two-storey side extension (as amended 20.12.2018)	49 Briarsyde Close, Fellside Park,	Granted;	Whickham South And Sunnyside
DC/18/01088/FUL	Installation of external staircase to serve new rear access door and insertion of roof lights on rear roof slope (amended 06/12/18).	PASSION 4 FRUIT, 445 - 447 Durham Road,	Granted;	Low Fell

DC/18/01092/HHA	Single storey rear extension (description amended 14.01.2019).	Innisfree, 16 Lockhaugh Road,	Granted;	Winlaton And High Spen
DC/18/01102/HHA	Single storey side extension	53 Camberwell Close, Gateshead,	Granted;	Lobley Hill And Bensham
DC/18/01130/HHA	Single storey rear extension	Glencorse, 1 West High Horse Close,	Granted;	Winlaton And High Spen
DC/18/01141/HHA	Single storey side and rear extension (description amended 04.12.2018).	26 Shotley Gardens, Gateshead,	Granted;	Low Fell
DC/18/01181/TPO	Tree removals at Birchholme.	Birchholme , The Drive,	Granted;	Saltwell
DC/18/01111/HHA	Demolition of existing single storey rear offshot and replace with larger single storey rear extension	33 Albert Drive, Low Fell,	Granted;	Low Fell
DC/18/01113/FUL	Demolition of existing house and construction of new house (revised application)	Butsfield , Durham Road,	Granted;	Lamesley
DC/18/01115/ADV	Display of Illuminated post mounted sign advertising 'Glenpark Medical Centre'	Land Between Retail Unit And Social Club On Ravensworth Road Dunston, ,	Temporary permission granted;	Dunston And Teams

DC/18/01116/FUL	Demolition of existing chimney and replacement with a GRP chimney to house new kitchen extraction unit, blocking up of existing rear doorway, removal of ground floor shutters, external landscaping works including new timber gazebo, new timber gate, fencing and stone paving to rear. New external seating, fixed planters and enclosed bin store to front (description amended 16.11.18, amended plans received 15.11.18, 30.11.18)	Bute Arms , Hookergate Lane,	Granted;	Winlaton And High Spen
DC/18/01119/COU	Change of use of vehicle showroom (Sui generis) to B2 (general industrial use) with associated works including removal of showroom window and cladding and installation of three roller shutter doors and personnel door all on front elevation (revised application).	MT Vehicle Sales, Unit 12 Chainbridge North,	Granted;	Blaydon
DC/18/01121/HHA	Single storey side and rear extension	18 Morven Drive, Bill Quay,	Granted;	Pelaw And Heworth
DC/18/01147/HHA	Demolition of existing two storey rear extension and proposed two storey rear extension	19-21 Miller Street, Gateshead,	Granted;	Lobley Hill And Bensham

DC/18/01125/COU	Change of use from workshop (B2 use) to session only based gym (D2 use).	T257 C , Dukesway,	Granted;	Lamesley
DC/18/01133/ADV	Display of non-illuminated wall mounted waffle cone ice-cream with flake 99.	Riverside Delight, 6 Ravensworth View,	Temporary permission granted;	Dunston And Teams
DC/18/01146/HHA	Demolition of existing garage and erection of new single storey front and side extension (as amended 7/12/18)	25 Stella Hall Drive, Ryton,	Granted;	Ryton Crookhill And Stella
DC/18/01135/TPO	Pruning works to Sycamore tree located to rear of 10 Saltwell Gardens.	10 Saltwell Gardens, Shipcote,	Granted;	Saltwell
DC/18/01155/HHA	Erection of single storey side and rear extension	15 The Cedars, Whickham,	Granted;	Whickham South And Sunnyside
DC/18/01138/HHA	Single storey rear extension	The Hollies , Orchard Road,	Granted;	Chopwell And Rowlands Gill
DC/18/01157/HHA	Single storey front extension	60 Kepier Chare, Ryton,	Granted;	Crawcrook And Greenside
DC/18/01145/HHA	Proposed double doors and 2no. roof lights in north elevation, 1no. window in south elevation, and 1no. window in east elevation	Woodruff , Castle Hill House,	Granted;	Crawcrook And Greenside

DC/18/01169/HHA	Single storey rear extension	43 Corsair, Whickham,	Granted;	Whickham North
DC/18/01149/FUL	Alterations to existing garage to create an additional meeting room and demolition of an existing UPVC framed entrance to be replaced with a new entrance extension (additional information received).	Elizabeth House , 231 Kells Lane,	Granted;	Low Fell
DC/18/01150/LBC	LISTED BUILDING CONSENT: Alterations to existing garage to create an additional meeting room, demolition of an existing UPVC framed entrance to be replaced with a new entrance extension and internal alterations.	Elizabeth House , 231 Kells Lane,	Granted;	Low Fell
DC/18/01183/FUL	VARIATION of condition 1 of DC/18/00494/FUL to allow for the use of render instead of cladding.	Sunderland Talmudical College, Prince Consort Road,	Granted;	Saltwell
DC/18/01151/FUL	Change of use from beauty salon (sui generis) to residential (C3) and alterations to shop front including replacing shop front with brick infill and double glazed windows.	4 Maple Avenue, Dunston Hill,	Granted;	Dunston Hill And Whickham East

DC/18/01166/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The laying of new paving to create base area and pathway to public footpath.	36 Cypress Crescent, Dunston Hill,	Granted;	Dunston Hill And Wickham East
DC/18/01194/HHA	Proposed single storey front extension, first floor side and rear extension, garage, pitched roof over existing single storey rear extension, and decking to rear	1 West View, Hollywell Lane,	Granted;	Wickham South And Sunniside
DC/18/01171/HHA	Proposed single storey rear extension with new pitched roof over existing first floor side extension.	13 Sidmouth Road, Chowdene,	Granted;	Chowdene
DC/18/01172/HHA	Rear two storey extension (amended plans received 28.11.18)	34 Ashfield Park, Wickham,	Granted;	Dunston Hill And Wickham East
DC/18/01174/HHA	Proposed first floor side and rear extension, single storey rear extension, and porch to front	10 Southfield Gardens, Wickham,	Granted;	Dunston Hill And Wickham East
DC/18/01177/HHA	Single storey side and rear extension	8 Berry Hill, Greenside,	Granted;	Crawcrook And Greenside

DC/18/01179/HHA	Demolish existing detached timber summer house and existing front bay window and construct new single storey side extension	Rest A While , Front Street,	Granted;	Lamesley
DC/18/01198/HHA	Two storey side and single storey rear extension forming a garage with utility and bedroom above	18 Whinfield Terrace, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/18/01210/ADV	Display of four fascia signs bearing internally illuminated lettering advertising 'Templeman Retailing and Vending'	2 Kings Park, Fifth Avenue,	Temporary permission granted;	Lobley Hill And Bensham
DC/18/01187/TPO	Tree works at 1 Sandhill Mews, Winlaton Remove damaged branch (Rotten, Split and Included) back to the main stem. The branch itself is overhanging a greenhouse so cause for potential damage. This works will not unbalance the tree T1 or cause any major visual impact to its surroundings.	1 Sandhill Mews, Winlaton,	Granted;	Winlaton And High Spen
DC/18/01190/HHA	Two storey rear extension to two storey dwelling	20 St Edmunds Court, Sunderland Road,	Granted;	Bridges
DC/18/01191/HHA	Proposed Double Storey Rear Extension	The Durdans , Fellside Road,	Granted;	Whickham North

DC/18/01214/OHL	Installation of aerial bunched conductor wire on existing overhead wire	Land At Trench Hall Farm, Ravensworth Park Access Road,	Observations	Whickham South And Sunnyside
DC/18/01192/HHA	Single storey front extension	123 Beech Drive, Dunston,	Granted;	Dunston And Teams
DC/18/01193/COU	Change of Use from Dwellinghouse (Class C3) to Residential Care Home (Class C2)	Mill Farm House , Beweshill Lane,	Granted;	Ryton Crookhill And Stella
DC/18/01199/HHA	Demolition of rear conservatory and replacement with single storey rear extension, render to front, side and rear of property	69 Whaggs Lane, Whickham,	Granted;	Whickham North
DC/18/01211/DPA	Change of use from retail (A1) to cafe (A3)	7 Coxon Terrace, Gateshead,	Granted;	Felling
DC/18/01202/HHA	Proposed single storey side extension	67 Windermere Street West, Gateshead,	Granted;	Saltwell
DC/18/01188/ADV	Display of three internally illuminated fascia signs and lettering on front and rear elevations advertising 'Card Factory'	Unit 24, Team Valley Retail Park,	Temporary permission granted;	Lamesley
DC/18/01219/HHA	Single storey rear extension and relocation of front entrance door.	9 Brown Crescent, Eighton Banks,	Granted;	Lamesley

DC/18/01233/HHA	Erection of single storey side and rear extension	3 Bideford Gardens, Gateshead,	Granted;	Chowdene
DC/18/01231/HHA	Proposed single storey extension to the rear to accommodate succah	40 Whitehall Road, Gateshead,	Granted;	Bridges
DC/18/01232/HHA	Single storey rear extension	2 Oval Park View, Bog House Estate,	Granted;	Felling
DC/18/01274/CPL	CERTIFICATE OF LAWFULNESS: for a proposed use of part of Unit 38 as a travel agency.	Unit38 , 67 - 71 Cameron Walk,	Granted;	Whickham North

TITLE OF REPORT: Enforcement Team Activity

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

Purpose of the Report

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

Background

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

Recommendations

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

Within the date range commencing 12.12.18 and ending 16.01.19, the enforcement team has received **106** new service requests:

Type of complaint	Cases under investigation	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	391	24	14	16	2
HIGHWAYS	219	20	11	19	0
WASTE	519	62	43	73	47
TOTALS	1129	106	68	108	49

COURT HEARINGS

The Enforcement Team attended **fifteen** Court Hearings, **three** of which were finalised, resulting in **£677** fines and **£1603** costs

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
30th January 2019**

TITLE OF REPORT: Enforcement Action

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

Purpose of the Report

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

Background

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

Recommendations

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

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

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

8. WARD IMPLICATIONS

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

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the land owner to reach a satisfactory conclusion no sustained improvement was secured. Therefore, an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect.
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigations, it was established that a building had been erected without consent. The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building No appeal has been received and the notice has taken effect. The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future A site visit has been arranged for the week commencing the 29 th October to look at the costs of carrying out work in default.
3.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One) Known as South West Farm Site Two)	Swalwell Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture	11 January 2016 11 January 2016	12 January 2016 12 January 2016	15 February 2016 15 February 2016	14 March and 4 July 2016 14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development. As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. Both defendants pleaded guilty at Newcastle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months. The site has recently been revisited and it is likely further action will be required.

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

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
								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. A written response dated 22 nd November 2018 has been received from Gleasons.
6.A	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 th January 2018	12 th January 2018	16 th February 2018	16 th March 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. An enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. The notice has not been fully complied with. Prosecution files are now being prepared.
7.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	Despite communication with the occupiers and owners of the site, conditions relating to planning permission DC/12/01266/MIWAS have not been discharged. Notice served in relation to breach of condition 12 to require submission of a noise monitoring scheme for all restoration activities. A Consultant has been employed by the owner and occupiers of the site to address the issues contained within each of the Notices. The Consultant is currently working with the Council to secure compliance. Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted.
8.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	Notice served in relation to breach of condition 13 to require submission of a vibration monitoring scheme for all restoration activities. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
9.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	Notice served in relation to Breach of condition 14 to require Submission of a scheme for the management and minimisation of dust from restoration activities. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
10.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	Notice served in relation to breach of condition 18 to require the Submission of a report to the Council recording the operations carried out on the land during the previous 12 months. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
11.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	Notice served in relation to breach condition 23 to require Submission of details of a drainage system to deal with surface water drainage, and implementation of agreed scheme. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted

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

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 th August 2018	10 th August 2018	14 th September 2018	12 th October 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. An appeal has been received but no start date has been given yet.
21.	27 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10 th August 2018	10 th August 2018	14 th September 2018	12 th October 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. An appeal has been received but no start date has been given yet.
22.	Blaydon and District Club and Institute, Garden Street	Blaydon	Untidy Land	03 rd September 2018	03 rd September 2018	5 th October 2018	30 th November 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished 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 th September 2018	05 th September 2018	5 th October 2018	30 th November 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and a hoarding erected. The owner has been in contact and will submit a scope of works with timescales to make this building safe and in part to be brought back into use, rather than demolish property. Following a site visit on the 19 th November, a scope of works should be submitted by the developer no later than the 30 th November. Quotes however are being sought for the demolition of the property in preparation that the information is not forthcoming. Scaffolding has been erected and works are commencing to bring the building back into use.
24.	3 Charlton Villas, Greenside, Ryton NE40 4RR	Crawcrook and Greenside	Untidy Land	18 th October 2018	18 th October 2018	15 th November 2018	13 th December 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring works to be undertaken to repair the garage roof, utility roof, windows, facias and gutters and the land to be cleared and tidied. A site visit has confirmed that the notice has been complied with in full. Permission is sought from committee to remove the notice from the report.

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
25.	321 And 323 Rectory Road Bensham Gateshead NE8 4RS	Saltwell	Unauthorised change of use	7 th November 2018	7 th November 2018	11 th December 2018	8 th 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. An appeal has been received but no start date has been given yet.
26.	North Side of Barlow Road, Barlow, Bladon on Tyne	Winlaton and High Spen	Untidy Land	10 th December 2018	11 th December 2018	15 th January 2019	29 th 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. Significant efforts have been taken by the land owners to remove the upvc doors and frames. A site visit is due to take place after the 29th January 2019 to confirm whether the notice has been complied with in full.
27.	21 Beacon Street Gateshead NE9 5XN	Low Fell	Unauthorised development	07 th January 2019	08 th January 2019	12 th February 2019	12 th March 2019	Complaints have been received regarding the erection of a fence to the front of the property. Planning permission was submitted and subsequently refused as the fence had a detrimental impact on the visual amenity of the area. An Enforcement notice has been served seeking the removal of the fence.



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
30 January 2019**

TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

DC/18/00579/FUL - Riding Chase, Garesfield Lane, Winlaton, Blaydon NE21 6L
Removal of Condition 2 of Application Reference Number CA39327 to allow removal of agricultural occupancy restriction.

This application was a delegated decision granted on 1 August 2018.

DC/18/00614/COU - Land Adjacent Rose Cottage, High Street, Wrekenton, Gateshead

Change of use from former petrol filling station to hand car wash and car valeting facility (Sui Generis Use)

This application was a delegated decision refused on 15 August 2018.

DC/18/00542/HHA - 6 Coalway Lane, Whickham NE16 4BX

First floor side extension and canopy to create covered car port, and Juliet balcony to rear (description amended 27.06.18, amended plans received 08.09.18)

This application was a committee decision refused on 17 October 2018.

Appeal Decisions

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

DC/17/00473/HHA - 17 Limetrees Gardens, Low Fell, Gateshead NE9 5BE

First floor extensions to side and rear

This application was a delegated decision refused on 23 June 2017.

Appeal dismissed 3 January 2018

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

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

This application was a committee decision refused on 7 March 2018.

Appeal dismissed 17 December 2018

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

Appeal Costs

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

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

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

The costs have been dismissed.

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 19 December 2017

by **Helen Cassini BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 January 2018

Appeal Ref: APP/H4505/D/17/3183856

17 Limetrees Gardens, Low Fell, Gateshead NE9 5BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Elizabeth Lewis-Barned against the decision of Gateshead Council.
 - The application Ref: DC/17/00473/HHA, dated 27 April 2017, was refused by notice dated 23 June 2017.
 - The development proposed is first floor extensions to side and rear of the house.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site is a semi-detached dwelling located in a predominantly residential area. From observations made during my site visit it was evident that only 17 and 19 Limetrees Gardens have cat slide roofs over the single storey garages.
4. The Gateshead Council Local Development Framework Supplementary Planning Document: Household Alterations and Extensions 2012 (the SPD) states that any extension to the side of a property should be designed to maintain the character of the existing property and the street scene. A side extension should have a roof which usually matches the existing property. In regard to rear extensions, these should not dominate neighbouring properties or significantly alter a neighbour's existing level of sunlight, daylight or privacy.
5. A hipped roof first floor extension is proposed above the existing garage. It is acknowledged that the ridge and eave heights would be no higher than that of the existing. In addition, the use of sympathetic materials is also proposed. It is also accepted that it would not be possible to adopt the one metre set back at first floor as detailed within the SPD, due to the design of the dwelling. Nevertheless, the loss of the catslide roof and introduction of the first floor extension would diminish the distinctive architectural style of the appeal site.
6. Moreover, as the neighbouring dwelling at 19 Limetrees Gardens has not been extended, the proposal would damage the symmetry formed by the pair of

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dwellings at Nos 17 and 19. At the first floor and roof level the pair of dwellings are identical and the catslide roof has an important part to play in the overall appearance of the dwellings. The proposal would significantly impair that balance, which would subsequently result in damage to the appearance of the dwellings. The harm would also be accentuated by the fact that Nos 17 and 19 are located in a relatively prominent position, close to the junction with Valley Drive.

7. A flat roofed first floor extension above the existing ground floor extension at the rear of the dwelling is also proposed. This aspect of the scheme would be visible only from neighbouring dwellings in proximity to the appeal site, and would not be seen from within the street scene. Given the relatively modest scale of this part of the scheme, the proposed use of sympathetic materials and appropriate siting, it is not considered that the first floor extension would result in any harm to the existing character and appearance of the surrounding area.
8. Reference has been made to examples of similar extensions within the surrounding area. It is acknowledged that a number of the neighbouring dwellings within Limetrees Gardens have undergone first floor front, side and rear extensions. However, from observations made during the site visit, the neighbouring dwellings appear not to have originally had catslide roof features. As such, it is not considered that the existing extensions have resulted in the loss of significant architectural features.
9. Moreover, I have little information relating to the particular circumstances of these developments and whether the circumstances are comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance. I have therefore considered the appeal before me on its individual planning merits.
10. It is accepted that there were no objections to the proposed development. However, the absence of an objection does not indicate an absence of harm; merely that it has not been identified. Consequently, a lack of objection cannot be relied upon to imply that the development is acceptable.
11. Despite finding no harm in regard to the proposed rear extension, the material harm identified in terms of the impact of the side extension on the character and appearance of the surrounding area is decisive. The proposal therefore conflicts with the design objectives of Policy CS15 of the Gateshead Council and Newcastle City Council Planning for the Future, Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 and saved Policy ENV3 of the Gateshead Unitary Development Plan 2007 and guidance contained within the SPD. The proposal would also run contrary to one of the National Planning Policy Framework's core planning principles of seeking to secure high quality design.

Conclusion

12. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR



Appeal Decision

Site visit made on 26 November 2018

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2018

Appeal Ref: APP/H4505/W/18/3204317

Former Monkridge Gardens Residents Association and Lands at 21 & 23 & Land south of 9-23 Monkridge Gardens, Dunston Hill, Gateshead NE11 9XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alan Kain, Co-Kain Developments against the decision of Gateshead Council.
 - The application Ref DC/17/01358/OUT, dated 17 December 2017, was refused by notice dated 7 March 2018.
 - The development proposed is described as '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 & pedestrian access'.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Alan Kain, Co-Kain Developments against Gateshead Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application is in outline form with all matters reserved for future consideration. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.
4. The appellant submitted a flood risk and drainage assessment, as well as highway safety related statements, with the appeal. As the Council and all other parties have had the opportunity to comment on these documents during the appeal process, I have considered them in my decision.
5. During the course of the appeal, the revised National Planning Policy Framework (Framework) has been published. The appellant and the Council have had the opportunity to comment on this matter. Hence, I have also considered the appeal on this basis.

Main Issues

6. The main issues are the effect of the proposal on: (i) the living conditions of the occupiers of 21 and 23 Monkridge Gardens, in particular by way of noise and disturbance associated with vehicle and pedestrian movements; (ii) the

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risk of flooding; (iii) the living conditions of its future occupiers; and (iv) highway safety, in relation to the proposed access arrangements.

Reasons

Living Conditions – Existing Occupiers

7. The appeal site consists of an area of land which is located to the rear of residential properties on Monkridge Gardens. It was formerly used for sporting and recreational activities, but has now fallen into a state of disrepair. The site boundary also takes in Nos 21 and 23. The proposed indicative site plan shows that vehicular access would be taken between the side elevation walls of these houses, including their side gardens and the current off-street car parking.
8. The proposal would be for up to 10 dwellings and so I have considered the effects on the living conditions of the occupiers of Nos 21 and 23 on this basis. With the proximity of the access arrangements to these properties and the potential for vehicle and pedestrian movements associated with up to this number of dwellings, this would be likely to result in a significant level of associated noise and disturbance which the occupiers of those properties do not currently experience.
9. The main source of this noise and disturbance would be associated with vehicles, with their coming and goings, engines revving, doors being open and closed, and so forth. Hence, the potential for pedestrians also to use a separate access from the site onto Monkridge Gardens would not adequately address this harm.
10. It has been indicated that the openings on the side elevations of Nos 21 and 23 that would face the access arrangements would be blocked up. There is no assurance, though, this would not, in itself, result in further detrimental effects on the living conditions of their occupiers with regard to the use of the internal living space of the houses. Moreover, the access arrangements would also be in very close proximity to the front and remaining rear garden areas, with the likely adverse effects from noise and disturbance affecting their beneficial use.
11. The re-provision of the car parking for these properties would not overcome these detrimental effects, if it was to be located as is shown on the proposed indicative site plan, because it would erode the size of the rear garden areas and be less conveniently positioned.
12. The appellant's highway safety statements do not satisfactorily account for the effect on living conditions and so, in this respect, they carry only limited weight in my decision. The nature of the residential occupation of these properties also does not reduce the need for the effect on the living conditions to be properly considered. In relation to whether addressing access issues may result in these properties being demolished, this would be unlikely as they are semi-detached.
13. As an outline approval would form the planning permission for the proposal, it is reasonable, as I have set out, to consider at this stage whether or not the site can likely accommodate the proposal in order to establish the effect on the living conditions of the occupiers of these properties. Whilst the details submitted are indicative, reserved matters would not be able to address these concerns without nullifying the planning permission due to the proximity of

these properties to the only realistic point of vehicular access for up to 10 dwellings, as proposed.

14. I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of Nos 21 and 23, in particular by way of noise and disturbance associated with vehicle and pedestrian movements. In this regard, the proposal would not comply with 'Saved' Policies DC2 and ENV3 of the Gateshead Council, Unitary Development Plan (2007) (UDP), and with Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015) (CS) which, collectively, seek to prevent unacceptable effects on residential amenity from noise and disturbance, and related design matters.
15. It would also not comply with the Framework where it concerns a high standard of amenity for existing and future users, and with the Gateshead Placemaking Guide Supplementary Planning Document (2012) (SPD) as far as this considers the impact on the amenity of existing residents in its urban design approach.

Flood Risk

16. The site lies in an area which is at risk of groundwater flooding. Accordingly, it is located in a critical drainage area in the Council's Strategic Flood Risk Assessment and, for the purposes of the Framework, it is in an area at risk of flooding. The source of the groundwater flooding is understood to be a lake in a nearby country park and, potentially, water from old mine workings. I observed during my site visit that drainage channels have been provided to the front of a number of properties on Monkridge Gardens. Where, though, the responsibility lies for a longer term solution for the affected area is not for me to consider as my deliberations concern the proposal itself in relation to the flood risk.
17. The appellant's flood risk and drainage assessment sets out a number of measures to attempt to address the flood risk issue, including that a detailed ground investigation is undertaken to establish groundwater levels across the site with monitoring undertaken over a prolonged period. However, until the groundwater levels are fully investigated, I am concerned that it would not be possible to accurately ascertain the effect this may have on the proposal as regard flood risk.
18. In addition, it is unclear how then the groundwater would be adequately dealt with as the effectiveness of the associated mitigation measures would be likely dependant on the results of the ground investigation and could involve a significant level of intervention, even if they were to be effective. These are matters that would need resolving prior to the grant of a planning permission rather than leaving it to a condition requiring such an investigation to be carried out and subsequent mitigation undertaken. Whilst matters have been raised in relation to the validity of the information sources in the flood risk and drainage assessment, this does not alter my conclusion further.
19. I am, therefore, unable to conclude that the proposal would not cause an unacceptable risk of flooding. Hence, it would not comply with Policy CS17 of the CS which states that development will avoid and manage flood risk from all sources. It would also not accord with the Framework which states that inappropriate development in areas at risk of flooding should be avoided by

directing development away from areas at highest risk (whether existing or future).

Living Conditions – Future Occupiers

20. The proposed indicative site plan shows large areas of hardstanding, so that the proposed dwellings would be located towards the boundaries of the site. A number of these dwellings nearest to Woodside Gardens would suffer from low levels of outdoor private amenity space. This would be compounded with the lower ground levels of the site and related effects would also arise concerning overlooking, a poor level of outlook, and light.
21. That being said, and whilst I agree with the Council with its concerns over the layout, it is illustrative and not one that would necessarily form part of the reserved matters, even if I was minded to allow the appeal. Moreover, given the size of the site, and when it is compared to its surroundings, it would seem to me that it could accommodate up to 10 dwellings so as to provide adequate levels of living conditions for its future occupiers.
22. This is a different matter from my consideration of the effects on the living conditions of the occupiers of Nos 21 and 23 because there is no other realistic way of providing vehicular access for up to this number of dwellings and this acts as a significantly greater constraint to developing the site. In contrast, there is scope for the indicative layout to address the effect on the living conditions of the future occupiers. The Council has also raised a number of design matters, although based on the related reason for refusal, these appear to concern the effect on the living conditions of the future occupiers, rather than on the character and appearance of the area.
23. I conclude that the proposal would not have an unacceptable effect on the living conditions of its future occupiers. In this regard, it would comply with 'Saved' Policies DC2 and ENV3 of the UDP; Policies CS14 and CS15 of the CS; the SPD; and the Framework, where they concern the protection of residential amenity, including for the future occupiers.

Highway Safety

24. The proposed access arrangement between Nos 21 and 23 is indicated to be a shared surface and, with the width of the gap, there would be unlikely to be sufficient space for a fully segregated arrangement. There is not a dispute between the appellant and the Council over the level of visibility at where the proposed access would join Monkridge Gardens, but the issue concerns the suitability of the shared access arrangement for vehicles and pedestrians.
25. The narrowness of the access would have the potential to cause a degree of conflict between pedestrians, including more vulnerable users, and vehicles, in particular with the number of dwellings in total that could be served by it. However, the use of the separate access for pedestrians onto Monkridge Gardens would provide an alternative route and its provision for this purpose could be controlled through the use of a planning condition. Whilst I note the Council's concerns about whether it would form a safe route, it was evident from my site visit that it is overlooked by an adjoining property and is already gated, and further security measures could be incorporated into its design by condition.

26. Both parties have referred me to various documents concerning whether or not shared access arrangements are appropriate. As I have set out above, in this case, an alternative pedestrian access can be provided. The SPD, itself, supports an integrated approach, with a shift away from design been dominated by movements of vehicles, and so that such space is usable for all users. The proposal would accord with this approach.
27. I conclude that the proposal would not have an unacceptable effect on highway safety, in relation to the proposed access arrangements. Therefore, it would comply with Policy CS13 of the CS which concerns, amongst other matters, safety, including for pedestrians. It would also accord with the Framework in this regard, where it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Planning Balance

28. The proposal, with up to 10 dwellings, would accord with the Government's objective of significantly boosting the supply of homes, as is set out in the Framework. It would provide housing for different groups in the community, as family type accommodation is intended, make use of un-used land and have economic benefits. It would also be accessible in terms of local services and, given the site is somewhat unkempt, it would also likely improve the appearance of the site. These benefits attract moderate weight in support of the proposal.
29. Apart from the effects on Nos 21 and 23, with the relationship of the site to its surroundings, it would be unlikely to have unacceptable effects on the occupiers of the remaining neighbouring residential properties, subject to detailed design. Following the submission of a coal mining risk assessment, objections were also withdrawn concerning ground conditions and I see no reason to disagree. It is also the intention to encourage the use of cycling and adequate provision of off-road car parking could also be made. As with the effects on the living conditions of its future occupiers and highway safety, these matters carry neutral weight.
30. Set against this would be the harm that would arise in relation to the effect on the living conditions of the occupiers of Nos 21 and 23, and the risk of flooding. For the reasons I have set out above, this harm would be significant. The benefits in relation to housing supply and providing family type accommodation could also be jeopardised by the flood risk. Whether or not the proposal would be acceptable in principle does not address the concerns that I have set out, and for similar reasons, it would not amount to an effective and efficient use of land. Overall, the benefits would not outweigh the harm.
31. Interested parties have raised a number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have, therefore, not had a significant bearing on my decision.

Conclusion

32. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm to the living conditions of the occupiers of Nos 21 and 23, and the risk of flooding. For these reasons, I conclude that the proposal conflicts with the development plan when taken as a

whole and there are no material considerations to outweigh this conflict.
Therefore, the appeal should be dismissed.

Darren Hendley

INSPECTOR



Costs Decision

Site visit made on 26 November 2018

by **Darren Hendley BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th December 2018

Costs application in relation to Appeal Ref: APP/H4505/W/18/3204317 Former Monkridge Gardens Residents Association and Lands at 21 & 23 & Land south of 9-23 Monkridge Gardens, Dunston Hill, Gateshead NE11 9XE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Alan Kain, Co-Kain Developments for a full award of costs against Gateshead Council.
 - The appeal was against the refusal of '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 & pedestrian access'.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application for costs is based on the view that the appeal was unnecessary as drainage could have been dealt with by way of a planning condition; matters in relation to living conditions and design have been over-played; and that, in relation to highways, the Council's own advice had been ignored.
4. As I have set out in my appeal decision, the groundwater drainage issue would need resolving prior to the grant of a planning permission rather than leaving it to a condition, because of what I considered would be uncertainties over the effect the groundwater may have on the proposal, as regards flood risk. Hence, the Council's behaviour was not unreasonable in this respect.
5. The application was submitted for up to 10 dwellings, and so it was also not unsurprising that the Council determined the application on this basis. If it had found the proposal not to be unacceptable, accordingly, the outline approval that would have formed the planning permission would have been granted on the basis of that up to 10 dwellings could have been built on the site, not a maximum of a lesser number of dwellings.
6. I find the Council's appeal statement explains the concerns it had with this number of dwellings with a satisfactory level of detail, and this includes where I take a different view in respect of the effect on the living conditions of the

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future occupiers of the proposal. As a consequence, the Council has not overplayed the quantum of development, design, layout or amenity to the extent that it would constitute unreasonable behaviour.

7. With regard to highway safety, the Council has made it clear that its concerns relate to the number of dwellings that would be served via the shared access arrangement. Whilst I do not agree, a case can be made for a contrary view with up to 10 dwellings being served from this access. I was referred to various documents on the merits of shared access arrangements and so the extent to which the Council's views may differ from its own guidance, is not, on its own, unreasonable. The appellant's highways statements, in part, also concern technical matters which, in any event, are not in dispute, including visibility splays.
8. I find the Council has not used subjective and unsubstantiated reasons for refusal. The Council's decision adequately reflects the issues they are concerned with, and they refer to development plan policies that are directly relevant. A purpose of the Council's appeal statement is to amplify the matters which are set out in the reasons for refusal and this is satisfactorily achieved.
9. The Council's contentions are, thus, not made without evidence as regards harm and in relation to the planning balance, the benefits of additional housing and family accommodation were considered in its Planning Officer Report, as was the National Planning Policy Framework as it was at the time, and the proposal's accessibility to services. In considering all these matters, the Council's evidence does adequately set out why it considers the proposal would not be acceptable.
10. None of the types of behaviour which may give rise to a substantive award under the PPG have been established, based on the above. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is not, therefore, justified.

Darren Hendley

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/17/00473/HHA	17 Limetrees Gardens Low Fell Gateshead NE9 5BE	First floor extensions to side and rear	Written	Appeal Dismissed
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 Dismissed
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	Written	Appeal in Progress

		(description amended 30.05.18)		
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/18/00542/HHA	6 Coalway Lane Whickham NE16 4BX	First floor side extension and canopy to create covered car port, and Juliet balcony to rear (description amended 27.06.18, amended plans received 08.09.18)	Written	Appeal in Progress
DC/18/00579/FUL	Riding Chase Garesfield Lane Winlaton Blaydon	Removal of Condition 2 of Application Reference Number CA39327 to allow removal of agricultural occupancy restriction.	Written	Appeal in Progress
DC/18/00614/COU	Land Adjacent Rose Cottage High Street Wrekenton Gateshead NE9 7JS	Change of use from former petrol filling station to hand car wash and car valeting facility (Sui Generis Use)	Written	Appeal in Progress
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)	Written	Appeal in Progress
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

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

30 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 **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 30 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