

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 26 June 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 5 June 2019 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 4) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Ravensdene Lodge, 55 Consett Road, Gateshead, NE11 0AN (Pages 5 - 48)
4ii	No. 2 - 45 Cornmoor Road, Whickham NE16 4PU (Pages 49 - 64)
4iii	No. 3 - Cobba-Da-Mana, Hexham Old Road, NE30 3LE (Pages 65 - 70)
4iv	No. 4 - Dene House, Durham Road, Gateshead NE9 5AE (Pages 71 - 92)
4v	No. 5 - Pack Horse Inn, Lead Road, Greenside, Ryton, NE40 4BS (Pages 93 - 106)
5	Delegated Decisions (Pages 107 - 116) Report of the Strategic Director, Communities and Environment
6	Enforcement Team Activity (Pages 117 - 118) Report of the Strategic Director, Communities and Environment
7	Enforcement Action (Pages 119 - 126) Report of the Strategic Director, Communities and Environment

8 Planning Appeals (Pages 127 - 132)

Report of the Strategic Director, Communities and Environment

9 Planning Obligations (Pages 133 - 136)

Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
26 June 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.

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Committee Report

Application No:	DC/19/00268/FUL
Case Officer	Lois Lovely
Date Application Valid	28 March 2019
Applicant	Galliford Try NE
Site:	Ravensdene Lodge 55 Consett Road Gateshead NE11 0AN
Ward:	Lobley Hill And Bensham
Proposal:	Demolition of existing hotel and erection of 2, 3 and 4-storey scheme to provide extra care housing development comprising 58 x 1 bed apartments and 24 x 2 bed apartments communal facilities including dining, coffee bar, lounges, salon, assisted bathing, activities room, buggy store and offices (amended/additional information 02/04/19, 16/04/19, 17/04/19, 25/04/19, 01/05/19, 02/05/19, 22/05/19, 24/05/19, 03/06/19 and 05/06/19).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is that of the vacant Ravensdene Lodge Hotel located adjacent to Beggars Wood to the west of the Team Valley Trading Estate in the Lobley Hill area of Gateshead.

1.2 Ravensdene Lodge Hotel comprises a number of interconnected buildings with a single storey reception area fronting onto Consett Road (the A692). The site entrance is to the north of the site with a large car park to the rear of the building to the north east. Large swathes of grassed areas lie between the site boundaries and the car park. The building extends back into the site towards the south east.

1.3 To the rear, the hotel becomes 2 storey and due to its deep form, the roof is tall. There have been a number of extensions each extending further in a south easterly direction.

1.4 Of the immediate neighbours on Consett Road, to the south west No. 57 is the closest and presents a gable end to within 3 metres of the gable of the hotel. The curtilage of the site runs along the rear garden boundaries of Nos.57 and

61 Consett Road some 12m from the rear elevation of the dwelling of No.57 and 16m from the rear elevations of Nos. 59 and 61. To the north lies Garth Cottage (No. 53) whose garden boundary runs along the north side of the existing hotel access with the gable end of the dwelling being 2m from the boundary. On the opposite side of Consett Road is Greens Farm which is set back from the road by some 20 metres and their neighbour is a stone built detached dwelling fronting onto the road and directly opposite the entrance to the hotel some 22m from the front curtilage of the site.

- 1.5 The site is surrounded by the wooded recreational area of Beggars Wood with Lobley Hill housing estate to the north east; comprising post war semi-detached dwellings, that are well screened from the proposed development by the mature trees.
- 1.6 The trees on the south west and north west perimeters of the application site are designated as Ancient Woodland. There are other trees towards the north east boundaries of the site but no trees on or immediately adjacent to the site are subject to Tree Preservation Orders or within a Conservation Area.
- 1.7 The site measures 0.827 ha. The site levels generally fall towards the northern boundary. There is a steep embankment to the southern boundary of the site, falling towards a culverted named watercourse located approximately 30m from the site boundary, the Black Burn.
- 1.8 **DESCRIPTION OF THE PROPOSAL**
The proposal is to demolish the existing hotel and to erect a 2, 3 and 4 storey extra care housing development to create 58 No. 1bed apartments and 24 No. 2bed apartments (a reduction of 3no. 1Beds from the scheme as originally submitted) plus associated communal areas offering a range of amenities to both the residents and wider community such as a commercial kitchen and café dining facility, restaurant dining area, a coffee bar, a hair salon and treatment room, assisted bathing, mobility scooter storage (and charging) room, a number of residents' lounges and two terrace areas. The building itself sits in landscaped grounds along with a car park that comprises 44 car parking spaces, a bin store, sprinkler tank and substation.
- 1.9 **EXTRA CARE**
Extra care housing is designed for people who do not need or want to move into residential or nursing homes, but their disability or health needs make ordinary housing unsuitable. It is made up of self-contained homes which have additional support services to help residents live independently.
- 1.10 The schemes have a manager and trained care staff on site or on call 24/7 to provide any extra care and support that may be needed, whilst residents still have the comfort, security and privacy of their own front door. The schemes are popular and often have waiting lists.
- 1.11 Extra Care housing is based on the following principles:

To promote independence - this enables people to stay in their homes, in a community environment longer into life, by having care staff and facilities available on site to respond to their changing needs.

- 1.12 To be empowering - care and support comes to the person as opposed to the person having to move to seek the relevant support.
- 1.13 To be accessible - a well designed barrier free environment with scope for easy adaptation.
- 1.14 The level of care provided in each case will determine whether an individual development would amount to a C3 (dwelling houses) use, or whether it would create a C2 (residential institutions) Use. Based on the information provided and its design/layout, the nature of this development, is such that it would result in the provision of 82 C3 use class dwellings. Consequently, the development has been assessed against local plan policies that relate to new residential development.
- 1.15 **ALLOCATION OF ACCOMMODATION**
An allocations panel will be set up jointly with Gateshead Council's Adult Services and Housing and Home Group to oversee referrals and applications for the scheme. Gateshead Council will have 100% nominations at first let and 75% on relets. However, whether at first or re-let, all applicants will be considered by the panel and assessed against the eligibility criteria document for the project, which again will be jointly agreed between Home Group and Gateshead Council. A social care assessment will be carried out on prospective tenants, by the Council and the outcome presented to the panel for discussion on suitability. A mix of high, medium and low dependencies across the scheme is envisaged at circa a third each. The panel will agree the applicants to be offered a property and Home Group as landlord will make the offer of a property via an Assured Tenancy agreement.
- 1.16 The planning application is supported by the following documents:
Design and Access Statement
Tree Survey
Daylight and Sunlight Assessment
Preliminary Risk Assessment
Coal Mining Risk Assessment
Flood Risk Assessment and Drainage Strategy
Ecological Appraisal and Bat Survey
Transport Assessment
Community Consultation Statement
- 1.17 **PLANNING HISTORY**
The planning history relates to the construction of the existing building and the various extensions that are not relevant to the proposal.

2.0 Consultation Responses:

Coal Authority The Coal Authority considers that the content and

conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Northumbria Water

NWL has no issues to raise with the application, provided a condition requiring the development is implemented in accordance with the submitted Flood Risk Assessment and Drainage Strategy that states that foul and surface water will discharge to the existing sewer connection from the site, with surface water being restricted to 5l/sec.

Tyne And Wear
Archaeology

The site lies on the old Gateshead to Wolsingham toll road.

There are no known archaeological features on the site.

No archaeological work is required.

3.0 Representations:

Neighbour notifications were carried out in accordance with formal procedures introduced by the Town and Country Planning (Development Management Procedure) Order 2015. A total of 44 properties in the surrounding area have been notified about the application. In addition, site notices were posted at the site on 5 April and 9 May 2019 and notices were published in the local press on the 3 April and 1 May 2019 in order to alert the public to the submission of the planning application.

3.1 Further neighbour notifications were sent on receipt of amended plans on 25 May 2019 with a response date of 18 June 2019.

3.2 There have been 32 letters of objection received from a total of 15 individuals, and 2 letters of support. The objections include concerns over:

- loss of privacy and overlooking
- dominate outlook
- loss of outlook onto trees and nature
- impact on health, well being and quality of life
- noise and disturbance during construction works
- loss of daylight and sunlight particularly in winter
- location of substation - visual impact, noise and health risk implications of living so close to high voltage being generated.

- impact on and loss of trees and hedgerows and wildlife
- It is overbearing and out of character with the area due to the size and scale of the development. It would completely alter the landscape.
- Overdevelopment
- The development is all about housing as many people into as small an area as possible, in order to raise capital and nothing to do with care
- Traffic generation
- Existing parking problem associated with Emmanuel College will be made worse.
- insufficient car parking will result in overspill parking onto the street
- Air quality associated with additional traffic

- Community engagement was not effective as residents were given very little information and were misled.
- There should be another consultation process undertaken.
- Concerns related to drainage and flooding. Existing problems will be made worse.
- Some of the amendments have improved the scheme, but more changes are needed to overcome concerns.
- Loss of property value
- The letters of support favour the provision of new extra care affordable housing.

3.3 One resident who did not object requested that the current right of access to the back of their property be retained as they have plans for a future extension to their property.

4.0 Policies:

CS10 Delivering New Homes

CS5 Employment-Economic Growth Priorities

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

H4 Windfall and Small Housing Sites

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

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

MSGP Making Spaces for Growing Places

CS21 Waste

DC1P Contamination, derelict land, stability

DC1C Landform, landscape and after-use

DC1E Planting and Screening

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

5.1 Assessment of the Proposal:

The main planning considerations are the principle of the proposed development, impacts on highways, flood risk and drainage, residential amenities, design and layout, landscape, ecology, heritage, ground conditions and community involvement.

5.2 PRINCIPLE

The existing use of the site is a vacant hotel. The site is not an allocated housing site.

5.3 The emerging Local Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure.

5.4 Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.

5.5 The site would be considered as a housing windfall site under policy H4 of the UDP. Given the choice of amenities included within the proposal and the

accessible nearby local amenities the site is not considered to be in an isolated location, and it is considered that the location of the proposal is sustainable.

5.6 Family Homes

CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The proposal is for 82 extra care homes comprising 58 x 1 bedroom and 24 x 2 bedrooms flats which does not satisfy this policy.

However, the Council's Commissioning Team have identified a local need for this type of accommodation.

5.7 Building Use, Need and Extent of Development

The demographic context to this planning application is of an area with an ageing population. The ORS' Gateshead and Newcastle upon Tyne 'Strategic Housing Market Assessment 2017' (SHMA) includes:

5.8 Need for Older Persons Housing

The population aged 65 or over is projected to increase by 9,750 persons in Gateshead and by 14,200 in Newcastle upon Tyne between 2015 and 2030.

5.9 The SHMA has identified that between 2015 and 2030, groups in institutional population are likely to increase by 414 persons aged 75 years or over in Gateshead and 593 persons in Newcastle upon Tyne. This increase in institutional population is a consequence of the CLG approach to establishing the household population, which assumes "that the share of the institutional population stays at 2011 levels by age, sex and relationship status for the over 75s" on the basis that "ageing population will lead to greater level of population aged over 75 in residential care homes".

5.10 However, it does not necessarily follow that all of the increase in the institutional population should be provided as additional bed spaces in residential institutions in Use Class C2; some of the specialist older persons' housing, including sheltered or extra care, such as this development, may be more appropriate for their needs, and to maintain independent living.

5.11 Older people - local context Gateshead

Gateshead Housing Strategy 2013-18 is structured around 3 linked objectives: Support – to help residents' access and sustain a home which promotes their wellbeing.

Standards - improve the quality, condition and management of housing so that all residents benefit from safe, healthy and well-managed homes.

Supply - ensure use of existing stock and supply of new housing best meets current and future needs and aspirations.

5.12 The Housing Strategy Action Plan includes several aims related to improving accessible and wheelchair housing.

5.13 Under the support objective, Gateshead Council aims to:

- Identify clear commissioning priorities for independent living
- Develop a framework for Independent Supported Living service providers

- Carry out market appraisal of residential care homes sector
 - Develop forward plan of new specialist housing provision to reduce long-term care and support costs (with the outcome: New accommodation which supports people to live independently)
- 5.14 Gateshead's population is ageing and the Council needs to consider how it can increase older person's housing options in the future to make 'downsizing' or moving to specialist housing simpler and more attractive.
- 5.15 The increasing older population and their aspirations will have far reaching implications for housing markets. Many of these households are currently remaining in their existing homes because alternative housing choices are limited. The growth in older person households needs to be accommodated whilst offering choice - one size does not fit all and the Council will need to ensure that there is a range of housing options for older people including bungalows, flats, assisted living and extra care to complement existing care home provision.
- 5.16 **Affordable Homes**
The NPPF at paragraph 64 seeks the provision of at least 10% of homes in major development to be available for affordable home ownership. However, an exemption to this 10% requirement is if the development provides specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly).
- 5.17 The proposed 82 apartments will provide specialist accommodation for the increasing institutional population reflected above.
- 5.18 Galiford Try, the applicant, are working in partnership with Home Group who will manage the development. Galiford Try seek to secure planning permission, and will then sell the land to Home Group. Galiford Try construct the development for Home Group who will secure a grant from Homes England for the specialist accommodation on the site. Home Group are bound by the Homes England agreement which requires the apartments to be retained in perpetuity in accordance with the NPPF.
- 5.19 Gateshead Council will enter into a nominations agreement with Home Group to ensure that the apartments are prioritised for the people of Gateshead. All properties will be limited for use with prospective tenants being subject to a strict needs assessment by Gateshead Council / Home Group. An Allocations Panel will determine who is eligible for the service considering people's age, any support they require and whether there is a housing need. The Council are likely to have 100% nomination rights on first let and 75% of nomination rights on relets.
- 5.20 It would be unreasonable to require provision of affordable housing through a s106 legal agreement, however, a condition is recommended to require details of the nominations assessment of prospective tenants to be submitted to ensure that the development remains available as specialist accommodation for people with specific needs (CONDITION 17).

- 5.21 All rent levels will be set by Gateshead Council at levels considered affordable.
- 5.22 Home Group is a registered social landlord and registered charity operating on a not for profit basis for over 80 years. The scheme as a whole is only able to be delivered with significant grant funding from Homes England and does not stack up financially on a commercial basis without this funding.
- 5.23 This accords with the requirement of CSUCP Policy CS11 (5) for the provision of 15% affordable homes on all developments of 15 or more dwellings, subject to viability.
- 5.24 Lifetime Homes and Wheelchair Accessible Homes
CSUCP Policy CS11 (2) and saved UDP policies H9 and H10 require Lifetime Homes and Wheelchair Standard housing, within developments of 25 or more dwellings, or on sites of 1.0 ha or more. To accord with this policy 9 flats should meet the Wheelchair Housing Standards and 2 flats should meet the Lifetime Homes Standard.
- 5.25 The design of the building aims to provide a barrier free environment, thus enabling the residents to maintain their independence much further into their life.
- 5.26 All flats comply with the requirements of Lifetime and Wheelchair Homes and are in accordance with Saved UDP policies H9 and H10 and CSUCP policy CS11(2).
- 5.27 Suitable accommodation for the elderly
Policy CS11(3) relates to increasing the choice of suitable accommodation. This proposal is in accordance with the policy.
- 5.28 Residential space standards
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.
- 5.29 This is reflected in Making Spaces for Growing Places policy (MSGP) MSGP13 Housing Space Standards that requires new homes to be built in accordance with the Nationally Described Space Standards (NDSS), or equivalent successor standards, as a minimum.
- 5.30 With regard to this requirement, it should be noted that in March 2015 DCLG published nationally described space standards for new housing. The Council expects that proposals for new residential development will, as a minimum, seek to achieve nationally described space standards.
- 5.31 The nationally described space standards require a two person one bed flat to be a minimum of 50sqm with 1.5sqm of storage.

- 5.32 A typical one bedroom flat is 54sqm with a bedroom of 13.8sqm with two storage cupboards of 1.08sqm and 0.91sqm, a wheelchair storage area and wardrobes and drawers in the bedroom. An open plan one bed dementia flat is GIFA 54sqm with a large cupboard of 1.54sqm, a wheelchair storage area and divisional shelving. The dining area accommodates three persons and the lounge area seating for four.
- 5.33 The nationally described space standards require a three person two bed flat to be a minimum gross internal floor area (GIFA) of 61sqm with 2sqm of storage.
- 5.34 A typical two bedroom flat is GIFA 68sqm, one bedroom is 13.8sqm and the second single bedroom is 8.5sqm, each have wardrobe and door space, storage cupboards of 0.94sqm and 1.45sqm plus a wheelchair storage area. The dining area accommodates three persons and the lounge area seating for four.
- 5.35 A two bed corner turner flat is GIFA 72.5sqm, bedroom 1 is 14sqm and the single bedroom is 7.7sqm each have wardrobe and door space, storage cupboards of 2.2sqm and 1.03sqm plus a wheelchair storage area. The dining area accommodates three persons and the lounge area seating for four.
- 5.36 A number of the flats have external balcony areas but even without the balconies all of the proposed apartments significantly exceed the nationally described space standards.
- 5.37 Open space and play
The site is not located within an area that is deficient in open space provision, and there is no formal requirement for this proposal to provide any. However, the inclusion of external communal space within the layout is welcomed.
- 5.38 To comply with the provisions of policy H15, that requires play areas in housing developments (other than developments exclusively for students or elderly people), the development would need to be exclusively for elderly residents, however the proposal is for residents over 55 who require or who will require extra care. Whilst the proposal is not in accordance with Saved UDP policy H15 it is considered that given the expansive grounds and the proximity of Beggars Wood Recreation Park there is ample opportunity for the children or grandchildren of residents and visitors to play without the specific provision of a play area.
- 5.39 MSGP Policy 11 requires accessible and adaptable dwellings on housing developments of 15 or more dwellings. 25% of dwelling will be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards. The proposed development would meet the requirements of this draft policy.
- 5.40 MSGP Policy 12 Housing for specific groups requires specialist and supported accommodation and care schemes will be expected to:

- 1) provide on-site, or have good accessibility to, shops, services, community facilities and open space appropriate to the needs of the intended occupiers, their carers and visitors; and/or
 - 2) have good accessibility to public transport routes.
- 5.41 In determining whether the accessibility to shops, services, community facilities, open space and public transport routes is good, the Council will have regard to the distance, gradient, simplicity of navigation and the security and safety of the route taking into account the extent to which it is overlooked or has other natural surveillance and the need to cross roads.
- 5.42 This site is ideally located for public transport links providing access to wider services, however, the on site facilities will meet the needs of intended occupants and the wider community in accordance with the requirements of this draft policy.
- 5.43 Given the above the principle of the proposal is considered to be acceptable and in accordance with Saved UDP policies H4, H5, H9, H10, H15, CSUCP policies CS10 and CS11 and draft MSGP policies 11, 12 and 13.
- 5.44 HIGHWAYS
The site is located near the edge of the suburban area of Lobley Hill, three miles from Gateshead town centre.
- 5.45 The location is partially sustainable in transport terms as few of the shops and services are within walking distance, however, the proposed facilities on the site go some way to addressing this and will also attract visits to the site There will be a need to travel for the independent residents not requiring a high level of care. Car ownership tends to reduce with age in such facilities therefore it is important that the development ensures good use of the public transport facilities on the A692 Consett Road outside the site both for staff, visitors and residents.
- 5.46 There are good quality bus routes with frequent services both into Gateshead and Newcastle as well as to Consett and Stanley from the bus stops outside the site. There is an existing bus shelter on the eastbound carriageway but only a bus stop on the westbound carriageway.
- 5.47 The proposed 82 units have the potential for 106 residents and there are likely to be 25 full time equivalent staff comprising of staff for the health and treatment suite, assisted bathing room, hair salon, dining room and kitchen staff. Whilst the 44 parking spaces proposed is below the requirement for a standard C3 development, the assessment has been based on the developer's evidence of the parking requirements of similar developments and Officers accept the reduced parking provision. This will result in a proportion of residents and staff without access to a private car who would rely on public transport.

- 5.48 Officers are in broad agreement with the Transport Assessment (TA) including traffic generation and parking levels evidenced from the company's other developments.
- 5.49 Swept path analysis has been submitted to demonstrate how service vehicles would operate within the site in addition to drawings showing the improved sight line at the access onto the A692. These are considered to be acceptable as is the internal site layout. The access road is proposed to be widened to 5.5m for the first 12m and a 2m footpath provided on either side to meet officer requirements. Secure cycle storage facilities are also proposed and the implementation can be secured by conditions (CONDITIONS 39 and 40).
- 5.50 Where there is not agreement is in the estimation of future pedestrian movements and previous pedestrian movements. In planning terms where there is a change of use it is generally accepted that the difference in the previous land use generation figures and the new estimated figures for the proposed development is a measure to ascertain whether transport improvements are needed.
- 5.51 In order to estimate the future modal split and pedestrian movements the TA has utilised 2011 census travel to work data which is generally acceptable for housing developments however it is not as accurate for a development such as the one proposed at Ravensdene Lodge where the TRICS database provides a better multi modal split for the development.
- 5.52 Transport officers consider that the TA has underestimated the number of likely trips by foot and public transport to and from the development which is considered will be somewhat higher than for a hotel on the very edge of the built up area particularly considering the reductions in car parking.
- 5.53 In order to access the east bound (Newcastle/Gateshead) bus shelter pedestrians will need to cross the busy A692 on which the road traffic volumes are highest during the morning peak at over 1400 vehicles per hour. Many of the pedestrians may be less able bodied and so the width of the road, at 7.6m, could render crossing difficult or prohibitive. There will not be enough pedestrians to merit a formal crossing, however, where there are high volumes of traffic and elderly or less mobile pedestrians, a pedestrian refuge (island) is very useful in assisting safe movements allowing each carriageway to be crossed in turn.
- 5.54 There is a suitable location for a pedestrian/cycle refuge some 60m to the north east of the development access on Consett Road. However, this would require the bus shelter to be relocated a similar distance. No details of a pedestrian refuge have been provided in support of the planning application, however, it is considered necessary to impose a condition requiring the final details of the pedestrian refuge and the implementation (CONDITIONS 41 and 42). A crossing at this location coincides with the location that the cycle route across the site frontage crosses the road to Watergate Park.

- 5.55 Works on the highway to provide a pedestrian/ cycle refuge and to move the bus stop as well as altering the access to the highway (with dropped kerbs and tactile indicators) will require a section 278 agreement between the developer and the Council. The cost of the works and their design by Gateshead Council will need to be met by the developer.
- 5.56 **Travel Plan**
There has been a commitment from the developer setting a Travel Plan along with a Travel Plan Coordinator to encourage staff and visitors to travel sustainably where possible. A condition is recommended to secure a Travel Plan and its implementation (CONDITIONS 43 and 44).
- 5.57 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with CSUCP policy CS13 and MSGP16.
- 5.58 **FLOOD RISK AND DRAINAGE (SUDS)**
The is a brownfield site that lies within a Flood Risk 1 area with an existing impermeable area of approximately 0.428Ha. The Flood Risk Assessment submitted in support of the application concludes that the proposed development will not exacerbate flood risk either on the site or downstream of it and the proposed development is not at risk of flooding. The proposed development is considered appropriate being within a Flood Zone 1 in accordance with the National Planning Policy Framework for flooding. It is considered that to ensure the recommendations of the FRA report are adhered to a condition should be imposed (CONDITION 20).
- 5.59 **Drainage- SUDS**
The applicant has demonstrated that the only viable discharge route for surface water is to the Northumbrian Water combined sewer in Alwinton Gardens. They have demonstrated that the preferred options within the drainage hierarchy of infiltration to the ground or a connection to the nearby Black Burn watercourse are not feasible.
- 5.60 Residents at the consultation event and subsequently through written objections have expressed concern over existing flooding problems and the potential for these to be increased via the development. These concerns were noted and have been addressed in the FRA.
- 5.61 A storage tank with a volume of 164m³ is proposed to be located beneath the car park with flow from the site limited to 5l/s - a betterment of 98% on the current unrestricted flows leaving the site which will greatly reduce the potential surcharging of the existing drains and subsequent flooding noted by the residents.
- 5.62 Conditions are recommended to secure a drainage construction method statement (CONDITIONS 8 and 9) that contains:
o Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place.

- o Description of any construction methodologies to protect the SuDS functionality including the provision of any required temporary drainage systems, and methods for temporary protection of infiltration features, permeable surfaces, erosion prevention, pollution control, and de-silting prior to completion of works.
- 5.63 In addition, a drainage maintenance document (CONDITIONS 28 and 29) is required to include confirmation of expected lifespans of underground storage, filter drains, and flow controls, and detailed specification and methodology for their replacement if within the lifespan of the development.
- 5.64 Given the above and subject to the recommended conditions the proposals are considered to be acceptable and in accordance with the NPPF and CSUCP policy CS17 and MSGP30.
- 5.65 RESIDENTIAL AMENITY
The dwellings in closest proximity to the site are on Consett Road to the north west and Alwinton Gardens to the north east boundaries. The dwellings that comprise Green Farm lie on the opposite side of Consett Road directly opposite the development site.
- 5.66 The nearest dwellings are Garth Cottage No.53 Consett Road to the north east of the access to the site, with Nos. 51 and 49 beyond that who share the north west boundary with the site. The proposed car park lies to the rear of the gardens of these properties separated by a strip of landscaping varying between 5m in depth to the rear of Garth Cottage to 1m to the rear of No.51 Consett Road.
- 5.67 Garth Cottage does not have any windows on the gable end. It has a sun room extension to the rear elevation that is 19.5m from the 2.5 storey element of the proposed development and a large garden that is bounded by the site on two sides.
- 5.68 The rear garden boundaries of six dwellings on Alwinton Gardens share the north east boundary with the site. The proposed car park lies to the rear of the gardens of these properties. The gardens are a minimum of 26m long with the rear elevation of these properties being 30m from the car park and 64m from the four storey block projecting north east from the primary facing elevation of the proposed development.
- 5.69 To the south west of the development are dwellings Nos.57, 59 and 61 that share a boundary with the site. No.57 that is a two storey detached dwelling is 3m off the proposed gable end of the two storey element at the front of the site facing Consett Road. There are some large conifers along this boundary within the hotel curtilage that would be removed to accommodate the development. The area to the rear of Nos.59 and 61 and to the side of No. 57 is proposed to be soft landscaped garden for the future residents of the proposed development. The distance from the rear of No.57 to the nearest part of the proposed development is 33m and from No. 59 is 40m. The proposed block is

10m further away from these dwellings than the two storey element of the existing hotel building.

- 5.70 Two roof top areas are proposed for the residents. One is a residents' lounge on the first floor to the south west of the development and to the rear of the apartments facing Consett Road. The orientation of this room is such that there would be no overlooking of existing properties and there is no access to an external roof terrace from this room. The second is a winter garden room and roof terrace on the 4th storey on the south east elevation facing out over Beggars Wood. There are no concerns with regard to loss of privacy or overlooking from this terrace.
- 5.71 A number of representations have been received from neighbours expressing a number of concerns and the scheme has been amended to respond to these in a positive way. Taking the comments in turn:
- 5.72 The development does not sit comfortably within streetscene
The scheme has been amended so that a one bed apartment has been omitted from the top floor of the northern most corner of the layout, adjacent to the site entrance from Consett Road. This omission means that the streetscene elevation now steps down at both sides to 2 storeys towards the adjacent houses with eaves and ridge levels and overall scale being not dissimilar to the neighbouring properties.
- 5.73 Height of the Development:
In addition to the omission of an apartment to reduce the height of the Consett Road elevation as mentioned above, the central section of the building, above the main entrance, has been reduced from 3.5 storey to 2.5 storey facing Garth Cottage. Of the six apartments removed from the upper floor, four have been relocated within the southern wings and two have been omitted from the scheme entirely, reducing apartment numbers from 85 to 82.
- 5.74 Whilst this section of the building is higher than the existing hotel it is also 5.6m further away from the boundary with Garth Cottage (12.35m in total). The eaves height has been lowered by a full storey and the roof pitch is a shallow 25 degrees, so the impact, given perspective and field of depth, will be substantially less than might be envisaged when viewing a 'flat' 2D elevation.
- 5.75 The southernmost wings of the scheme remain at 4 storeys and they are located a minimum of 35m from the rear of properties on Consett Road and over 60m from the rear of properties on Alwinton Gardens.
- 5.76 Separation distances between habitable rooms are in excess of those required for the protection of residential amenity.
- 5.77 The changes in building height minimise visual impact by reducing both the perceived scale and mass of the proposal whilst minimising overshadowing as demonstrated by the submitted Daylight and Sunlight Assessment.
- 5.78 Potential for Overlooking

Following concerns in respect of overlooking raised by the owners of Garth Cottage, the proposals have been amended in a number of ways:

- As already stated the upper floor of the central section has been entirely removed lowering this section of the building from 3.5 to 2.5 storeys which removes the potential for overlooking from higher level.

- The first and second floor apartments in closest proximity to the rear garden of Garth Cottage have now been given 'Oriel Windows'. These windows are angled at 45 degrees away from the Garth Cottage that restrict views from these apartments to an easterly direction over the car park.

- The staircase facing the rear garden of Garth Cottage is proposed to be fitted with obscure glazing and the second floor window has been removed and replaced with a rooflight which also acts as a smoke vent and is positioned at a height well above eye level with no outward views possible.

5.79 Loss of Daylight and Sunlight

A sunpath assessment was submitted in support of the application, however, officers requested a BRE Daylight and Sunlight Assessment and this has been carried out on the impact the proposed development would have on neighbouring properties in support of the planning application.

5.80 The BRE Guide states in section 3.3.3 "The availability of sunlight should be checked for all open spaces where it will be required. This would normally include gardens, usually the main back garden of a house ...".

5.81 The BRE Guide states in section 3.3.4 "Each of these spaces will have different sunlighting requirements and it is difficult to suggest a hard and fast rule. However, it is clear that the worst situation is to have significant areas on which the sun only shines for a limited period over a large part of the year."

5.82 The BRE Guide states in section 3.3.11 "The above guidance applies to both new gardens and amenity areas and to existing ones which are affected by new developments."

5.83 The Assessment confirms that the proposed development will not create more than 1% of any garden or amenity area which will receive less than two hours of sunlight on 21 March. This is better than the BRE minimum requirement which states that a reduction up to 20% from starting figures would be unlikely to be noticeable. As such, the proposed development, therefore, passes the BRE overshadowing to gardens and open spaces test.

5.84 The Assessment concludes that the numerical results in this study demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties. In the opinion of the surveyor who compiled the assessment, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties.

5.85 The concerns raised in respect of loss of light and loss of solar gain have been dispelled by the assessment. The objector pointed out that the sun room to

No.53 has been part of the house for over 20 years and in this time, has never had any sun obstruction. The assessment has demonstrated that the proposed development will not obstruct the sun.

5.86 Substation Location

Due to concerns raised by residents and Environmental Health Officers with regard to the originally proposed location for the new substation, the car parking layout has been amended to relocate the substation away from rear gardens fences. The substation is now separated from both existing and proposed properties to the greatest extent allowed by the site, being over 30m from properties on Alwinton Gardens and 23m from the nearest extra care apartment. Furthermore, it is also separated from residential gardens by the northern part of Beggar Wood. No details have been provided of the appearance or scale of the substation therefore a condition is recommended to secure the details (CONDITONS 21 and 22)

5.87 Lack of Landscaping between Car Parking and adjacent Gardens

Between the car parking and existing garden fences there is between 1m - 5m of landscaping buffer, reducing to 1m at its tightest with more space available at the northern and north eastern corners of the car park. This space is sufficient to plant hedging or medium height shrubs; the species will need to balance the need to provide a visual buffer whilst not growing too high to overshadow the existing gardens. The details can be secured by conditions (CONDITIONS 23, 24 and 25).

5.89 Construction and demolition

The site is positioned between residential properties that are directly adjacent to the site, with other dwellings in close proximity. The existing residents living adjacent and opposite the site will be impacted during the demolition and redevelopment, therefore it is crucial to have measures in place to protect their amenity as much as possible during development. Conditions are recommended to require a scheme for the control of noise and dust to be submitted for approval (CONDITIONS 6 and 7) and to restrict the demolition and construction hours, including for deliveries to the site (CONDITION 19).

5.90 External Plant

No details of the location of any external plant have been provided although there are proposed plant rooms. Details of any external plant, i.e. the location and number of air conditioning fans and decibel levels can be secured by conditions (CONDITIONS 26 and 27).

5.91 Noise Assessment

Given that some of the proposed bedrooms front directly onto a busy A-road a post construction noise monitoring survey is considered to be necessary to establish what internal noise levels have been achieved. If necessary, noise mitigation measures would then be required to ensure the internal noise bedroom standards can be achieved i.e. 35dB LAeq, 16 hours (daytime) and 30 dB LAeq, 8 hours (night time) as per BS: 8233:2014 (CONDITIONS 31, 32 and 33).

- 5.92 Lighting
Developments such as this typically have a lot of artificial lighting, with the potential to cause lighting nuisance to residents should the lighting positioning and intensity. To secure details of the lighting scheme a condition is recommended to secure a lighting assessment prior to development being occupied (CONDITIONS 34 and 35).
- 5.93 Given the above, and subject to the recommended conditions, the proposal as amended is considered to be acceptable and in accordance with Saved UDP policies ENV3 and DC2, CSUCP policy CS14 and draft MSGP policy 19.
- 5.94 DESIGN AND LAYOUT
An initial scheme was submitted to Gateshead Council for pre application planning advice. The advice given resulted in changes being made to the overall site layout, scale and massing of the building and positioning of the car park. The principle of the changes requested at this stage have been maintained throughout further re-design and still form the basis of the current updated design.
- 5.95 Subsequently it was brought to the design team's attention that the surrounding Beggars wood is in fact Ancient Woodland which resulted in the need for significant design changes including moving the building NW towards Consett Road and increasing the scale of the street scene elevation from 2 to 3 storeys to mitigate against the loss of residential units adjacent to the woodland.
- 5.96 Representations have been made in respect of the scale of the development and the design not being in character with the area. Buildings in the surrounding area are an eclectic mix of brick; stone built, stone clad and rendered facades. The vernacular roofing materials seem to be somewhat location specific as dwellings on the north west side of Consett Road are slate roofed and those on the opposite side being in terracotta or concrete tiles of varying formats.
- 5.97 The Lobley Hill estate is fairly uniform as the majority of development was constructed at the same time in the post WWII era. Almost exclusively built as semi-detached dwellings, with simple pitched roofs some with half hipped gables, bay windows are also typical. Many retain their original brickwork, while others have been personalised with pebble-dash, stone cladding or render. Typically clay pantiles pervade.
- 5.98 The proposed extra care development relates to the rest of the area in terms of materiality and roofscape. Large windows articulate the facades. The building is unique within its setting yet sits comfortably. The proposed building aims for a contemporary 21st century interpretation of vernacular qualities. The design aims to respect the local vernacular in terms of aspects of materiality but offers a contrast in other areas, becoming a 'landmark building'.
- 5.99 This approach to working with architectural context has resulted in the design of the scheme. The detailing of the fenestration to the extra care building will be contemporary with large dark grey window frames providing the necessary levels of light into and views from all apartments, for all residents including

those who may be in a wheelchair. Large bi-fold doors will give flush access from the new communal lounges onto terraces and garden areas beyond. Panels of floor to ceiling curtain walling will light the corridors, giving views out and helping residents with wayfinding through improved legibility.

- 5.100 When considering the elevation fronting Consett Road as referred to above the proposal has now been 'stepped down' to two storeys at both sides to sit more comfortably alongside the adjacent detached properties.
- 5.101 Particular care has also been taken to ensure the rear aspect of number 57 is improved over the current situation, and to that end, the first floor apartment directly in the sun path has been omitted completely and has been replaced with a curved residents' lounge with limited windows which will not overlook number 57. The flat roof will not be accessible and is likely to be a 'green' roof.
- 5.102 The perceived scale of the elevations is reduced by using two different facing materials comprising a quality multi brick and high quality through-colour acrylic render. Used in blocks, the elevations are visually broken into a number of smaller volumes, thus reducing the horizontal emphasis of a building with a relatively large footprint. Additional emphasis is also given to the building entrance to ensure it is clearly legible to visitors. There is a hierarchy of fenestration, the apartment lounges having French doors to the private garden areas or large windows of an equal width, these being larger and having greater emphasis over the bedroom windows, which again are sized to reflect the room size behind reinforcing legibility. Final details of materials are recommended to be secured by condition (CONDITIONS 45 and 46).
- 5.103 It is considered the design responds positively to the site and its context. The massing of the main building is arranged to create attractive and useable outdoor spaces, it is well-articulated using varied height to break up the mass and employing a good range of materials and elevational design techniques to break up the elevations further. The building is well laid out internally providing communal facilities and social spaces for the benefit of residents and the apartments are generous and well laid out exceeding NDSS. The building is arranged and located within the site to maintain a positive frontage onto the main road and to make best use of the space available within the site to maximise privacy distances and minimise overlooking, placing car parking in the area closest to neighbouring gardens.
- 5.104 Given the above the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV3 and CSUCP policy CS15 and draft MSGP policy 25.
- 5.105 AMENITY OF FUTURE RESIDENTS
The Extra Care building is designed on the basis of progressive privacy.
- 5.106 Access is controlled into the semi-private corridors via a secure door, visitors can only be let through via tele communication with a resident or staff intervention. Each apartment is individually keyed, access being activated by the resident.

- 5.107 Garden areas are made secure for the protection of residents. However, the 2m high perimeter mesh fence as proposed would result in damage to the trees within the ancient woodland if the fence posts were not hand dug therefore a condition is recommended to secure installation in accordance with the method set out by the Applicant (CONDITION 36).
- 5.108 Ground floor apartments have patio doors opening onto these secure areas, otherwise windows are provided with opening restrictors. The external spaces are proposed to be lit at night time and covered by the CCTV camera system.
- 5.109 The main security features of this building include, but are not limited to;
Secure entrance door with CCTV surveillance and electronic control.
Secure windows and doors to ground floor incorporating laminated (anti-bandit) glazing.
- 5.110 Communal area secured from residential areas via a progressive privacy door, again with CCTV surveillance and electronic control.
All external areas of building suitably illuminated.
Private secure garden with 2.0m high fence.
Secure entrance doors to all apartments.
All external areas overlooked / observable from within building.
Building to be staffed 24 hrs / day, 365 days per year
It is the aim of the social housing provider to create a safe and secure environment at all times to assist in the wellbeing of the residents.
- 5.111 Given the above the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV3 and CSUCP policy CS15 and draft MSGP policy 25.
- 5.112 LANDSCAPE
The trees on site are primarily located around the perimeter as part of a woodland strip, with the majority growing on Council land, just outside the site boundary. There are 29 individual trees (T1-T29); 4 groups of trees (G1-G4); 1 woodland compartment (W1); and 1 hedge (H1).
- 5.113 Nine individual trees and 3 tree groups would need to be removed to facilitate the proposed development. These include the conifers growing between the hotel and No.57, T26, T27, T28 and Group 4 to the rear of Garth Cottage, T25 a crack willow 'stump' on north eastern boundary. The stump is comprised of several stems at the base, each stem with regrowth that will become liable to failure as they grow. As with any old tree stump it is exhibiting signs of decay. T29 a conifer growing to the rear of the existing hotel building. To the north there are several trees (T22-T25) situated on a lawn between the car park and the fence of residential gardens.
- 5.114 No hedgerow would be removed to facilitate the development proposals.
- 5.115 The trees of W1; T1-T9, T12-T17 and T19-T21 (along the south west and north west perimeter of the site) are identified on the tree survey submitted in support

of the application form part of an Ancient Woodland. Ancient Woodland is defined as an area which has been wooded continuously since at least 1600 AD. Trees T10, T11, T18, and T22-T24 are contiguous with this woodland. However, they stand in amenity grassland alongside the existing hotel carpark which distinguishes them from ancient and semi-natural woodland.

- 5.116 The NPPF at paragraph 175 assumes protection of all Ancient Woodland and veteran trees unless there are wholly exceptional reasons and a compensation strategy exists. Consequently, the potential impact of this development on the Ancient Woodland has been very carefully considered and, as referred to above, the position of the development within the site has been relocated away from the Ancient Woodland specifically in order to ensure there are no harmful effects arising.
- 5.117 Natural England publishes Standing Advice in collaboration with the Forestry Commission. This Advice reinforces the assumption in the NPPF that development within an Ancient Woodland normally requires exceptional circumstances. In addition, a buffer of at least 15m is recommended between any new development and Ancient Woodland to avoid root damage. This 15m buffer is maintained in the proposals and no trees from the ancient woodland would be removed. A small section of the building and a refuse storage area encroach slightly into the 15m ancient woodland buffer zone however as existing this an area of hard surface car park thus is already developed. A section of garden path also encroaches within this buffer. None of these are within the Root Protection Area of any of the trees, however, controlled removal of the existing hard standing will be required to reduce or avoid incidental damage to the roots of retained trees but the risk of adverse effects arising is vastly reduced compared to construction within soft ground.
- 5.118 Tree T18 stands in amenity grass alongside the ancient woodland. It is of moderate value but its removal is required to facilitate the construction of the refuse storage area.
- 5.119 Trees T22, T23, and T24 stand in a small strip of amenity grass between the existing car park and fenced residential gardens. These trees are of low quality and their removal is required to facilitate the construction of the proposed car park.
- 5.120 The demolition and construction phases will require different protective fencing alignment. Fencing for each phase will need to be installed and not removed until the physical construction phase has been completed and all vehicles have been removed from site. The tree protection measures included in the Arboricultural Impact Assessment are comprehensive and considered to be acceptable subject to a condition requiring the implementation of the measures (CONDITION 3).
- 5.121 Whilst the crack willow stump (T25) is considered to have some value in terms of its contribution to biodiversity, it is not of cultural or historic value, is not prominent in the landscape, nor is of high aesthetic value. It not considered to

meet the criteria for it to be made the subject of a Tree Preservation Order, nor would its removal be contrary to Paragraph 175 of the NPPF.

- 5.122 Whilst it is regrettable that some individual trees must be removed to allow the development to proceed, as previously stated the entire scheme design has been significantly changed to protect Beggars Wood Ancient Woodland as a whole. All trees to be removed have been agreed with officers.
- 5.123 In addition, the proposed site layout, when compared to the existing external space around the Ravensdene Hotel offers the opportunity to extend the influence of the wood further into the site.
- 5.124 Detailed landscaping proposals to include native species which are complimentary to those already found within the adjacent woodland and which encourage wildlife into the area can be secured by condition that would enhance the setting of Beggars Wood extending its influence into the Extra Care Gardens (CONDITIONS 23 and 24).
- 5.125 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with paragraph 175 of the NPPF, Saved UDP policies ENV3, ENV44, ENV46, ENV47, CSUCP policy CS18 and draft MSGP policies 37 and 38.
- 5.126 ECOLOGY
Paragraph 170 of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment through a number of criteria including:
a) protecting and enhancing sites of biodiversity in a manner commensurate with their statutory status or identified quality in the development plan;
d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.127 The NPPF requires a 15m buffer between the trunk of the trees in the Ancient Woodland and the development and this is maintained with the exception of a slight encroachment in an area that is already developed.
- 5.128 It is considered that, except for the trees that are to be felled (referred to above), there would be no loss of biodiversity. A condition is recommended above (CONDITIONS 23 and 24) to secure replacement and additional planting that will enhance the biodiversity on site.
- 5.129 As such the proposal is acceptable and in accordance with NPPF paragraph 170.
- 5.130 The ecological survey submitted in support of the application recorded good levels of bat activity along the southeast and southwest boundaries of the site.
- 5.131 The recommendations included within Section H of the Preliminary Ecological Appraisal and Bat Survey are considered to be acceptable and should be

secured by a condition (CONDITION 38) in addition to conditions requiring an Ecological Method Statement in relation to site clearance, construction and operational phases of the development (CONDITIONS 4 and 5), no vegetation clearance during the bird breeding season (CONDITION 18) and external lighting (CONDITIONS 34 and 35).

5.132 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with paragraphs 170 and 175 of the NPPF, CSUCP policy CS18 and draft MSGP policy 38.

5.133 HERITAGE ASSETS

The land is at the edge of part of the Locally Listed Ravensworth estate and Ravensworth Conservation Area. This development is not considered to detrimentally influence the setting of these two heritage assets as much of the scheme will be screened from view by the strong bank of trees, and there is some separation afforded by Beggars Wood.

5.134 Given the above the proposal is in accordance with NPPF paragraph 192 and CSUCP policy CS15 and draft MSGP policy 26.

5.135 GROUND CONDITIONS

The application is supported by a full Phase 1 desk top Geo-environmental study and Phase 2 Geo-Environmental Assessment.

5.136 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. The north west of the site was previously occupied by Lobley Hill Social Club and Institute though it is believed that the current hotel contains the original building. The remainder of the site south of the hotel building including the car parking to the south and east has not been subject to development with the site appearing to be open space/ garden area since 1856.

5.137 In addition to the above, the accumulation of waste materials to the south of the site (Beggars Wood) was officially classified as a landfill between 1963 and 1973 (however uncontrolled tipping commenced in 1938) and was licensed to accept domestic and trade refuse.

5.138 Consequently, it is likely that the development area may be affected by ground contamination. Contamination may possibly exist:

- in any historic made ground deposits present,
- from imported fill materials and material used to construct a development platform for the site and current/ former buildings,
- from materials e.g. asbestos used in former/ current buildings

5.139 It is recommended that an asbestos survey is secured by condition (CONDITION 15) and following this, should the materials be confirmed to contain asbestos, then localised removal of these materials off-site by a specialist asbestos contractor, thereby negating any future risk to end users (human health) will be required and secured by condition (CONDITION 16).

- 5.140 The submitted report states "the testing undertaken on the 'organic clay' screened from areas of soft landscaping indicates that these materials are potentially chemically suitable for use as part of the future development, therefore potentially reducing the requirement for off-site disposal. Should this material be proposed for use within areas of future soft landscaping, further screening will be required to confirm suitability for use including testing in accordance with BS3882:2015 to confirm its suitability as a plant growth medium.". Consequently, this additional recommendation for further site investigation should be secured by condition (CONDITION 10).
- 5.141 Conditions are recommended to require the applicant to undertake the necessary site investigations and devise suitable remediation strategies if required, so that any contamination is dealt with in a responsible and effective manner (CONDITIONS 10 - 14).
- 5.142 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV54, CSUCP policies CS14 and CS21 and draft MSGP policy 22.
- 5.143 COMMUNITY INVOLVEMENT
A formal consultation event was recently held on Monday 18th March 2019 at The Lobley Hill Community Centre at 47-49 Scafell Gardens, Lobley Hill, NE11 9LS. The event ran from 3pm-6pm and was attended by members of the public. Presentation boards, displaying proposed layouts and scheme visuals along with photographs from similar schemes were on show.
- 5.144 A number of the design team were present including two from SPA Architects, two from Galliford Try (Main Contractor) and also two from Home Group who will own and run the scheme once complete.
- 5.145 Feedback forms were provided for people attending and 18 out of 34 attendees responded with comments.
- 5.146 The public were generally supportive of the proposal and recognised the need for such accommodation with many any attendees being supportive of the scheme and providing feedback as outlined below:
- o cannot wait to see the Hotel demolished
 - o liked the modern design of the building
 - o the building would be an asset for the area
 - o Many attendees felt they or someone they knew would make use of the communal facilities which are open to the public
 - o A number of people enquired about potentially moving into the development once completed
- 5.147 However there were also concerns raised the key themes were:
- o The height of the building overall
 - o The height and scale of the proposal fronting Consett Road
 - o Overlooking issues.
 - o Existing flooding problems in the area

- o Noise and general disruption during construction.
- o General issues around road safety on Consett Road
- o Parking, particularly associated with the start and end of the school day.

5.148 Written representations received in response to the planning application have criticised the event and that attendees felt that they were misled as to the scale of the development and who would be eligible for an apartment and that they were told that the scheme could not be changed as it had been agreed.

5.149 To address these concerns, a further consultation event was held on 11 June between 4pm and 6pm at Lobley Hill Community Centre at 47-49 Scafell Gardens, Lobley Hill.

5.150 Any feedback received at this event will be submitted as an addendum and reported as an Update.

5.151 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 application site is within Residential Zone C and the levy is £0 per sqm for market housing. In any event there would be an exception provided for on site affordable housing. The development is not CIL chargeable development.

5.152 OTHER MATTERS

Representations were received that insinuated that the developer was seeking the maximum profit.

5.153 The number of apartments is the minimum that will support the other uses (hair salon, restaurant) and maintain the vitality and viability of the proposal. Therefore the number of apartments is driven by a model to ensure that the scheme is successful. Fewer apartments would mean that the additional facilities could not be included successfully. As said earlier in the report Home Group is a registered social landlord and registered charity operating on a not for profit basis. The scheme as a whole is only able to be delivered with significant grant funding from Homes England and does not stack up financially on a commercial basis without this funding.

5.154 Loss of property value has also been the subject of representations, however, this not a material planning consideration.

6.0 CONCLUSION

Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.

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 -

S 00-01 Site Location Plan

S 00-03 Site Layout - Demolitions received 25 March 2019

D 50-01 Rev D Proposed Site Layout received 25 April 2019

D 50-07 Rev D Proposed Site Layout - Constraints received 25 April 2019

D 50-14 Fine Mesh Fence Setting Out received 3 June 2019

D 50-02 Rev D Proposed Ground and First Floors received 25 April 2019

D 50-03 Rev D Proposed Second and Third Floors received 25 April 2019

D 50-04 Rev C Proposed Roof Plan received 25 April 2019

D 50-09 Rev A Typical Section through Communals received 25 April 2019

D 50-08 Proposed Apartment Layouts received 25 March 2019

D 50-05 Rev C Proposed Elevations Sheet 1 of 2 received 25 April 2019

D 50-06 Rev C Proposed Elevations Sheet 2 of 2 received 25 April 2019

SK21 rev P1 Visibility Splay received 1 May 2019

SK11 Rev P1 Vehicle Swept Path Analysis received 25 March 2019

SK12 Rev P1 Vehicle Swept Path Analysis received 25 March 2019

SK13 Rev P1 Vehicle Swept Path Analysis received 25 March 2019

SK14 Rev P1 Vehicle Swept Path Analysis received 25 March 2019

Design and Access Statement Revision A by SPA Architects received 3 May 2019

Arboricultural Impact Assessment prepared by Paul C Lambert of The Environment Partnership dated March 2019

Daylight and Sunlight Study (Neighbouring Properties) prepared by Adrian Marston of Smith Marston Ltd dated 23 May 2019

Ecological Appraisal and Bat Survey prepared by Ben Crossmand of E3 Ecology Dated May 2019

Flood Risk and Drainage Strategy prepared by Richard Hall of Coast dated 2 April 2019

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

Prior to commencement of the development hereby permitted the tree protective measures at Sections 6 and 7 and Drawings 2, 3 and 4 in the Appendix entitled Drawings of the Arboricultural Impact Assessment prepared by Paul C Lambert of The Environment Partnership dated March 2019 must be installed prior to:

1) commencement of the demolition of the existing buildings wholly in accordance with drawings 2 and 4; and

2) the commencement of construction of the development hereby permitted and thereafter retained intact for the full duration of the construction works of the development wholly in accordance with drawings 3 and 4;

and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason for condition

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

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

4

Prior to commencement of the development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) and notwithstanding the information submitted; a Biodiversity Method Statement covering:

- o protection, creation, enhancement and maintenance of habitats/ecological features to be retained and/or created on site
- o protected and priority species including bats, breeding birds and hedgehog, and;
- o invasive non-native species

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The content of the method statement shall include timescales and details of measures to be implemented to avoid/minimise the residual risk of harm to individual species during the construction and operations phases of the development; and to ensure, where possible, local populations are maintained at or above their current levels.

Reason for condition

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in advance of the commencement of the development hereby permitted.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

5

The details approved under condition 4 shall be implemented wholly in accordance with the approved details and adhered to during the construction and operational periods.

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

6

No development shall commence (except for the erection of tree protection measures, site security hoardings and site investigations and remediation) until a Demolition and Construction Management Plan (DCMP) for the development has been submitted to and approved in writing by the Local Planning Authority.

The DCMP shall include :

- a dust management plan
- a noise management plan
- pollution prevention measures
- contractor parking
- details of delivery arrangements, hours and routing
- measures to limit and manage transfer of debris on to the highway
- Dampening down of exposed stored materials, which will be stored as far from sensitive receptors as possible;
- Ensure all vehicles switch off engine when stationary; and
- Avoiding dry sweeping of large areas

Reason for condition

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

Reason for prior to commencement condition

The DCMP must demonstrate that the residential amenities of adjacent properties will be protected during construction of the development.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

7

The development hereby permitted shall be undertaken wholly in accordance with the Demolition and Construction Method Statement approved under condition 6 for the duration of the demolition and construction periods.

Reason:

To ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity in accordance with Saved UDP policies ENV3, DC2 and CSUCP policies CS13, CS14, CS18 and National Planning Policy Framework.

8

Prior to commencement of the development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition of the existing hotel and site investigations and remediation) a drainage demolition and construction method statement (DCMS) shall be submitted to and approved in writing by the Local Planning Authority. The content of the CMS shall be in accordance with Appendix B6 of the CIRIA SuDS Manual, and Gateshead Interim SuDS Guidelines (Version 2 - March 2016) for best practice:

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

The drainage demolition and construction method statement details approved under condition 8 shall be wholly implemented prior to first occupation of any of the building hereby permitted in accordance with the approved details and retained for the full duration of the development

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

10

Prior to commencement of the development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition of the existing hotel and site investigations and remediation) additional Phase II intrusive site investigation works shall be undertaken, in the areas of the existing site buildings after demolition and site clearance has been undertaken to complete a full investigation of the site boundaries and a Phase II Risk Assessment report shall be completed and the findings submitted for the written approval of 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 the National Planning Policy Framework, policies CS14 and CS21 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

11

In the event that the need for remedial measures are confirmed following the site investigations approved under condition 10 to treat contaminated ground, prior to construction of the development hereby permitted, a scheme of remediation for the site as a whole shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and CS14 and CS21 of the CSUCP.

12

The remediation measures approved under condition 11 shall be implemented wholly in accordance with the approved remediation measures prior to construction of the development hereby permitted and maintained for the life of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

13

Following completion of the remediation measures approved under condition 11, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted and maintained for the life of the development.

Reason

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

14

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the

unexpected contamination. Where required by the Local Planning Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

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

15

Prior to commencement of the development hereby permitted an asbestos survey shall be undertaken and the findings submitted for the written approval of the Local Planning Authority.

Reason for condition

To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours in accordance with the National Planning Policy Framework, policies CS14 and CS21 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for prior to commencement condition

To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

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16

Should the Asbestos Survey undertaken under condition 15 confirm that materials contain asbestos, then localised removal of these materials off-site by a specialist asbestos contractor shall be undertaken prior to the commencement of the development hereby permitted.

The approved methodology shall be undertaken wholly in accordance with the approved details prior to commencement of the development hereby permitted.

Prior to commencement of the development hereby permitted an asbestos survey shall be undertaken and the findings submitted for the written approval of the Local Planning Authority.

Reason for condition

To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours in accordance with the National Planning Policy Framework, policies CS14 and CS21 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for prior to commencement condition

To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

17

Prior to first occupation of the development hereby permitted full details of the Nominations Assessment for prospective tenants shall be submitted for the consideration and written approval of the Local Planning Authority.

Thereafter the approved Nominations Assessment shall be wholly implemented in accordance with the approved details for the lifetime of the development.

Reason

In order to ensure the prospective tenants meet the criteria for occupation of the specialist accommodation in accordance with the NPPF.

18

All vegetation clearance works will be undertaken outside the bird breeding season (March to August inclusive). Where this is not possible, a checking survey will be undertaken by a suitably qualified person immediately prior to the commencement of works on site. Where active nests are present these will remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

To avoid/minimise harm to protected/priority species in accordance with the NPPF, Policy CS18 of the CSUCP, and saved policies of the UDP DC1(e) and ENV46.

19

Unless otherwise approved in writing by the Local Planning Authority, all works, demolition and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with Saved Policy DC2 of the Unitary Development Plan and CS14 of the CSUCP.

20

The development hereby permitted shall be implemented wholly in accordance with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated 22nd March 2019. The drainage scheme shall ensure that foul and surface water flows discharge to existing sewer connection and ensure that surface water is restricted to 5l/sec.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF, and CSUCP policy CS17.

21

Prior to the development hereby permitted progressing above damp proof course final details of the substation shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of visual amenity and in accordance with Saved UDP policy ENV3 and CSUCP policy CS14.

22

The details of the substation approved under condition 21 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted and retained for the life of the development thereafter

Reason

In the interests of visual amenity and in accordance with Saved UDP policy ENV3 and CSUCP policy CS15.

23

Development hereby permitted shall not progress above damp proof level, until final details of a fully detailed scheme for the landscaping of the site detailing the retention, creation, enhancement and management of all soft landscaping areas within the site has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details and proposed timetable for hard and soft landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e), ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

24

The details approved under condition 23 shall be fully implemented in accordance with the approved specifications and timescales.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e), ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

25

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 the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance Saved Policies DC1 and ENV3 of the Unitary Development Plan, CSUCP policies CS15 and CS18 and the NPPF.

26

Prior to the development hereby permitted progressing above damp proof course full details of external plant equipment, including their noise generation levels and any acoustic mitigation measures, shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

27

The details approved under condition 26 shall be implemented wholly in accordance with the approved details and maintained and retained for the life of the development thereafter.

Reason

To safeguard the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

28

Prior to occupation of the development hereby permitted a drainage maintenance document shall be submitted that shall include confirmation of expected lifespans of underground storage, filter drains, and flow controls, and detailed specification and methodology for their replacement if within the lifespan of the development. The maintenance document shall define the SuDS and drainage features, include specification of maintenance tasks; and schedule of tasks and inspections for the lifetime of the development. Confirmation of parties responsible for the system maintenance is required. The document shall include the replacement or refurbishment of the filter drains and desilting of the geocellular storage. Procedures for checking and cleaning of any drainage features at completion should be included.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

29

The details approved under condition 28 shall be wholly implemented prior to first occupation of any of the development hereby permitted in accordance with the approved details and retained thereafter for the life of the development

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

30

Notwithstanding drawing D 50-04 Rev B as submitted prior to the kitchen hereby permitted is brought into use a detailed scheme covering the ventilation, extraction and control of cooking odours from the kitchen shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development is designed and adequately ventilated to control odour nuisance, in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14.

31

The ventilation / extraction details approved under condition 30 shall be implemented wholly in accordance with the approved details prior to the first use of the kitchen and retained thereafter.

Reason

To safeguard the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14.

32

Prior to first occupation of the apartments facing Consett Road, a post construction noise monitoring survey shall be undertaken to demonstrate that the internal noise bedroom standards of 35dB LAeq, 16 hours (daytime) and 30 dB LAeq, 8 hours (night time) as per BS: 8233:2014 have been achieved. If these internal noise levels are not demonstrated through the post-construction noise testing, details of noise attenuation measures, in order for these noise levels to be achieved shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of the amenity of the occupants of the affected rooms and in accordance with Saved UDP Policy DC2 and CSUCP policy CS14.

33

Any mitigation measures approved under condition 32 shall be implemented wholly in accordance with the approved details prior to the first occupation of the apartments facing Consett Road and maintained and retained for the life of the development

Reason

In the interests of the amenity of the occupants of the affected rooms and in accordance with Saved UDP Policy DC2 and CSUCP policy CS14.

34

Prior to first occupation of the development hereby permitted, an external lighting strategy for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- o identify those areas/features on site that are particularly sensitive for biodiversity, including bats; and
- o show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can clearly be demonstrated that areas to be lit will not prevent bats and other wildlife using their territory or having access to their resting places, whilst also considering the residential amenity impacts from light spillage on both residents of the development and neighbouring occupiers.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To avoid harm to bats and ensure the maintenance of the 'local' bat population at or above its current level and in order to protect the amenities of nearby occupiers in accordance with CSUCP policies CS14 and CS18, Saved UDP policies DC1(s), DC2 and ENV46 and the NPPF.

35

The details approved under condition 34 shall be implemented wholly in accordance with the approved details, prior to the first occupation of the development and retained for the life of the development thereafter

Reason

To avoid harm to bats and ensure the maintenance of the 'local' bat population at or above its current level and in order to protect the amenities of nearby occupiers in accordance with CSUCP policies CS14 and CS18, Saved UDP policies DC1(s), DC2 and ENV46 and the NPPF.

36

The fence details indicated on drawings D 50 15 2m high fine mesh, D 50 16 1.2m high metal railings and D 50 17 2m high close board fence shall be implemented wholly in accordance with the approved details and the approved drawing D 50-14 Fine Mesh Fence Setting Out and the methodology for installation outlined in an email from Iain Mullen dated 3rd June 2019 prior to the first occupation of the development hereby permitted and maintained and retained for the life of the development.

Reason

In the interests of protecting the Ancient Woodland and in accordance with the NPPF, Saved UDP policies ENV3, ENV44, ENV46 and ENV47 and CSUCP policies CS15 and CS18.

37

Deliveries to the operational phase of the development hereby permitted shall only be between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays to protect the amenity of the residents.

Reason

In order to protect the amenities of the nearby and future residents in accordance with Saved UDP policy DC2 and CSUCP policy CS14.

38

Prior to the development hereby permitted progressing above damp proof course, the ecological mitigation measures at Section H of the Preliminary Ecological Appraisal and Bat Survey Draft May 2019 prepared by Ben Crossman of E3 Ecology shall be wholly implemented and thereafter retained.

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

39

Prior to first occupation of the development hereby permitted full details of secure and weatherproof cycle storage for residents and cycle storage for visitors and staff shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

In order to encourage sustainable modes of travel and in accordance with CSUCP policy CS13 and Gateshead Cycling Strategy.

40

The details approved under condition 39 shall be implemented wholly in accordance with the approved details prior to the first occupation of the development hereby permitted and retained for the life of the development thereafter

Reason

In order to encourage sustainable modes of travel and in accordance with CSUCP policy CS13 and Gateshead Cycling Strategy.

41

Prior to the first occupation of the development hereby permitted final details of the highway layout/markings on Consett Road shall be submitted for the written approval of the Local Planning Authority. The final details shall include a pedestrian crossing refuge on Consett Road and the relocation of the eastbound bus stop.

Reason

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

42

The details approved under condition 41 shall be implemented in full prior to the first occupation of the development hereby permitted.

Reason

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

43

The development hereby permitted shall not be occupied until the submission of a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- Clearly defined objectives, targets and indicators.
- Details of proposed measures.
- Appointment of a travel plan co-ordinator and their allocated budget
- Detailed timetable for implementing measures.
- Proposals for maintaining momentum and publicising success.
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Evidence of the implementation of the hereby approved Framework Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

Reason

In order to accord with the NPPF and policy CS13 of the CSUCP.

44

The Travel Plan approved under condition 43, and as subsequently revised, shall be wholly implemented in accordance with the approved details for the life of the development

Reason

To ensure sustainable travel and in accordance with CSUCP CS13 and the NPPF.

45

The development hereby permitted shall not progress above damp proof course until a materials schedule has been submitted for the consideration and written approval of the Local Planning Authority and 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 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.

46

The development hereby permitted shall be undertaken wholly in accordance with the materials approved by condition 45 and retained for the life of the development thereafter.

Reason

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 Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

47

Prior to first occupation of the building hereby permitted final details of:

the bin store; and
the sprinkler tank,

shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

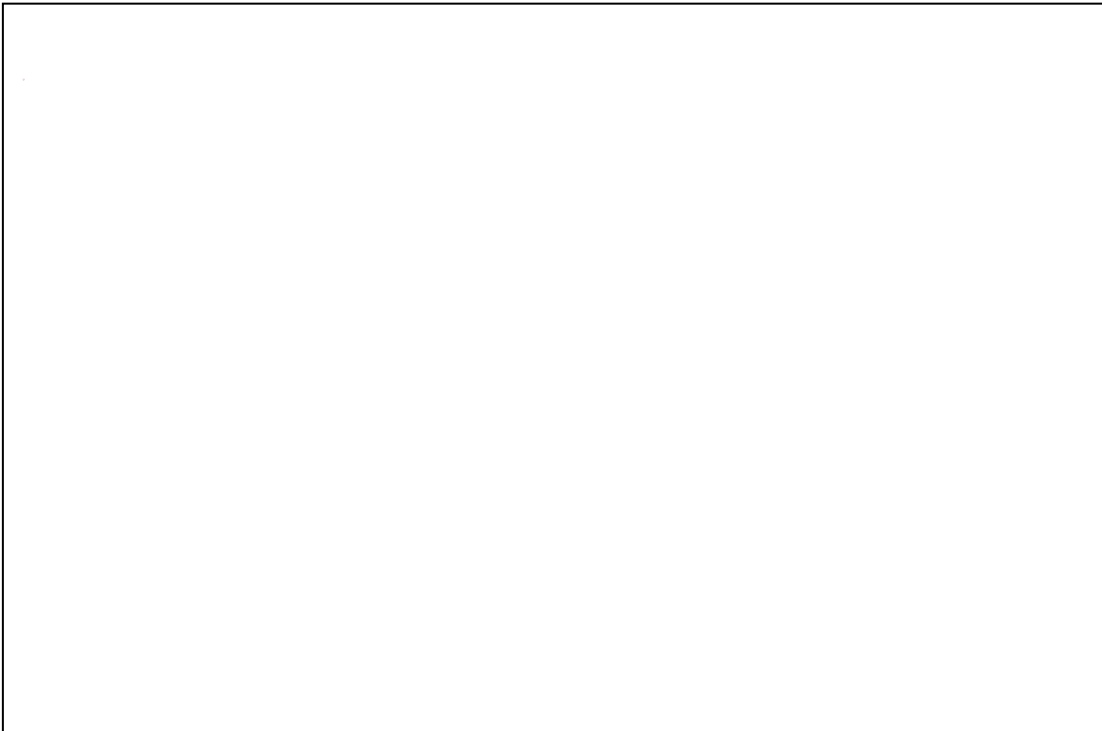
In the interests of visual amenity and in accordance with Saved UDP policy ENV3 and CSUCP policy CS15.

48

The details approved under condition 47 shall be implemented wholly in accordance with the approved details prior to the first occupation of the development hereby permitted and retained for the life of the development thereafter

Reason

In the interests of visual amenity and in accordance with Saved UDP policy ENV3 and CSUCP policy CS15.



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Committee Report

Application No:	DC/19/00282/FUL
Case Officer	Rebecca Adams
Date Application Valid	10 April 2019
Applicant	Mr Alan Foley
Site:	45 Cornmoor Road Whickham NE16 4PU
Ward:	Dunston Hill And Whickham East
Proposal:	Construction of detached bungalow to the rear of the main dwelling (amended/additional information 13/05/19 and 31/05/19).
Recommendation:	REFUSE
Application Type	Full Application

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

The application site is the garden area to the rear of the dwelling 45 Cornmoor Road.

1.2 The application site is located within the Whaggs Lane/Broom Lane Area of Special Character, as identified by saved UDP Policy ENV25. The site is typical of the original layout of plots in the area, where properties have large elongated rear gardens with dense landscaping. The site is laid to grass with mature trees and hedging to the north and western boundaries and fencing to the southern boundary.

1.3 The area comprising the application site was previously annexed off from 45 Cornmoor Road in around 2017 through the introduction of a boundary treatment across the garden, alongside the creation of a gated access from an existing private road to the southern side of the site. The dividing boundary treatment has subsequently been removed and the access gates replaced with timber fencing, with sole access to the site gained via 45 Cornmoor Road.

1.4 There are residential properties located to the north (43 Cornmoor Road), to the east (45 Cornmoor Road), to the south (47 and 47a Cornmoor Road) and to the west (34a Whaggs Lane and 1 The Copse, Whaggs Lane).

1.5 DESCRIPTION OF THE APPLICATION

The application follows previously withdrawn application DC/17/00363/FUL for the erection of a dwellinghouse comprising two levels of accommodation, one of which would be provided within the roofspace (withdrawn July 2017); the application proposes amendments to the scheme in respect of the design, scale and position of the dwelling within the site.

- 1.6 The application seeks planning permission for the erection of a single storey detached dwellinghouse with accommodation on ground floor level only.
- 1.7 The dwelling would have a maximum width of 8.9 metres and a maximum depth of 20 metres. The proposed dwelling would have a maximum height of 6.3 metres, incorporating a mono-pitch roof falling from north to south to a height of 3.5 metres. The dwelling would be served by windows within each elevation, with the windows within the east and west elevations proposed to extend full height to eaves level.
- 1.8 The scheme additionally proposes the erection of a detached garage to the east of the dwelling. This would incorporate a footprint of 6 metres by 4 metres with a mono-pitch roof falling from south to north from a height of 4m to 2.3m. The property would be served via a vehicular access from the existing private road to the southern side of the site and incorporates a driveway/turning head.
- 1.9 The application does not indicate the proposed boundary treatment that would separate the site from 45 Cornmoor Road.
- 1.10 The following documents were submitted with the application:
 - Coal Mining and Land Contamination Risk Assessment

1.11 PLANNING HISTORY

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

DC/16/00621/CPL was an application for a certificate of lawfulness for 'Demolition of existing garage and extension followed by erection of detached garage, swimming pool building and area of hard standing (amended 07/07/16)'. The application was approved on 17 August 2016.

DC/16/00694/GPDE was a 'Notification for Prior Approval for a Proposed Larger Home Extension' afforded under the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1 Class A for 'Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.99m, with a maximum height of 4m, and eaves height of 2.5m'. The application was determined as 'prior approval not required' on 10 August 2016.

DC/16/00723/GPDE was a 'Notification for Prior Approval for a Proposed Larger Home Extension' afforded under the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1 Class A for 'Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.0m, with a maximum height of 3.0m, and eaves height of 3.0m'. The application was determined as 'prior approval not required' on 23 August 2016.

DC/17/00363/FUL was an application for the erection of a detached dwelling on land to the rear of 45 Cornmoor Road. This application was withdrawn on 27 July 2017.

2.0 Consultation Responses:

Coal Authority No objection subject to conditions.

3.0 Representations:

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

3.2 One representation has been received from Councillor Maughan which raises an objection on the basis of the application being infill development.

3.3 One petition has been received with 3 signatories. The petition states 'Re: The construction of detached bungalow at the rear of 45 Cornmoor Road. I support the building of the bungalow'.

3.4 Two letters of support have been received and are summarised below:

- More bungalows are needed within Wickham due to an ageing population;
- The property will not impede outlook from the adjacent property at 47a Cornmoor Road; and
- Further discussions would be desirable between the applicant and adjacent property at 47a regarding shared access and streetlighting.

3.5 The origin of one of the letters of support received has been queried. The receipt of the representation was acknowledged in writing by the Council to the address given in the letter of support; it is however understood that the occupier of that address advised that nobody of the name given in the letter of support was in residence at the given address.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

H4 Windfall and Small Housing Sites

H12 Housing Density

H13 Local Open Space in Housing Developments

H14 Neighbourhood Open Space-New Housing Dev

H15 Play Areas in Housing Developments

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV25 Areas of Special Character

ENV54 Dev on Land Affected by Contamination

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

MSGP Making Spaces for Growing Places

5.0 Assessment of the Proposal:

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

5.1 PRINCIPLE OF THE DEVELOPMENT

5.2 Housing demand and policy

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

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

5.4 Housing choice

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

5.5 Residential space standards

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

5.6 AREA OF SPECIAL CHARACTER

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

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

5.8 The current UDP was adopted in 2007. The previous UDP was adopted in 1998 and had a policy relating specifically to the Broom Lane/Whaggs Lane area alone. This policy (E12) identified specific blocks within the area where single residential developments at the rear of properties would be unacceptable but that 'elsewhere, they will be permitted at the rear of

properties' but only if new dwellings were not 'visually intrusive' and that new access arrangements were linked to existing access into the site and that parking capacity and any trees were not detrimentally affected.

- 5.9 The two policies are considered to be fundamentally different. The 1998 policy focuses on the design of backland development as opposed to the principle, except within very specific parts of the Broom Lane/ Whaggs Lane area where it was clear such development was not acceptable. The current UDP policy adopted in 2007 focuses on the principle and states that backland development damages the character of the area and should be resisted.
- 5.10 Whilst eight backland developments have been granted permission within the Area of Special Character since 2007, all of these have been revised and resubmitted versions of schemes originally determined under the previous UDP (adopted in 1998) or have been significantly different from the one currently proposed. Where original schemes had been approved, the principle of development had been established as acceptable, under policy E12 of the 1998 UDP. Where schemes had been refused, the refusal reasons were not based on the principle of backland development, due to the more relaxed nature of the policy in the previous UDP policy (adopted in 1998) and were refused on design.
- 5.11 Where extant permissions existed which could be implemented and were approved prior to 2007 the Council took a pragmatic approach to resubmissions of schemes where it was considered these were an improvement on the extant permissions that could be implemented.
- 5.12 Schemes that were refused permission under the former Policy E12 (1998 UDP) were refused due to the design considerations of the scheme rather than the principle of developing in rear gardens and in those cases if resubmissions were made post adoption of the 2007 policy these would need to be considered against the current development plan in force which resists the principle of backland development in this area unless there are material considerations of significant weight to outweigh that policy (ENV25).
- 5.13 The three most recent approvals for a backland development within the area were at 35A Broom Lane (October 2008), 36A Cornmoor Road (August 2013) and 25 Cornmoor Road (November 2015). The application at 35A Broom Lane was not considered to be further detrimental to the character of the area due to an existing tandem arrangement of dwellings on that specific plot where one dwelling sat behind the other (albeit linked) and where the elongated garden was already subdivided and also where important mature trees and landscaping were being retained. In assessing the application at 36A Cornmoor Road significant weight was offered to the fall back position of a previously approved detached granny annex, it was concluded given the proposed dwelling was "... *almost identical [to the annex] except for the ground floor window arrangement... that the effect of the proposed bungalow on the character and appearance of the area would not be different from that of the previously approved granny annex.*" The same view was taken in approving the development at 25 Cornmoor Road given the existence of a

certificate of proposed lawful development which allowed the erection of a swimming pool building. In approving the application Officers concluded 'It is considered that the fallback position open to the application is of such material weight that the non-compliance with Policies ENV25 and ENV3 are outweighed in this instance.'

- 5.14 It is therefore considered that a precedent has not been set for the approval of new schemes submitted since 2007 and although backland development has been allowed, the policy acknowledges this and aims to prevent further detriment to the character of the area.
- 5.15 The planning permission granted in November 2015 for the erection of a new dwelling on land at 25 Cornmoor Road (DC/15/00969/FUL) lapsed in November 2018 with no lawful commencement having taken place. A further application (DC/19/00149/FUL) was submitted for the erection of a new dwelling on this site in February 2019. Owing to significant changes that had taken place to subdivide the site Officers were of the view that no fallback position existed (which was considered at the time of DC/15/00969/FUL to have been established by a certificate of proposed lawful development which allowed the erection of a swimming pool building); attaching due weight to this fallback position, it was considered that the development would conflict with the NPPF, saved Policies ENV3 and ENV25 of the Unitary Development Plan, the Gateshead Placemaking SPD and Policy MSGP24 of Making Spaces for Growing Spaces DPD and planning permission was subsequently refused in April 2019.
- 5.16 In assessing all previous planning applications for housing development within the Broom Lane/Whaggs Lane Area of Special Character, policy ENV25 has been viewed as, and applications determined on the basis of it being, a restrictive policy.
- 5.17 In considering a previous appeal (DC/10/01349/FUL) at 25 Cornmoor Road the Planning Inspector concluded:
"The proposal does not strictly conflict with the wording of policy ENV25 which seeks to encourage development that maintains and/or enhances Areas of Special Character. However, when read in conjunction with the supporting justification, it is clear that the intention of the policy is to control development which would damage the character and appearance of the Broom Lane/Whaggs Lane area".
- 5.18 The Gateshead Placemaking Supplementary Planning Document which has been prepared as an accompaniment to the Local Plan makes specific reference to Broom Lane within Appendix B - Local Character Guidance - 'Place Portraits'. It is stated within the Design Guidance for Broom Lane that the aims of the LPA should be to: "Resist backland development within the gardens of existing properties to protect the character and setting of existing properties".
- 5.19 Further to the above, Policy MSGP24 of the emerging Making Spaces for Growing Spaces DPD (MSGP) continues to identify Broom Lane/Whaggs

Lane as an area of special character. The inclusion shows a clear direction of travel indicating a clear intention to continue to protect the Broom Lane/Whaggs Lane Area of Special Character while also confirming that Saved UDP Policy ENV25 remains in compliance with the NPPF. The current status of MSGP is that it has been submitted for examination and is due to be considered in Autumn 2019; weight should therefore be afforded accordingly.

- 5.20 It is considered that the proposal for the dwelling at the rear of 45 Cornmoor Road in a tandem arrangement would not accord with Policy ENV25 of the current development plan.
- 5.21 In assessing the current application, consideration must be offered to a certificate of lawful development which currently exists on the application site (DC/16/00621/CPL). The application sought to obtain a certificate of lawful development for the provision within the curtilage of 45 Cornmoor Road of two buildings required for purposes incidental to the enjoyment of the dwellinghouse and the creation of a hardstanding associated with 45 Cornmoor Road.
- 5.22 The larger of the two detached structures was to be used as a swimming pool structure. This building was proposed as a single storey structure with a footprint of 7.4 metres by 37.4 metres to ridge and eaves heights of 4 metres and 2.25 metres respectively. It was proposed for the building to be located 2.5 metres from both the northern and southern boundaries and 7.796 metres from the western boundary.
- 5.23 It must be noted that a Certificate of Lawfulness application is determined not on the basis of planning policies or material planning considerations, but in accordance with the specific factual matrix and in accordance with all relevant legal principles. Therefore, while it is considered that the erection of such a detached building would undoubtedly have a significant detrimental impact on the application site and the wider area in direct conflict with saved UDP Policy ENV25 this was not material in determining the application for the swimming pool structure.
- 5.24 Once granted, a certificate of lawfulness remains valid for the use or development described in it, on the land it describes, provided there is no subsequent material change in the circumstances. This is clearly set out in Section 192 of the Town and Country Planning Act 1990:
"The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness."
- 5.25 Subsequent to the grant of the Certificate of Lawfulness (as set out above) the following changes have taken place within the site.
- 5.26 In around the time that application DC/17/00363/FUL (for the erection of a detached dwelling on land to the rear of 45 Cornmoor Road) was submitted to the Council and subsequently withdrawn, a boundary treatment was erected

on site effectively separating the land on which the dwellinghouse proposed by application DC/17/00363/FUL would stand from the existing dwellinghouse and its curtilage. In addition, a gated access was created from an existing private road to the southern side of the site (which leads to 47a Cornmoor Road) into the land on which the proposed dwellinghouse would be located

- 5.27 The boundary treatment which had been erected to separate the sites has subsequently been removed and the access gates into the site from the adjacent private road have been removed and replaced with timber fencing; evidence of the previous existence of both the boundary treatment and gates however remain on site. Notwithstanding the removal of the boundary treatment, Officers consider that the two parcels of land are of differing characters which evidence their having been separated until recently; the parcel of land immediately to the rear of 45 Cornmoor Road appears as well-maintained garden up until the level of the former dividing boundary treatment, with the parcel of land to the west side of the former boundary treatment (on which the proposed dwellinghouse would be positioned) having been left to rough grass.
- 5.28 In addition it is understood that the land on which the existing dwellinghouse and the land on which the proposed dwellinghouse would stand are in different ownership (based on Land Registry searches undertaken). Based on these facts, Officers are of the view that the area of land on which the proposed dwelling would be constructed is no longer within the curtilage of 45 Cornmoor Road. Whilst the parcels of land are now no longer physically separate, these are of visibly different characters and appear to be in separate legal ownership. On this basis, the swimming pool structure would no longer benefit from a deemed planning permission by virtue of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) as amended.
- 5.29 It is, therefore, considered that no fallback position exist on the site. It is accepted by officers that the sites could be brought back into single ownership within the curtilage of 45 Cornmoor Road and as such a fallback could be re-established. The Case Law on the issue of fallbacks (*R (on the application of Zurich Assurance Ltd) v North Lincolnshire Council* [2012] EWHC 3708 (Admin)) is clear.
- 5.30 The judgement states:
"The prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fallback position happening is "very slight indeed", or merely "an outside chance", that is sufficient to make the position a material consideration (see Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] EWCA Civ 333 at [20]-[21] per Sullivan LJ). Weight is, then, a matter for the planning committee."
- 5.31 Therefore, even were a fallback position to be established, as set out above the weight attached to such a fallback is a matter for the decision maker.

- 5.32 In this instance, it is considered that such a fallback position should be attributed little weight, given it is considered that there is no genuine prospect of the (swimming pool building) development coming forward. This view is taken given the site has in essence been subdivided and the dwelling and its curtilage are within separate ownership.
- 5.33 Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'
- 5.34 As set out above, it is considered that the proposed development would conflict directly with the requirements of saved UDP Policy ENV25, The Gateshead Placemaking Supplementary Planning Document and Policy MSGP24 of the emerging MSGP. In the absence of a fallback position no material considerations exist which would outweigh the presumption to refuse the application based upon its impact on the Broom Lane/Whaggs Lane Area of Special Character.
- 5.35 IMPACT ON THE STREETSCENE AND APPEARANCE OF THE AREA
The NPPF at Paragraph 124 makes it clear that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.' It goes on to make clear that 'good design is a key aspect of sustainable development...'
- 5.36 Further, Paragraph 130 states that:
"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."
- 5.37 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.38 The proposed dwelling is considered to be of a not dissimilar scale (in terms of its footprint) to the adjacent properties to the south and west of the application site.
- 5.39 Notwithstanding the above, and whilst the proposed dwelling would not be readily visible from the public domain, it is considered that the development would fail to represent high quality design that contributes to the character and quality of the area, as advocated by both the NPPF and policy CS15 of the

CSUCP. The design of the development instead presents as an incohesive contrast between a 1960s/1970s aesthetic (reinforced by the large mono-pitch red/brown concrete tile roof together with the rectangular building form and large brick chimney stack) which conflict heavily with more contemporary features which the scheme attempts to incorporate into the building (notably the sections of full-height glazing to the east and west elevations). The cumulative impact of this is a dwelling which comprises an awkward amalgamation of styles, resulting in a building of overall poor quality and disjointed design of little to no merit that would warrant refusal of the application.

5.40 The proposed dwelling would additionally result in the creation of a continuous run of three backland properties, which would undermine the sense that backland housing is only a sporadic feature within the area. It is considered that the proposal would not maintain the essential spacious distinctiveness of the Area of Special Character, contrary to the objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the CSUCP.

5.41 It is considered that the proposed development would conflict directly with the requirements of the NPPF saved UDP Policy ENV3 and Policy CS15 of the CSUCP.

5.42 RESIDENTIAL AMENITY

The south facing elevation of the proposed dwelling would be positioned some 1.4 metres from the southern site boundary, formed from close boarded fencing, and would contain windows serving two bedrooms and a bathroom in addition to two secondary windows serving the lounge area. The north facing elevation of the dwelling would face directly towards the northern site boundary, formed from dense hedging with mature trees, from which it would be separated by approximately 2 metres, and would contain windows serving two further bedrooms, a bathroom, and kitchen area; one of these bedrooms would be served by an additional window within the eastern elevation however this would be positioned approximately 5 metres from the blank rear elevation of the proposed garage.

5.43 Having regard for the above, it is considered that the proposed development would result in unacceptably adverse living conditions for future occupiers of the property by virtue of the limited outlook and overbearing impact that would result from the very limited separation distances between the north, south and east elevations of the proposed dwelling and adjacent boundaries and blank elevation of the proposed garage, contrary to the NPPF, Policy CS14 of the Core Strategy and Urban Core Plan, and DC2 of the Unitary Development Plan.

5.44 It is considered that the proposed development would not lead to any significant impact on residential amenity to neighbouring uses, in accordance with the NPPF, saved UDP policy DC2 and CSUCP policy CS14.

5.45 The proposed dwelling would be positioned 3.9 metres to the north of the single storey dwelling at 47a Cornmoor Road. The front elevation of the

proposed dwelling would be approximately level with that of 47a, and the rear elevation would extend beyond that of 47a by 4.2 metres. In addition to the close boarded timber fencing which forms this boundary, hedging is situated within the site of 47a.

5.46 It is considered that the scale of the proposed dwelling together with the separation distance afforded and intervening boundary treatment is such that impact upon the residential amenity of this property would be acceptable.

5.47 The separation distance between the proposed dwelling and the properties to the rear of the site (34a Whaggs Lane, to the north west and 1 The Copse Whaggs Lane, to the south west) would be in excess of 21 metres, separated by dense tree planting to the rear boundary of the site. The front elevation of the proposed dwelling is 47 metres from the rear elevation of 45 Cornmoor Road.

5.48 It is further considered that the proposed garage, access and any associated landscaping would have a minimal impact upon the residential amenity of neighbouring uses owing to their minor nature.

5.49 IMPACT UPON TREES

In considering the above application in relation to impact upon trees, regard is offered to the NPPF, Policies CS15 and CS18 of the CSUCP and saved UDP Policies DC1, ENV44 and ENV25.

5.50 The application site benefits from a group of trees close to the western site boundary and a number of beech trees positioned within the hedge to the northern boundary adjacent to the proposed dwelling. These trees are regarded as providing a good level of amenity, being visible from within the public domain, and contribute to the Broom Lane/Whaggs Lane Area of Special Character; as noted by saved UDP policy ENV25: "*the main characteristics of this area are...dense coverage of mature trees; long, well-established gardens...*".

5.51 The proposed site plan indicates the retention of the trees adjacent to the western site boundary and includes their canopy extents; the application does not however provide clear details as to the intentions towards the trees located within the northern boundary hedge.

5.52 In the absence of an arboricultural survey, assessment and mitigation report and having regard for the proximity of the proposed development from the trees to the northern boundary, it is not possible to make a full assessment as to the likely impact of the development on the trees.

5.53 On the basis of the above, it is considered that it cannot be concluded that the proposed development complies with the National Planning Policy Framework, saved policies CS15 and CS18 of the CSUCP and saved UDP Policies DC1, ENV44 and ENV25.

5.54 HIGHWAY SAFETY

The application proposes than an existing access to the south of the site, which leads to 47a Cornmoor Road and is included within the site boundary, would be used to access the site. This would lead to a driveway/turning head and garage within the site. The car parking and access for the development are considered to be acceptable.

5.55 The proposed garage is not of a sufficient size to accommodate cycle parking requirements. The provision of appropriate cycle storage within the curtilage of the property could however be secured by a planning condition.

5.56 Subject to the above condition, it is considered that the proposal would comply with the aims and objectives of the NPPF and policy C13 of the CSUCP.

5.57 LAND CONDITIONS

5.58 Contaminated land

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

5.59 Land Stability

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

5.60 The Coal Authority is satisfied with the broad conclusions of the report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority does not object to the proposed application, however were members minded to grant planning permission it is recommended that a condition be attached that requires site investigation works to be undertaken.

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

5.62 PLAY AND OPEN SPACE

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

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

5.64 COMMUNITY INFRASTRUCTURE LEVY (CIL)

On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related development within Residential Zone B, which has a levy of £30 per square metre for this type of development.

5.65 OTHER MATTERS

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

6.0 CONCLUSION

Taking all the relevant issues into account, it is recommended that planning permission be refused as it would have a detrimental impact on the Broom Lane/Whaggs Lane Area of Special Character. In addition, the proposed dwelling is considered to be of poor design which would warrant refusal of the scheme. Furthermore, insufficient information has been submitted to assess the impact of the development upon trees

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

Recommendation:

That permission be REFUSED for the following reason(s) and that the Service Director, Development, Transport & Public Protection be authorised to add, vary and amend the refusal reasons as necessary:

1

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

2

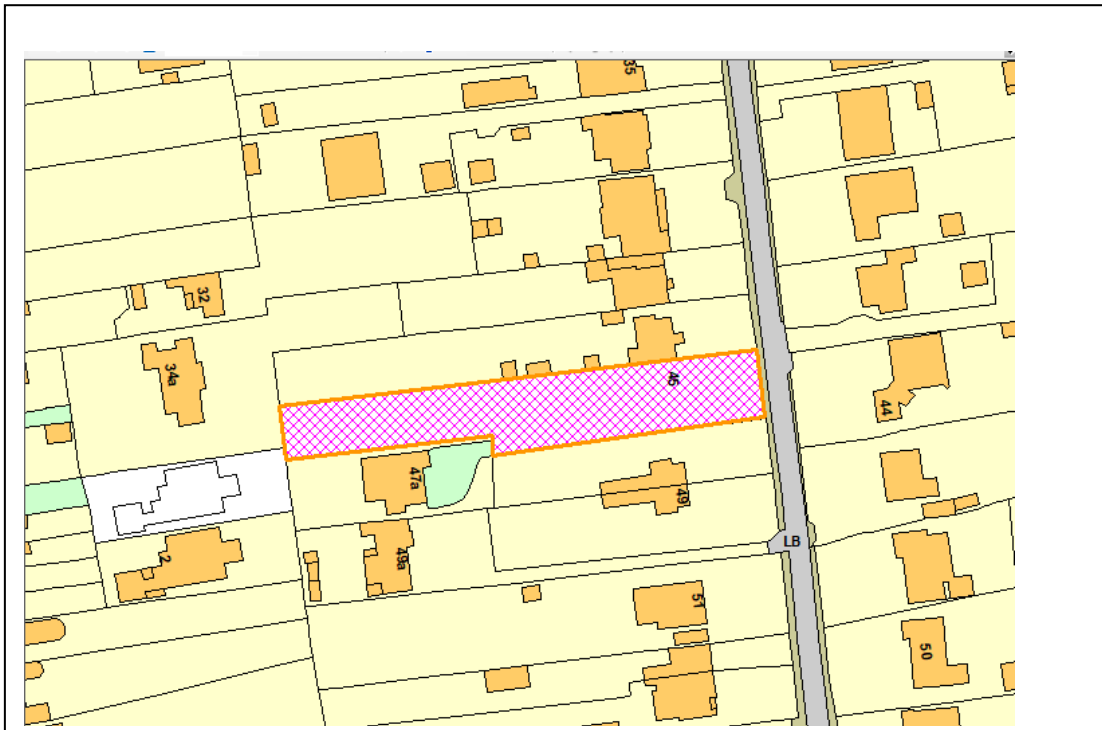
The proposal would represent poor design, by virtue of its incohesive and disjointed appearance, which would fail to make a positive contribution to the character and quality of the area. The proposal would fail to comply with the aims and requirements of the Gateshead Placemaking SPD, saved policy ENV3 of the Unitary Development Plan, policy CS15 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

3

The proposed development would result in unacceptably adverse living conditions for future occupiers of the property by virtue of the limited outlook and overbearing impact that would result from the very limited separation distances between the north, south and east elevations of the proposed dwelling and adjacent boundaries and proposed garage. The proposal would therefore fail to accord with the NPPF, Policy CS14 of the Core Strategy and Urban Core Plan, and DC2 of the Unitary Development Plan.

4

Insufficient information in the form of an arboricultural survey, assessment and mitigation report has been submitted to enable the Council to consider whether the proposed development would have any unacceptable impact on trees, contrary to the National Planning Policy Framework, policies CS15 and CS18 of the CSUCP and saved policies DC1, ENV44 and ENV25 of the Unitary Development Plan.



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Committee Report

Application No:	DC/19/00275/HHA
Case Officer	David Morton
Date Application Valid	10 April 2019
Applicant	Mr Chris Brass
Site:	Cobba-Da-Mana Hexham Old Road Ryton NE40 3LE
Ward:	Ryton Crookhill And Stella
Proposal:	Raised decking area to rear of the property
Recommendation:	GRANT
Application Type	Householder Application

1.0 The Application:

- 1.1 This application was deferred at the meeting of the Planning and Development Committee on 05 June 2019 to allow the Committee to visit the site. Members visited the site on 20 June 2019.
- 1.2 **DESCRIPTION OF THE SITE**
The application relates to Cobba-Da-Mana a residential property located on Hexham Old Road, Ryton. The property is a detached split-level bungalow, the property has a single level of accommodation with a storage area located at ground floor level to the rear.
- 1.3 The area is residential in nature, within the streetscene there is a general lack of uniformity in dwelling types, scales and materials.
- 1.4 There are residential properties located to the north west (Colingdale), south east (Rushlor) and also to the east (2 and 3 Watermill). Land levels generally slope from north to south within the area and on the application site.
- 1.5 Externally the property is finished in light coloured render and the roof is finished in roof tiles.
- 1.6 **DESCRIPTION OF THE APPLICATION**
The application seeks partially retrospective planning permission for the erection of a raised decking area to the rear elevation of the property.
- 1.7 There is currently raised decking in situ to the rear of the dwellinghouse. The decking has been erected at a height of approximately 2.3 metres from ground level (to the floor) and approximately 3.8 metres to the top of the balustrade. The decking currently has a projection of 3 metres from the rear elevation of the house and a width of 6 metres.
- 1.8 The application proposes to retain a proportion of the raised decking, however the application proposes significant amendment. The application proposes that

the height and width of the raised deck remain unaltered, however it also proposes a reduction in the projection of the deck from 3 metres to 1.5 metres (while retaining the stairs as existing). Further, the application proposes the introduction of a screen along the south eastern boundary of the raised deck, although limited detail relating to the screening has been provided.

1.9 PLANNING HISTORY

There is no planning history associated with the application site or the current application.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of 4 letters of objection, including from a Ward Councillor (Councillor Chris Buckley) have been received in addition to two letters of support including one from a Ward Councillor (Councillor Freda Geddes).

3.2 The letter of objection are summarised as follows;

- The height of the raised decking would allow for unacceptable level of overlooking which would not be resolved by the introduction of screening;
- The overlooking could be addressed by the introduction of conifers;
- Changes in land levels and removal of existing planting has resulted in overlooking issues to the rear of the premises;
- The amended decking would still result in a significant overbearing presence on neighbouring properties; and
- The retention of the side access to the property would remove the need for the raised decking.

3.3 The letters of support are summarised as follows;

- The works undertaken in renovating the property have been completed as permitted development, the applicant mistakenly thought the raised deck also fell within the remit of permitted development;
- The applicant has amended the scheme to comply with the requirements of Officers;
- The applicant is mindful of the need to maintain privacy levels and as such has suggested measures to reduce impact i.e. screening.
- The applicant has vastly improved the property; and
- The proposed development would not lead to any impact on amenity.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment:

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

5.2 IMPACT ON STREETSCENE

It is considered that the scale and design of the development as a whole is appropriate to the host property and surrounding area. To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials has been attached to the application. It is considered that the development is in accordance with policy ENV3 of the Unitary Development Plan for Gateshead (UDP) and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).

5.3 RESIDENTIAL AMENITY

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

5.4 The Householder Alterations and Extension Supplementary Planning Document (HAESPD) advises the following in regard to balconies, terraces and decking;

"Applications for such additions will be considered with regard to their impact on the privacy of nearby residents. These particular types of application will not normally be approved if there is significant overlooking of a neighbouring garden/yard or a main living room window.

Not only may they allow direct overlooking into neighbouring properties or private gardens, they can also increase the general level of noise and disturbance."

- 5.5 The property located to the south east (Rushlor) has patio doors and windows within the rear elevation approximately 2.5 metres from the common boundary with the application site. It is considered that the decking as existing would provide opportunity for significant overlooking into these windows. Further, it is considered that the decking provides opportunity for some level of overlooking into the garden area associated with Rushlor.
- 5.6 However, Officers are of the view that the amendments as proposed by the current application would significantly reduce the amenity impact on the occupiers of Rushlor. The application proposes that the decking be reduced to the minimum projection which would allow the rear door of the application site to be opened. It is considered this alteration will reduce the level of overlooking afforded, while also reducing the usability of the deck as an outside seating/entertaining space. The combination of these factors, alongside the intention of the applicant to install a screen (which will be secured by planning Conditions 3 and 4) is sufficient to reduce the impact of the development to an acceptable degree.
- 5.7 The raised deck is located circa 5 metres from the common boundary with the property to the north west (Colingdale). Given the separation distance, the location of Colingdale and the strength of the boundary treatment it is considered that the proposed decking would not afford any unacceptable overlooking into the rear of Colingdale. Further to this, it is considered that the strongly planted up boundary would ensure that the proposal would not lead to any unacceptable impact on the garden area associated with Colingdale.
- 5.8 It is considered that the separation distance between the development and those properties to the rear (24 and 25 metres) alongside the 'off centre' relationship is adequate to ensure no unacceptable impact on 2 and 3 Watermill would occur, even when having regard to changes in land levels.
- 5.9 It is considered that the proposed development would not have an unacceptable impact on the nearby residential properties as it would not result in a harmful increase in loss of light, overshadowing or visual intrusion. Therefore, it is considered that the proposal is in accordance with saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.10 **OTHER MATTERS**
The issues raised by objectors have all been addressed within the main body of the report.
- 6.0 CONCLUSION**
- 6.1 Taking into account the above assessment, representations received, and all relevant material planning considerations, it is considered that the proposed

development would be compliant with the relevant national and local planning policies.

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 -

Amended Elevation

All Amended Elevation

Cobba Site Location Plan

Cobba Amended Site Location

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

Reason

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

2

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number All Amended Elevation

Reason

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

3

Within one month of the grant of planning permission a fully detailed scheme for screening along the edge of the raised decking facing south east towards Rushlor (including a timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

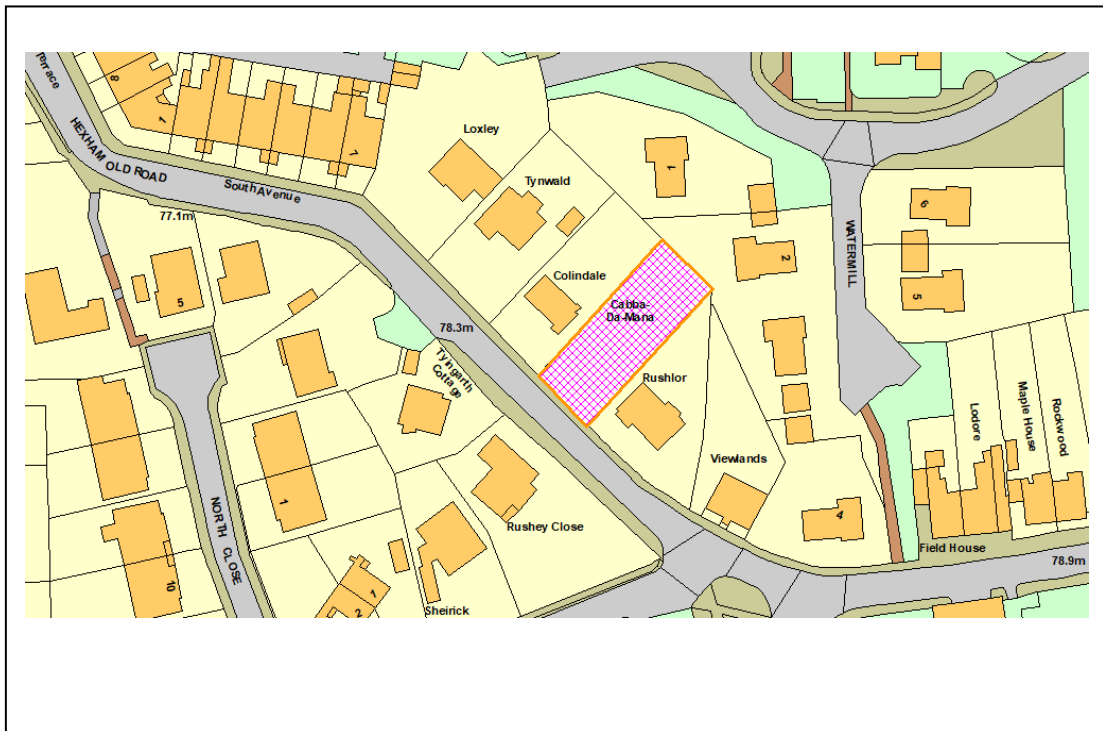
To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The screening along the edge of the raised decking facing south east towards Rushlor shall be installed in full accordance with the details and timescale approved under Condition 3.

Reason

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



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Committee Report

Application No:	DC/19/00411/FUL
Case Officer	Lois Lovely
Date Application Valid	29 April 2019
Applicant	Mr Peter Charlton
Site:	Dene House Durham Road Gateshead NE9 5AE
Ward:	Saltwell
Proposal:	VARIATION OF CONDITION 1 (approved plans) of DC/18/01206/FUL to provide two parking spaces for basement flat, Unit 1 with access from Littledene (amended/additional information 04/06/19).
Recommendation:	GRANT
Application Type	Full Application

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

The application property Dene House and the associated stand alone store room in the car parking area are located and accessed from Durham Road in Low Fell. A cycle path runs along Durham Road across the access. At the entrance to the car park lies a residential bungalow, Dene Lodge, that has a drive immediately behind the boundary wall to Durham Road. It is understood that the occupant of this property parks his car on land adjacent to the stand alone store room rather than on his drive. This land is in the ownership of Dene House and is included within the application site. The entrance off Durham Road is subject to shared access rights for the neighbouring property Dene Lodge and for residents of Littledene. There is also an access gate onto Littledene itself that was used as an emergency exit and by emergency services when Dene House was occupied as offices.

1.2 Dene House is located in Saltwell Conservation Area. It is not listed nor included on the approved Local List (2004). It first appears on the 3rd edition OS map as 'Red House' when it had large grounds which fronted both East Park Road and Durham Road. Red House changed its name to Dene House between the 4th and 6th edition OS maps.

1.3 The garden and grounds to the west of Dene House and between Dene House and Durham Road have been redeveloped as the small estate Littledene.

1.4 The vacant building has been on the market for a number of years, the most recent use being as offices for a number of small businesses.

- 1.5 The application site slopes downwards from east to west from Durham Road towards the western boundary of the site and the entrance to the property.
- 1.6 The site itself comprises the hard surface of the former car park for the offices, the property and the small area of existing garden and as a consequence has very little planting other than two mature trees within the car park and three trees within the garden area to the west of the building, that are the subject of a Tree Preservation Order. The application property, Dene Lodge, properties on Littledene and the Miller Homes development of the former Gateshead College site have mature trees within their gardens that bound the site.
- 1.7 The property comprises four floors. The property presents the main entrance, two full storeys and rooms in the roofspace with a dormer window and a lantern to the car park (north) elevation.
- 1.8 To the west elevation the property steps down and presents four storeys with an existing basement. There is access to an external garden space from the basement. A single storey pitched roof addition on the east elevation has a raised ramped access. There is a second access door to the property on the east elevation.
- 1.9 The area has seen significant residential development in recent years, in particular Littledene in the former grounds of Dene House and more recently the adjacent site of the former Gateshead College building.
- 1.10 **DESCRIPTION OF THE PROPOSAL**
This application seeks to vary the approved plans at condition 1 of planning permission DC/18/01206/FUL.
- 1.11 The scheme as approved proposes to convert the existing property into seven residential apartments with associated amenity garden space, private and visitor car parking and communal external spaces.
- 1.12 The proposal is to lay a sufficient area of block paving in order to create two parking spaces within the garden curtilage of Unit 1, to be accessed through double gates proposed to replace the existing gate to the property from Littledene.
- 1.13 **PLANNING HISTORY**
01426/01 Erection of single-storey extension at side of annexe to provide new kitchen, toilet and lobby to allow disabled access (consultation under Circular 18/84 Procedure). Granted 08.02.2002
- DC/18/01206/FUL Conversion and upgrading of existing office property into seven apartments and conversion of annexe into a store/workshop (amended 29/01/19 and additional information received 08/02/19 Granted 22.02.2019

2.0 Consultation Responses:

None

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015. Properties 4 - 14 inclusive were sent a neighbour notification letter on 21 May 2019. A site notice was posted at the site on 10 May 2019 and a notice was published in the local press on the 15 May 2019 in order to alert the public to the submission of the planning application.
- 3.2 Further neighbour notifications were sent on receipt of amended plans on 5 June 2019 with a response date of 12 June 2019. The minor nature of the amendments to correct a date of a revision of the drawing and to show an existing gate opening outwards as built, were undertaken to address an objection.
- 3.3 A petition bearing 30 signatures has been received on the grounds of:
- Increase in traffic movements in an area which is used for turning and visitor parking / access;
 - The proposed gateway is a blind spot adjacent to the existing path and residents' driveways;
 - It will encourage increased parking for visitors and delivery vehicles to the new apartment via Littledene which already suffers from inconsiderate and high volumes of parking for Saltwell Park;
 - A concern that the new residents of the apartment would not always use their gated area and just park in the street;
 - Increased noise, disruption and threat to security as the proposed 1200mm gates will offer opportunity for a person to climb the low level adjacent brick wall onto the secure footpath that leads from Littledene to Durham Road.
- 3.4 Ten letters of representation were received in response to the initial neighbour notification. A further eight letters of representation (from the same household three from one objector and three from another, and two more from neighbours all of whom had previously objected) have been received in response to the second neighbour notification. The concerns raised relate to:
- Littledene is a very small cul de sac of 18 properties most of which have two vehicles;
 - The street is not wide and not capable of two vehicles being parked opposite each other
 - Used by Park employees and visitors;
 - Many are inconsiderate and park opposite or over drives;
 - Visitors leave rubbish behind;
 - Used as a turning area;
 - Residents have complained to Council about parking problems
 - Issue of health and safety as fire tender or ambulance could not get to top of street

- Provision of access to Littledene for one parking space will invite additional vehicle movements and result in additional parking in street;
- The point of vehicle access already has three property drives onto the street
- Adjacent is a private security gated footpath for the sole use of Littledene residents;
- Life threatening proposal where children play at top of street
- The proposed gate will create access to climb into private footpath;
- Proposal is for 9 car spaces - 1 per apartment and 2 visitor spaces there is plenty of space for more spaces in car park and no need to provide in garden;
- Overdevelopment of garden;
- Dene House is in a conservation area and the car parking will affect the setting
- Littledene is in Conservation Area and creating an access will impact on character and appearance of the street contrary to legislation that defines a conservation area as being "areas of special architectural or historic interest the character or appearance of which is desirable to preserve or enhance";
- Will create additional pollution;
- Noise and disturbance;
- Loss of privacy;
- Plan incorrect - gate swings out not into to private path - a vehicle reversing could hit the gate into pedestrians;
- Plan incorrect - there is not a wall between the pedestrian gate and brick retaining wall means gate opens next to drive - dangerous blind spot;
- Plan has other changes on it that are not mentioned e.g. footpath up to Durham Road; - if it is because there is no space previous application should be reassessed;
- Revision note E has wrong year therefore plans are invalid;
- Plans were not available for everyone to view until 17th May therefore consultation period should restart;
- Position of gates will result in headlights from cars entering and leaving to point into residents front windows resulting in loss of privacy;
- Not consulted on original application;
- Viability of development is not threatened by not having the proposed parking spaces;
- Developer has already agreed to give a garage to a resident of Littledene so parking cannot be in short supply;
- Loss of wildlife;
- Flooding in Littledene in 2012 and creating hard surface will cause drainage issues;
- There is no precedent for this access to Dene House;
- 14 cars owned by occupants of 6 to 12 Littledene - the houses at the top of the cul de sac;
- Character of the building will be totally changed and the visual appeal of the building harmed;
- Pay council tax and get nothing for it other than a cul de sac sign at entrance;
- 7, 8 and 9 share a drive that exits adjacent to the pedestrian gate;

- Gates to proposed drive will block existing drives;
- Contrary to Government's cleaner air targets;
- High possibility that the basement flat will end up on the rental market and there will no doubt be a high turnover of tenants which could lead to lack of consideration to an established street community.

4.0 Policies:

CS11 Providing a range and choice of housing

ENV10 Dev in Gdns/Grounds in Conservation Area

CS3 Spatial Strategy for Neighbourhood Area

CFR20 Local Open Space

DC1D Protected Species

ENV46 The Durham Biodiversity Action Plan

CS18 Green Infrastructure/Natural Environment

DC1P Contamination, derelict land, stability

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H5 Housing Choice

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

DC2 Residential Amenity

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP Making Spaces for Growing Places

5.0 Assessment of the Proposal:

5.1 BACKGROUND

The principle of the proposed development has been established through the granting of planning application DC/18/01206/FUL.

5.2 The development, subject to conditions, was considered acceptable in all regards.

5.3 The latest planning application seeks the variation of Condition 1 (approved plans) of permission DC/18/01206/FUL to allow for the inclusion of a block paved area to provide two car parking spaces and an inward opening gate within the garden curtilage of Unit 1. It should be noted that as the residential planning permission DC/18/01206/FUL has not yet been implemented the gates and the hardstanding could be undertaken without the need for planning permission under permitted development rights.

5.4 Based on the above, it is considered necessary to consider the application in regard to changes in site circumstance, planning policy and any implication with regard to the amendment of the planning condition.

5.5 POLICY BACKGROUND/SITE CIRCUMSTANCES

There have been no significant changes to National or Local policy or site circumstances following the granting of application DC/18/01206/FUL on 22 February 2019.

5.6 VARIATION OF CONDITION

Planning condition 1 requires that the development be built in accordance with the approved plans and specifications.

5.7 Dene House does have right of access to Littledene in the Title Deeds. There is an existing gate from the basement area garden and it was approved to be retained on the original approval DC/18/01206/FUL. The occupant of Unit 1 will have vehicular and pedestrian access.

5.8 The main issues are considered to be the impact of the proposal on the character and appearance of the area, heritage assets, highway safety and residential amenity.

5.9 CHARACTER AND APPEARANCE / HERITAGE ASSETS

The application site is located within the Saltwell Conservation Area. It is considered that the proposed amendment to create a small paved area within the garden of Dene House would not result in a significant change to the character of the building and grounds and is considered will not harm the visual appearance of Dene House nor will the proposed gates on Littledene have a harmful impact on the character and appearance of the street. In fact, replacement gates would enhance the appearance of the access.

5.10 As the garden area of Unit 1 comprises 260sqm it can easily accommodate a hard standing for two vehicles measuring 6m x 6m; it is not considered that this proposal would amount to overdevelopment.

- 5.11 The proposal would comply with the aims and requirements of saved policies ENV3 and ENV7 of the UDP, policies CS15 of the CSUCP and the NPPF.
- 5.12 HIGHWAY SAFETY
There are no concerns raised by Officers, in highway safety terms, to the additional two car parking spaces. As the proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.13 However, various representations have been made in respect of a number of concerns, relating to the proposed access arrangements. Taking the concerns in turn:
- 5.14 An objector has said there is no precedent for this access to Dene House. Whilst it is not a matter for the Planning Committee, officers understand that there is a legal right to a vehicular access to Dene House from Littledene. However, if this is incorrect, and no right of access exists, then the land owner could mount a legal challenge to prevent access, however, this would be a matter to be resolved outside of the planning application process between the relevant parties.
- 5.15 In addition, there is an existing access gate onto Littledene from Dene House, the use of these gates does not require planning permission. The only aspect of this development that needs planning permission (in itself) is the laying of the block paving for the two parking spaces; as there are no permitted development rights associated with flats. As stated above it should be noted that as the residential planning permission DC/18/01206/FUL has not yet been implemented the gates and the hardstanding could be undertaken without the need for planning permission under permitted development rights. If the residential planning permission DC/18/01206/FUL was implemented and the occupant decided they were happy to park on the grass, no planning permission would be required.
- 5.16 An objector has said the proposal will encourage increased parking for visitors and delivery vehicles to the new apartment via Littledene, and that Littledene is used by Park employees and visitors and many are inconsiderate and park opposite or over drives. A concern has also been raised by an objector that the new residents of the apartment would not always use their in-curtilage parking area and just park in the street.
- 5.17 Littledene is an adopted road and anyone with an insured and taxed motor vehicle can park on it. In doing so, drivers would be expected to adhere to the Highway Code.
- 5.18 An objector has said Littledene is a very small cul de sac of 18 properties most of which have two vehicles that is not wide and not capable of two vehicles being parked opposite each other that is an issue of health and safety as a fire tender or ambulance could not get to top of street.
- 5.19 The properties on Littledene have double length drives that can accommodate two vehicles in addition to garages. Officers have undertaken a number of site

visits where it was noted that cars were parked bumped up onto the footpath whilst there were few vehicles parked on the drives. It would therefore appear that there would be adequate residents' car parking, if existing parking spaces were utilised.

- 5.20 An objector has said the proposal will increase traffic movements in turning area that is used for visitor parking / access
- 5.21 The hammer head at the top of Littledene is designed to be used as a turning area and there should be no visitor parking taking place as this would prevent a vehicle who needed to turn from turning.
- 5.22 An objector has said the point of vehicle access already has three property drives onto the street and is a blind spot adjacent to the existing path
- 5.23 There are three drives to Nos.7,8 and 9 Littledene but they share the egress onto the turning head thus there is only one point at which vehicles will emerge adjacent to the gate to the secure footpath. Drivers leaving their drive would need to be cautious with regard to the drivers emerging from other drives and the pedestrians emerging from the secure footpath. The proposed double gates to the drive are indicated on the proposed plan as inward opening and would therefore not be capable of blocking existing drives. It is not considered that the proposal would make the existing arrangement any more hazardous as vehicle speeds would by necessity be minimal..
- 5.24 A fourth drive also emerges onto the turning head from No.6 Littledene.
- 5.25 An objector has said there is plenty of space for more spaces in car park and there is no need to provide parking in the garden and the viability of development is not threatened by not having the proposed parking spaces.
- 5.26 The proposal is to create spaces for Unit 1 it is not proposed in order to overcome a shortage of space in the main car park. No information has been submitted in respect of the viability of the scheme, so the objector's opinion cannot be substantiated.
- 5.27 An objector has said the developer has already agreed to give a garage to a resident of Littledene so parking cannot be in short supply.
- 5.28 As referred to above the proposal is to create spaces for Unit 1 it is not proposed in order to overcome a shortage of space in the main car park.
- 5.29 An objector has highlighted that the plan is incorrect as the secure gate to the footpath opens outwards over the highway and not into the private path.
- 5.30 No gate should not open outwards over the adopted highway. It is known from correspondence in 1997 that the then residents of Littledene had erected large locked gates at both ends of the path. There were complaints at the time that a right of way had been established long before Littledene was constructed and that it had been blocked. However, as the path was not adopted by the Council

there was not a public right of way so the Council could take no action to have the path reopened.

5.31 However, the drawing has been amended to show the gate opening outwards over the adopted highway.

5.32 RESIDENTIAL AMENITY

In terms of potential for additional noise and disturbance, the residents of all 18 dwellings on Littledene have access to the footpath with the locked gate. The occupants of the basement flat of Dene House would not have use of the footpath that is locked, however the proposed parking spaces are immediately next to the path. Compared to existing activity levels it is considered the use of the two parking spaces would not result in materially more significant comings and goings.

5.33 An objector has said that the position of the gates will result in headlights from cars entering and leaving to point into residents' front windows resulting in loss of privacy by illuminating the room.

5.34 As mentioned earlier there are three drives that would result in vehicles accessing and egressing onto Littledene in the same orientation as the proposed car parking spaces. Thus if there is an existing issue with headlights shining into front windows then the two spaces would not result in any materially greater loss of privacy.

5.35 An objector has suggested that the proposal is a threat to security as the proposed 1200mm gates will offer an opportunity for a person to climb the low level adjacent brick wall onto the secure footpath that leads from Littledene to Durham Road.

5.36 If, in the event that a miscreant climbed into the secure footpath by climbing over the proposed 1200mm gates, the locked gate at the top of the footpath is also locked and gaining access to the footpath would have no gain.

5.37 An objector has said the proposal is life threatening as children play at top of street.

5.38 Eight drives in total emerge onto the turning head and this is not an appropriate location for children to play. All of the dwellings in Littledene have substantial gardens to the front and rear where children might play. In addition, there are the extensive facilities at Saltwell Park, which is within 120m of the property furthest away from the Park on Littledene.

5.39 Subject to conditions, the proposal would comply with the aims and requirements of saved policies DC2, ENV3 and ENV7 of the UDP, policies CS13, CS14 and CS15 of the CSUCP and the NPPF.

5.40 OTHER MATTERS

A representation has highlighted:

- a change to the footpath up to Durham Road that is not mentioned in the application and suggests that if it is because there is no space the previous application should be reassessed;
 - Revision note E has 2018 the wrong year and therefore the plans are invalid.
 - Plans were not available for everyone to view until 17th May therefore consultation period should restart.
 - Not consulted on original application.
- 5.41 An amended layout 8546c/02 Revision F has addressed the incorrect date and indicated the secure gate as opening outwards onto the adopted highway to reflect the site as existing and replaced with 2019.
- 5.42 Publicity for the original planning application DC//18/01206/FUL included neighbour notifications carried out in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015. Properties 4 - 10 inclusive and 12 Littledene were sent a neighbour notification letter. A site notice was posted at the site on 2nd January 2019 and a notice was published in the local press on the 21st January 2019 in order to alert the public to the submission of the planning application.
- 5.43 It is considered the publicity was undertaken fully in accordance with the legislation.
- 5.44 An objector has said that the plans have only been available to inspect since the 17th May, for 40 days, therefore it is considered this is adequate time for interested parties to review and it is considered that residents rights to object have not been compromised.
- 5.45 Tenure
An objector has said that there is a high possibility that the basement flat will end up on the rental market and there will no doubt be a high turnover of tenants which could lead to lack of consideration to an established street community.
- 5.46 The tenure of the apartment is not relevant to a proposal for two car parking spaces within a garden.
- 5.47 An objector has said the proposal would result in loss of wildlife.
The proposal is not considered will result in loss of wildlife as there would be no significant loss of habitat caused by the hard surfacing of part of the garden area of Unit 1.
- 5.48 An objector has said the proposal is contrary to the Government's cleaner air targets and the proposal is not environmentally friendly as it will create additional pollution.
- 5.49 The flat has approved parking associated with it, whether the vehicles access the property from Durham Road or from Littledene will not result in any additional pollution.

- 5.50 An objector has said that in 2012 Littledene was flooded and creating a hard surface will cause drainage issues.
- 5.51 The two proposed car parking spaces are surrounded by 200sqm of lawned garden. Flooding is not considered to be a risk as a result of this proposal.
- 5.52 **CONDITIONS**
The current application, given it would grant a new planning consent, allows an opportunity to re-consider the conditions attached to permission DC/18/01206/FUL.
- 5.53 All original conditions (i.e. other than conditions 1 and condition 28) are recommended to be reattached to the new permission without modification. Condition 28 includes a requirement for the gates to the Littledene access to be automated.
- 6.0 **CONCLUSION**
- 6.1 It can be concluded that the development would not have an unacceptable impact on the character and appearance of the conservation area, the visual amenity of the area, highway safety or the residential amenities of existing and potential future occupiers, wildlife or flooding.
- 6.2 It is recommended that planning permission should be granted.

Recommendation:

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

1

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

8546c-01 Location Plan
8546c-02F Existing + Proposed Site Plan
8546c-03 Existing Plans
8546c-04C Proposed Plans
8546c-05 Existing Elevations
8546c-06B Proposed Elevations
8546c-07 Proposed Cycle Store
8546c-08A Proposed Workshop
A4 drawing Typical Gas barrier 10
Visqueen data sheet

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 the 21 February 2021.

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

Prior to first occupation of the development hereby permitted the gas membrane/ gas protection measures indicated on A4 drawing Typical Gas barrier 10 and Visqueen data sheet received on 8th February 2019 shall be installed wholly in accordance with the approved details.

Reason

To ensure that risks from coal mining gas to the future users of the land and neighbouring land are minimised in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

4

Prior to commencement of the development hereby permitted a Preliminary Risk Assessment shall be undertaken and submitted for the consideration and written approval of the Local Planning Authority.

Should the findings of the Preliminary Risk Assessment indicate an intrusive site investigation with a Phase II Detailed Risk Assessment is required, these shall be undertaken and a report of the findings submitted for the consideration and written approval of the Local Planning Authority.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site, controlled waters and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment of this area. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposed validation strategy. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

N.B. The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in all soft landscape / garden areas.

Reason for condition

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

Reason for pre commencement condition

To ensure the approved remediation measures are undertaken prior to commencement of the development hereby permitted to ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

5

The details of remediation measures approved under condition 4 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason for condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the

National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission

6

Following completion of the remediation measures approved under condition 5 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted

Reason

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

7

During development works, any contaminated material observed during excavation of the existing ground should be screened and removed. If any areas of contaminated ground, that had not previously been identified, are encountered during development works, then operations should cease in that area, and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with

Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

8

No development shall commence on the development hereby permitted until a Demolition and Construction Management Plan (CMP) for the development has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include :

- full asbestos survey and proposed controls and management of any asbestos found
- a dust management plan
- a noise management plan
- pollution prevention measures
- contractor parking
- details of delivery arrangements including hours
- measures to limit and manage transfer of debris on to the highway

Reason for condition

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction of the development in accordance with the NPPF, saved policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

Reason for pre commencement condition

The proposed CMP must demonstrate that the demolition and construction operations will not harm residential amenities or highway safety before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission

9

The CMP approved under condition 8 shall be wholly implemented and adhered to for the full duration of the demolition and construction of the development hereby permitted

Reason for condition

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction of the development in accordance with the NPPF, saved policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

10

The tree protection measures indicated on drawing 160/PA/01 Tree Constraints Protection Plan and Planting Proposals shall be implemented wholly in accordance with the details prior to the commencement of the development hereby permitted and retained for the duration of the construction of the development

Reason for condition

To minimise the risk of harm and long-term adverse impacts of the development on protected trees in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

Reason for prior to commencement condition

The proposed tree protection measures must be retained to ensure there can be no damage during construction of the development hereby permitted.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

11

Development shall not progress above damp proof course 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. The materials shall include:

timber appearance cladding
flat roof covering
grey upvc windows
grey render
permeable block paving

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, ENV7 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.

12

The materials approved under condition 11 shall be implemented wholly in accordance with the approved details and retained for the life of the development

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, ENV7 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.

13

Prior to the development hereby permitted progressing above damp proof course final largescale details of the conservation rooflights for the single storey flat roof shall be provided for the consideration and written approval of 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, ENV7 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.

14

The details approved under condition 13 shall be implemented wholly in accordance with the approved details prior to first occupation of Unit 3 and retained for the life of the development thereafter

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, ENV7 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

Prior to first occupation of the development hereby permitted details of autotracking of the turning head by a refuse wagon shall be submitted for the consideration and written approval of the Local Planning Authority. If the autotracking demonstrates that there is an overrun over the footpath then details of an extension of the imprint paving into the development site to create a small shared surface area with a segregated footway to include a demarcation between the adopted highway and private drive must be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to ensure the layout can be adequately serviced by a refuse wagon and to accord with CSUCP policy CS13.

16

The details approved under condition 15 shall be implemented wholly in accordance with the approved details prior to the first occupation of any part of the development and retained clear for the purposes of turning vehicles and for the life of the development thereafter.

Reason

In order to ensure the layout can be adequately serviced by a refuse wagon and to accord with CSUCP policy CS13.

17

Prior to first occupation of the development hereby permitted a lighting scheme for the proposed footpaths and parking areas of the development site shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure the development is safe in highway terms in accordance with CSUCP policy CS13.

18

The details approved under condition 17 shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter.

Reason

To ensure the development is safe in highway terms in accordance with CSUCP policy CS13.

19

Prior to first occupation of the development hereby permitted, details of warning signs to be installed within the site advising drivers of the potential for cyclists crossing ahead shall be submitted for the consideration and written approval of the Local Planning Authority. The scheme should include a red triangle warning sign to TSRGD diagram 950.

Reason

To ensure highway safety by addressing concerns over the conflict between vehicles emerging from the site and cyclists on the shared use footway on Durham Road and to accord with CSUCP policy CS13.

20

The details approved under condition 19 shall be implemented wholly in accordance with the approved details and retained thereafter for the life of the development.

Reason

To ensure highway safety by addressing concerns over the conflict between vehicles emerging from the site and cyclists on the shared use footway on Durham Road and to accord with CSUCP policy CS13.

21

Prior to first occupation of the development hereby permitted details of electric vehicle charging points to be provided including details of the number, location and specification of the charging points have been submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

22

The electric vehicle charging points approved at condition 21 shall be provided in accordance with the approved details prior to the development being first occupied and be retained thereafter.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

23

Unless otherwise approved in writing by the Local Planning Authority, all works, demolition and ancillary operations in connection with the construction of the development hereby permitted, including the use of any equipment on the site, shall be carried out only between 08:00 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Internal works within dwellings shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1800 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan and CS14 of the CSUCP.

24

The driveway to unit 6 shall have a minimum visibility splay of 2m x 2m with no obstruction above 600mm.

Reason

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

25

No dwelling of the development hereby permitted shall be first occupied until final details of the cycle parking provision for that dwelling is submitted to and approved in writing by the Local Planning Authority and the cycle parking shall be provided on site prior to the occupation of each respective dwelling in accordance with the approved details.

Reason

In order to ensure adequate provision for cyclists in accordance with the NPPF, policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the Council's Cycling Strategy.

26

Upon first occupation of each dwelling a sustainable travel welcome pack shall be provided to each of the new residents to inform of sustainable travel options to include bus timetables and cycle maps.

Reason

In order to encourage residents to consider sustainable travel options and in accord with the NPPF and policy CS13 of the CSUCP.

27

The recommendations at Section H of the Bat Survey dated December 2018 prepared by Taryn Rodgers of E3 Ecology shall be implemented in full for the life of the development

Reason

To avoid harm to bats and ensure the maintenance of the 'local' bat population at or above its current level in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

28

No gate shall be installed across the access opening on Durham Road without details having first been submitted to the Local Planning Authority for consideration and written approval. The details shall include a minimum 6m set back from the boundary wall along Durham Road.

The approved gate shall be installed thereafter and retained for the life of the development.

The approved gate to Littledene shall be automated and maintained as such for the life of the development.

Reason

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

29

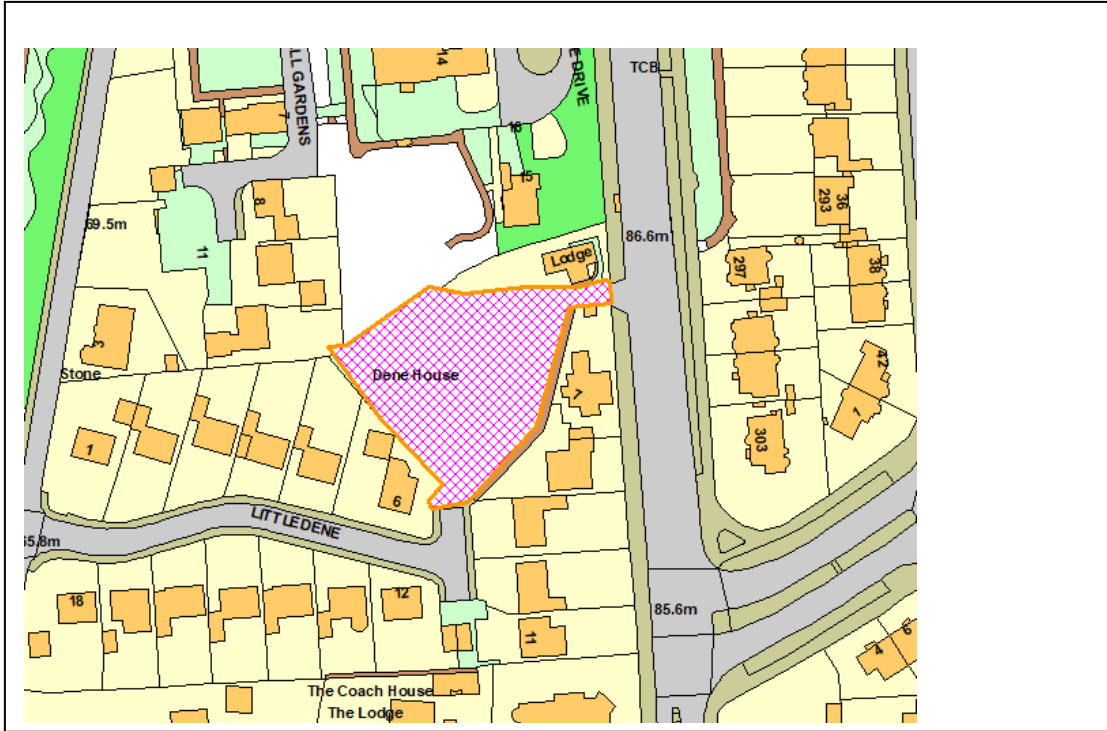
No development hereby permitted shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 199 of the NPPF and saved Unitary Development Plan Policy ENV23 and CSUCP policy CS15

Reason for pre commencement condition

To ensure that the non designated heritage asset is recorded for the archives.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.



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Committee Report

Application No:	DC/19/00414/FUL
Case Officer	Josh Woollard
Date Application Valid	30 April 2019
Applicant	Mrs Lorraine Richardson
Site:	Pack Horse Inn Lead Road Greenside Ryton NE40 4BS
Ward:	Crawcrook And Greenside
Proposal:	Change of use from Public house (A4 Use) to Childcare Day Care (D1 Use) including creation of designated off-street parking bays
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

1.2 The Pack Horse Inn is a public house located in Greenside. The public house is a two-storey property constructed from stone with a slate roof and white timber and UPVC fenestration. There is an existing single storey front extension which faces onto Lead Road. To the rear sits a two-storey extension finished in an orange render and a single storey extension.

1.3 There is no designated off-street parking on site.

1.4 The property is mid-terrace with residential properties to the east and west along with a ground floor hairdressing salon. To the north lies terraced residential properties. To the south, Lead Road runs west to east and beyond lies a newsagent and an area of designated open space.

1.5 The Pack Horse Inn public house ceased trading in May 2019.

1.6 DESCRIPTION OF THE APPLICATION

1.7 This application seeks planning permission for the change of use from drinking establishment (Use Class A4) to children’s day care (Use Class D1).

1.8 Externally, the application proposes the demolition of a section of wall and fence to the rear (north) of the site to provide 3 designated off-street parking bays which would have access onto Buddle Gardens, and to change the front door.

1.9 The applicant has submitted the following information in support of the application:

- Location Plan
- Existing and Proposed Site Plan
- Details of numbers of children, staff, and staggered pick-up/drop-off times
- Images of the back street
- Barrelage
- Customer numbers
- CCTV images
- Trust Inns historic volumes of sale
- Trust Inns letter outlining recent history of the pub

2.0 Consultation Responses:

2.1 None received

3.0 Representations:

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

3.2 70 representations have been received.

3.3 42 letters of objection were received. The objections are summarized as follows:

- Increased parking
- Interfere with parking for Greenside Primary School
- Loss of community pub
- No demand for childcare
- Loss of history
- The site isn't suitable for a nursery. It is a multi-level property and the outdoor facilities are not appropriate
- Removing the rear wall and fence would affect parking and be 'aesthetically gruesome'
- Additional noise in the early morning
- Current method of transport for staff is not relevant
- Increased competition and negative impact on funding for state-run schools
- Demographic of current children using the nursery is not relevant
- Flexible pick-up and drop-off times will cause parking issues
- Community not provided the option to buy the property
- Inappropriate in a residential area
- Poor management has reduced customer numbers
- There is demand for a community-led pub

3.4 28 letters of support were received. These are summarized as follows:

- Childcare is a brilliant community asset
- The pub is running at a financial loss
- Nursery enables more people to be able to work
- Flexible childcare helps families
- Rejuvenate failing pub
- Shortage of childcare families in local and surrounding villages and increased supply of new homes around Greenside
- Existing nursery is professional

3.5 A petition with 304 signatories has also been received. The petition states the following:

We, the undersigned, object to the planning application number DC/19/00414/FUL on the following grounds:

1) There are individuals and groups who would like to buy and run the pub as a profitable community pub and there is a real need and demand for this in the village.

2) The pub is a strong historical hub of the village with hundreds of years of important history.

3) The location is not suitable for the number of vehicles that will need access and is likely to cause serious traffic and parking issues.

4) Having another nursery in the village will mean they are in direct competition with the school nursery and in turn may take funding away from the school.

3.6 In addition, Councillor Helen Haran has objected to the application on the following grounds:

- The pub has been on the site for over 200 years and has a long history linked with the former pit
- The location of the pub is on a very difficult junction where we have raised concerns for many years about visibility and safety of pedestrians. The introduction of three parking spaces will (1) make the situation worse; (2) these spaces are going to be very difficult to access; and (3) three spaces would not be enough for this site.
- Impact on nesting birds
- The Councillor has also requested that, due to the fact the pub was offered for sale by the brewery without the opportunity for anyone to buy the pub, full consideration be given to the Asset of Community Value application which is currently outstanding

- 3.7 3 requests to speak have also been received including one from Councillor Helen Haran who wishes to speak against the application.

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

DC2 Residential Amenity

ENV3 Character and Design

5.0 Assessment of the Proposal:

5.1 PRINCIPLE OF THE DEVELOPMENT

Section 38 of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise

- 5.2 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The achievement of sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. There is an economic objective to help build a strong, responsive and competitive economy, a social objective to support strong, vibrant and healthy communities, and an environmental objective to contribute to protecting and enhancing our natural, built and historic environment.

- 5.3 At the heart of the NPPF is a presumption in favour of sustainable development.

- 5.4 Paragraph 92 of the NPPF states that to provide social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- b) Take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs
- d) Ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community

5.5 Policy CS7 of the CSUCP states that the vitality and viability of centres in the retail hierarchy will be maintained and enhanced. Outside the retail hierarchy local community facilities and small shopping parades, including single shops, will be retained where they provide an important service to the local community and remain viable

5.6 Given the above, it is important to, first, establish whether the Pack Horse Inn is a valued facility and whether it provides an important service to the community and remains viable. Secondly, it is necessary to establish whether the permanent loss of the public house would reduce the community's ability to meet its daily needs. Finally, it is necessary to establish the acceptability of the proposed use in this location.

5.7 Is the Pack Horse Inn a valued local facility?

5.8 Historic England define value as "an aspect of worth or importance, here attached by people to qualities of places".

5.9 It has been demonstrated that there is a large strength of feeling among former patrons of the pub and sections of the local community, expressed through numerous individual representations and a petition with a large number of signatories. Many of the representations highlight the important role the Pack Horse Inn has played in providing a place for the community to meet and further its social well-being for over 200 years.

5.10 In recognition of the above, the Pack Horse Inn has been listed as an Asset of Community Value and included on the Council's register.

5.11 Section 88(1) of the Localism Act 2011 states that:

For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—

- (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
- (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building

or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

- 5.12 It is considered that the submission of an application, on behalf of the Friends of the Pack Horse, Greenside community group, to register the Pack Horse Inn as an ACV does provide a tangible demonstration that a section of the local community considers that, through recreation, the pub furthered the social wellbeing or social interests of the local community.
- 5.13 The Pack Horse Inn has now been listed on the Council's List of Assets of Community Value and will remain on the list for 5 years. It is considered that this demonstrates that the Council considers that there was a time in the recent past when an actual use of the building that was not an ancillary use furthered the social wellbeing or interests of the local community. It also demonstrates that the Council is satisfied that it is realistic that there will be a time in the next five years when there could be a non-ancillary use of the building that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
- 5.14 The primary purpose of ACV listing is to afford the community an opportunity to purchase the property. Its purpose is not to prevent otherwise acceptable development. The provisions do not place any restriction on what an owner can do with their property, once listed, as long as it remains in their ownership. It is for the local planning authority to consider whether its status as an ACV is a material planning consideration and the weight to be afforded to it. Accordingly, whilst some weight can be afforded to its status, it is not considered to be determinative (APP/Y5420/W/14/3001921).
- 5.15 Is the Pack Horse Inn viable and does it provide an important service to the local community?
- 5.16 The applicant has submitted a variety of documents to attempt to demonstrate that the Pack Horse Inn is no longer a viable business.
- 5.17 In addition, Trust Inns, the previous owners of the Pack Horse Inn, have provided an overview of the recent history of the pub.

“Since 2011, the pub has had six tenants on 1-year agreements and 2 who occupied under Tenancy at Will. Of these 8 tenants in total, only 2 lasted more than 12 months, and most only a few months. Over the same period the rental income dropped from £14,500 pa...to £2600 from May 15 up to the time of completion. This equates to only £50 per week”

“The volume of beer barrels going through the property during the same period (purchased through out nominated supplier) fell from 166 composite 36-gallon barrels in year 2010/11 to 49 composite barrels for the 12 months up to the completion date (2018/19)”

- 5.18 The barrelage, quoted above by Trust Inns, tallies with information submitted by the applicant detailing the barrelage over the period 1997/98 to 2018/19. From the graph submitted, there has been a steady decline from 1999/00 with numbers dropping from 311 to 49 barrels pa.
- 5.19 It is clear from the number of representations received that a large number of people would lament the closing of the Pack Horse as it has provided an opportunity to meet and socialise for a number of years. However, the pub is not universally valued. This is indicated by the number of support letters received for the proposed development and the dwindling customers and sales figures over the past 19 years.
- 5.20 Whilst the Friends of the Pack Horse have stated that they have completed CAMRA's Viability Test to demonstrate that the pub could be viable, no evidence has been submitted in this regard.
- 5.21 It is acknowledged that the pub would have generated some economic benefits, through employment for example. However, from the information submitted by the applicant it is clear that the significance of these benefits would have deteriorated over the years as the number of customers gradually reduced. As such, only limited weight can be afforded to this.
- 5.22 Given the above, it is not considered that the proposal would result in the loss of a valued local facility that provides an important service to the local community and remains viable, in accordance with policy CS7 of the CSUCP.
- 5.23 Viability of Local Services and Facilities
- 5.24 There are a number of pubs within Greenside including The White Swan, Greenside Social Club (both located off Lead Road), The Fox and Hounds, and Greenside Cricket Club which can provide a similar service to the Pack Horse Inn.
- 5.25 Whilst a large number of representations have been received which object to the loss of the pub, these representations do not equate to feet through the door. The physical decline in barrelage and rental income that was drawn from the premises demonstrates that the demand for the service which the Pack Horse Inn provides within the community is waning.
- 5.26 As such, it is considered that the proposed change of use would not be detrimental to the wider community and would not result in the community being unable to meet its day-to-day needs as there are other alternative venues which could provide a similar service. The proposed scheme would therefore accord with paragraph 92 of the NPPF in this respect.
- 5.27 Proposed Children's Day Care Use
- 5.28 Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The

application site is not located within a District or Local Centre and a children's day care is not included within the definition of main town centres uses located within the Annex of the NPPF. It is therefore considered that the principle of the use in this location is acceptable subject to all other material planning considerations being satisfied.

5.29 As previously highlighted, the Pack Horse Inn public house ceased trading in May 2019. The proposed use would therefore bring back into use a property which is currently vacant. This is considered to be a benefit and moderate weight has been attached to this.

5.30 Whilst objections to the proposed development state that there is no demand for childcare within Greenside, representations supporting the application contradict this by stating there is a need for more childcare facilities. No information has been submitted to substantiate either claim.

5.31 The proposed change of use would allow the relocation of an existing business. It is considered, therefore, that there would be demand for the services provided which in turn would increase footfall through the area, boosting the vitality and vibrancy of the village.

5.32 **Conclusion**

5.33 Whilst sections of the local community certainly value the pub, it is considered that its role within the local community has diminished over the years to the point that it is no longer viable to run as a public house. Any harm resulting from the loss of the facility is not considered to warrant refusal of the application as the community has other facilities which can fulfil a similar role as the Pack Horse Inn.

5.34 Taking into account the benefits that would stem from the proposed nursery, it is considered that the social wellbeing of the community would be maintained, albeit in a different way. Whilst it is argued that there would be a loss of historic value as a result of the change of use, the development would help revitalise the premises and add vibrancy to the area. It is therefore considered that the scheme would be acceptable and would accord with the NPPF and policy CS7 of the CSUCP.

5.35 VISUAL AMENITY

A number of objectors have expressed their concerns regarding works which have taken place prior to determining this planning application, the loss of history as a result of the proposed development, and the impact on nesting birds/roosting bats within the timber structures to the rear.

5.36 Officers understand the extent of the works to be the removal of the sign to the front of the pub and removing the interior bar. The removal of these features would not require planning permission and have been undertaken at the risk of the applicant.

- 5.37 Externally, the application seeks planning permission for changing the front door, the removal of a section of fence and wall to the rear of the site, and the creation of 3 parking bays. No buildings would be affected by the works and it is therefore not considered necessary for any bat/bird surveys to be undertaken and submitted to support the application. In addition, it is considered that the external historic fabric would be preserved.
- 5.38 Given the above, the proposed works are considered to be acceptable and would comply with the NPPF, policy CS15 of the CSUCP, and Saved policy ENV3 of the UDP.
- 5.39 RESIDENTIAL AMENITY
Policy CS14 of the CSUCP states that the wellbeing and health of communities will be maintained and improved by:
1. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
 - I. Creating an inclusive built and natural environment
 - II. Promoting and facilitating active and healthy lifestyles
 - III. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality
 - IV. Providing good access for all to health and social care facilities
- 5.40 Whilst the proposed use would have earlier opening hours in comparison to the existing use, it would also close earlier. As such, whilst objections have been received raising concerns with regard to increased noise disturbance, it is considered that the earlier closing hours would be more compatible given the residential character of the area. Patrons of the existing pub would have the opportunity to leave significantly later than is proposed. It is recommended that, in the interest of ensuring no unacceptable impact on residential amenity, a condition be attached restricting the opening hours of the day care centre (condition 6).
- 5.41 The application is to provide premises for an existing business with an existing customer base. There would be a limit on the number of customers using the day care centre whereas there is no limit on the number of patrons which could make use of the pub. As such, it is considered that, comparatively, any disturbance resulting from the proposed use and the number of customers using the service would be less than the current use of the site.
- 5.42 Given the above and the existing use of the site, it is considered that the proposed change of use would not have an unacceptable impact on the residential amenity of any neighbouring properties over and above that which would result from a pub. It is therefore considered that the proposed development would be acceptable and would be compliant with the NPPF, policy CS14 of the CSUCP, and Saved policy DC2 of the UDP.
- 5.43 HIGHWAY SAFETY

Paragraph 109 of the 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.

5.44 Traffic Generation

5.45 The application proposes the change of use from pub to day care centre providing childcare for 22 children. It is recommended that a condition be attached limiting the number of children using the facility (condition 9-10).

5.46 The applicant has submitted information detailing the flexible childcare provision which would be offered for approximately 22 children. This involves staggered pick-up and drop-off times. Given this, some trips to and from the centre would take place outside of peak morning and evening hours. Whilst the proposed use would generate more traffic at peak morning hours, it is not considered that this would have a severe impact on the road network.

5.47 Parking Provision

5.48 The application proposes the creation of 3 x designated off-street parking bays to the rear of the site. Council officers are of the opinion that a maximum of 2 x parking bays could be accommodated safely to the rear of the site. It is recommended that a condition be attached securing a revised layout (condition 7-8)

5.49 A number of objectors have highlighted the loss of two informal on-street parking spaces as a result of creating a new access to the rear of the site. However, the creation of designated off-street parking bays is considered to offset any harm resulting from this loss.

5.50 On conducting surveys on site over a number of days, there is a significant amount of unrestricted on-street parking within the local area, including immediately outside the application site to the north and south. This would be retained, and it is considered that this could accommodate for the predicted car movements associated with the proposed use.

5.51 Objectors have also raised concerns regarding the approval of one new dwellinghouse (DC/17/00519/FUL) at land to the rear of the application site. The approved development has its own designated parking and it is not considered that the proposed development would impact upon this.

5.52 Cycle Parking

5.53 The application site benefits from a large, private, external amenity space to the rear. In the absence of 3m x 7m garages, alternative secure and weatherproof cycle parking for the nursery should be confirmed. It is therefore recommended that further details of the proposed cycle parking are submitted to the Local Planning Authority for consideration prior to first use of the day care centre. This can be secured via condition (condition 4-5).

- 5.54 Given the above assessment, it is considered that the proposed development would not have an unacceptable impact on highway safety, nor would it have a severe impact on the surrounding road network. The proposed development is considered to be compliant with the NPPF and policy CS13 of the CSUCP.
- 5.55 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This proposal has been assessed against the Council's CIL charging schedule and the development is not chargeable.
- 5.56 **OTHER MATTERS**
Objectors have raised the following concerns regarding the proposed development:
- The pub should be locally listed
 - Increased competition would affect existing nurseries
 - There are too many nursery places and there no demand for nursery places within Greenside
 - The pub has been poorly managed in order to demonstrate it isn't viable
 - The premises and outdoor facilities are not suitable children
- 5.57 Whether the building is of sufficient interest to be classed as a 'non-designated heritage asset' in its own right is not a decision to be made in the context of a planning application but should ideally form part of a consistently judged locally listing exercise (APP/T5150/A/14/2219081).
- 5.58 It has been long established that the prevention of competition between nearby competitors is not a legitimate planning objective (APP/J3015/W/15/3133491) whilst no evidence has been submitted to demonstrate that there is an oversupply of nursery places within Greenside.
- 5.59 The way the pub has been managed by the current tenant is not a material planning consideration. The information provided by the applicant provides records of the pub's performance over the past 19/20 years which covers numerous tenants.
- 5.60 It is considered that the application site is suitable for a nursery. The evaluation of the facilities is a matter covered by other regulatory bodies e.g. Ofsted.
- 5.61 **CONCLUSION**
Returning to paragraph 8 of the NPPF and the presumption in favour of sustainable development, whilst there are social benefits associated with the Pack Horse Inn as a public house, these no longer exist to the same degree as the pub. The provision of additional childcare facilities in the area would provide social benefits for the children in attendance, would provide economic benefits through the creation of additional jobs in the local area and providing opportunities to allow parents to work, and would provide environmental benefits through the preservation of much of the external historic fabric of the pub.

5.62 Taking into account the above and all other material planning considerations, it is considered that the benefits of the proposed change of use would outweigh the harm resulting from the loss of an under-used and unviable community facility. The proposed development is therefore considered to comply with the relevant national and local planning policies.

Recommendation:

6.1 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 -

Ground Floor 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.

3

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

Reason

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

4

Prior to first use of the day care centre, final details of the secure and weatherproof cycle storage shall be submitted for consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

5

The details approved under condition 4 shall be implemented wholly in accordance with the approved details prior to first use of the day care centre and retained for the life of the development.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

6

The opening hours of the premises shall be restricted to between 07:00 and 20:00 on any day unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan.

7

Notwithstanding the submitted plans, prior to first use of the day care centre, a revised layout for the parking area to the rear of the site shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

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

8

The parking details approved in Condition 7 shall be implemented in full prior to first use of the day care centre hereby approved.

Reason

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

9

Before the pupil roll exceeds 25, details of the intended staff and pupil numbers along with details of proportionate measures to ensure the transportation impacts and safety of these additional staff and pupils can

be accommodated at the site, shall be submitted for the written approval of the Local Planning Authority.

Reason

In the interests of the provision of adequate highway arrangements and in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

The physical provision, mitigation and/or management measures approved under condition 9 shall be implemented prior to the pupil roll exceeding 25.

Reason

In the interests of the provision of adequate highway arrangements and in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON:

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/15/00513/FUL	Proposed variation of Condition 2 (Temporary Consent) of approval DC/10/01355/FUL to enable the continued use of the single storey extension (amended 29.06.2015).	Ryton Health Centre , Grange Road,		Ryton Crookhill And Stella
DC/18/01186/FUL	Variation of condition 1 (approved drawings) of planning permission DC/17/00868/FUL to allow a number of changes to plot 3 including the creation of an independent living area, the provision of a single storey rear extension on the west facing elevation and the insertion of a first floor window in the east gable elevation.	Fell Farm, Ashtree Lane,	Granted;	Winlaton And High Spen
DC/18/01203/HHA	Two storey side extension	85 Calderwood Crescent, Gateshead,	Granted;	Chowdene

DC/19/00060/FUL	Subdivision of ground floor retail unit into two retail units with associated alterations to shopfront. Conversion of first floor into two, 2-bed flats (C3 Use) with associated external alterations (plans amended 31.05.2019).	23 Jackson Street, Gateshead,	Granted;	Bridges
DC/19/00127/FUL	Increase in size of service yard, demolition of existing single storey office accommodation and erection of replacement office accommodation (additional information received 29/03/19, 23/04/2019, 30/04/2019, 08/05/2019, 13/05/2019 and 16/05/2019).	Latham Timber Ltd , Nest Road,	Granted;	Felling
DC/19/00181/HHA	Single storey rear extension (retrospective)	21 Kennford, Gateshead,	Granted;	Chowdene
DC/19/00248/HHA	Erection of a part two storey, part single storey rear extension	13 Strothers Terrace, Rowlands Gill,	Granted;	Winlaton And High Spen
DC/19/00222/HHA	Two storey rear extension	28 West Street, Rowlands Gill,	Granted;	Winlaton And High Spen

DC/19/00238/HHA	1.1m tall fence above existing dwarf wall to rear (total height 1.75m), 1.2m tall fence to side and 760mm tall fence above existing dwarf wall to front of property (total height 1.4m)	11 The Paddock, Felling,	Granted;	Windy Nook And Whitehills
DC/19/00288/HHA	Two storey side extension	17 Caddy Close, North Side,	Granted;	Lamesley
DC/19/00254/ADV	Display of internally illuminated lettering at front and rear of unit and non illuminated window vinyls applied to shopfront, advertising 'Bell's Fish and Chips'	23 Retail World, Team Valley Trading Estate,	Temporary permission granted;	Lamesley
DC/19/00272/HHA	Single storey front extension	19 Rockwood Gardens, Greenside,	Granted;	Crawcrook And Greenside
DC/19/00273/ADV	Display of four non-illuminated fascia signs on all elevations of forecourt shop.	Park Road Service Station, Shearlegs Road,	Temporary permission granted;	Bridges
DC/19/00305/FUL	Change of use from A1 (retail use) to A3 (cafe)	Co-Op Buildings, Unit 10 , Durham Road,	Granted;	Birtley
DC/19/00306/LBC	Change of use from A1 (retail use) to A3 (cafe)	Co-Op Buildings, Unit 10 , Durham Road,	Granted;	Birtley
DC/19/00323/ADV	Display of internally illuminated fascia sign on front elevation	160 Brighton Road, Gateshead,	Temporary permission granted;	Saltwell

DC/19/00311/HHA	Single storey rear extension and existing (original) stone boundary wall to be demolished and replaced by a new stone faced cavity wall.	175 Kells Lane, Low Fell,	Granted;	Low Fell
DC/19/00314/HHA	Convert loft into habitable room with double dormer to the rear and 2No Velux windows to the front.	15 Kempton Gardens, Gateshead,	Granted;	Lobley Hill And Bensham
DC/19/00317/FUL	Installation of an ATM (Retrospective)	311-313 , High Street,	Granted;	Bridges
DC/19/00318/ADV	Integral illumination ATM fascia, internally illuminated Free Cash Withdrawals sign above the ATM and blue LED halo illumination to the surround	311-313 , High Street,	Temporary permission granted;	Bridges
DC/19/00392/HHA	Single storey rear extension with sukkah roof, first floor balcony to rear, dormer window to rear and rooflight to front	5 Denmark Street, Gateshead,	Granted;	Bridges
DC/19/00331/FUL	Retrospective change of use from disused Salvation Army Hall (D2 use) to 2x Residential Units (C3 use) (amended 24/05/19).	The Old Chapel , Front Street,	Granted;	

DC/19/00333/FUL	Variation of condition 16 (item 4) of application DC/17/00471/FUL to allow amendment to tactile paving location to north of the reservoir (previously at the junction of the southern reservoir access with Pottersway)	Land At Swanway, Off Pottersway,	Granted;	Deckham
DC/19/00337/FUL	Construction of two-lane outdoor cricket practice facility with enclosed netting.	Blaydon Cricket Club, Denefield ,	Granted;	Blaydon
DC/19/00341/FUL	Installation of an ATM (retrospective)	2 Cromwell Avenue, Winlaton,	Granted;	Blaydon
DC/19/00342/ADV	Integral illumination and screen to the ATM fascia, internally illuminated Free Cash Withdrawals sign above the ATM and blue LED halo illumination to the surround	2 Cromwell Avenue, Winlaton,	Temporary permission granted;	Blaydon
DC/19/00344/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The laying of new paving to widen existing pathway The laying of new paving adjacent to public footpath.	3 Simonside Place, Wrekenton,	Granted;	High Fell

DC/19/00355/TPO	Tree works at Birchholme	Birchholme , The Drive,	Granted;	Saltwell
DC/19/00363/HHA	Proposed single storey rear extension	115 Tantallon, Birtley,	Granted;	Birtley
DC/19/00351/HHA	Relocation of entrance gates and driveway from north west to north east of property and replacement of conifer hedge with boundary fence.	Home Farm, The Stables , Axwell Park,	Granted;	Blaydon
DC/19/00353/FUL	Extension to industrial units to provide 2 additional units	Shibdon Business Park , Cowen Road,	Granted;	Blaydon
DC/19/00354/HHA	Proposed single storey gable extension and new rear access to garden.	13 Coanwood Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/19/00358/HHA	Front porch and rear single storey extension	52 Grange Crescent, Leam Lane Estate,	Granted;	Pelaw And Heworth
DC/19/00359/FUL	Replacement of shopfront	Unit G114 Ellison Walk, Gateshead,	Granted;	Bridges
DC/19/00361/HHA	Erection of a one and a half storey extension to the side, single storey extension to rear, and new vehicular access with gates to north elevation	St Marys Villa, Station Lane,	Granted;	Birtley
DC/19/00364/HHA	Proposed single storey side and rear extension	92 Dryden Road, Gateshead,	Granted;	Low Fell

DC/19/00368/CPE	CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE: Change of use from public open space to residential garden	14 Thorp Drive, Ryton Central,	Granted;	Ryton Crookhill And Stella
DC/19/00369/FUL	Creation of a two space customer car parking area	Richmond Place, White House , Durham Road,	Granted;	Birtley
DC/19/00370/COU	Change of use from residential flat (Use class C3) to place of worship (Use class D1).	133-135 Bewick Road, Gateshead,	Granted;	Saltwell
DC/19/00371/FUL	Construction of canopy over part of existing filling shed.	Flogas Uk Ltd, Ryton Industrial Estate,	Granted;	Ryton Crookhill And Stella
DC/19/00377/FUL	Proposed rear single storey extension including re-roofing of existing flat roof extension.	4 Silvertop Terrace, Greenside,	Granted;	Crawcrook And Greenside
DC/19/00399/HHA	Proposed single storey rear extension	21 Norwood Gardens, Gateshead,	Granted;	Deckham
DC/19/00378/HHA	Proposed two storey side extension and single storey rear extension (amended plans received 11.06.19)	1 Grange Lane, Whickham,	Granted;	Whickham South And Sunniside
DC/19/00379/HHA	Raised deck area to rear of property (RETROSPECTIVE)	40 Blackstone Court, Blaydon Burn,	Granted;	Blaydon

DC/19/00385/ADV	1 No internally illuminated fascia sign.	G114 Ellison Walk, Dawson And Sanderson,	Temporary permission granted;	Bridges
DC/19/00415/HHA	Proposed single storey rear extension	14 North Dene, Birtley,	Granted;	Lamesley
DC/19/00417/HHA	Proposed detached double garage to the rear	9 Victoria Terrace, Highfield,	Granted;	Chopwell And Rowlands Gill
DC/19/00383/LBC	Removal of terracotta roofing tiles to single storey extension and replacement with reclaimed Welsh slates to conform to neighbouring properties (additional information received 13/05/19).	Dene Head, The Glen , 2 Ryton Village,	Granted;	Ryton Crookhill And Stella
DC/19/00384/FUL	Proposed new jet wash	Jet Service Station, Durham Road,	Granted;	Birtley
DC/19/00431/HHA	Proposed single storey rear extensions, first floor extension over existing rear offshoot and pitched roof over existing flat roof detached garage.	77 Calderwood Crescent, Gateshead,	Granted;	Chowdene
DC/19/00390/HHA	Glass roof conservatory to rear	18 Bondfield Gardens, Wardley,	Granted;	Pelaw And Heworth
DC/19/00394/HHA	Demolition of existing single storey extension and erection of single storey extension	6 Runhead Gardens, Ryton Central,	Granted;	Ryton Crookhill And Stella

DC/19/00433/HHA	Proposed first floor rear extension	38 Grayling Road, Gateshead,	Granted;	Lobley Hill And Bensham
DC/19/00434/HHA	Proposed demolition of existing garage, erection of part single/part two storey rear extension and single storey side extension	5 Whinlatter Gardens, Gateshead,	Granted;	Low Fell
DC/19/00400/COU	Change of use from retail (Class A1) to dental surgery (Class D1)	Allison Court, Unit 7 , Marconi Way,	Granted;	Whickham North
DC/19/00402/HHA	Erection of a two storey side extension.	20 Mount Road, Northside,	Granted;	Lamesley
DC/19/00407/FUL	Demolish existing single storey brick building and replace with steel work and cladding (amended description 16/05/2019).	RYTON BREAKERS, Barmoor Quarry,	Granted;	Ryton Crookhill And Stella
DC/19/00413/COU	Change of use of a Mail Processing Centre (Use Class B8) to mixed use Mail Centre (Use Class B8) and Vehicle Servicing Centre (Use Class B2) (Retrospective) (amended 17/05/19).	Lindisfarne House , Earlsway,	Granted;	Lobley Hill And Bensham
DC/19/00429/COU	Change of use from card shop (use class A1) to tanning parlour (sui generis) (ground floor only) (retrospective application).	7-8 Frazer Terrace, Pelaw,	Granted;	Pelaw And Heworth

DC/19/00432/HHA	Conservatory to rear	11 Ambrose Court, Winlton,	Granted;	Winlton And High Spen
DC/19/00437/HHA	New hipped roof over existing flat roofed front porch and office.	62 Mountside Gardens, Dunston Hill,	Granted;	Dunston Hill And Whickham East

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 22.05.19 and ending 12.06.19, the enforcement team has received **137** new service requests:

Type of complaint	Cases under investigation	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	424	39	15	19	1
HIGHWAYS	244	28	9	10	0
WASTE	556	70	39	45	59
TOTALS	1224	137	63	74	60

COURT HEARINGS

The Enforcement Team attended **8** Court Hearings, **2** of which were finalised, resulting in **£690** fines and **£597** costs

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

26th June 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	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	<p>use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.</p> <p>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</p>	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016 29 th Sep 2018	<p>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 Council's legal department.</p> <p>A court date has been issued for the 26th April 2019 at Gateshead Magistrates Court.</p> <p>The court date has been re issued for the 10th June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.</p> <p>The Court date has been adjourned until 24th June at 10am, discussions are to take place with the land owner prior to the court date to progress with the clearance of the land.</p>
4.	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	<p>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.</p> <p>The Council are awaiting confirmation from the Developer to confirm when they are due to recommence works on site.</p> <p>A site visit was undertaken on the 26th September to see if work had recommenced on site. Although there were no builders on site at the time of the visit, it appears that development has recommenced since the Temporary Stop Notice was served as the most recent unit constructed has now had its roof erected.</p> <p>A letter has been sent to the developer, from the Council's Legal Department asking them to consider erecting a secure hoarding to prevent continued visual impact on the amenity of the area and to protect the site from unauthorised access.</p> <p>A written response dated 22nd November 2018 has been received from Gleesons.</p> <p>The inspectorate has arranged for the appeal hearing to commence on the 3rd September 2019.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
5.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.
6.	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	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 or 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.
7.	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 start date has been received
8.	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. 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 start date has been received
9.	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. Planning application intended to be taken to the 15 th May Committee, once a decision made, the Enforcement Officer is to pursue demolition following consent from Natural England. Natural England has requested an up to date bat survey prior to issuing a licence.

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
10.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05th September 2018	05 th September 2018	5 th October 2018	30 th November 2018	<p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and a hoarding erected.</p> <p>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.</p> <p>Following a site visit on the 19th November, a scope of works should be submitted by the developer no later than the 30th November. Quotes however are being sought for the demolition of the property in preparation that the information is not forthcoming.</p> <p>Scaffolding has been erected and works are commencing to bring the building back into use. The windows have been inserted in the rear part of the building and works have commenced on the roof.</p> <p>Officers are visiting the site on the 21.03.19 to confirm that the proposed roof tiles are appropriate, once this is agreed works will re commence, it is anticipated that the works to the roof will take approximately 6-8 weeks.</p> <p>Roof tiles have now been agreed, works to the roof are to recommence imminently.</p>
11.	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	<p>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.</p> <p>An appeal has been received but no start date has been given yet.</p> <p>A hearing date has been scheduled for the 24th September 2019</p>
12.	2 Wythburn Place Gateshead NE9 6YT	High Fell	Unauthorised development	12 th February 2019	12 th February 2019	19 th March 2019	19 th July 2019	<p>Complaints had been received regarding the erection of an extension to the property, the extension has a detrimental impact on the visual amenity of the area and thus an enforcement notice has been served seeking the extension be demolished and remove in its entirety.</p> <p>A planning application has been submitted and approved for the erection of a single storey side extension. The owner of the property has stated that the extension will be removed in the next four weeks and footings for the new extension installed.</p>
13.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A site visit was undertaken on the 4th June, where drainage works had commenced. Officers are working closely with the Operator of the quarry to ensure compliance.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
14.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.

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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 **two** new appeals lodged since the last committee:

DC/18/00981/FUL – 1 Kinfauns Terrace, Low Fell

Dormer window to rear; porch to front; a rooflight to front; the replacement of existing slate roof; the repointing of stonework to the front, side and rear elevations; and the replacement of UPVC windows to the front, side and rear with timber frames.

(Amended 08.02.19)

This application was a delegated decision refused on 27 February 2019

DC/18/01046/HHA – Etherley, 17 Marlboro Avenue, Swalwell

Single story flat roof extension to the side of the property.

This application was a delegated decision refused on 16 April 2019

Appeal Decisions

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

Appeal Costs

4. There have been no appeal cost decisions

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 2

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
16/00924/DOC3	Land At Portobello Road Birtley	Discharge of conditions 22 (Surface Materials) for planning permission DC/16/00924/FUL	Hearing	Appeal in Progress
DC/18/00727/OUT	Grazing Land At Beda Hills West Of Woodside Walk Rowlands Gill	Erection of four bedroom house	Written	Appeal in Progress
DC/18/00822/FUL	The Dairy South Farm NE11 0ET	Erection of animal shelter (revised application).	Written	Appeal in Progress
DC/18/00958/TPO	Woodlands Derwent Avenue Rowlands Gill NE39 1BZ	Tree works at Woodlands, Derwent Avenue, Rowlands Gill	Hearing	Appeal in Progress
DC/18/00981/FUL	1 Kinfauns Terrace Low Fell Gateshead NE9 5XJ	Dormer window to rear; porch to front; a rooflight to front; the replacement of existing slate roof; the repointing of stonework to the front, side and rear elevations; and the replacement of UPVC windows to the front, side and rear with timber frames. (Amended 08.02.19)	Written	Appeal in Progress
DC/18/01046/HHA	Etherley 17 Marlboro Avenue Swalwell Whickham NE16 3ER	Single storey flat roof extension to the side of the property.	Written	Appeal in Progress
DC/18/01148/HHA	West Cottage Bradley Hall Farm Ryton	Proposed single storey side extension	Written	Appeal in Progress

DC/18/01153/HHA	Park House Strathmore Road Rowlands Gill	Demolition of existing detached garage and rear conservatory. Two storey side and rear extension with internal alteration. Amendments to front entrance porch (amended plans received 15.01.19)	Written	Appeal in Progress
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DC/19/00150/COU	Storage Land Forge Road Gateshead	Proposed change of use from amenity land to car wash, erection of canopy, portakabins, screen fencing and underground oil interceptor tank (amended 15/04/17).	Written	Appeal in Progress
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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

26 June 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 **two** new planning obligations:

DC/18/00715/FUL - On Commencement to pay the sum of £7944.00 for the creation of 260m of native hedgerow on land east of Wardley Lane, to compensate for the loss of an onsite area of priority habitat.

Former Stadium Service Station, Park Road, Gateshead NE10 0XF

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).

DC/18/00804/FUL - On Commencement to pay the sum of £12,148.66 towards the cost of provision of offsite ecological mitigation

Go North East, Mandela Way, Whickham NE11 9DH

Formation of new bus parking area (amended 07/12/18).

4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 26 June 2019.

Recommendations

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

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

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