

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 17 July 2019 at 10.00 am in the Council Chamber 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 26 June 2019 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 8) Report of the Strategic Director of Communities and Environment
4i	No. 1 - Former Windmills Hills Nursing Home, Mulgrave Terrace, Gateshead (Pages 9 - 34)
4ii	No. 2 - Former Windmill Hills Nursing Home, Mulgrave Terrace, Gateshead (Pages 35 - 74)
4iii	No. 3 - Site of Former Social Club, Gretna Terrace, Felling (Pages 75 - 94)
4iv	No. 4 - Former Clasper Village Site, Tyne Road East Gateshead (Pages 95 - 122)
4v	No. 5 - Glenroyd, Smailes Lane, Rowlands Gill (Pages 123 - 130)
4vi	No. 6 - 172, 174, 174A Prince Consort, Gateshead (Pages 131 - 140)
5	Delegated Decisions (Pages 141 - 150) Report of the Strategic Director Communities and Environment
6	Enforcement Team Activity (Pages 151 - 152) Report of the Strategic Director, Communities and Environment

- 7 **Enforcement Action** (Pages 153 - 160)
Report of the Strategic Director, Communities and Environment
- 8 **Planning Enforcement Appeals** (Pages 161 - 172)
Report of the Strategic Director, Communities and Environment
- 9 **Planning Appeals** (Pages 173 - 176)
Report of the Strategic Director, Communities and Environment
- 10 **Planning Obligations** (Pages 177 - 178)
Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
17 July 2019

TITLE OF REPORT: Planning applications for consideration

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

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/18/01038/LBC	Former Windmill Hills Nursing Home Mulgrave Terrace	Bridges
2. DC/18/01058/FUL	Former Windmill Hills Nursing Home Mulgrave Terrace	Bridges
3. DC/18/01165/FUL	Site Of Former Social Club Gretna Terrace	Felling
4. DC/19/00213/OUT	Former Clasper Village Site Tyne Road East	Dunston And Teams
5. DC/19/00294/COU	Glenroyd Smailes Lane	Chopwell And Rowlands Gill
6. DC/19/00519/COU	172 174 174A Prince Consort Road Gateshead	Bridges

DEVELOPMENT PLAN

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published in 2019 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

LOCAL PLAN

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

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

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

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

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

UPDATES

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

SPEAKING AT COMMITTEE

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

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

SITE PLANS

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

PUBLICITY/CONSULTATIONS

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

SITE VISITS

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

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

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

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Committee Report

Application No:	DC/18/01038/LBC
Case Officer	Lois Lovely
Date Application Valid	22 October 2018
Applicant	Church of Scientology
Site:	Former Windmill Hills Nursing Home Mulgrave Terrace Gateshead NE8 1PS
Ward:	Bridges
Proposal:	LISTED BUILDING CONSENT: Internal and external alterations, underpinning, erection of three single storey extensions, two outdoor seating areas, provision of bin store, substation, new pedestrian access, associated car parking and landscaping (Amended 13/11/18, 14/12/18, 19/12/18, 14/01/19, 18/01/19, 28/01/19, 15/02/19, 25/02/19, 11/03/19 and 01/05/19 and additional information received 22/01/19, 28/01/19, 25/02/19, 11/03/19, 28/03/19 and 12/06/19).
Recommendation:	GRANT
Application Type	Listed Building Consent

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application property is the former Windmill Hills Care Home which is a large three storey Victorian building, set in a hard surfaced car park with some areas of landscaping on Half Moon Lane next to the Black Bull Public House and Jam Jar Studios on Mulgrave Terrace.

1.2 The site was formerly the location of a windmill and dwellings before the construction of the building the subject of this application as a primary school. Since the school closed the building has been used as council offices then most recently a nursing home.

1.3 The building is Grade II listed, has been vacant since the closure of the nursing home in 2004. The interior of the listed building is of limited value.

1.4 The site is approximately 0.3ha. To the east is the A184 road with residential properties and Gateshead Transport Interchange beyond. Windmill Hills Park bounds the site to the west with residential properties beyond that on Village Heights. A tower block of residential flats are located immediately to the south in Mulgrave Villas. The site lies within the Urban Core on the edge of Gateshead town centre which lies to the east of the site. Thus the surrounding buildings are a mix of commercial and residential uses.

- 1.5 The site is in the proximity of a number of heritage assets:
- o Grade II* Listed Walker Terrace;
 - o Grade II Listed Council Offices (Department of Architectural Services);
 - o Grade II Listed Number 72 With Forecourt Wall;
 - o Grade II Listed Monument to George Hawks;
 - o Grade II Listed 5-23, Regent Terrace;
 - o Grade II Listed Lambton Lodge; and
 - o Grade II Listed Church of St Joseph And Presbytery.
- 1.6 Historically, the elevation overlooking Windmill Hill Park was the designed principal frontage, however due to modern requirements for access and the former use of the building the rear of the building now functions as the most prominent and active elevation.
- 1.7 **DESCRIPTION OF THE PROPOSAL**
The proposal, to accommodate the Church of Scientology, is to convert and refurbish the Grade II listed building and the erection of two extensions to the car park elevation of the existing building; one to form the new lobby/entrance area, one to form the café and chapel, associated car parking and ornamental landscaping.
- 1.8 The lobby/entrance extension measures 10 metres x 8 metres along the southern elevation and 4 metres on the northern elevation, 3 metres in height. The lobby extension is proposed to be constructed of aluminium fascia boards, aluminium curtain walling painted white and glazed panels with the majority of the extension using glazed panels from floor to ceiling.
- 1.9 The proposed chapel/café extension is also to be located along the principal elevation which previously was occupied by a non-original addition, a conservatory which has been demolished. This extension measures 12 metres x 9 metres x 3 metres in height, that is proposed to be constructed of aluminium fascia boards, aluminium curtain walling and painted white and glazed panels. The majority of the extension will be glazed panels from floor to ceiling.
- 1.10 The accommodation within the existing building will comprise a chapel, academy, offices, auditing rooms, conference rooms, storage and a café which would be open to both the visiting public and its church members. A public exhibition space, outlining the public benefit programmes of the church, is also proposed that would be open to the general public during the church opening hours. The church proposes to host occasional community events such as family fun days to engage the local community.
- 1.11 In addition a single storey annex extension within the existing car park is proposed to extend along the north eastern boundary of the site to accommodate auditing rooms and offices as additional space that cannot be accommodated within the existing building.
- 1.12 The annex building is proposed to be 10 metres x 29 metres x 5 metres in height at the lowest level. The extension is located 1 metre from the boundary wall to enable maintenance for the building and for security purposes. The

external façade of the extension is proposed as a mix of aluminium curtain walling, glazing and render with a brick course. This extension is proposed to have a glass balustrade handrail running along the car park elevation.

- 1.13 An external plant area is proposed to facilitate the plant located at basement level. The enclosure measures 4 metres x 2 metres x 3 metres in height and comprises of a 3 metre high brick wall and closed design louvres.
- 1.14 The external walls are proposed to be partially rendered in cream. It is proposed to remove the existing UPVC rainwater goods to be replaced with cast aluminium, finished in black paint.
- 1.15 The basement level of the existing building is proposed to be excavated by 500 mm to create additional floorspace to accommodate air conditioning plant, storage space and a printing room.
- 1.16 Throughout the building, internal partition walls are proposed on all levels to create the rooms required for the operation of the church. The existing timber doors are in poor condition and are proposed to be replaced.
- 1.17 It is proposed to reinstate the railings and a section of wall to the park which is missing. The railings across this elevation are proposed to be 1m in height. It is also proposed to rebuild the wall to the north west which has partially collapsed and to install 500 mm railings to create a secure boundary. A 1.8m sliding security gate is proposed at the existing entrance to the car park on Half Moon Lane.
- 1.18 A substation and refuse store are proposed on the north east boundary with The Black Bull. They have been designed to have the same external finishes. The refuse store will accommodate 3 no. 1285 litre Eurobins.
- 1.19 The proposed development seeks to restore and repair the internal fabric where possible in order to safeguard the building in the future. The external areas of the building, which are mostly intact, require repair and some areas of replacement. A schedule of repairs is proposed. The extent of repairs to the listed building include repairs to masonry, roof tiles, timber and windows.
- 1.20 **BACKGROUND**

The church has recently opened a number of new churches throughout the UK to provide larger regional hubs for members. The church in the UK has premises in London, Birmingham, Brighton, East Grinstead, Manchester, Plymouth and Edinburgh. Currently the church occupies a building in Sunderland and will move its operations to this site once the building is completed. The proposed development is intended to provide the church with a regional base in the north east of England.
- 1.21 **Church of Scientology**

The applicant is the Church of Scientology. The Church of Scientology has a weekly congregational service that takes place on a Sunday morning within the chapel. Throughout the remainder of the week, members of the church are able

to visit the church for religious study and take part in the church auditing' sessions; spiritual exercises as part of a group or one to one. The Church promotes spiritual wellbeing of its members. The church buildings contain facilities which are intended to promote ongoing physical wellness as part of the spiritual aims of the church.

- 1.22 This application is supported by:
Planning Statement
Archaeology Report;
Biodiversity Survey and Report;
Drainage Strategy;
Window Survey;
Roof Survey;
Flood Risk Assessment;
Geotechnical Report;
Heritage Statement;
Noise Assessment;
Sustainability Statement;
Transport Statement; and
Tree Report.

1.23 **PLANNING HISTORY**

1323/92 - Erection of detached single storey building north of existing nursing home to provide six bedrooms, bathroom, lounge, kitchen and office (amended 07.01.1993) - Refused 09.06.1993

DC/06/01441/COU - Change of use from nursing home to 27 x apartments and erection of 5 townhouses with associated car parking and landscaping - Granted 06.12.2006

DC/06/01442/LBC - LISTED BUILDING CONSENT: For removal of modern reinstatement and creation of new openings, new glazed link and introduction of conservation roof-lights - Granted 13.12.2006

DC/07/00617/COU - Change of use of nursing home (use class C2) to place of worship and religious instruction (use class D1) - Granted 27.09.2007

2.0 Consultation Responses:

Historic England	Historic England does not wish to offer any comments.
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Tyne And Wear Archaeology Officer	The application has been submitted with an archaeological desk-based assessment and a building recording of the listed former Windmill Hills school.
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With regard to the building no further work is required.

In terms of below-ground archaeology no intrusive investigation or monitoring is required.

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.
- 3.2 A press notice was published in The Journal on the 31 October 2018 and 15 May 2019 and a notice was posted on site on the 31 October 2018 and 10 May 2019 in addition to direct neighbour notification letters being sent.
- 3.3 No letters of representation were received in response to the Listed Building Consent although three letters were received in response to the full change of use application DC/18/01058/FUL reported elsewhere on this agenda.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV11 Listed Buildings

ENV12 Demolition of Listed Buildings

CS15 Place Making

5.0 Assessment of the Proposal:

- 5.1 Given the nature of the application the only issue for consideration is the impact of the proposal on the Grade II Listed Building.

5.2 IMPACT ON THE LISTED BUILDING

The National Planning Policy Framework states that protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development (paragraphs 7 -14). The appropriate conservation of heritage assets forms one of the NPPF's 'Core Planning Principles' that underpin the planning system and outlined in paragraph 17 of the Framework.

- 5.3 Heritage specific policies are contained within the NPPF at paragraphs 184 to 202. The objective of these policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances their significance. That significance is the value of a heritage asset to this and future generations because of its heritage interest, which may be of archaeological,

architectural, artistic or historic interest. This significance may derive not only from its physical presence but also from its setting. The Framework acknowledges that heritage assets are an irreplaceable resource and that applicants should describe the significance of any heritage asset affected, so as to understand the potential impact of the proposal on their significance (Paragraph 189).

- 5.4 This national policy approach is supported by policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) and saved Unitary Development Plan (UDP) policy ENV11. These policies require that (inter alia) development in relation to listed buildings must preserve or enhance the building's special architectural or historic interest.
- 5.5 This planning policy framework is supportive of the statutory requirements set out in the Planning (Listed Buildings and Conservation Area) Act 1990 which compels Local Planning Authorities (LPAs) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they may possess.
- 5.6 In this case the application site is the former Windmill Hills Industrial Day School which occupies a prominent site on the brow of the hill on the outer edge of the Tyne Gorge, to the North and West of Gateshead town centre. The site is located adjacent to the Windmill Hill Park with views North to Newcastle over the River Tyne from the site and to the East.
- 5.7 The 1879 building is red brick building has Flemish detailing and is an early design by Thomas Oliver who would go on to form part of the prolific architectural firm Oliver Lesson and Wood, designing buildings such as the Discovery Museum, Cathedral Buildings and Milburn House in Newcastle. It was built as a school but has since been adapted for Council offices and most recently as a nursing home which closed in 2004.
- 5.8 **EXTERNAL WORKS**
The proposed development includes two extensions on the principal elevation of the listed building. One of these extensions replaces three modern conservatories which were added to the structure and have subsequently now been demolished as part of the schedule of urgent repairs. The other extension will form an entrance/lobby area for the building, which currently does not have a clear entrance or circulation space.
- 5.9 Both extensions have been designed to be subservient and clearly modern additions to the listed building. The extensions are predominantly glazed with aluminium curtain walling and mono-pitch roofs and appear lightweight and transparent in relation to the grand, red-brick prominence of the original Victorian building. The proposed extensions provide a focal entrance point and ancillary space required to facilitate the function of the building as a place of worship without detracting from the visual character of the listed building. As such, it is considered the proposed extensions to the listed building will not have a detrimental impact on the character or appearance of the listed building.

- 5.10 The proposed development also includes the erection of one standalone annex building along the north east elevation of the site. The extension has been designed to reflect the character of the original building without looking like a pastiche and is clearly a modern building within the context of the site.
- 5.11 The proposed annex building is single storey in order to remain subservient to the existing building and utilises render, aluminium curtain walling with glazing and brick course. The proposed materials palette reflects that of the listed building, with the glazing and aluminium curtain walling providing the modern elements to the building that ensure it is in keeping but contrasting with the listed building. Final details can be secured by conditions (CONDITIONS 27 and 28). In addition, the extension has picked up the details of the listed building through the provision of a mono-pitch roof, picking up the pattern of three reflected in the window placement.
- 5.12 A small external plant room is proposed on the main elevation of the building. This will comprise a 2m high brick wall to match the existing, adjoining the chapel/café extension.
- 5.13 The external plant room is required in order to provide ventilation to the plant at basement level, and there is no suitable internal solution to provide ventilation for the plant. The plant enclosure has been designed to be inconspicuous and to have minimal visual impact. The louvres of the plant area will not be visible from out with the site or within the site, with the exception of the café area.
- 5.14 The window survey notes that no original windows remain and those which are present were installed during its conversion into council offices. The proposals are to replace all windows that are irreparable with opening timber sash and case painted white. A condition is recommended to secure final details of window repair and / or replacement (CONDITIONS 18 and 19).
- 5.15 The existing roof is predominantly constructed of Welsh slate, with areas of differing slate sizes and types where repairs have been made over time. A roof condition survey has been undertaken in support of the application, which recommends that the existing roof is removed in its entirety to facilitate repairs and to lay a new layer of roof felt prior to re-slating however further details are required and a condition can secure these and samples of the new slate (CONDITIONS 15, 16 and 17). It is proposed that slates in good condition will be reused and the remainder of the roof tiled with new Welsh slate. The extent of reusable slate will be unknown until works commence.
- 5.16 The proposals include repairs to a part of the boundary wall and the addition of railings. It is proposed replace the railings on the Windmill Hill Park boundary with 1.8m high railings that will be located on the existing low brick boundary wall. Along the north east boundary 500mm high railings are proposed to be attached on the existing brick wall to create a more secure boundary behind the new single storey building. A condition is recommended to secure the repair schedule and details boundary wall and railings (CONDITIONS 23 and 24).

- 5.17 The proposals include sections of cream render to the front and rear elevations to replace deteriorated areas of existing render and including additional areas to be rendered on the principal elevation to provide a more uniform and cohesive visual appearance (CONDITIONS 27 and 28).
- 5.18 The scheme will require flue and extract grille/vents and flues are indicated on the roof planes. Final details are recommended to be secured by condition (CONDITIONS 25 and 26).
- 5.19 A number of conditions are recommended in respect of protecting the fabric of the listed building from damage from lack of weatherproofing, erection of scaffolding, attaching of aerials, alarm boxes, satellite dishes, CCTV cameras (CONDITIONS 10, 11, 12, 13, 17, 20, 21 and 22).
- 5.20 Given the above, and subject to the recommended conditions the proposed development is considered will preserve and enhance the setting, character and appearance of the listed building and accord with the NPPF, Historic England guidance, Core Strategy Policy CS15, ENV11 and ENV19.
- 5.21 **INTERNAL WORKS**
The proposals include introduction of modern materials such as concrete and resin in order to bring the building back into use and to facilitate repairs that will be long lasting. The introduction of these materials internally is considered to have a minor impact on the character of the building. The introduction of modern materials is considered necessary in order to treat the dry rot and loss of historic fabric and will assist in bringing the building back into use. The trade off in incorporating these materials in order to repair and bring the building back into use and any impact on the character or appearance of the listed building is justified.
- 5.22 However, the proposed structural work to the basement of the listed building remains of greatest concern together with other works to the basement. There is great confidence in much of the proposal, but a more tailored approach to working on a listed building is necessary so as to follow the principle of minimal intervention. The reports submitted suggest repair to most if not all cracks in the building, however it may be that there is no structural requirement for intervention and these cracks are historic, not moving/changing and can be left.
- 5.23 The original use and purpose of the basement is not set out in the heritage statement and the impact thereon, but the proposed works to lower parts of the basement and then underpin possibly to extensive areas is considered to be a harmful impact on the special interest of the building. That work would be irreversible. It would result in the alteration and loss of historic fabric to many areas of the building. Alternative ways of entering the building and housing the plant and equipment had not been presented to fully justify the extent of the works. The Heritage Statement refers to the basement area being used for storage but it has not been demonstrated that alternative locations have been explored for that storage, although it acknowledges that it may not be possible to use other parts of the building.

- 5.24 However, the application has now been supported by additional assessment that demonstrates the works are necessary and the only solution.
- 5.25 The full impact on the listed building cannot be known until further surveys are carried out to understand the bedrock and necessary requirements to design the structural excavation and underpinning works. Although assurances have been given that the submitted drawings and supporting information represent the worst case scenario, it is possible that further works may be necessary once a survey has been carried out that require further intervention, after which consent will have been granted and the LPA will not be in a position to properly assess the impact on the heritage asset.
- 5.26 Given the above, the proposal for the ground and first floors largely sustains the significance of the heritage asset and is welcomed together with the extensions, the substation and bin store, boundary treatment and hardscaping around the site. The new proposed additions to the entrance and chapel are acceptable in terms of their design. Their impact on the footings of the listed building, necessitating excavation and underpinning is of concern. However, the further survey work would require listed building consent in its own right. The submitted proposal is therefore considered to be harmful to the significance of the listed building because of the level of intervention required to support it, which would not be necessary if the entrances were designed differently. That harm would be substantial. It is recognised that substantial harm is a high bar and one that applies if the adverse impact seriously affects a key element of the special architectural or historic interest.
- 5.27 It is the amount of intervention proposed that has the potential to affect the special historic and architectural interest of the footings of the building which are a fundamental part of the whole building. By not fully understanding the extent of these works, or the full nature of the intervention because these are not yet known and further survey work is required, there is the potential to harm the overall building if survey results mean that further work needs to be carried out. In granting consent, the LPA could not be assured that it is possible to implement the scheme as proposed, and therefore by fulfilling its statutory duty, without the potential that further significant intervention in the building may be necessary to make the proposal work.
- 5.28 However, the building has stood empty for a number of years and it is considered to be important that it is occupied by an appropriate use in order to protect the asset. Therefore, despite the concerns outlined above, it is considered that the survey works required can be dealt with by appropriately worded conditions. Conditions are recommended to secure a methodology for inspection of the base of the exposed walls, design of the underpinning and undertaking the approved works (CONDITIONS 2 - 5).
- 5.29 In relation to the internal works, it is established that there are no original historic features that remain within the building with the exception of some of the timber roof structure which was not damaged by arson. The internal works are proposed to repair and retain the timber trusses where possible. The

remainder of the building is proposed to be completely refurbished which must be undertaken to a high standard.

- 5.30 The implementation of internal partitions, new timber doors, building services and plant is not considered to have a detrimental impact on the character or appearance of the listed building in relation to its internal significance as these measures are not permanent and can be reconfigured if necessary in the future.
- 5.31 It is considered that the design of the scheme is sensitive to the fabric and integrity of the listed building and safeguards the significance of the listed building. However, to ensure the fabric and integrity of the listed building a schedule of work to repair significant architectural features is considered to be necessary, for features such as the stairs, window reveals and plaster work and these can be secured by condition (CONDITIONS 13 and 14).
- 5.32 Given the above, and subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with Saved UDP policies ENV11 and ENV12 and CSUCP policy CS15.

6.0 CONCLUSION

- 6.1 On the basis of the information provided and subject to conditions, it is considered that the proposal would not cause harm to the Grade II listed building.
- 6.2 Accordingly, the proposed development complies with the requirements of the NPPF, policy CS15 of the CSUCP, saved UDP policy ENV11 and having special regard to the desirability of preserving the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.3 Taking all the relevant material planning issues into account, it is considered that Listed Building Consent should be granted subject to relevant conditions.

7.0 Recommendation:

That Listed Building Consent 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 to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the development is carried out within a reasonable time.

2

Prior to the commencement of the works hereby permitted within the basement of the building, a methodology to identify and agree the areas for the supervised exposure of the base of the existing walls, to confirm the final extent of repair and underpinning works required and a timetable of works shall be submitted for the consideration and written approval of the Local Planning Authority. The methodology shall include details of supervised exposure of the prevailing ground levels in the presence of the Council's appointed Historic Buildings Officer and Structural Engineer to identify a scheme for the final extent of the repair and underpinning works that are necessary to preserve the integrity of the building.

Reason

To ensure that the significance of the building is preserved and that the foundation repairs can be designed in a manner that does not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

3

The methodology approved under condition 2 shall be implemented wholly in accordance with the approved details and timetable prior to the commencement of the development within the basement of the building hereby permitted.

Reason

To ensure that the significance of the building is preserved and that the foundation repairs can be designed in a manner that does not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

4

Prior to the implementation of any underpinning and repair works, as identified under condition 2, a method statement for these underpinning and repair works shall be submitted for the consideration and written approval of the Local Planning Authority. This shall include:

- i) Details of archaeological building recording of the existing foundations and the report to be published and submitted to the HER
- ii) Details of working methods to expose and support the existing walls during the works
- iii) Details and samples of new materials to be used in the construction
- iv) Details of the proposed final design, extent, timetable and subsequent monitoring for the underpinning work to the basement
- v) A detailed schedule of repairs for the external envelope of the listed building

Reason

To ensure that the significance of the building is preserved and that the foundation repairs can be designed in a manner that does not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

5

The repair works approved under condition 4 shall be implemented wholly in accordance with the approved details and timetable and monitored for the life of the development.

Reason

To ensure that the significance of the building is preserved and that the foundation repairs can be designed in a manner that does not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

6

Prior to the works commencing to the basement area of the listed building, details of the proposed 'Pudlo' Waterproof system (or comparable system) for dry lining the existing basement including all channels, sumo and extraction methodology shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing to the basement.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

7

The details approved by condition 6 shall be wholly implemented in accordance with the approved details prior to first occupation of the use hereby permitted and retained for the life of the development.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

8

Prior to commencement of the development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations and remediation) a schedule and methodology of

repairs statement shall be submitted for the consideration and written approval of the Local Planning Authority for:

- a) Methodology for demolition and strip out of extensions, internal partition walls, linings and ceilings.
- b) Methodology for stripping out of all existing services, pipes, vents.

Reason for Condition

To ensure that the significance of the building is preserved and that the demolition and construction works can be designed in a manner that does not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

9

The details approved under condition 8 shall be implemented wholly in accordance with the approved details for the duration of the demolition and construction works

Reason

To ensure that the significance of the building is preserved and that the demolition and construction works can be designed in a manner that does not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

10

Prior to commencement of development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations and remediation) a Careful Working Method Statement/ Heritage Tool Box Talk shall be submitted for the consideration and written approval of the Local Planning Authority. The Method statement shall thereafter be implemented with all contractors involved in undertaking any works to the building being made aware of the constraints of working on and around a listed building and the implications of not following the approved plans and or method statements prior to commencing works on site and must adhere at all times to the approved Careful Working Method Statement.

Reason for Condition

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

11

Prior to the commencement of the development hereby permitted and before any construction vehicles, plant or machinery are brought onto the site, the listed building shall be adequately protected against accidental damage, in accordance with measures which shall first have been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented and maintained until the development hereby approved is complete

Reason for condition

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

12

Scaffolding shall not at any time be mechanically fixed to the masonry of the building unless otherwise approved in writing by the Local Planning Authority, and all elements in close proximity to masonry shall be fitted with plastic end caps and/or other measures appropriate for the protection of the masonry at all times for the duration of the demolition and construction of the development hereby permitted..

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

13

Prior to commencement of the development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations and remediation) a schedule and methodology for repairs to the historic fabric of the listed building both interior and exterior to include:

- a) the detail of blocking up internal openings;
- b) large scale detail of any proposed new openings internally; and
- c) the detail of the new staircases,
- d) large scale details of construction of new partition walls,
- e) suspended ceilings,
- f) doors,
- g) M&E services,
- h) floor and wall finishes, and
- i) soil and vent pipes

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

Reason for condition

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

14

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

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

15

Prior to commencement of the roof repairs for the development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations and remediation) a schedule of repairs to the roof including a methodology, a sample of the Welsh slate and lead and a plan illustrating where Welsh slates and lead are proposed to be used shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

16

The approved details under condition 15 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained thereafter for the life of the development.

Reason

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

17

No opening up of the roof is to be carried out until adequate weather protection measures for the structure have been installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved weather protection measures shall remain in place until the building itself is waterproof and weather-tight.

Reason

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

18

Prior to commencement of the development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations and remediation) a schedule of repairs to the existing windows, where windows are to be replaced including a methodology and a plan illustrating where the repairs are proposed to shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for Condition

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

19

The details approved under condition 21 shall be implemented wholly in accordance with the approved details prior to the first occupation of the use hereby permitted.

Reason

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

20

At no time in constructing the development hereby permitted shall existing pointing be ground out mechanically.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

21

Prior to commencement of the demolition works identified on drawings A01.00 Rev 5 Demolition Plan - Basement, A01.01 Rev 7 Demolition Plan - Ground Floor, A01.02 Rev 6 Demolition Plan - First Floor commence, the details of any satellite and television aerials or dishes which may need to be installed in the building, to include cables, sensors and alarms, CCTV cameras and the impact and appearance of these on its historic fabric, shall be submitted to and approved in writing by the Local Planning Authority.

Reason for Condition

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

22

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

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

23

Prior to commencement of development hereby permitted (except for site investigations, erection of tree protection measures and demolition works), a repair schedule and final details of the boundary treatment to include stonework repair methodology, full details of railings and sliding gate, shall be submitted for the consideration and written approval of the Local Planning Authority

Reason for Condition

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

24

The details approved under condition 23 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

25

Prior to the commencement of the development hereby permitted (with the exception of the site investigation and internal demolition work) final large scale details of the termination points of flues on the roof and vents and extract grilles and louvres and scaled elevations indicating their detailed appearance location on the building shall be submitted for consideration and written approval of the Local Planning Authority.

Reason for Condition

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

26

The details approved under condition 25 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained for the life of the development

Reason

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policy CS15 and Saved UDP policy ENV11.

27

The development hereby permitted shall not commence (other than site investigations, tree protection measures and demolition works), until samples of all materials, colours and finishes to be used on all internal and external surfaces have been made available for inspection on site (in the form of a sample panel) and are subsequently approved in writing by the Local Planning Authority.

Brick;

Render;

mortar mix (specification, texture finish and colour finish);

sample panel of proposed pointing;

aluminium curtain walling and glazing;

glazed balustrade;

rainwater goods in cast aluminium (finished black) goods, with drainage strategy review for adequate self-cleaning, dispersal and improved detailing;

louvres; and

roof covering for annex, substation and bin store;

shall be submitted for the consideration and written approval of the Local Planning Authority. Thereafter, these materials shall be used in accordance with these approved details.

Reason for Condition

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 listed building in accordance with the NPPF, saved policy ENV11 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

28

The materials approved under condition 27 shall be wholly implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter for the life of the development

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and 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 Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

29

Prior to cleaning of the brick elevations and stone wall final details of the DOFF cleaning system in order to remove atmospheric pollution, biological growth, and efflorescence and the Joss Torc cleaning system to be used to remove graffiti and general cleaning of stone shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

30

The details approved by condition 29 shall be wholly implemented in accordance with the approved details prior to first occupation of the use hereby permitted and retained for the life of the development.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

31

Prior to commencement of the development hereby permitted (except for site investigations, erection of tree protection measures and demolition works) a methodology and drawings for the construction of the new build extensions (new entrance, cafe, extension and external plant area) to include large scale details of their junction with the listed building to show how this detail will be addressed making the transition have as minimal intervention with the host building as possible shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for condition

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

32

The details approved by condition 31 shall be wholly implemented in accordance with the approved details prior to first occupation of the use hereby permitted and retained for the life of the development.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

33

Prior to commencement of the development hereby permitted (except for site investigations, erection of tree protection measures and demolition works) a methodology for rebuilding of parts of the existing historic fabric in order to improve structural stability (Dutch gables) shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for condition

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have

an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

34

The details approved by condition 33 shall be wholly implemented in accordance with the approved details prior to first occupation of the use hereby permitted and retained for the life of the development.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

35

Prior to implementation of the proposed new cross and lettering of the development hereby permitted a methodology and largescale drawings setting out the materials, scale and methodology for fixing the proposed new Cross and lettering to be fitted to the front elevation of the listed building shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

36

The details approved by condition 35 shall be wholly implemented in accordance with the approved details prior to first occupation of the use hereby permitted and retained for the life of the development.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in

accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

37

Prior to first occupation of the development hereby permitted full details of the location and method of fixing of an architectural lighting scheme, including a rendered image illustrating the final scheme shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

38

The details approved by condition 37 shall be wholly implemented in accordance with the approved details prior to first occupation of the use hereby permitted and retained for the life of the development.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.



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Committee Report

Application No:	DC/18/01058/FUL
Case Officer	Lois Lovely
Date Application Valid	22 October 2018
Applicant	Church of Scientology
Site:	Former Windmill Hills Nursing Home Mulgrave Terrace Gateshead NE8 1PS
Ward:	Bridges
Proposal:	Three single storey extensions to, and conversion of, vacant nursing home (use class C2) to a D1 (Non-residential institutions) use comprising a place of worship, training facilities and meeting rooms with ancillary offices, cafe, two outdoor seating areas, new pedestrians access, substation, bin store, car parking and landscaping (additional information received 28/11/18, 17/12/18, 22/01/19, 28/01/19, 15/02/19, 11/03/19, 28/03/19, 05/04/19 and 12/06/19 and amended 13/11/18, 28/11/18, 14/12/18, 19/12/18, 14/01/19, 18/01/19, 28/01/19, 11/03/19 and 01/05/19).
Recommendation:	GRANT
Application Type	Full Application

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

The application property is the former Windmill Hills Care Home which is a large three storey Victorian building, set in a hard surfaced car park with some areas of landscaping on Half Moon Lane next to the Black Bull Public House and Jam Jar Studios on Mulgrave Terrace.

1.2 The site was formerly the location of a windmill and dwellings before the construction of the building the subject of this application as a primary school. Since the school closed the building has been used as council offices then most recently a nursing home.

1.3 The building is Grade II listed, has been vacant since the closure of the nursing home in 2004. The interior of the listed building is of limited value.

1.4 The site is approximately 0.3ha. To the east is the A184 road with residential properties and Gateshead Transport Interchange beyond. Windmill Hills Park bounds the site to the west with residential properties beyond that on Village Heights. A tower block of residential flats are located immediately to the south in Mulgrave Villas. The site lies within the Urban Core on the edge of

Gateshead town centre which lies to the east of the site. Thus the surrounding buildings are a mix of commercial and residential uses.

- 1.5 The site is in the proximity of a number of heritage assets:
 - o Grade II* Listed Walker Terrace;
 - o Grade II Listed Council Offices (Department of Architectural Services);
 - o Grade II Listed Number 72 With Forecourt Wall;
 - o Grade II Listed Monument to George Hawks;
 - o Grade II Listed 5-23, Regent Terrace;
 - o Grade II Listed Lambton Lodge; and
 - o Grade II Listed Church of St Joseph And Presbytery.
- 1.6 Historically, the elevation overlooking Windmill Hill Park was the designed principal frontage, however due to modern requirements for access and the former use of the building the rear of the building now functions as the most prominent and active elevation.
- 1.7 **DESCRIPTION OF THE PROPOSAL**

The proposal, to accommodate the Church of Scientology, is to convert and refurbish the Grade II listed building and the erection of two extensions to the car park elevation of the existing building; one to form the new lobby/entrance area, one to form the café and chapel, associated car parking and ornamental landscaping.
- 1.8 The lobby/entrance extension measures 10 metres x 8 metres along the southern elevation and 4 metres on the northern elevation, 3 metres in height. The lobby extension is proposed to be constructed of aluminium fascia boards, aluminium curtain walling painted white and glazed panels with the majority of the extension using glazed panels from floor to ceiling.
- 1.9 The proposed chapel/café extension is also to be located along the principal elevation which previously was occupied by a non-original addition, a conservatory which has been demolished. This extension measures 12 metres x 9 metres x 3 metres in height, that is proposed to be constructed of aluminium fascia boards, aluminium curtain walling and painted white and glazed panels. The majority of the extension will be glazed panels from floor to ceiling.
- 1.10 The accommodation within the existing building will comprise a chapel, academy, offices, auditing rooms, conference rooms, storage and a café which would be open to both the visiting public and its church members. A public exhibition space, outlining the public benefit programmes of the church, is also proposed that would be open to the general public during the church opening hours. The church proposes to host occasional community events such as family fun days to engage the local community.
- 1.11 In addition a single storey annex extension within the existing car park is proposed to extend along the north eastern boundary of the site to accommodate auditing rooms and offices as additional space that cannot be accommodated within the existing building.

- 1.12 The annex building is proposed to be 10 metres x 29 metres x 5 metres in height at the lowest level. The extension is located 1 metre from the boundary wall to enable maintenance for the building and for security purposes. The external façade of the extension is proposed as a mix of aluminium curtain walling, glazing and render with a brick course. This extension is proposed to have a glass balustrade handrail running along the car park elevation.
- 1.13 An external plant area is proposed to facilitate the plant located at basement level. The enclosure measures 4 metres x 2 metres x 3 metres in height and comprises of a 3 metre high brick wall and closed design louvres.
- 1.14 The external walls are proposed to be partially rendered in cream. It is proposed to remove the existing UPVC rainwater goods to be replaced with cast aluminium, finished in black paint.
- 1.15 The basement level of the existing building is proposed to be excavated by 500 mm to create additional floorspace to accommodate air conditioning plant, storage space and a printing room.
- 1.16 Throughout the building, internal partition walls are proposed on all levels to create the rooms required for the operation of the church. The existing timber doors are in poor condition and are proposed to be replaced.
- 1.17 It is proposed to reinstate the railings and a section of wall to the park which is missing. The railings across this elevation are proposed to be 1m in height. It is also proposed to rebuild the wall to the north west which has partially collapsed and to install 500 mm railings to create a secure boundary. A 1.8m sliding security gate is proposed at the existing entrance to the car park on Half Moon Lane.
- 1.18 Within the existing car park area five car parking spaces including three accessible spaces, a refuse storage area and a substation are proposed.
- 1.19 A pedestrian access is proposed to be taken from the existing access point adjacent to the park entrance, near to the former caretaker's house. Ramps into the building are proposed.
- 1.20 The proposals require the removal of two trees and two groups of trees, of which one individual tree is category B and the remaining tree and two groups of trees are category C. The proposals include planting of an additional 10 trees.
- 1.21 A substation and refuse store are proposed on the north east boundary with The Black Bull. They have been designed to have the same external finishes. The refuse store will accommodate 3 no. 1285 litre Eurobins.
- 1.22 The church is proposed to be operated by volunteers who would work on two shifts; a day schedule (9am - 6pm weekdays) and a foundation schedule (6:30 - 10pm weekdays and 9am - 6pm at the weekends). Overall, the church anticipates a maximum of 100 volunteers per week attending the site. Using

data from the operational church in Birmingham, the church would expect around 20 visitors or members of the church per day.

- 1.23 The proposed development seeks to restore and repair the internal fabric where possible in order to safeguard the building in the future. The external areas of the building, which are mostly intact, require repair and some areas of replacement. A schedule of repairs is proposed as part of the Listed Building Consent application considered elsewhere on this agenda (DC/18/01038/LBC). The extent of repairs to the listed building include repairs to masonry, roof tiles, timber and windows.
- 1.24 **BACKGROUND**
The church has recently opened a number of new churches throughout the UK to provide larger regional hubs for members. The church in the UK has premises in London, Birmingham, Brighton, East Grinstead, Manchester, Plymouth and Edinburgh. Currently the church occupies a building in Sunderland, and will move its operations to this site once the building is completed. The proposed development is intended to provide the church with a regional base in the north east of England.
- 1.25 **Church of Scientology**
The applicant is the Church of Scientology. The Church of Scientology has a weekly congregational service that takes place on a Sunday morning within the chapel. Throughout the remainder of the week, members of the church are able to visit the church for religious study and take part in the church auditing' sessions; spiritual exercises as part of a group or one to one. The Church promotes spiritual wellbeing of its members. The church buildings contain facilities which are intended to promote ongoing physical wellness as part of the spiritual aims of the church.
- 1.26 This application is supported by:
Planning Statement
Archaeology Report;
Biodiversity Survey and Report;
Drainage Strategy;
Window Survey;
Roof Survey;
Flood Risk Assessment;
Geotechnical Report;
Heritage Statement;
Noise Assessment;
Sustainability Statement;
Transport Statement; and
Tree Report.
- 1.27 **PLANNING HISTORY**
1323/92 - Erection of detached single storey building north of existing nursing home to provide six bedrooms, bathroom, lounge, kitchen and office (amended 07.01.1993) - Refused 09.06.1993

DC/06/01441/COU - Change of use from nursing home to 27 x apartments and erection of 5 townhouses with associated car parking and landscaping - Granted 06.12.2006

DC/06/01442/LBC - LISTED BUILDING CONSENT: For removal of modern reinstatement and creation of new openings, new glazed link and introduction of conservation roof-lights - Granted 13.12.2006

DC/07/00617/COU - Change of use of nursing home (use class C2) to place of worship and religious instruction (use class D1) - Granted 27.09.2007

2.0 Consultation Responses:

Historic England	Historic England does not wish to offer any comments.
Tyne And Wear Archaeology Officer	<p>The application has been submitted with an archaeological desk-based assessment and a building recording of the listed former Windmill Hills school.</p> <p>With regard to the building no further work is required.</p> <p>In terms of below-ground archaeology no intrusive investigation or monitoring is required.</p>
Tyne And Wear Fire And Rescue Service	No objections

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.
A press notice was published in The Journal on the 31 October 2018 and 15 May 2019 and a notice was posted on site on the 31 October 2018 and 10 May 2019 in addition to direct neighbour notification letters being sent.
- 3.2 Three letters of representation have been received. One letter of support and two objections. The main concerns relate to:
- Additional noise,
 - Concern over health issues,
 - Disturbance early mornings/late evenings,
 - Inadequate car parking,
 - Increase of traffic,
 - Loss of natural light,
 - Loss of privacy,
 - Loss of trees,

- Out of character with Conservation Area,
- Out of character with streetscene,
- Overbearing,
- Overdevelopment,
- Proposal will attract potential vandals,
- Residential Amenity,
- Traffic or Highways,
- human rights of privacy and family life,
- proposed height will block all natural light to beer garden ,
- building is very close to the rear of the public house that hosts live music will cause tensions relating to noise,
- The building looks like a security compound, with CCTV cameras looking onto the park, and
- local businesses and community asset at risk.

4.0 Policies:

UC14 Heritage

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS2 Spatial Strategy for Urban Core

CS5 Employment-Economic Growth Priorities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS21 Waste

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV11 Listed Buildings

CFR11 Community Centres

ENV12 Demolition of Listed Buildings

ENV46 The Durham Biodiversity Action Plan

ENV61 New Noise-Generating Developments

ENV8 Demolition within Conservation Areas

ENV9 Setting of Conservation Areas

GPGSPD Gateshead Placemaking Guide SPG

UC1 Offices and Business Development

UC12 Urban Design

UC14 Heritage

UC11 Gateways and Arrival Points

SG3 Southern Gateway Dev Opportunity Sites

5.0 Assessment of the Proposal:

- 5.1 The main planning considerations are the principle of the proposed development, impact on heritage assets, archaeology, impact on highway safety, biodiversity, ground conditions, flood risk and drainage, residential amenities and noise, layout design and landscape and community involvement.
- 5.2 **PRINCIPLE**
The principle of changing the use of this site from a nursing home (use class C2) to place of worship and religious instruction (use class D1) has been previously established through planning application DC/07/00617/COU granted 27 September 2007 and there has been no change in policy since 2007 which would change this consideration.
- 5.3 The proposed use of the building provides a significant public benefit through the revitalisation of a currently derelict listed building in a prime location on the edge of Gateshead town centre. The site has previously been granted permission for conversion to residential units, however this was pre-recession and before changes to space standards and homeowner expectations. The year after residential use was granted, an application to change the use of the building to a church was granted approval.
- 5.4 The re-use of the building with a long-term owner, and the conversion directly suited to the needs of the church ensures its future vitality and optimum viable use. The proposed development does not propose activation onto Windmill Hill Park due to security purposes. As such, whilst the application does not fully

conform with Core Strategy policy SG1 it is considered that the public benefits of the proposed development outweighs the provisions of this policy.

5.5 Given the above, subject to all other material planning considerations being satisfied, the principle of development continues to be acceptable.

5.6 **HERITAGE ASSETS**

Significance of Windmill Hills

The former Windmill Hills Industrial Day School occupies a prominent site on the brow of the hill on the outer edge of the Tyne Gorge, to the North and West of Gateshead town centre. The site is located adjacent to the Windmill Hill Park with views North to Newcastle over the River Tyne from the site and to the East.

5.7 The 1879 building is red brick building has Flemish detailing and is an early design by Thomas Oliver who would go on form part of the prolific architectural firm Oliver Lesson and Wood, designing buildings such as the Discovery Museum, Cathedral Buildings and Milburn House in Newcastle. It was built as a school but has since been adapted for Council offices and most recently as a nursing home which closed in 2004.

5.8 The heritage statement submitted in support of the planning application assesses the sensitivity of nearby heritage assets to the proposed development. The heritage assets, with the exception of the Grade II Council Offices (Department of Architectural Services), were assessed as being of low sensitivity to the proposed development.

5.9 The Grade II Council Offices (Department of Architectural Services) was assessed as being of high sensitivity to the proposed development as the application involves the conversion of the building.

5.10 The original setting of the building was comprised of its adjacency to Windmill Hill Park and the immediate urbanised area of Gateshead with dense residential housing and the more expensive terraces on Walker and Regent Terrace. Over time, the setting of the listed building has not changed, the form of development has changed but the park has remained, and residential development is still in close proximity to the site.

5.11 The proposed development involves the refurbishment and conversion of the listed building and includes minor external alterations. It is considered that the proposed development will not have a detrimental impact on the setting of the listed building as it will remain a prominent building on Windmill Hill and its relationship with Windmill Hill Park will not be altered. Overall, the proposed development will preserve the setting of the listed building.

5.12 The heritage asset was originally constructed as a school for public use and has operated as a school for a long period of the building's history. The recent uses of the building as council offices and a nursing home were also uses that linked to the function of the building for the public. The change of the use of the building as a place of worship is therefore in-keeping with the existing character of the building and will be available for the provision of the public.

- 5.13 The significance of this prominent building in the townscape of Gateshead is its historic interest associated with an important period of change in education to broaden the opportunities for all in the latter part of the 19th Century. Industrial schools in 1879 meant schools for the very poor or Windmill Hills neglected to give them a trade. They were children who were seen as delinquent, unmanageable and therefore giving them a practical skill was seen as an alternative to a classroom education.
- 5.14 Its architectural interest is also of high importance. The design of school buildings in this period were often heavily influenced by the work of E.R. Robson, architect from County Durham who laid out specific design criteria for school buildings following the Education Act of 1870 in his book; *School Architecture*. He was directly responsible for many new schools in London during this period, but his book would have been the 'bible' for architects outside the capital who were designing schools. Many of the schools he designed in London have similar features to that at Windmill Hill; proliferation of gables, a Dutch or Flemish influence (sometimes known as Queen Anne style that Robson favoured), use of brick, narrow tall windows and a building with a prominent tower or feature. Robson travelled extensively across Europe and his book was very specific in regard to the best design, layout of classrooms down to the detail of seating, location of the teachers' rooms and the ventilation of buildings. His book includes a specific chapter about Industrial Schools. Here, Robson comments that 'the Industrial establishment is neither a workhouse, a school nor a boarding house and yet in combines some of the features of all three'.
- 5.15 It was intended to be austere, commanding in its height and position. It is possible to understand from Robson's book that the external appearance, plan form and location of each room in each part of the building was precisely designed for a specific educational purpose associated with the use for which it was built, assuming Oliver followed his principles. The enclosed inward facing space would have been to contain the children who were seen as more unruly than those who attended the nearby Board schools. The lower building in the NW corner of the site was the infant school with its own access and the rest of the building for the older children with a Master's house adjacent to the park entrance at the southern end of the site.
- 5.16 Therefore, this building is considered to be of high historic and architectural significance following the work of Robson, a pioneer in educational buildings, the importance of the state funded industrial schools for those who were not considered suitable for Board schools. Furthermore, the building has been designed by an important local architect who appears to have followed the guidance laid out by his contemporary, Robson.
- 5.17 The neglect of this building in recent years has resulted in much invasive work to stem the proliferation of dry rot and general deterioration with all of the interior wall finishes having been removed. However, the interior plan form and exterior has largely been retained with some minor alterations. in principle the

re-use of this large building, in a manner consistent with its conservation, is welcomed.

- 5.18 The Local Planning Authority (LPA) has a statutory duty to give special regard to preserving or enhancing setting or any features of special architectural or historic interest which the listed building possesses under Section 66 of the Planning Listed (Buildings and Conservation Areas) Act 1990. The NPPF (2019) states, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that any harm should require clear and convincing justification. Harm should be demonstrated to be necessary and it is for the planning authority to weight that harm against the public benefits that would be brought about by the proposal.
- 5.19 Taking into account the statutory duty of the LPA to give special regard to sustaining the significance of the designated heritage asset it is concluded that in regard to the internal alterations, these are largely acceptable. Officers have worked with the agents to ensure that partitions are kept to the minimum and where possible do not divide or obscure windows. The majority of the windows are retained and refurbished. The majority of the ground and first floors within the building work with the existing floor plan to retain principal walls. It is the plan form and size of rooms which are regarded to hold some of the remaining historic interest, given the finishes have almost all been removed but these have been altered by subdivisions which do not affect the principal walls.
- 5.20 The proposed large single storey annex extension to the east of the former school building has been amended in response to officer comments and the design is now considered to be of a high quality contemporary design that is acceptable to the setting of the listed building.
- 5.21 The justification for the sub-station has been explored and concluded, through the revised design, that it is necessary and acceptable in the setting of the grade II listed building.
- 5.22 Details such as boundary treatments, CCTV, bat boxes, lighting are now considered to be acceptable that can be dealt with by imposition of conditions - (CONDITIONS 27, 28, 33, 41, 42, 43).
- 5.23 The bin store has been reduced in size and repositioned, so as to reduce the impact on the listed building. Through discussion with Officers the hardscape around the building has reduced the number of retaining walls to address concerns and is now considered to be acceptable.
- 5.24 However, the proposed structural work to the basement of the listed building remains of greatest concern together with other works to the basement. There is great confidence in much of the proposal, but a more tailored approach to working on a listed building is necessary so as to follow the principle of minimal intervention. The reports submitted suggest repair to most if not all cracks in the building, however it may be that there is no structural requirement for intervention and these cracks are historic, not moving/changing and can be left.

- 5.25 The original use and purpose of the basement is not set out in the heritage statement and the impact thereon, but the proposed works to lower parts of the basement and then underpin possibly to extensive areas is considered to be a harmful impact on the special interest of the building. That work would be irreversible. It would result in the alteration and loss of historic fabric to many areas of the building. Alternative ways of entering the building and housing the plant and equipment had not been presented to fully justify the extent of the works. The Heritage Statement refers to the basement area being used for storage but it has not been demonstrated that alternative locations have been explored for that storage, although it acknowledges that it may not be possible to use other parts of the building.
- 5.26 However, the application has now been supported by additional assessment that demonstrates the works are necessary and the only solution.
- 5.27 The full impact on the listed building cannot be known until further surveys are carried out to understand the bedrock and necessary requirements to design the structural excavation and underpinning works. Although assurances have been given that the submitted drawings and supporting information represent the worst case scenario, it is possible that further works may be necessary once a survey has been carried out that require further intervention, after which consent will have been granted and the LPA will not be in a position to properly assess the impact on the heritage asset.
- 5.28 Given the above, the proposal for the ground and first floors largely sustains the significance of the heritage asset and is welcomed together with the extensions, the substation and bin store, boundary treatment and hardscaping around the site. The new proposed additions to the entrance and chapel are acceptable in terms of their design. Their impact on the footings of the listed building, necessitating excavation and underpinning is of concern. However, the further survey work would require listed building consent in its own right. The submitted proposal is therefore considered to be harmful to the significance of the listed building because of the level of intervention required to support it, which would not be necessary if the entrances were designed differently. That harm would be substantial. It is recognised that substantial harm is a high bar and one that applies if the adverse impact seriously affects a key element of the special architectural or historic interest.
- 5.29 It is the amount of intervention proposed that has the potential to affect the special historic and architectural interest of the footings of the building which are a fundamental part of the whole building. By not fully understanding the extent of these works, or the full nature of the intervention because these are not yet known and further survey work is required, there is the potential to harm the overall building if survey results mean that further work needs to be carried out. In granting consent, the LPA could not be assured that it is possible to implement the scheme as proposed, and therefore by fulfilling its statutory duty, without the potential that further significant intervention in the building may be necessary to make the proposal work.

- 5.30 However, the building has stood empty for a number of years and it is considered to be important that it is occupied by an appropriate use in order to protect the asset. Therefore, despite the concerns outlined above, it is considered that the survey works required can be dealt with by appropriately worded conditions imposed on the Listed Building Consent DC/18/01038/LBC considered elsewhere on this Agenda.
- 5.31 In relation to the internal works, it is established that there are no original historic features that remain within the building with the exception of some of the timber roof structure which was not damaged by arson. The internal works are proposed to repair and retain the timber trusses where possible. The remainder of the building is proposed to be completely refurbished which must be undertaken to a high standard.
- 5.32 The bulk of the conversion works will involve the installation of new lightweight metal stud and plasterboard partitions, together with modern suspended plasterboard and mineral tile ceilings. These only need small mechanical fixings into the existing structure and are easily removed in the future, if required. The final details are recommended to be secured by conditions imposed on Listed Building Consent DC/18/01038/LBC. The implementation of internal partitions, new timber doors, building services and plant is not considered to have a detrimental impact on the character or appearance of the listed building in relation to its internal significance as these measures are not permanent and can be reconfigured if necessary in the future.
- 5.33 The proposals include introduction of modern materials such as concrete and resin in order to bring the building back into use and to facilitate repairs that will be long lasting. The introduction of these materials internally is considered to have a minor impact on the character of the building. The introduction of modern materials is considered necessary in order to treat the dry rot and loss of historic fabric and will assist in bringing the building back into use. The trade off in incorporating these materials in order to repair and bring the building back into use and any impact on the character or appearance of the listed building is justified.
- 5.34 The proposed development includes two extensions on the principal elevation of the listed building. One of these extensions replaces three modern conservatories which were added to the structure and have subsequently now been demolished as part of the schedule of urgent repairs. The other extension will form an entrance/lobby area for the building, which currently does not have a clear entrance or circulation space.
- 5.35 Both extensions have been designed to be subservient and clearly modern additions to the listed building. The extensions are predominantly glazed with aluminium curtain walling and mono-pitch roofs and appear lightweight and transparent in relation to the grand, red-brick prominence of the original Victorian building. The proposed extensions provide a focal entrance point and ancillary space required to facilitate the function of the building as a place of worship without detracting from the visual character of the listed building. As

such, it is considered the proposed extensions to the listed building will not have a detrimental impact on the character or appearance of the listed building.

- 5.36 The proposed development also includes the erection of one standalone annex building along the north east elevation of the site. The extension has been designed to reflect the character of the original building without looking pastiche and is clearly a modern building within the context of the site.
- 5.37 The proposed annex building is single storey in order to remain subservient to the existing building and utilises render, aluminium curtain walling with glazing and brick course. The proposed materials palette reflects that of the listed building, with the glazing and aluminium curtain walling providing the modern elements to the building that ensure it is in keeping but contrasting with the listed building. Final details are recommended to be secured by conditions imposed on the Listed Building Consent DC/18/01038/LBC.
- 5.38 A small external plant room is proposed on the main elevation of the building. This will comprise a 2m high brick wall to match the existing, adjoining the chapel/café extension.
- 5.39 The external plant room is required in order to provide ventilation to the plant at basement level, and there is no suitable internal solution to provide ventilation for the plant. The plant enclosure has been designed to be inconspicuous and to have minimal visual impact.
- 5.40 The proposals are to replace all windows that are irreparable with opening timber sash and case painted white.
- 5.41 The existing roof is predominantly constructed of Welsh slate, with areas of differing slate sizes and types where repairs have been made over time
- 5.42 It is proposed replace the railings on the Windmill Hill Park boundary with 1.8m high railings that will be located on the existing low brick boundary wall. Along the north east boundary 500mm high railings are proposed to be attached on the existing brick wall to create a more secure boundary behind the new single storey building.
- 5.43 The proposals include sections of cream render to the front and rear elevations to replace deteriorated areas of existing render and including additional areas to be rendered on the principal elevation to provide a more uniform and cohesive visual appearance.
- 5.44 **IMPACT ON OTHER HERITAGE ASSETS**
Regent/Walker Terrace Conservation Area
Regent/Walker Terrace Conservation Area was designated in 1977. The Character Appraisal states:
"The Conservation Area is situated on the edge of the town centre, in Central ward. The town centre's main commercial streets are in close proximity to the north and east of the conservation area. Regent/Walker Terrace Conservation Area comprises one urban block containing two terraces, and a church,

presbytery and modern church hall. The conservation area contains some of the earliest suburban housing in Gateshead. The surroundings of the area have changed considerably from a peripheral development of the industrial era of Gateshead to the bustling town centre with major infrastructure surrounding it.

5.45 Significance

The significance of the Conservation Area relates to the fact that it is "one of the last surviving coherent fragments of Gateshead's nineteenth century town centre with two of the earliest surviving late Georgian/very early Victorian residential terraces in Gateshead".

5.46 The character of the Conservation Area is of two storey dwellings with pitched roofs in a pattern of terraces and rear yards with offshoots. "Both terraces present a neat, formal face to the street illustrative of the original status of these houses which were laid out for the wealthier end of society in nineteenth century Gateshead".

5.47 Walker Terrace has mostly five-bay houses with two-bay houses on each end. Regent Terrace has a combination of two, three and five bays. At its west end is a single storey property, Lambton Lodge, which was an addition to the block in the early 19th Century. This provides a distinctive corner feature to the row adding a different character dimension compared to the uniformity.

5.48 Designed to contrast with the uniformity of these terraces, St Joseph's Church and presbytery have a much larger scale. Providing an 'end' to both terraces which gives it prominence in the conservation area, the church and presbytery also face onto West Street where they bring character to the main high street. The presbytery is a large three storey property with a half-width, three storey offshot extending into the rear yard. The presbytery is linked to the main church building by a single storey, dual-pitched roof range. The Church itself is of a much grander scale, the bulk of the nave expertly relieved by the variety of tall transepts, single-storey side aisles and a steep Gothic roofscape. The form of the church hall to the rear is designed to intentionally contrast with this, but its siting (discussed above) and flat roofed modernity provide too sharp a difference from its host for it to form a coherent part of the design set begun by the church and presbytery.

5.49 The views in the area are predominately linear along the two rows of terraces with Walker Terrace's front gardens providing a welcome depth of greenery. Conversely, the views along Regent Terrace are dominated by in-curtilage and street parking, making it very difficult to appreciate a clear view of the intended uniformity of the properties. The skyline is formed mostly by rooftops which are stepped with the topography and there is little else above the horizon, although from some parts of the conservation area such as the church and presbytery more can be seen".

5.50 Potential Impact on Significance

The significance of the Conservation Area relates to its intact survival and example of late Georgian/early Victorian terraces within Gateshead. The significance of the Conservation Area also relates to the aesthetic value of the

buildings in the Conservation Area, with the contrasting Church of St Joseph and Lambton Lodge to the terraces. The proposed development relates to a building outside of the Conservation Area boundary, is for a change of use and has limited external alterations. As such it is considered that the heritage asset is of low sensitivity to the proposed development. As the asset is of low sensitivity it is considered the proposed development will not have an impact on the character or appearance of the heritage asset and no further assessment is required.

5.51 Locally Listed Windmill Hill Park

Windmill Hill Park is a locally listed heritage asset and is located directly adjacent to the site.

5.52 Historical Development and Setting

The setting of the heritage asset relates to its historic development and location. The area was first referred to as Windmill Hill in 1436 when it was part of the manor of Gateshead claimed by St Edmund's Hospital. The area was common land for the people of Gateshead, however by the 17th century this right was restricted to freeholders and free-borough men. During this time, the area was also used for milling corn throughout the 17th century. In the 18th century more public activities were established in this location. A local racecourse was set up, the Hoppings was held on the hill and it became an established meeting area. In 1857 the area was formally opened as Gateshead's first public park in 1859. Areas of the park were developed for terraced housing from 1858, reducing the size of the park to its current form.

5.53 Significance

The local heritage asset has historical illustrative value, forming part of the development of Gateshead and its subsequent designation as the town's first public park. The heritage asset also has communal value, known as a local meeting place and former centre for public activity and leisure.

5.54 Potential Impact on Significance

The site's original frontage overlooks the park with no solid boundary between the two areas. The proposed development, whilst in close proximity to the locally listed asset, does not propose any alterations to the listed building on this elevation with the exception of repairs. As such it is considered that the heritage asset is of low sensitivity to the proposed development. As the asset is of low sensitivity it is considered the proposed development will not have an impact on the character or appearance of the heritage asset and no further assessment is required.

5.55 Repairs

A schedule of urgent works was completed prior to the submission of this application in order to secure the building and make it weatherproof. These works have been completed and any further repair work to make the building suitable for conversion forms part of the listed building consent application DC/18/01038/LBC.

5.56 Given the above, the proposed development is considered will preserve and enhance the setting, character and appearance of the listed building and accord with the NPPF, Historic England guidance, Core Strategy Policies UC14 and CS15, Saved UDP policies ENV11 and ENV12 and ENV19.

5.57 **ARCHAEOLOGY**

The application is supported by a desk based archaeological assessment and a building recording of the listed former Windmill Hills school. The assessment notes that the site does not have significant potential for archaeological deposits as the development of the existing building cellars would have destroyed any deposits. As such, with regard to the building no further work is required. A hard copy of the report and images must be provided for the archives and these can be secured by condition (CONDITION 41). In terms of below-ground archaeology no intrusive investigation or monitoring is required.

5.58 Given the above, subject to the recommended conditions, the proposed development is considered to be acceptable and complies with Core Strategy policies ENV21 and ENV22.

5.59 **HIGHWAY SAFETY**

The building is located within Gateshead Town Centre and as such is considered to be in a highly sustainable location in terms of its accessibility. It is well served by public transport and close to several public car parks and CSUCP Policy UC10 identifies that parking in this area should be minimised to reflect its highly accessible location.

5.60 There is a significant reduction in on site car parking proposed with 5 spaces shown compared to the 36 proposed as part of the now expired approval. The Transport Assessment (TA) submitted with the application advises that there will be a maximum of 120 volunteers and visitors on site over the course of an average weekday but this will be spread over a day session and evening session.

5.61 The unique nature of the proposed development means that the simple application of the Council's parking standards, which is based on numbers of seats in a place of worship, would not be appropriate. The TA relies upon the sustainable location of the development and what has been demonstrated by the Applicant to be comparable to their site in Birmingham. The Transport Assessment, for the reasons set out above, also suggests the use of another Church of Scientology site in Birmingham as the most appropriate means of identifying the likely vehicular trip generation of the proposed site. This is on the basis that the site is larger in size, less accessible and provides a level of car parking which is not fully utilised. As such the numbers of cars on site are thought to reflect the actual numbers of volunteers and visitors arriving by car to the site. Given that there is unlikely to be any other comparable site on the TRICS system, which could be used to generate trip generation data

5.62 The proposed development is to be a regional facility and despite the accessible location only 5 vehicle arrivals to the site during a weekday morning is considered very low. The site in Birmingham is similar in the nature and scale

to the development proposed in Gateshead in that not all staff and volunteers arrive and leave at the same time but rather come and go at various points in the day.

- 5.63 Officers have concerns over the way those spaces will be managed if a demand over and above the provision is identified or occurs. A provision as low as 5 spaces can only be considered to be acceptable if it is subject to a management plan. Those attending the facility must be aware of the parking arrangements and a plan must be put in place which explains who will be allowed to use the car park both during day to day operations and during larger events should they occur. A situation whereby a significant proportion of the volunteers and visitors arrive by car expecting to be able to park within the site car park must be avoided, as this could result in significant numbers of attendees needing to turn and exit the site, which could create congestion issues on the narrow Half Moon Lane and at the junction between Musgrave Terrace and Bensham Bank, where queuing already occurs. A demand over and above the provision could also result in indiscriminate parking around the site which would obstruct refuse and delivery vehicles. A management plan and its implementation can be secured by conditions (CONDITIONS 42 and 43).
- 5.64 The suggested provision of 34 cycle parking spaces of a long stay standard is considered to be acceptable when considered in relation to the numbers of people on site. The final details of the type and location of cycle parking can be secured by condition (CONDITIONS 34 and 35).
- 5.65 As acknowledged in the TA there will be a requirement for electric vehicle charging as part of the development. The final details and the proposed location can be secured through the Travel Plan by conditions (CONDITIONS 36 and 37).
- 5.66 The use of the existing pedestrian route into the site from Half Moon Lane is acceptable as this provides the most level access to the main entrance on the east side of the building.
- 5.67 A sliding gate to the car park access is proposed. Any gate would usually be required to be set back a minimum of 6m from the back of the footway to ensure that a car turning into the site can pull clear of the highway whilst the gates open. However, this is not possible and whilst it is preferable that no gate should be installed the need for a secure boundary is acknowledged, and along with the low level of traffic on Half Moon Lane a fob controlled gate is considered to be acceptable. The final details are recommended to be secured by conditions (CONDITIONS 41 and 42).
- 5.68 The Applicant has demonstrated that both a refuse vehicle and delivery vehicle could enter and turn within the site before re entering Half Moon Lane in a forwards gear.
- 5.69 The Travel Plan submitted is limited in its approach and relies almost entirely on the provision of information. Further measures should be proposed such as the setting up of a car sharing database and the provision of cycle lockers and

showers. The final details can be secured by conditions (CONDITIONS 36 and 37).

5.70 Given the above, it is considered that, subject to the recommended conditions the proposal is acceptable and accords with the NPPF, CSUCP policies CS13 and UC10.

5.71 **BIODIVERSITY**

In considering the impact of the proposals on biodiversity regard should be had to Section 15 of the NPPF, ODPM Circular 06/2005: Biodiversity and Geological Conservation; policy CS18 Green Infrastructure and the Natural Environment (Core Strategy and Urban Core Plan for Gateshead and Newcastle); and Saved UDP policies DC1(d) Environment and ENV46 The Durham Biodiversity Action Plan when considering the proposals.

5.72 A bat survey report has been submitted in support of the application. The building is considered to pose a low risk for roosting bats and a negligible risk for a bat maternity roost(s). As such, a dawn and dusk survey were undertaken, and a single common pipistrelle was recorded. A bat roost has been confirmed within the southern roof section of the building. The building is considered to provide opportunities for individual/small numbers of roosting bats (common pipistrelle).

5.73 Recommendations are made within the submitted bat survey report to avoid/minimise the residual risk of harm to individual bats and their roosts during the demolition and construction phases of the development. This includes the maintenance of external light levels at or below their current levels and the undertaking of the works in accordance with a precautionary method statement. Further recommendations are made to ensure the development makes a positive contribution to maintaining and enhancing the local bat population at a favourable status. This includes the provision of 2no. potential bat roost features within the fabric of the converted building(s).

5.74 It is recommended the above measures are secured through appropriately worded condition(s) (CONDITIONS 30 - 33).

5.75 A condition is recommended to ensure any vegetation clearance is undertaken outside of the bird breeding season (CONDITION 40).

5.76 The Tree Survey states that in order to facilitate development, trees 1-2 and groups 1-2 will need to be removed. Of these trees, tree 2 is category B and tree 1 and groups 1-2 are category C. In addition, a small hedge in the centre of the site is proposed to be removed to facilitate accessible car parking spaces. The remaining trees on site will be retained as part of the overall landscaping strategy for the site. The application proposes to incorporate an additional 10 trees on site to mitigate the loss of those to facilitate the proposed development. As such, it is considered adequate replacement planting is proposed to mitigate the loss of existing trees. Final details of planting can be secured by condition (CONDITIONS 23 - 25).

- 5.77 Tree protection measures are recommended to be conditioned to protect the prominent mature tree to the front of the building (CONDITION 3).
- 5.78 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with the NPPF, Saved UDP policies DC1(d), ENV46 and ENV47 and CSUCP policy CS18.
- 5.79 **GROUND CONDITIONS**
The site has been assessed by the Council as being located on potentially contaminated land as it has previously been occupied by a windmill and terraced housing prior to the construction of the current building circa 1890s though the site has been subject to various layout changes since that period. It has been used as a school, council offices and as a nursing home.
- 5.80 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 buildings,
 - from materials e.g., asbestos used in former/ current buildings.
- 5.81 Consequently, it is recommended that conditions be imposed for a Phase 2 intrusive site investigation requiring the submission of a Phase 2 Detailed Risk Assessment report to assess potential contamination at the site (in future soft landscaping areas), inform foundation matters and to investigate potential shallow mine workings; submission of a Remediation Strategy and a Remediation Verification Report (CONDITIONS 12 - 14, 18, 19).
- 5.82 With regard to the coal mining risk assessment, the report concludes that "it is clear that for the upper zone of workings (presumed to be associated with the High Main Coal) where voids up to 2.7m associated with a coal seam up to 1.5m thick have been recorded, there is insufficient solid rock cover above the workings and there is a risk of future ground subsidence. The deeper zone of workings (presumed to be within the Metal Coal Seam) have approximately 14m of cover above a 1.5m void in the north of the site, which is considered to be insufficient and there is a risk of future subsidence associated with these workings in this part of the site."
- 5.83 The report then recommends that the footprint of the existing building, and the proposed extensions, are subject to stabilisation of the workings in the High Main coal seam. This will require grout injection from inclined (and possibly internal) drilled boreholes on a close 3-5m grid pattern to infill mining voids and consolidate any broken ground. A stand-off of approximately 6m beyond the footprint should also be treated, to allow for angle of draw of collapsing workings, For the Northern part of the site, below the proposed new building, stabilisation by grout injection of the old workings in both the High Main Coal and the underlying Metal coal seam is recommended. Further investigation is required in the northern part of the existing building as part of these works to determine whether this area also requires stabilisation of both the upper and

lower zone of coal workings, depending on proven rock cover in this area. This can be secured by condition (CONDITIONS 15 - 18).

5.84 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 MSGP22.

5.85 **FLOOD RISK AND DRAINAGE (SUDS)**

A Drainage Strategy has been produced in support of the application. The report notes that the site is located within Flood Zone 1, which has a 1/1000 chance of flooding. The existing use of the site as a nursing home is classified as a "most vulnerable" use and the proposed use class of a place of worship is also classified as a "most vulnerable" use. The EA flood map for planning shows that the site is not at risk of flooding from tidal or fluvial sources.

5.86 Based upon existing brownfield run off calculations, the proposed discharge rate is 6.5 l/s for the 1 in 30 and 1 in 100 year storm events. To ensure that the proposed discharge rates can be achieved, it will be necessary to provide surface water attenuation.

5.87 The proposed technique to attenuate runoff is the use of below ground storage within the site which will be comprised of a conventional below ground piped network to convey runoff from impermeable surfaces to the storage. Discharge from the attenuation system to the public sewer network will be restricted by a Hydro-Brake flow control. Due to the existing levels onsite, it has been recommended that a bund (speed bump) is installed along the entrance of the site to ensure flood waters do not leave the site. The proposed parking bays are proposed to be permeable and will provide some betterment to water quality which would respond to policy requirements. The final details can be secured by conditions (CONDITIONS 8 - 11).

5.88 Given the above, subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with the NPPF and CSUCP policies CS16 and CS17 and MSGP30.

5.89 **RESIDENTIAL AMENITY / NOISE**

The Noise Assessment submitted in support of the application identifies noise sensitive receptors as the residential flats to the south of the site on Mulgrave Villas, the nearest block of which are approximately 15m south east of the existing building on site. The dominant noise source identified at the site was road noise from the A184. During attendance on site no noise was noted as being audible from the Black Bull, however it is noted that they frequently hold live music events, as such the noise survey was undertaken over a period where live music events were being held.

5.90 The report states that spaces alternative means of ventilation rather than natural ventilation through openable windows (excluding the administration, reception and public areas) should be considered. However, as the building is Grade II listed building this limits ventilation options.

- 5.91 The proposal is to incorporate single glazed openable sash and case windows. Notwithstanding this, building services and mechanical ventilation will be installed for use in conjunction with natural ventilation. This will allow users of the building the flexibility to determine whether the noise level is at an acceptable level to carry out their activities with an open window or whether to rely on mechanical ventilation. A condition is not considered to be necessary to control this as there is other relevant legislation.
- 5.92 An external plant area as an extension to the basement floor level and is proposed to accommodate mechanical and electrical equipment. Details of noise levels of external plant can be secured by condition (CONDITIONS 26 and 27).
- 5.93 A condition is recommended to secure a Demolition and Construction Management plan and to control the hours of demolition and construction to protect residential amenity during construction (CONDITIONS 4, 5 and 21).
- 5.94 Given the above and subject to the recommended condition the proposal is considered to be acceptable and in accordance with Saved UDP policies DC2 and ENV61 and CSUCP policy CS14.
- 5.95 **LAYOUT DESIGN AND LANDSCAPE**
As referred to above the hardscape around the building includes a number of retaining walls, ramps and car parking. In order to soften the hardscape it is considered that landscaping visible on entering the site with the back drop of the listed building would benefit the appearance of the overall scheme. The plans have indicative areas of planting shown, however, a condition is recommended to secure details of a final landscape scheme (CONDITIONS 23, 24 and 25).
- 5.96 Given the above, subject to the recommended conditions, the proposals are considered to be acceptable and in accordance with CSUCP policies CS15 and CS16 and Saved UDP policy ENV3.
- 5.97 **STATEMENT OF COMMUNITY INVOLVEMENT**
A public consultation event was held on 23rd August 2018 from 5pm until 8:30pm at St Mary's Heritage Centre. Local Councillors were informed of the event and invitation letters were sent to households in the vicinity of the site. The event was attended by two Planners from Cundall, the Lead Architect, Transport Consultant and a member of the Church of Scientology.
- 5.98 The consultation boards presented at the event showed the proposed site layout, visualisations of the building with external extensions and standalone building on both principal and rear elevations and information relating to the history and heritage of the listed building, ecological and transport impact and outlining why the proposals were taking place.
- 5.99 The event was attended by 6 people and emails from a further 10 people were received who requested a digital copy of the documents as they could not attend. No comments have been received from local residents regarding the

scheme. The attendees of the event verbally engaged the design team and questions and queries were answered on a range of topics such as: use of the building, impact on Black Bull music events, transport provision and impacts of construction programme.

5.100 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. The development is not a CIL chargeable development as it is not for housing or retail related development.

6.0 CONCLUSION

6.1 Taking all of the above into consideration, the proposal to convert the former Windmill Hills into the proposed use will bring the building back into use and stop the process of deterioration whilst minimising the impacts upon the building's fabric. Subject to the recommended conditions the proposal is considered to be acceptable and in accordance with national and local planning policies.

7.0 Recommendation:

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

1

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

Heritage Statement - 1018373 Rev B
181031 Wall Survey Repairs
4866 Windmill Hills BR
4881 Windmill Hills DBA
Windmill Hills Interim DBA 4851
External Conservation and Repair Strategy 25-09-18
1846-WSP-00-XX-M2-C-00 1 - Below Ground Drainage Layout (B)
1846-WSP-00-XX-M2-C-002 - Typical Details
5520 Former Windmill Hill Nursing Home EA and Bat Survey R04
180727_70047749_Windmill Hill PRA_rev5
70047883-AC01 - Former Windmill Hill Nursing Home Noise
Assessment rev2
Former Windmill Hill Nursing Home Final Planning Statement For
Submission
180925 - CSI Gateshead - Sustainability Statement
0001.1s Transport Assessment + App
0002.1s Workplace Travel Plan + App
AIA Exi Rev A The Former Windmill Hill Nursing Home Half Moon Lane
Gateshead
AIA R Rev A Former Windmill Hill Nursing Home Half Moon Lane
Gateshead

AIA TPP Rev A The Former Windmill Hill Nursing Home Half Moon Lane Gateshead
AMS R Rev A Former Windmill Hill Nursing Home Half Moon Lane Gateshead
AMS TPP Rev A The Former Windmill Hill Nursing Home Half Moon Lane Gateshead
Former Windmill Hill Nursing Home SCI
1018375-RPT-01 - Windmill Hill Lift Condition Survey - Rev A
0003.1 Transport - Post Submission_APP_S
1505.003.600 Design and Access Statement Rev01 26.04.19
Church of Scientology - Technical Note - Drainage Rev C
Roof Condition Survey - Former Windmill Hill Nursing Home Gateshead
F30901 - Windmill Hill Care Homes Gateshead - 6-9-18 Revised Window Measurements - Former Windmill Hill Nursing Home
Windmill Hills Condition Survey 27_08_2018
Windmill Hill Phase II Geotechnical Report

Plans

Structures:

CSI-WSP-00-XX-DR-S-130108
CSI-WSP-00-XX-DR-S-130109
CSI-WSP-00-XX-DR-S-130111
CSI-WSP-00-XX-DR-S-200901
CSI-WSP-0A-XX-DR-S-200901
CSI-WSP-0B-XX-DR-S-200901
CSI-WSP-0C-XX-DR-S-200901

Architectural

1505.003 - A10.05 - PROPOSED ANNEX ELEVATIONS Rev06
1505.003 - A10.02 - PROPOSED NORTH WEST ELEVATION Rev07
1505.003 - A10.03 - PROPOSED NORTH EAST ELEVATION Rev10
1505.003 - A10.06A - Proposed Street Elevations Sheet 1 Rev05
1505.003 - A10.06B - Proposed Street Elevations Sheet 2 Rev05
1505.003 - A15.03 Proposed Substation Rev01
1505.003 - A15.04 Proposed Bin Store Rev03
1505.003 -A10.01 - PROPOSED SOUTH EAST ELEVATION Rev 07
CSI-WSP-00-XX-DR-S-130112 retaining wall on pub boundary
CSI-WSP-00-XX-DR-S-130112 retaining wall on pub boundary
1505.003 - A00.07A Remaining Existing Elevations Rev00
1505.003 - A00.07A Remaining Existing Elevations Rev00
1505.003 - A18.02 Planning Application Annex GA plan - Area B Rev04
1505.003 - A18.03 - Planning Application GA Plan - Ground Floor Area A Rev05
1505.003 - A18.03 Planning Application Ground GA plan - Area A Rev05
1505.003 - A18.04 Planning Application First Floor GA plan - Area A Rev05
1505.003 - A10.15 - PROPOSED CAR PARK SECTIONS Rev03

1505.003 - A04.10A - PLANNING RCP - BASEMENT AREA A Rev01
1505.003 - A04.10B - PLANNING RCP - ANNEX AREA B Rev01
1505.003 - A04.11A - PLANNING RCP - GROUND FLOOR AREA A
Rev02
1505.003 - A04.12A - PLANNING RCP - FIRST FLOOR AREA A
Rev01
1505.003 - A02.00 - PROPOSED ROOF PLAN Rev07
1505.003 - A02.04 - Proposed Site Plan Rev09
1505.003 - A10.19 - RETAINING WALLS SITE PLAN Rev03
1505.003 - A15.01 Proposed Perimeter Repair and Security Plan Rev
08
1505.003 - A15.02 Proposed Ecological Mitigation Plan Rev03
1505.003 - A18.10 Planning Application Indicative Sun Studies Rev01
1505.003 -A18.20 - Illustrative 3D Visuals Sheet 1 of 3
1505.003 -A18.21 - Illustrative 3D Visuals Sheet 2 of 3
1505.003 -A18.22 - Illustrative 3D Visual Sheet 3 of 3
1503.003 - Window Schedule Rev00
CSI-WSP-00-XX-RP-001 - Courtyard Planning Levels (B)

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 Section 5 of the Arboricultural Method Statement Rev A prepared by Andrew Watson of All About Trees dated 21 September 2018 must be installed for T3 and H1 prior to:

1) commencement of the demolition; 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 the Arboricultural Method Statement Rev A;

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

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 :

- details of the compound and storage area
- 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 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 CMP 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.

5

The development hereby permitted shall be undertaken wholly in accordance with the Demolition and Construction Method Statement approved under condition 4 for the duration of the construction period

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.

6

No development shall take place (except for the erection of tree protection measures, site security hoardings and site investigations) until a drainage construction method statement has been submitted containing:

- o Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place to protect surface water discharge off site during the construction phase.
- 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.

Reason for condition

To ensure the works do not increase risk of flooding or pollution of watercourses and to ensure a fully functioning drainage system is in place at completion, in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

Reason for prior to commencement condition

The Drainage CMP must demonstrate that that adequate interim drainage and surface water pollution protection measures are in place to protect surface water discharge off site during the construction phase.

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 Drainage Construction Method Statement approved under condition 6 shall be adhered to throughout the construction of the development hereby permitted.

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses and to ensure a fully functioning drainage system is in place at completion, in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

No development shall take place above damp proof course of the Annex building until full details of the permeable paving with subbase, and the permavoid storage, have been submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses and to ensure a fully functioning drainage system is in place at completion, in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

The details approved under condition 8 shall be implemented wholly in accordance with the approved details and maintained and retained for the life of the development.

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses and to ensure a fully functioning drainage system is in place at completion, in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

Prior to first occupation of the use hereby permitted, a drainage maintenance document is required that shall include confirmation of expected lifespan of any treatment devices, flow controls, and geocellular storage. Detailed specification and methodology for their replacement if within the lifespan of the development should be included. The maintenance document shall define all 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 maintenance of all drainage elements is required.

Reason

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

11

The Drainage Maintenance Document approved under condition 10 shall be adhered to wholly in accordance with the approved details and maintained and retained for the life of the development.

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses and to ensure a fully functioning drainage system is in place at completion, in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

Prior to commencement of the development hereby permitted a Remediation Strategy shall be submitted for the consideration and written approval of the Local Planning Authority.

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 prior to commencement 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.

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.

13

The remediation measures approved under condition 12 shall be implemented wholly in accordance with the approved remediation measures 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 prior to commencement 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.

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.

14

No development hereby permitted shall be commenced until an intrusive site investigation is undertaken, to investigate the existence of shallow coal mining at the site that may need grouting and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of rotary open-hole drilling to ensure shallow coal mining is not present underlying the site and inform foundation matters.

The site investigation and Phase 2 Risk Assessment report shall identify possible areas which may require remedial works in order to make the site suitable for its proposed end use.

Reason for condition

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.

Reason for prior to commencement condition

The mitigation works to address shallow unrecorded mine workings must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

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.

15

If the intrusive investigation approved under condition 15 confirms that there is a need for further remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, full details of the remedial works shall be submitted to the Local Planning Authority for written approval prior to the commencement of the development hereby permitted.

Reason for condition

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.

Reason for prior to commencement condition

The mitigation works to address shallow unrecorded mine workings must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

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.

16

The details of remedial measures approved under condition 15 shall be implemented as soon as practicable on discovery that they are required and maintained for the life of the development.

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 of the CSUCP.

17

Following completion of the remediation measures approved under conditions 12 and 15 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.

18

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.

19

Prior to commencement of the development hereby permitted a structural survey of the retaining wall boundary of the Black Bull PH to include mitigation measures for stabilisation of the retaining wall should they be required, shall be submitted for the consideration and written approval of the Local Planning Authority that confirms the structural stability of the retaining wall and that it will not be compromised by the development of the Annex building hereby permitted. In the event that works to the retaining wall are required these shall be undertaken in accordance with the mitigation measures prior to the commencement of the development.

Reason for condition

To ensure that risks 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.

Reason for prior to commencement condition

The structural survey must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

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.

20

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.

21

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.

22

Development hereby permitted shall not progress above damp proof course of the Annex building, 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.

23

The details approved under condition 22 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.

24

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.

25

Prior to the construction of the external plant area external walls of the development hereby permitted full details of external plant equipment shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To safeguard the amenities of future occupants of the building and nearby residents and to ensure that any external equipment does not have an adverse effect upon residential amenities of neighbouring properties or future occupants of the use hereby permitted accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

26

The details approved under condition 25 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 future occupants of the building and nearby residents and to ensure that any external equipment does not have an adverse effect upon residential amenities of neighbouring properties or future occupants of the use hereby permitted accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

27

Prior to first occupation of the development hereby permitted, and notwithstanding the Tula data sheet and Italo datasheet submitted on 2 May 2019, a lighting strategy for the car park and pedestrian access areas and the elevation to Windmill Park shall be submitted for the consideration and written approval of the Local Planning Authority. The strategy shall:

- ensure that the external lighting will not have a harmful impact on the listed building;
- identify those areas/features on site that are particularly sensitive for biodiversity, including bats; and
- 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.

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 the listed building and 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, CS15 and CS18, Saved UDP policies DC1(s), DC2 and ENV46 and the NPPF.

28

The details approved under condition 28 shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter

Reason

To avoid harm to the listed building and 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, CS15 and CS18, Saved UDP policies DC1(s), DC2 and ENV46 and the NPPF.

29

Prior to commencement of development a Careful Working Method Statement shall be submitted for the consideration and written approval of the Local Planning Authority. The Method statement shall thereafter be implemented with all contractors involved in undertaking tree works on site being made aware of the potential presence of bats prior to commencing works on site and must adhere at all times to the approved Careful Working Method Statement.

The removal/replacement of roof covering (roof tiles, ridge tiles, sarking, roofing timbers, roofing felt, soffits, fascia, barge-boards and guttering, etc.) will be done carefully by hand, checking for evidence of bats.

Should bats be encountered at any time during the works work in that area must cease immediately and a qualified ecologist and licensed bat worker must be contacted for urgent advice.

All contractors undertaking roofing works on site shall receive a 'tool box talk' on bats delivered by a suitably qualified ecologist/licensed bat worker in advance of commencing works on site.

Reason for condition

In order to protect the bats and roosts and in order to comply with policies ENV46 and ENV47 of the UDP and CSUCP policy CS18.

Reason for prior to commencement condition

In order to ensure prior to the commencement of the development that bats and bat roosts can be protected during 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.

30

No works will be undertaken on site unless they are in strict accordance with the Method Statement contained within Section H. of the submitted Ecological Appraisal and Bat Survey report produced by E3 Ecology Ltd and dated September 2018.

Reason

In order to protect the bats and roosts and in order to comply with the NPPF, saved UDP policies DC1(d) and ENV46 of the UDP and CSUCP policy CS18.

31

The following key elements of work will not commence within the hibernation period (mid-November to mid-March inclusive):

- Re-structuring/re-pointing of existing stone/brickwork/breezeblock including externally/internally and around windows; and
- Removal of ridge tiles, slates, roof timbers and exposure of wall tops via roof stripping, in areas associated with the lined northern section of the roof, where roof wood cladding is present and around cupolas.

Reason

In order to protect the bats and roosts and in order to comply with policies ENV46 and ENV47 of the UDP and CSUCP policy CS18.

32

The bat roost features details approved under condition 1 shall be installed wholly in accordance with the approved details prior to first occupation of the building and retained for the life of the development.

Reason

In order to ensure the local bat population is maintained at a favourable status in accordance with the NPPF, saved UDP policies DC1(d) and ENV46 of the UDP and CSUCP policy CS18

33

Prior to first occupation of the development hereby permitted full details of secure and weatherproof cycle storage for cycle storage for staff and visitors 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.

34

The details approved under condition 33 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.

35

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 to include Electric vehicle Charging points and showers and changing facilities for cyclists
- 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.

36

The Travel Plan approved under condition 35 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.

37

Prior to the café hereby permitted being 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.

38

The ventilation / extraction details approved under condition 38 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.

39

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.

40

A hard copy of the report of the archaeological building recording results shall be submitted to the Local Planning Authority and the County Archaeologist within one calendar month of the date of this decision for retention in the County Archives.

Reason

To ensure there is a building record in accordance with the NPPF and Saved UDP policy ENV23

41

Prior to commencement of development hereby permitted (except for site investigations, erection of tree protection measures and demolition works), a repair schedule and final details of the boundary treatment to include stonework repair methodology, full details of railings and fob controlled sliding gate, shall be submitted for the consideration and written approval of the Local Planning Authority

Reason for Condition

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building and in the interests of visual amenity in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policies CS14 and CS15 and Saved UDP policies ENV3 and ENV11.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building 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.

42

The details approved under condition 41 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained for the life of the development

Reason

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building and in the interests of visual amenity in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policies CS14 and CS15 and Saved UDP policies ENV3 and ENV11.

43

Prior to occupation of the use hereby permitted the CCTV cameras in the locations indicated on drawing A15.01 Rev 08 shall be implemented wholly in accordance with the approved details

Reason for Condition

In the interests of visual amenity and in accordance with CSUCP policies CS14 and CS15 and Saved UDP policies ENV3 and ENV11.

Committee Report

Application No:	DC/18/01165/FUL
Case Officer	Andrew C Softley
Date Application Valid	10 December 2018
Applicant	Leamside Care Centre Ltd
Site:	Site Of Former Social Club Gretna Terrace Felling
Ward:	Felling
Proposal:	Erection of 83 Bedroom Residential Care Centre with associated boundary treatments, on-site parking, servicing, landscaping and change of use of open space to form off-site parking provision (amended 13/02/19 and 06/06/19 and additional information received 26/03/19).
Recommendation:	GRANT
Application Type	Full Application

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

The application site is a cleared area of land, which was formerly occupied by Felling Social Club that lies on the South side of Split Crow Road at the junction with Nursery Lane. Nursery Lane runs up the west side of the application site and Falla Park Road runs along the southern boundary. To the north east corner of the application site is Gretna Terrace, comprising 2 pairs of 2 storey flats fronting directly onto Split Crow Road, with a short lane that runs up the west side of the units. The service yard to the former social club opened off the end of this lane and hence the site wraps around the back of Gretna Terrace. Millfield Gardens, a pedestrian street, lies to the east of Gretna Terrace and the application site, with a lane providing rear access to the terrace of houses on the western side. The lane runs up the eastern boundary of the application site, terminating in a turning circle. Falla Park Primary School Nursery is situated on the north side of Falla Park Road, on the north boundary of the application site. The application site is on the edge of Felling District Centre, which contains a range of retail and other town centre uses, albeit the immediate vicinity of the application site is in residential use, with the exception of Falla Park Primary School.

1.2 The former social club buildings comprised a substantial 2 storey stone building (late 19th century) fronting onto Split Crow Road, adjacent to Gretna Terrace, onto which had been built extensions housing function rooms, bars and a caretaker's flat, dating from around the 1970s. The western boundary of the nursery site and the first part of its northern boundary are formed with a low brick wall topped with a metal paling security fence. The remaining part of the northern boundary is a high stone wall. The eastern boundary between the site

and Millfield Gardens is a 1.8m high mesh fence. The rear wall to Gretna Terrace is a high brick and stone wall. A low brick wall, dating from the construction of the extension in the 1970s, runs around the southern, western and northern boundaries. This wall steps down the western boundary, to follow the slope of the land and forms a retaining wall to the car parking area along the northern boundary.

- 1.3 The club buildings were located at the north east of the site and hard paving comprising parking and service areas surround the south and west sides and part of the north side. The buildings have been demolished, but the hard-standing areas and perimeter walls remain. The site has a vehicular access at the south-west corner from Falla Park Road and from Nursery Lane mid-way down the western boundary. The lane between Gretna Terrace and the original club building led to the service yard for the club and gives access to the rear of Gretna Terrace. There is a pedestrian footpath leading down the east side of the access from Falla Park Road, giving access to a pedestrian gate into the nursery site.
- 1.4 The site slopes from the north east corner at the lane entrance to the car park entrance on Falla Park Road, a rise of some 6.5 metres. The boundary to Millfield Gardens is densely planted with shrubs in a narrow strip of soil. The entire remainder of the site was covered in buildings or hard paving. There is a grassed margin between the pavement down Nursery Lane and the perimeter wall to the site. The margin outside of the site, to the south of the vehicle access onto Nursery Lane contains a row of 6 small cherry trees. There are 2 substantial trees in the nursery garden, near to the boundary wall.
- 1.5 **DESCRIPTION OF THE APPLICATION**
This application proposes the erection of an 83 Bedroom Residential Care Centre with associated boundary treatments, on-site parking, servicing, landscaping and change of use of open space to form off-site parking provision (amended 13/02/19 and 06/06/19 and additional information received 26/03/19).
- 1.6 The proposed development will provide residential accommodation for up to 83 residents in a single building. The building will be arranged in three wings, at right angles to one another. The three wings are arranged in a 'Z' shape, with the main entrance, foyers and amenity spaces at the junctions of the wings. The northern wing (fronting Split Crow Road) will have four full storeys of accommodation, with plant, kitchen, laundry, staff, office and storage facilities housed on the ground floor. The other two wings will have three full storeys of accommodation. The three upper floors will have a total of 83 single bedrooms with en-suite shower and toilet accommodation. In addition to the en-suite accommodation, each wing has communal shower and bathroom facilities and there are accessible toilets positioned close to each of the Lounge / Dining Rooms.
- 1.7 Developments in the design of care establishments over the last few years have seen the introduction of large windows into bedrooms. This is beneficial for those residents who either choose to spend much of their time in their rooms

or who are bedbound. High levels of daylight improve general demeanour and reduce the reliance on artificial lighting. The position of the window is also important to ensure that the occupants can enjoy views both from the sitting area and the bed, without suffering draughts should they choose to have the window open.

- 1.8 The proposed scheme retains the vehicular access from Nursery Lane, into the main visitor car park, and egress onto Falla Park Road. This is the same location as much of the parking for the former club. There will be parking for 20 cars, including 2 accessible spaces in this location and a motorcycle parking area, which will accommodate 2 - 3 motorcycles. The accessible spaces are positioned on either side of the main entrance. There is also an ambulance and drop-off bay outside of the main entrance. Two 'Sheffield' type cycle stands are also provided for visitors, next to the main entrance, under cover of the canopy. There is a room provided within the building at this level for staff cycles, which will accommodate 8 bicycles.
- 1.9 An area of grassed land adjacent to the site entrance from Falla Park Road is proposed to become a dedicated parking area for the neighbouring nursery. This would involve change of use of the land, laying of hardstanding and marking out 4 parking bays.
- 1.10 The service area is at the east side of the development, accessed from Split Crow Road via the lane that runs up the west side of Gretna Terrace. The service area is secure with an automatic sliding gate at the entrance from the lane. It contains wheelie bin storage areas for general waste, recycling and clinical waste. It also contains a further 7 parking spaces for staff of the care home, including one accessible parking space located next to the service entrance and a motorcycle parking area for staff.
- 1.11 **PLANNING HISTORY**
There is no planning history pertaining to this development.

2.0 Consultation Responses:

Northumbrian Water	No objection subject to condition.
Northumbria Police	No objections.
Tyne And Wear Fire And Rescue Service	No objections.
Coal Authority	No objections.

3.0 Representations:

- 3.1 A total of 5 letters of representation have been received, of which 1 objects, 1 supports and 3 neither support nor object.

- 3.2 The concerns raised in the letter of objection are:
- The height of building could lead to possible privacy issues, as the front of the building faces directly onto the road. This could also lead to a loss of natural light.
 - There appears to be inadequate parking for the number of residents, staff and visitors.
 - Increased traffic in the area, especially at peak visiting times would prevent local residents and their families from parking outside their own properties.
- 3.3 The comments raised in the letter of support are:
- The empty site attracts vandals and fly-tipping. This development is welcomed.
- 3.4 The comments raised in the other 3 letters are summarised as:
- Reservations about the level of parking proposed.
 - The road serving Flexbury Gardens should not be used as an overflow car park.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

MWR28 Prov of Facilities in new Developments

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues to be considered are the principle of the development, CIL, design, landscape, trees, highway safety, drainage, contaminated land, coal mining legacy, refuse and residential amenity.

5.2 PRINCIPLE

Paragraph 11 of the National Planning Policy Framework (NPPF) 2019 states that:

'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

5.3 Policy CS9 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 (CSUCP) states that existing communities will be sustainable places of quality and choice. This will be achieved by preventing the loss of family homes, through the sub-division, change of use or redevelopment and by preventing an over concentration of shared accommodation. This development contributes to the range and choice of accommodation in the borough. There is no evidence of an overconcentration of shared accommodation in the local area, nor any expectation that this development would result in an over concentration.

5.4 Furthermore, paragraph 91 of the NPPF, states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social integration... through mixed-use developments. Paragraph 92, then goes on to state that planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Whilst, paragraph 59 states, that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.

5.5 It is therefore considered that the development of the site as a residential institution would, in principle, accord with the above policies; albeit that detailed consideration needs to be given to potential impacts upon the local area. These are given consideration below.

5.6 TREES

There are a total of 8 trees that are outside of the application site, but that are in close proximity of the development site. Trees T1 and T2 are close to the south east corner of the site and could be affected by a new boundary treatment in that area.

- 5.7 Trees T3-T8 are mature cherry trees located just to the west of the western boundary of the site within highway verge. They are not intended to be affected by the proposal and the existing boundary wall will afford protection of the roots of trees T3-T7. T8 is close to where the parking provision for the nursery is intended to be constructed and hence could be affected. The submitted Tree Protection Plan shows barrier fencing for T8 to protect it during construction, which is considered to be appropriate (condition 3).
- 5.8 In addition to the above, it is considered that a construction method statement is required in respect of the parking spaces to serve the nursery and the boundary treatment for the south east corner of the site. This can be addressed by conditions and subject to them the proposal accords with the NPPF, policy CS18 of the CSUCP and saved policy ENV44 of the UDP (condition 30 and 31).
- 5.9 Vegetation clearance should not take place during the bird breeding season wherever possible and thus a condition to that effect is recommended (condition 4).
- 5.10 **CONTAMINATED LAND**
The site is situated on potentially contaminated land based on previous historic development use. In view of the sensitive end use proposed, and following discussions at pre-application stage, the planning application is supported by a Preliminary Risk Assessment (PRA) and Phase 2 Site Investigation Report that addresses the whole site.
- 5.11 Samples taken at the site have been subject to chemical analysis and they have highlighted the need for a remediation strategy. This can be addressed by conditions (conditions 7-9).
- 5.12 It is also considered necessary to apply a condition, should planning permission be granted, to address the necessary course of action if unexpected contamination not previously identified is discovered during construction (condition 10).
- 5.13 Subject to the conditions referenced above the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies ENV54 and DC1(p) of the UDP.
- 5.14 **COAL MINING LEGACY**
The application site is within a Coal Authority Development High Risk Area and therefore a comprehensive Coal Mining Risk Assessment (CMRA) has been submitted with the application. The CMRA correctly identifies that the application site has been subject to past coal mining related activities. Specifically, the report identifies the presence of 1 no. mine entry within the application site boundary. In addition, the report also discounts the likelihood of

probable unrecorded shallow mine workings beneath the application site after analysis of geological and mining data; the report states the risk is "deemed negligible and as a result no further assessment or intrusive investigation works are required with regards to historical shallow coal mining activities" However, the CMRA recommended further site investigations in order to establish the location and condition of the 1 no. mine entry.

- 5.15 A Mine Shaft Investigation Report (Arc Environmental, 14 June 2018) was submitted presenting the findings of these site investigations. A total of 36 no. rotary probe boreholes were sunk on a grid pattern, as well as trenching works; the mine entry was not located. The report concludes "the site is no longer considered to be at risk from future surface instability issues associated with the mine entry recorded on this site". The Coal Authority have confirmed that it considers the intrusive site investigations undertaken to be sufficient in attempting to locate the mine entry, for which a permit was obtained, and on the basis of the information and data reviewed does not require any further remedial works to be undertaken through the planning process.
- 5.16 The proposal therefore accords with the NPPF and policy CS14 of the CSUCP.
- 5.17 FLOOD RISK AND DRAINAGE
The application has been submitted with a flood risk assessment that has assessed all sources of flooding in accordance with policy CS17 of the CSUCP. It has identified any potential risks and the layout of the development is proposing a SuDS system that has followed the SuDS hierarchy.
- 5.18 The principle of the drainage strategy is considered to be acceptable, but a number of further details are deemed necessary to ensure that the development accords with the NPPF and policy CS17 of the CSUCP. These further details can be dealt with via conditions (conditions 11-14).
- 5.19 Furthermore, Northumbrian Water have offered no objection, subject to conditioning that more information is submitted, which the aforementioned conditions should address.
- 5.20 DESIGN AND VISUAL AMENITY/LANDSCAPING AND BOUNDARY TREATMENT
The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result.
- 5.21 Furthermore, the design of the development would create sufficient amenity space and prevent the site from being overdeveloped. Some details of the materials to be used as part of the development (facing bricks and stone, roof slate, door and window frames, etc.) have been submitted and in general are considered to be acceptable in terms of preserving visual amenity. Therefore, it is considered appropriate to condition that final details of materials should be submitted for approval (conditions 15 and 16).

- 5.22 Some boundary treatment information has been submitted showing a combination of brick walls and metal railings, which is broadly considered to be acceptable in terms of preserving visual and residential amenity. Therefore, it is considered appropriate to condition that the final boundary treatments are submitted for approval (conditions 17 and 18).
- 5.23 Regarding landscaping, some details of soft and hard landscaping have been submitted but it is considered that more information is required to ensure that an appropriate landscaping scheme comes forward. Therefore, it is considered necessary to condition their final approval to ensure visual amenity is preserved (conditions 19-21).
- 5.24 Subject to the above the development would accord with the NPPF, policy CS15 of the CSUCP and saved policies ENV3 and DC1(c) of the UDP.
- 5.25 **TRANSPORT**
The level of visitor parking proposed is acceptable for the scale of development and the layout of the car park and access points are acceptable, subject to agreeing an appropriate boundary treatment, which will be addressed through the landscaping and boundary treatment conditions. Therefore, the proposal should not have a significant impact upon the local highway network.
- 5.26 The separate staff and servicing area is considered to raise no highway safety concerns both in terms of access and egress and manoeuvrability within the yard area.
- 5.27 The addition of 4 dedicated parking spaces for the staff of the nursery is welcomed, as otherwise their staff would have to park on the street, as they currently have the consent of the applicant to park within the application site.
- 5.28 The provision of a secure facility within the building for staff cycle parking and the location and provision of visitor cycle parking is considered to be acceptable. Final details can be agreed by condition (conditions 22 and 23).
- 5.29 Electric vehicle charging should be provided on site, the details of which can be addressed by condition (conditions 24 and 25).
- 5.30 Motorcycle parking should be provided on site, the details of which can be addressed by condition (conditions 26 and 27).
- 5.31 A travel plan is required and can be addressed by condition (conditions 28 and 29).
- 5.32 Overall, the proposal is not considered to raise any highway safety concerns and thus accords with the NPPF and policy CS13 of the CSUCP.
- 5.33 **RESIDENTIAL AMENITY**
It is considered that the orientation of windows, the layout of the site, including car parking, and the sympathetic design approach should help to safeguard residential amenity to neighbouring properties, both existing and proposed.

Furthermore, the separation distances to all the nearest neighbouring properties exceeds the relevant minimum recommendation distances of 13m and 21m respectively, and therefore visual intrusion, overshadowing, loss of light and overlooking are not considered to be issues.

5.34 In addition to the comments above, it is considered reasonable to condition that construction works should only take place during typical daytime hours of 8am-5pm Monday to Saturday to safeguard residential amenity. It is also necessary to condition the submission of a construction control plan to further help safeguard the amenity of nearby residents by minimising the impact of the construction phase. Subject to these conditions the proposal would accord with the NPPF, policy CS14 of the CSUCP and policies DC2 and ENV61 of the UDP (conditions 5, 6 and 32).

5.35 REFUSE

The proposed development has been assessed from a waste servicing perspective and there are no concerns with it. The bins are kept in an enclosed bin store, within an enclosed service yard at the bottom of a small access road. Furthermore, the clinical waste bins are kept in a secure section of the bin store and so everything has been well designed. The bin store looks to be of sufficient size, especially considering that, as a business, waste collections can be as frequent as the management choose. Therefore, it is considered that the proposal accords with the NPPF and saved policy MWR28 of the UDP.

5.36 COMMUNITY INFRASTRUCTURE LEVY

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 not CIL chargeable development. As such no CIL charge is liable.

6.0 CONCLUSION

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

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director 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 -

Plan list to follow as an update

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

Before any materials are brought onto site or any development granted in full is commenced, the tree protection measures shown on plan reference Tree Protection Plan (TPP) 10.09.18 shall be implemented on site. The fencing must remain in place for the duration of the development and shall not be moved or removed until all equipment; machinery and surplus materials have been removed from the site, unless otherwise and firstly approved in writing by the Local Planning Authority. No materials, plant or equipment or temporary buildings or structures shall be stored or located within the fenced areas.

Reason

To ensure that the trees to be retained on the site are adequately protected from damage during the development works in accordance with the NPPF, saved policies DC1 and ENV44 of the Unitary Development Plan and CSUCP Policies CS17 and CS18.

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

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

Reason

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

5

No development shall commence (except for tree protection measures and vegetation clearance works) until a construction control plan including the hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access locations shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

Reason for prior to commencement condition

The construction control plan 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.

6

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

Reason

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

7

No development shall commence (except for tree protection measures and vegetation clearance works) until a detailed remediation scheme to bring the site to a condition suitable for the intended use, by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable and phasing of works and site management procedures. 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.

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

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.

Reason for prior to commencement 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.

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.

8

The details of remediation measures approved under condition 7 shall be implemented prior to commencement of each phase 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.

9

Following completion of the remediation measures approved under condition 7 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.

10

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

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

11

Development shall not commence in respect of the SuDS and drainage system until the following construction details have been submitted to and approved in writing by the Local Planning Authority:

1. Details of geocellular system and flow control.
2. Electronic drainage model submitted in Microdrainage format.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

12

The details approved under condition 11 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

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

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

13

Prior to the first occupation of the development hereby approved a SuDS and drainage maintenance plan to cover the following:

- i. Clearly describe the drainage system and define the SuDS features, describing how each element is expected to work;
- ii. Confirm party responsible for the system maintenance in the short and long term;
- iii. Provide specification of maintenance tasks; and schedule of tasks and inspections for the lifetime of the development

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

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

14

The details approved under condition 13 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

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

15

Construction of the new development hereby approved shall not proceed beyond 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.

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, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The development shall be completed using the materials approved under condition 15 and retained as such in accordance with the approved details 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 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

17

The development hereby approved shall not be occupied until a fully detailed scheme for the boundary treatment of and within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

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

18

The boundary treatment details approved under condition 17 shall be implemented wholly in accordance with the approved details prior to the development being occupied and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

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

19

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

Reason

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

20

The landscaping scheme approved under condition 19 shall be completed in full accordance with the approved plans during the first planting season (October to March) following commencement of the development unless otherwise approved in writing by the Local Planning Authority. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

To ensure that the approved landscaping scheme is completed within a reasonable time scale in the interests of the visual amenity of the area and in accordance with Policies DC1 and ENV3 of the Unitary Development Plan.

21

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

Reason

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

22

Notwithstanding the details on the submitted plans, final details of secure and weatherproof cycle storage shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason

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

23

The details approved under condition 22 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

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

24

Prior to the first occupation of the development hereby approved, a scheme for the provision of electric vehicle charging shall be submitted to and approved in writing by the Local Planning Authority:

Reason

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

25

The details approved under condition 24 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

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

26

Notwithstanding the details on the submitted plans, final details of motorcycle parking shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason

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

27

The details approved under condition 26 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

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

28

No part of the residential accommodation shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

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

1) Reduction in car usage and increased use of public transport, walking and cycling;

- 2) Minimal operational requirements for car parking in accordance with the National Planning Policy Framework and Council Policy CS13;
- 3) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Reason

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

29

The Travel Plan shall be implemented in accordance with the details and timescales approved under condition 28 and retained as such thereafter unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

30

No development or other operations shall commence in respect of the car parking to serve the nursery or the boundary wall in the south east corner of the site until a detailed construction specification and arboricultural method statement for any works to trees or areas within the approved tree protection areas has been submitted to and approved in writing by the Local Planning Authority. This must provide for the protection and retention of the existing trees on the site during the construction of the development.

Reason

To ensure the satisfactory protection of trees in accordance with policies DC1 and ENV44 of the Unitary Development Plan.

31

The details approved under condition 30 shall be implemented and adhered to at all time during construction the car parking to serve the nursery and any works to the boundary wall in the south east corner of the site.

Reason

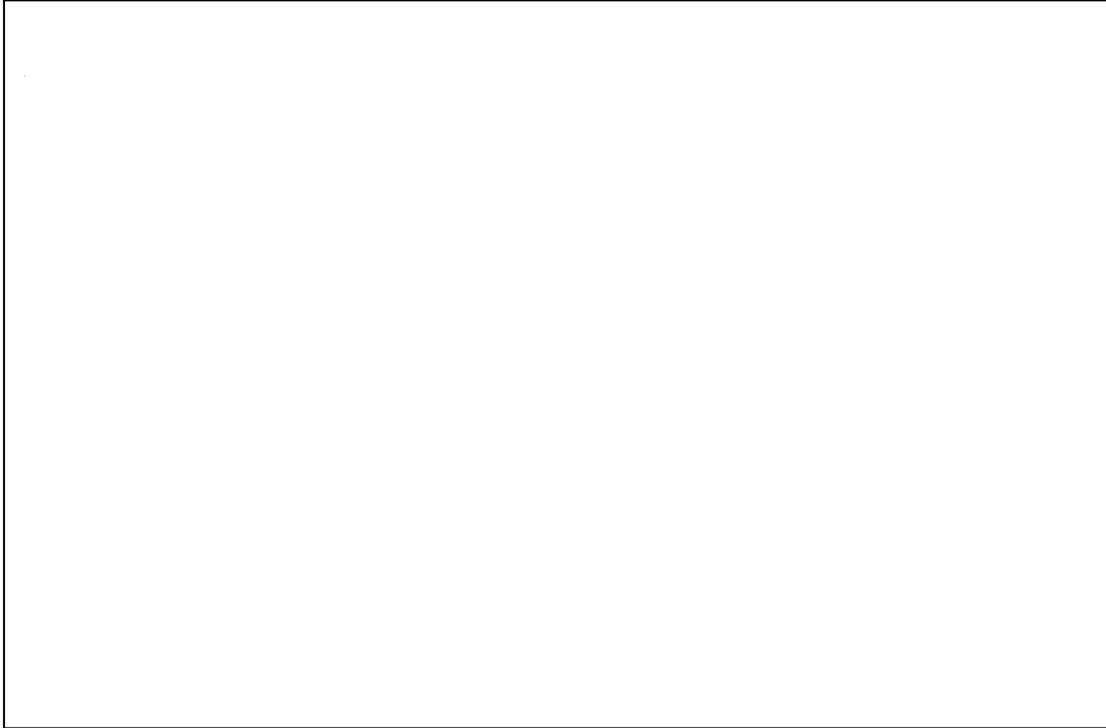
To ensure the satisfactory protection of trees in accordance with policies DC1 and ENV44 of the Unitary Development Plan.

32

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved policies DC1(h), DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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Committee Report

Application No:	DC/19/00213/OUT
Case Officer	Andrew C Softley
Date Application Valid	14 March 2019
Applicant	Gateshead Council
Site:	Former Clasper Village Site Tyne Road East Gateshead
Ward:	Dunston And Teams
Proposal:	Development of 6.6ha of land for residential (use class C3) comprising erection of 191 residential units with associated drainage, highway works and landscaping (amended 10/04/19, 06/06/19 and 08/07/19).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is the cleared former Clasper Village, which is situated adjacent to the southern bank of the River Tyne and is bounded by Askew Road West, the A184 and the East Coast Main Line to the south, Morrison Street to the west, the Redheugh Bridge approach and associated road infrastructure to the east and Rose Street/Tyne Road East and the wooded slopes down to the River Tyne to the north (Riverside Park). Teams Children's Centre is located to the north west of the site. The site was originally developed for residential purposes in Victorian times, with those terraced properties demolished to make way for the Clasper Village development of the 1970s, which itself was demolished in stages between 2013 and 2017.

1.2 The land slopes downwards from south to north across the site towards the River Tyne, which creates constraints within the site due to the varied topography and ground conditions.

1.3 DESCRIPTION OF THE APPLICATION

This application proposes development of 6.6 hectares of land for residential (use class C3), with detailed permission requested for the erection of 191 residential units, with associated drainage, highway works and landscaping. The scheme has been amended on 10/04/19, 06/06/19 and 08/07/19.

1.4 The proposal comprises the erection of 191 residential units, comprising 86 x 2-bedroom, 75 x 3 bedroom and 30 x 4-bedroom properties, of which 29 would be affordable units for rent. 8 of the 2-bedroom properties would also be bungalows. The existing road "Tyne Road East" encloses the site and

would continue to form the perimeter of the development, with new estate roads constructed as part of the new development, including a central arterial route running south to north through the site. A range of landscaped open spaces, which will incorporate SuDS features would be provided, along with off-street parking and good quality public realm.

1.6 The application was submitted as a hybrid application that also included retail development on part of the site, in outline. During the course of the application, the outline/retail element of the scheme has been omitted, so that this is now a purely residential scheme.

1.7 RELEVANT PLANNING HISTORY

DC/16/01188/DEM - DETERMINATION OF PRIOR APPROVAL: Demolish former dwelling properties consisting of 8 flats in a block 17-24, 25-32 inclusive Pamerston Walk, 9-16, 17-24 inclusive Chadwick Walk, 1-8,9-16, 25-32 inclusive Shaftsbury Walk. Approved 29.11.2016.

DC/13/01580/DEM - DETERMINATION OF PRIOR APPROVAL: Demolition of flats at Wilberforce Walk (Nos1-8, 25-32, 41-48, 57-64 and 73-80 inclusive), Shaftesbury Walk (nos 49-56 inclusive), Lovett Walk (nos 1-8 and 17-24 inclusive), Palmerston Walk (nos 17-24 inclusive), garage blocks adjacent Community Centre and 1-8 Lovett Walk and Community Centre. Approved 23.01.2014.

DC/13/00281/DEM - DETERMINATION OF PRIOR APPROVAL: Demolition of dwellings Palmerston Walk (9-16, 33-40, 41-48, 49-56), Wilberforce Walk (65-72), Tyne Road East, Gateshead. Approved 02.04.2013.

2.0 Consultation Responses:

Coal Authority	No objection, subject to conditions.
Environment Agency	No objections.
Northumbria Police	No objections.
Northumbrian Water	No objection, subject to condition.
Port Of Tyne	The lighting from the proposed buildings should not cause any backscatter that could impact on the ability to identify a vessel's navigation lights. This can be addressed by conditions.
Tyne And Wear Archaeology Officer	No archaeological work is required.

3.0 Representations:

3.1 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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

MSGP Making Spaces for Growing Places

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

H9 Lifetime Homes

H10 Wheelchair Housing

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues to be considered are the principle of the development, play and open space provision, design, landscape, highway safety, drainage, contaminated land, coal mining legacy, refuse, residential amenity and CIL.

5.2 PLANNING POLICY

Local Plan

The Council's Draft Making Spaces for Growing Places (MSGP) document allocates the former Clasper Village site as a housing site via policy MSGP10, which looks to allocate 104 hectares of additional land across Gateshead to assist the Council in satisfying policy CS10 of the Core Strategy and Urban Core Plan (CSUCP) that seeks to deliver approximately 30,000 new homes over the plan period (2010-2030).

5.3 Family Homes

Core Strategy and Urban Core Plan (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 plans show the proposal is for the development of 191 dwellings, comprising 86 x 2-bedroom, 75 x 3 bedroom and 30 x 4 bedroom. That equates to 105 houses of 3 bedrooms or more, which is 55% of the development. Therefore, it is considered that the proposal does have regard to borough-wide policy CS11(1).

5.4 Affordable Homes

The development proposal includes 15% affordable units, which is in accordance with Policy CS11(5). The affordable homes would be pepper-potted around the site and of an intermediate tenure. The affordable housing provision can be secured by condition (condition 52).

5.5 Lifetime Homes and Wheelchair accessible homes

Although no specific provision has been made to meet the Lifetime Homes and Wheelchair standard, the application does include 50 homes that will be built to Building Regulations Part M4(2) standards, which equates to 26% of the overall development. This exceeds the requirements of saved policies H9 and H10 of the UDP and accords with the aspirations of CSUCP policy CS11.

5.6 Suitable accommodation for the elderly

The proposal indicates that 10% of dwellings would be suitable for and attractive to the elderly, including the provision of 8 x 2-bedroom bungalows. This provision accords with CSUCP policy CS11(3), which seeks to increase the choice of suitable accommodation for the elderly population.

5.7 Residential space standards

Policy CS11 of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". This proposal is considered to provide adequate space and therefore complies with policy CS11.

5.8 Open space

The application site is not located within a neighbourhood that is deficient in open space provision; therefore, there would be no requirement for this development to provide any. Furthermore, whilst this redevelopment of the site would see the loss of some public open space within the site boundary, it would also see the creation of new public open within a well considered and planned out landscape strategy. Therefore, any loss of open space is mitigated by the new development. It is also worth noting that the site previously contained 280 dwellings and the new scheme is proposing 191 dwellings and apartments. Therefore, the reduction of 89 properties compared is considered to further reduce any possible impact upon local open space provision.

5.9 Play provision

Saved UDP Policies CFR28, CFR29 and CFR30, relating to the provision of play facilities is considered to apply to the current application.

5.10 The application includes areas of land adequate to meet the requirements of an on-site toddler play area that would also serve as open space and SuDS features. Therefore, the proposal does accord with saved policy CFR28 of the UDP.

5.11 With regard to off-site contributions towards junior and teenage provision, pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010, which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project.

5.12 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area. Therefore, the Council cannot seek any further obligations in respect of these matters.

5.13 Consequently, while it cannot be concluded that the proposed development would comply with saved policies CFR29 and CFR30 of the UDP, it is considered that it is not possible to require any contribution for play provision in this case.

5.14 TREES/BIODIVERSITY

The line of existing mature trees opposite the entrance to the Riverside Park and along towards the existing properties on Rose Street are considered offer a high level of visual and residential amenity value, as well as landscape value. As a result, they are to be retained and integrated into the new development.

5.15 Across the wider site there are several trees of relatively low amenity value, some of which are proposed to be removed. A tree removal/retention plan has been submitted, which is considered to be acceptable, subject to conditioning appropriate protection for the trees to be retained, and that the tree clearance works take place outside of the bird breeding season (conditions 3, 4 and 5).

5.16 In addition to the above, a comprehensive landscape strategy is proposed for the new housing development that will enhance the landscape and amenity value of the area, which will improve the level of biodiversity value across the site.

5.17 Overall, subject to the conditions referred to above, the proposed development accords with the NPPF, policies CS17 and CS18 of the CSUCP, saved policy ENV44 of the UDP and draft MSGP policy 33.

5.18 CONTAMINATED LAND

The site is situated on potentially contaminated land based on previous historic development use, which terraced houses in Victorian times that were demolished to make way for the 1970s Clasper Village development, which itself has been demolished and cleared over recent years.

5.19 In view of the sensitive end use proposed (housing) and the close relationship between the two portions of the site, and following discussions at pre-application stage, the planning application is supported by a Preliminary Risk Assessment (PRA) and a Phase 2 Site Investigation Report that addresses the whole site.

5.20 A number of samples at the site have been subject to chemical analysis and they have highlighted the need for a remediation strategy. This can be addressed by conditions (conditions 8-10).

5.21 It is also considered necessary to apply a condition, should planning permission be granted, to address the necessary course of action if unexpected contamination not previously identified is discovered during construction (condition 11).

5.22 Subject to the conditions referenced above the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies ENV54 and DC1(p) of the UDP.

5.23 COAL MINING LEGACY

The application site is partially within a Coal Authority Development High Risk Area with, 4 reported capped shafts, and therefore a comprehensive Coal Mining Risk Assessment (CMRA) has been submitted with the application. The CMRA concludes that coal mining legacy potentially poses a risk to the proposed development and that remedial works should be undertaken prior to development, which is supported by the Coal Authority. It is considered that the additional work can be addressed by condition and subject to it the proposal would accord with the NPPF and policy CS14 of the CSUCP (conditions 12 and 13).

5.24 FLOOD RISK AND DRAINAGE

The application has been submitted with a flood risk assessment that has assessed all sources of flooding in accordance with policy CS17 of the CSUCP. It has identified any potential risks and the layout of the development reflects this through a comprehensive SuDS system that has followed the SuDS hierarchy.

5.25 The principle of the drainage strategy is considered to be acceptable, but a number of further details are deemed necessary to ensure that the development accords with the NPPF and policy CS17 of the CSUCP. These further details can be dealt with via conditions (conditions 14-17).

5.26 Furthermore, Northumbrian Water have offered no objection, subject to conditioning that the scheme comes forward in accordance with the submitted drainage scheme report (condition 18).

5.27 DESIGN AND VISUAL AMENITY/LANDSCAPING AND BOUNDARY TREATMENT

The approach to this very difficult site has been well thought through and many of the challenges and constraints of the site have been turned into opportunities to create good placemaking features and provide overall a high-quality residential environment.

5.28 Therefore, the design, scale, layout, height, density and appearance of the proposed development is considered to have responded well to the difficult topography on site and the constraints that creates, and thus is considered to be sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result.

5.29 Furthermore, the design of the properties would create sufficient amenity space and prevent the site from being overdeveloped. Precise details of the materials to be used as part of the development (facing bricks and stone, roof slate, door and window frames, etc.) have been submitted and are considered to be acceptable in terms of preserving visual and residential amenity. Therefore, it is considered appropriate to condition implementation of the details submitted to ensure visual amenity is protected (condition 19).

5.30 With regard to landscaping, a comprehensive landscape strategy and maintenance scheme has been submitted, which is considered to be

sympathetic and appropriate. Therefore, subject to conditioning implementation and maintenance of the submitted details, visual amenity will be preserved (conditions 20 and 21).

5.31 Furthermore, some details of the boundary treatments proposed have been and the approach shown is considered to be acceptable. Therefore, it is considered appropriate to condition that the final details of the boundary treatment be submitted. This can be addressed by conditions (conditions 22 and 23).

5.32 Subject to the above the development would accord with the NPPF, policy CS15 of the CSUCP, saved policies ENV3 and DC1(c) of the UDP and draft MSGP policy 25.

5.33 TRANSPORT AND HIGHWAYS

The principle of residential development on this site is considered to be acceptable and, subject to the following paragraphs, there is no objection to the scheme on transport and highways grounds. This is an on-balance decision based on the fact that this is a Council lead regeneration scheme that is in effect reinstating housing into an area that has been a residential area since Victorian times, as opposed to a green field site that has never been developed.

5.34 The Transport Assessment (TA) submitted in support of the application includes a level of junction assessment and concludes that all junctions tested except the Cuthbert Street/Askew Road roundabout would operate within capacity with the residential development in place. The Cuthbert Street/Askew Road West junction has been shown to operate over capacity with and without development under a future year scenario. The TA suggests potential mitigation, however on review of the additional traffic the development would generate at this junction, it is evident that the residential proposals would only generate a limited number of additional trips at this junction when compared to existing flows. Taking this into account, and additional factors, including the previous use on the site, the ability for vehicles to reroute and access the site from the Askew Road West/Team Street junction to the west, an on-balance judgement has been made that the need for a mitigation scheme to be delivered at this junction is unreasonable in the context of the proposal. This is subject to some more detailed design changes being incorporated into the scheme, as detailed below, together with commitment to future travel planning on site, all of which can be secured by condition.

5.35 The final scheme is to include off site highway works, which will manage the change in demands on the local road network, road safety and connections to public transport, the final details of these works are to be secured by condition and should include the following (conditions 24 and 25):

- Change to existing traffic and proposed new traffic calming on Palmerston Road and Tyne Road East/Rose Street
- Bus stop relocation on Palmerston Road

- Visitor parking on Palmerstone Road
- Amendments to footways
- Introduction of 20MPH zone
- Amendments to junction radii
- Introduction of waiting restrictions

The final delivery of the scheme will be done through section 278 agreement.

- 5.36 The internal layout generally meets transport requirements to ensure priority is given to the movement of people by none motorised modes of transport, there are though some changes that will need to be secured by condition to ensure the final design meets the needs of all users.
- 5.37 The final footway details adjacent to plots 143 and plot 102 are required to ensure continuity of pedestrian routes (conditions 26 and 27).
- 5.38 Overall numbers of visitor parking spaces are lower than the preferred ratio of 1:3 but are accepted. The distribution is also less than ideal, but is acceptable subject to the following changes being secured by condition:
- An additional space should be added to the layby opposite plot 98 (conditions 28 and 29).
 - The 2 spaces in the turning head adjacent to plot 119 should be reduced to one, in addition the footpaths either side should be realigned to provide improved continuity (conditions 30 and 31).
 - 2 VP's should be provided opposite plots 153-154/151+190 (conditions 32 and 33).
 - The bin store area should be removed from the head of the turning head and relocated closer to the access to the apartments (conditions 34 and 35).
- 5.39 The internal layout has been designed to accommodate a 20MPH zone, this includes the introduction of traffic calming features. The final details of the traffic calming needs to ensure there is no conflict with driveways, particularly in relation to plots 63, 55/56 and 114. The final details can be secured by condition (conditions 36 and 37).
- 5.40 The nature of the design around plots 164-173 means that parking will be detached from the individual properties, the need for good quality pedestrian routes between the parking and the properties is therefore important. Consequently, a widening of the private footpaths is deemed necessary. The final details can be secured by condition (conditions 38 and 39).
- 5.41 The orientation of plots 104-110 and 186 are deemed to make manoeuvring of vehicles associated with them difficult, consequently changes should be made. The final details can be secured by condition (conditions 40 and 41).
- 5.42 Secure and weatherproof cycle parking is to be provided either by way of a shed in the rear garden or within garages. These should have a lockable door mechanism and a means of securing a bicycle internally. The final details can be agreed by condition (conditions 42 and 43).

- 5.43 Electric vehicle charging should be provided on site, the details of which can be addressed by condition (conditions 44 and 45).
- 5.44 A street lighting scheme must be developed for the purposes of highway and personal safety. This would form part of the Section 38 process when adopting the internal roads and footways. This can be finalised via condition (conditions 46 and 47).
- 5.45 A final travel plan is to be agreed and implemented prior to first occupation, this can be addressed by condition (conditions 48 and 49).
- 5.46 Construction Control measures can be conditioned to manage the risk of debris being transferred from the site on to the highway, routing of construction vehicles and contractor parking. (conditions 6 and 7).
- 5.47 The Port of Tyne have expressed that lighting from the proposed development should not cause any backscatter that could impact on the ability to identify a vessel's navigation lights on the River Tyne. To mitigate this possible issue they have suggested the addition of 2 conditions, the first being for the glazing specification of the windows to be submitted for approval; and the second being for no lighting, except construction lighting, shall be installed unless otherwise approved in writing by the LPA and maintained as such thereafter.
- 5.48 The LPA considers both these conditions to be unreasonable and unnecessary for two reasons. The first being the significant change in land level down from the application site to the river; and the second reason being the tall, dense and mature screen planting that makes up the Riverside Park, which screens the site from river level. Therefore, light intrusion onto the river is not considered to be a significant issue.
- 5.49 Overall, subject to the conditions set out above the proposal would safeguard highway safety and hence would accord with the NPPF and policy CS13 of the CSUCP.
- 5.50 RESIDENTIAL AMENITY/NOISE/AIR QUALITY
It is considered that, the layout that has been developed for the site, including considering the topography, thereby minimising the height of retaining walls and car parking as well as the orientation of windows, should help to safeguard residential amenity to neighbouring properties, both existing and proposed. Furthermore, the separation distances to the nearest properties in Rose Street are 40m at the nearest point and the new properties would be orientated at 45 degrees to the existing properties. Therefore, a loss of privacy is not considered to be an issue in terms of existing properties.
- 5.51 In terms of the residential amenity of the new residents, the layout proposed is considered to be sympathetic and as such the living conditions of future occupiers has been assessed and is considered to be acceptable, taking into account changes in land level and orientation across the site.

- 5.52 The application is supported by a noise assessment, the content of which has been assessed and is considered to be appropriate. The report concludes that uprated ventilation will be required in certain plots, due to the background noise levels created by the nearby road network and railway, and also acoustic barriers/fencing for certain properties to ensure a satisfactory level of amenity for garden spaces. The details of which can be addressed by condition (condition 50 and 51).
- 5.53 It is necessary to condition the submission of a construction control plan to further help safeguard the amenity of nearby residents by minimising the impact of the construction phase. In addition to the comments above, it is considered reasonable to condition that construction works should only take place during typical daytime hours of 8am-5pm Monday to Saturday in order to safeguard residential amenity. These points can be addressed by conditions (conditions 6, 7 and 53).
- 5.54 Overall, subject to the conditions referred to above, the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.
- 5.55 **REFUSE**
Each residential plot has either an enclosed bin store in which to keep their bins secure or sufficient space in an enclosed garden, with minimal distances required for the resident to pull their bins out for collection and the road layout reduces the need for reversing for the 26 tonne HGV waste collection vehicles. Therefore, it is considered that the proposal accords with the NPPF and saved policy MWR28 of the UDP.
- 5.56 **COMMUNITY INFRASTRUCTURE LEVY**
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. However, the development is located within Charging Zone C, which has a levy of £0 per square metre for this type of development. As such no CIL charge is liable.

6.0 CONCLUSION

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

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director 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 -

Plan list to follow as an update

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

Before any materials are brought onto site or any development is commenced, all existing trees to be retained shown on plan reference 33477-ALA-00-XX-DR-L-0003 S2 Revision P01 (Tree Retention Removal Plan) shall be protected by suitable protective fencing, the specification and location of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the trees to be retained on the site are adequately protected from damage during the development works in accordance with the NPPF, saved policies DC1 and ENV44 of the Unitary Development Plan and CSUCP Policies CS17 and CS18.

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

The fencing details approved under condition 3 above must remain in place for the duration of the development and shall not be moved or removed until all equipment; machinery and surplus materials have been removed from the site, unless otherwise and firstly approved in writing by the Local Planning Authority. No materials, plant or equipment or temporary buildings or structures shall be stored or located within the fenced areas.

Reason

To ensure that the trees to be retained on the site are adequately protected from damage during the development works in accordance with the NPPF, saved policies DC1 and ENV44 of the Unitary Development Plan and CSUCP Policies CS17 and CS18.

5

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

Reason

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

6

No development shall commence (except for tree protection measures and vegetation clearance works) until a construction control plan including the phasing of the development, hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access locations shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

Reason for prior to commencement condition

The construction control plan 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 construction control plan approved under condition 6 shall be implemented and complied with in full during all stages of construction, until completion.

Reason

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

8

No development shall commence (except for tree protection measures and vegetation clearance works) until a detailed remediation scheme to bring the site to a condition suitable for the intended use, by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable and phasing of works and site management procedures. 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.

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

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.

Reason for prior to commencement 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.

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 details of remediation measures approved under condition 8 shall be implemented in accordance with the approved phasing details of works approved by condition 8 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.

10

Following completion of the remediation measures approved under condition 8 a verification report that demonstrates the effectiveness of the remediation carried out within each phase must be submitted for the written approval of the Local Planning Authority prior to first occupation of each phase 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.

11

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

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

12

No development shall commence (except for tree protection measures and vegetation clearance works) until a scheme for remedial works for the shallow mine workings and for the mine entries, including the phasing of any remedial works, has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

Reason for prior to commencement condition

The mitigation works to address shallow unrecorded mine workings must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

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.

13

The details to address coal mining legacy approved under condition 12 shall be implemented in accordance with the phasing approved under condition 12 and maintained for the life of the development.

Reason

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

14

Development shall not commence in respect of the SuDS and drainage system until the following construction details have been submitted to and approved in writing by the Local Planning Authority:

1. Details of raingardens and swales including cross sections, dimensions, falls, underdrainage layers, and connections to drainage system. Compliance with CIRIA SuDS Manual (C753) Tables B14 and B12 shall be demonstrated.
2. Details of geocellular storage include maintenance access, and connections.
3. Cross sectional detail of permeable paving including connection to the drainage system.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

15

The details approved under condition 14 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

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

16

Prior to the first occupation of each phase of the development (as per plan ref. 9101-9105) hereby approved a SuDS and drainage maintenance plan including maintenance details of all hard and soft SuDS features including permeable paving, geocellular, hydrobrakes, swales and raingardens shall be submitted to and approved in writing by the Local Planning Authority. The plan shall also set out details of the arrangements for the ongoing maintenance of the drainage system over the lifetime of the development, and set out clearly where responsibility lies for the maintenance of all drainage features including underground storage, oversize pipes, permeable paving, flow control and water treatment devices.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

17

The details approved under condition 16 shall be implemented prior the first occupation of each phase of the development and maintained as such for the life of the development.

Reason

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

18

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Proposed Drainage Layout Plan" dated March 2019. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 3812 and ensure that surface water discharges to the surface water sewer at manhole 3814. The surface water discharge rate shall not exceed the available capacity of 200l/sec that has been identified in this sewer.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

19

The development shall be completed using the materials shown on plan reference 4001 Proposed Materials Plan and retained as such in accordance with the approved details 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 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.

20

The landscaping scheme shown on plan references "ares Landscape Architects 33477-ALA-00-XX-DR-L-0001 to 0006 Revision P01" submitted with the application shall be completed in full accordance with the approved plans during the first planting season (October to March) following commencement of the development unless otherwise approved in writing by the Local Planning Authority. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

To ensure that the approved landscaping scheme is completed within a reasonable time scale in the interests of the visual amenity of the area and in accordance with Policies DC1 and ENV3 of the Unitary Development Plan.

21

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

Reason

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

22

The development hereby approved shall not be occupied until a fully detailed scheme for the boundary treatment of and within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions, materials and a timetable for implementation of the boundary treatment.

Reason

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

23

The boundary treatment details approved under condition 22 shall be implemented wholly in accordance with the approved details and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

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

24

No part of the development hereby approved shall be occupied until final details of all works within the adopted highway have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- Change to existing traffic and proposed new traffic calming on Palmerston Road and Tyne Road East/Rose Street
- Bus stop relocation on Palmerston Road
- Visitor parking on Palmerstone Road

- Amendments to footways
 - Introduction of 20MPH zone
 - Amendments to junction radii
 - Introduction of waiting restrictions
- and a timetable for their implementation.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

25

The details approved under condition 24 shall be implemented in accordance with the agreed timetable and maintained as such for the life of the development.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

26

Notwithstanding the details shown on the submitted plans, final details for the footway adjacent to plots 143 and plot 102 shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said footway.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

27

The details approved under condition 26 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

28

Notwithstanding the details shown on the submitted plans, details showing an additional parking space within the layby opposite plot 98 shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said parking space.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

29

The details approved under condition 28 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

30

Notwithstanding the details shown on the submitted plans, revised details showing that the 2 parking spaces in the turning head adjacent to plot 119 are reduced to one, and that the footpaths either side have been realigned, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on said works.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

31

The details approved under condition 30 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

32

Notwithstanding the details shown on the submitted plans, details showing two additional VP bays opposite plots 153-154 and opposite 151/190 shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said parking space.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

33

The details approved under condition 32 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

34

Notwithstanding the details shown on the submitted plans, details showing the removal of the bin store area serving plots 155-163 from the head of the turning head and relocated closer to the access to the apartments shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said bin store.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

35

The details approved under condition 34 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

36

Notwithstanding the details shown on the submitted plans, details of the traffic calming necessary to ensure there is no conflict with driveways in relation to plots 63, 55/56 and 114 shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said works.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

37

The details approved under condition 36 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

38

Notwithstanding the details shown on the submitted plans, final details of the pedestrian routes between the parking spaces and the properties on plots 164-173 shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said pedestrian routes.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

39

The details approved under condition 38 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

40

Notwithstanding the details shown on the submitted plans, final details showing the orientation of plots 104-110 and 186 to ensure safe manoeuvring of vehicles to and from driveways shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said works.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

41

The details approved under condition 40 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

42

Notwithstanding the details on the submitted plans, final details of secure and weatherproof cycle storage shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason

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

43

The details approved under condition 42 shall be implemented prior the first occupation of the respective property and maintained as such for the life of the development.

Reason

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

44

Prior to the first occupation of the development hereby approved, the following details in respect of electric vehicle charging shall be submitted to and approved in writing by the Local Planning Authority:

1. Details to demonstrate that all affordable units have an appropriate charging unit.
2. The other dwellinghouses shall, as a minimum, be provided with a spur for units can be fitted as demand requires.
3. The blocks of apartments, a minimum of a charging point for each block, with all bays having passive infrastructure for future conversion.

Reason

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

45

The details approved under condition 44 for that property shall be implemented prior the first occupation of the respective property and maintained as such for the life of the development.

Reason

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

46

Prior to the first occupation of the development hereby approved full details of the proposed street lighting scheme, including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

47

The street lighting details approved under condition 46 shall be implemented in accordance with the timetable approved under condition 46 and maintained as such for the life of the development.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

48

Prior to the construction of any dwelling above damp course level a final travel plan shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include but should not be limited to:

- o Welcome packs
- o Travel plan co-ordination with agreed annual budget for running initiatives and promotion of sustainable travel.
- o Promoting electric vehicle use through provision of charging infrastructure at every property
- o Pre loaded Pop card for each property to encourage public transport use
- o Details of appropriate cycle parking facilities in line with Gateshead Council's Cycling Strategy.
- o Car sharing initiatives

- o Setting of modal shift targets
- o Monitoring and review regime

Reason

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

49

The Travel Plan shall be implemented in accordance with the details and timescales approved under condition 48 and retained as such thereafter unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

50

Prior to the first occupation of the properties identified in the submitted Noise Assessment as requiring uprated ventilation and/or also acoustic barriers/fencing, details of said measures shall be submitted to and approved in writing by the Local Planning Authority.

These properties being:

uprated ventilation – 14-60; 62; 68-103; 117-119; 126-130; 143-185; 190-191.

acoustic barriers/fencing – 20-24; 49; 81-84; 91-92; 117; 174-184.

Reason

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

51

The details approved under condition 50 shall be implemented wholly in accordance with the approved details prior to the units identified under condition 50 being occupied and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

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

52

Prior to any of the residential units hereby approved being occupied details of an affordable scheme for the development which identifies

- which 29 units in the development will be affordable
- what type of affordable housing they will be, and
- the selection criteria to live in the units
- timetable for delivery

shall be submitted to and approved in writing by the Local Planning Authority. The approved affordable housing units shall be provided on site in accordance with the approved scheme and timetable and retained in perpetuity.

Reason

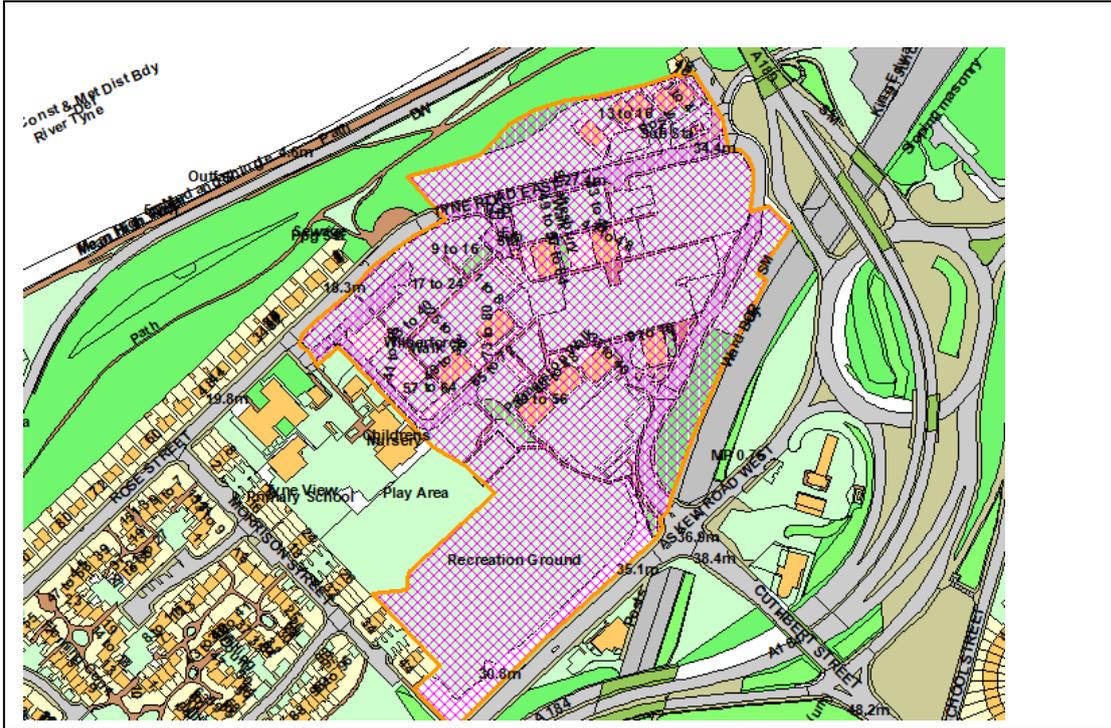
To ensure affordable housing provision in accordance with the NPPF and policy CS11 of the Core Strategy and Urban Core Plan.

53

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved policies DC1(h), DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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Committee Report

Application No:	DC/19/00294/COU
Case Officer	David Morton
Date Application Valid	3 May 2019
Applicant	Advocate
Site:	Glenroyd Smailes Lane Rowlands Gill NE39 1JQ
Ward:	Chopwell And Rowlands Gill
Proposal:	Change of use from Domestic Dwelling (Use Class C3) to Residential children's home (Use Class C2)
Recommendation:	GRANT
Application Type	Change of Use

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

The planning application relates to an existing residential property (Use Class C3) located on Smailes Lane, Rowlands Gill. The property is located within a mixed-use area close to the junction with Station Road.

1.2 The Rowlands Gill Local Centre, as designated in the Core Strategy and Urban Core Plan policy CS7 bounds the application site on three sides and there are commercial properties located to the north (The Natural Beauty Clinic), south (Your Move) and west across Smailes Lane (G-Fit Studio Gym). There are residential properties located to the north-west, beyond the commercial property to the north and to the east.

1.3 The application site has car parking provision for two cars to the front of the premises, as well as an integral single garage accessed via Smailes Lane.

1.4 DESCRIPTION OF APPLICATION

The application seeks planning permission for the change of use of the property from a residential dwelling (use class C3) to a residential institution (Use Class C2).

1.5 The applicant has set out within their application that the premises is to '... become a residential children's home for young people between the age of 11 and 18.'

1.6 The premises will be supported with a 24-hour staffing team dedicated to the development of the occupants, the applicant goes on to state that 'the needs of the young people will vary but all will be under Local Authority care.' There would be a maximum of five occupants; two members of staff and three young people.

- 1.7 NPPG at Paragraph: 015 Reference ID: 21a-015-20140306 advises that it is rarely appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people. As in any application for residential use, the planning system is not able to control the type of individual who would occupy the properties within that use class.
- 1.8 Information provided by the applicant has indicated that there would be two members of staff in attendance at any one time, it is envisaged that staffing would run in three shifts as follows;
- 1400 to 1400 (including 'sleep in' period)
 - 0800 to 2000
 - 2000 to 0800
- 1.9 Any meetings that will be held in relation to the occupiers, will be conducted away from the property and visits would be kept to a minimum and work on an appointment basis. Friends and family visits will only be organised via the Manager.
- 1.10 The external areas would be used and maintained in the same manner as a domestic garden space and the front parking area would be utilised by staff.
- 1.11 **PLANNING HISTORY**
No previous planning history.

2.0 Consultation Responses:

Northumbria Police

The Architectural Liaison Officers formal response will be reported as part of a written update to committee.

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 16 letters of objection have been received and are summarised as follows:
- The proposed development would lead to a loss of privacy;
 - There is no secure fencing between the application site and neighbouring properties, rendering it unsuitable;
 - There is a lack of affordable homes in Ryton and the application would result in further loss;
 - The proposed development would lead to parking issues;
 - There is evidence of existing anti-social behaviour issues within the area and the proposal would result in further issues;
 - The proposal does not give information on the end occupiers of the premises;
 - The comings and associated with the use would lead to disturbance;

- The proposed use is not appropriate in a commercial area comprising of young families and single occupiers; and
- Little information about the applicant and their existing operations is available.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

CS9 Existing Communities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP Making Spaces for Growing Places

5.0 Assessment:

5.1 The key considerations to be taken into account when assessing this planning application are the principle of the use in terms of housing policy, residential amenity, and highway safety and parking.

5.2 HOUSING POLICY

Paragraph 11 of the National Planning Policy Framework (NPPF) 2019 states that:

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

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

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

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

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

5.3 Policy CS9 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 (CSUCP) states that existing communities will be

sustainable places of quality and choice. This will be achieved by preventing the loss of family homes, through the sub-division, change of use or redevelopment and by preventing an over concentration of shared accommodation. This development contributes to the range and choice of accommodation in the borough. The premises could become an HMO (use class C4) without needing planning permission, so it is not considered that this development would result in a loss of family housing. There is no evidence of an overconcentration of shared accommodation in the local area, nor any expectation that this development would result in an over concentration.

- 5.4 Furthermore, paragraph 91 of the NPPF, states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social integration... through mixed-use developments. Paragraph 92, then goes on to state that planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Whilst, paragraph 59 states, that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, this is amplified by emerging MSGP Policy MCGP12.
- 5.5 It is therefore considered that the change of use from a dwellinghouse to a residential institution would, in general, accord with the above policies; albeit that detailed consideration needs to be given to potential impacts upon the local area. These are given consideration below.
- 5.6 VISUAL AMENITY
The application does not propose any external alterations to the premises and as such it is considered that the proposal would not result any visual impact on the property. The proposed development does not conflict with the aims and objectives of the relevant paragraphs in the NPPF, policy CS15 of the CSUCP or saved policy ENV3 of the UDP.
- 5.7 RESIDENTIAL AMENITY
Officers are aware that there have been representations on the basis that the proposed use would create or add to existing anti-social behaviour issues, due to the property housing young people. Officers would, however, draw to attention that the planning system deals with the use and development of land; rather than the identity and background of any particular occupiers of existing and proposed buildings. As noted above, officers consider that the use of the building would accord with policy.
- 5.8 It is considered that anti-social behaviour (including noise) is a matter for the management of the building in connection with the Police and the Council's Environmental Health section and should not preclude granting planning permission in this case for the reasons cited above. The applicant has provided information to state that they intend to have two staff members on site at any time on rotating shift basis. Officers are satisfied that the applicant has demonstrated an operational management of the property through the supplementary information submitted as part of the application.

- 5.9 Saved policy DC2 of the UDP states that planning permission will be granted for new development, where it does not have an adverse impact on amenity or the character of an area and does not cause undue disturbance to nearby residents or conflict with other adjoining uses.
- 5.10 Whilst it is acknowledged that a level of 'domestic' noise may be generated as a result of the change of use, given the size of the premises and the anticipated level of occupation i.e. a maximum of three young people and two staff, the level of noise production would be akin to the use of the property as a dwellinghouse. Nevertheless, a management plan is recommended to be secured through condition (Condition 3).
- 5.11 Furthermore, the building is a detached property which, as referred to above, is flanked by commercial premises, and by the Rowlands Gill Local Centre on three sides, therefore it is considered that the site lies within an area which has a mix of different types of uses and where a higher level of activity, than in a purely residential area, would be expected, it is not considered that a significant loss of amenity will be caused as a result of the use, which would warrant a refusal of planning permission.
- 5.12 It is accepted that the proposal would lead to two vehicle movements around 1400 (because of a shift change), however it is the view of officers that any impact caused by this movement and other comings and goings that would be typical of a family home would be minimal and would not warrant a refusal of planning permission.
- 5.13 The proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.14 HIGHWAY SAFETY AND PARKING
Small residential institutions of this nature are considered to generate very little traffic and parking demand particularly when compared to the existing residential use.
- 5.15 Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links. The application makes provision for three offstreet parking space. Further, parking available within close proximity of the site, on-street with no restrictions and therefore it is not considered the proposed change of use would create undue disturbance to local residents in terms of parking.
- 5.16 Furthermore, it is considered that cycle storage provision could be accommodated within the garage or the building itself.
- 5.17 Therefore, it is considered that the development is acceptable in terms of highway safety; in accordance with policy CS13 of the CSUCP and the NPPF.
- 5.18 OTHER MATTERS

In regard to anti-social behaviour and safety while material to the decision-making process, there is no evidence to suggest that the proposed development would result in any anti-social behaviour issue. Northumbria Police's response will be reported to committee as part of a committee update.

5.19 Further, the use of the site as a secure residential institution (Use Class C2a) would require the benefit of full planning permission.

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

5.21 COMMUNITY INFRASTRUCTURE LEVY

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

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is therefore recommended that planning consent be granted, as the development has been able to demonstrate that it is acceptable in principle and would not cause significant harm to amenity or highway safety. It is considered that the development does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

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

7.0 Recommendation:

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

1

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

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 the commencement of the use hereby permitted a management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how the property will be managed, to minimise impact on neighbouring occupiers. Thereafter, the use of the property shall be in accordance with the approved management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of residential amenity and so as to accord with Policy DC2 of the Unitary Development Plan and CS14 of the CSUCP



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Committee Report

Application No:	DC/19/00519/COU
Case Officer	Lois Lovely
Date Application Valid	5 June 2019
Applicant	Avreichim Gateshead
Site:	172 174 174A Prince Consort Road Gateshead NE8 4DU
Ward:	Bridges
Proposal:	Change of use from retail (Use Class A1) at ground floor and residential above (Use Class C3) to place of worship (Use Class D1) (Revised Application)
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The property the subject of this planning application is located on Prince Consort Road and comprises a vacant shop unit (172 and 174 Prince Consort Road, and a flat 174A at first floor) in a terrace of shops that includes a fish and chip shop to the south and a dog grooming parlour to the north, otherwise the properties are residential on both sides of Prince Consort Road. The area is predominantly residential in character. An existing residential maisonette (flat 172A) is located above part of the application property (over the proposed service room).

1.2 The property does not lie within a local shopping centre. Nor does it lie within a conservation area.

1.3 There is uncontrolled parking in a layby to the front of the shops.

1.4 BACKGROUND

The Applicant, Avreichim Gateshead has been operating a successful place of worship for some time at an existing premises on 106 / 106A High West Street in Gateshead, located between a shop and a function room with residential flats above. No complaints have been received in respect of noise and disturbance arising from the existing operation. The current premises are only rented by the Applicant and as such they wish to relocate to the application property to provide an environment for their congregation over which they have control and long term surety of tenure.

1.5 The congregation has 80 participants.

1.6 DESCRIPTION OF THE PROPOSAL

The proposal is to change the use of the vacant shop and flat to a place of worship.

- 1.7 The proposals include use of a ground floor room for services For the proposed place of worship, a typical service is led by a cantor, with no use of amplification or music. A service is either responsive (the congregation reciting from a text in response to the cantor's voice) or each person reading sections to him/herself. As well as prayers, the proposed place of worship is likely to host quiet afternoon and evening study sessions. These activities are the same as at the Applicant's current premises on High West Street.
- 1.8 The services do not involve any wailing or loud chanting. At times, especially during festivals, a song will be sung by the congregation in unison. The times of use will primarily be at weekends during the following periods:
 - Friday evening: approximately 1 hour between 1600 to 2000, depending on season; and
 - Saturday morning: for three hours between 0800 to 1100.
- 1.9 In addition, the premises will also be in use during the weekdays for small group gatherings and discussions, as well as periodically for Jewish festivals.
- 1.10 There will be no functions or parties, and no food being cooked on premises. On Saturdays after morning services there will be a small sit down over coffee and cake for socialising.
- 1.11 At 1st floor level it is proposed that a library be created, where any noise generated would be of typically low level.
- 1.12 **PLANNING HISTORY**
DC/19/00005/COU Change of use from shop (A1 retail use) to place of worship (D1) Withdrawn 15.03.2019

2.0 Consultation Responses:

None

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) 2015.
- 3.2 20 letters of support have been received. The reasons given for the support are:
 - It would serve the local community;
 - needed as congregation does not fit in current premises;
 - The majority of members are young families who live locally and wish to pray and study

- Only minimal parking would be required for older or disabled users, members of the Jewish Community do not drive at all on the Sabbath and Jewish festivals.

3.3 One letter of objection has been received. The main concerns raised are:
- noise and disturbance late in the evening;
- lack of parking and impact on business;
- complaints from customers who are unable to park near premises; and
- crowds gathered on pavement in January when approximately 40 people visited such that customers could not get to fish and chip shop and telephone orders could not be heard.

3.4 A 36 signature petition has been received raising concerns in respect of parking issues, noise and that there are already enough places of worship.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CFR6 Jewish and Minority Group Education

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

MSGP Making Spaces for Growing Places

Assessment of the Proposal:

5.0 ASSESSMENT

The main issues to be considered are the principle of the change of use, any impact it has upon amenity, including any noise implications and highway safety.

5.1 PRINCIPLE

The NPPF promotes the provision of places of worship. Paragraph 92 states "to provide social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as places of worship) and other local services to enhance the sustainability of communities and

residential environments". The proposed change of use would assist in delivering this and be entirely consistent with adopted local and national planning policy as well as emerging local planning policy. CSUCP policy CS14 explains that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity and wider public safety from noise. In this context, a noise assessment has been undertaken and assessed below.

- 5.2 Saved UDP policy CFR6 states support will be given for the use of any appropriate sites or premises which may become available in the Bensham area for the expansion of Jewish education facilities. The application property is located on the edge of the Bensham area, and although the proposal is for a place of worship, the property will also be used for educational sessions prior to services.
- 5.3 Draft policy MSGP44 of the emerging Making Spaces for Growing Places will supersede CFR6 and it states "proposals for use of appropriate sites or premises in suitable and accessible locations for Jewish community needs, including the use of premises for teaching and student halls of residence, will be supported, subject to consideration of their impact on residential amenity and other local community needs". This emerging policy supports proposals in suitable and accessible locations for Jewish community needs.
- 5.4 Given the above and in light of the above policies, there is no objection in principle to a religious use at this site, providing there is no detrimental impact on the design of the building, highway safety or residential amenity.
- 5.5 **AMENITY**
There is a residential property, 172A Prince Consort Road, above the application premises. Also, there are flats above the adjacent fish and chip shop and the dog grooming parlour. There are a number of long-established uses operating during noise sensitive parts of the day in the vicinity, including the fish and chip shop.
- 5.6 There are two situations that might result in noise and disturbance to the detriment of residential amenities of nearby neighbours. Firstly, the coming and going of members of the congregation; secondly from the services themselves.
- 5.7 The nature of the services is such that participants do not arrive and leave the premises en masse, rather they arrive and leave in ones and twos over a period of time. The occasion where a large number of people congregated outside of the application property referred to by an objector, has been explained by the Applicant as a one off event that was a celebration by the congregation of securing the property.
- 5.8 As mentioned above the application is supported by a noise assessment that has been conducted at the Applicant's existing premises to measure the noise levels of a typical service. The assessment advises that with noise mitigation measures it will be possible to sufficiently reduce noise from activity such as

singing, to prevent any adverse impact to structurally attached residential neighbours.

5.9 The proposed mitigation is potentially possible through acoustic measures to the void space between the ground and first floor or potentially via measures to the first floor if the owner of the flat was willing to cooperate. The assessment also acknowledges that the existing ground floor /ceiling to first floor structure is an estimate and that there should be a planning condition re detailed acoustic design/measures. Therefore, it is recommended that conditions should be imposed relating to:

- Operating/opening times as detailed in the application 08:00 to 23:00 everyday(CONDITION 3).

- Noise mitigation measures to be approved and installed prior to operation (CONDITIONS 4 and 5).

- Post installation testing of the measures to demonstrate acoustic performance and, if justified, a condition secure further mitigation measures (CONDITION 6).

- No amplification equipment to be used (CONDITION 7).

5.10 No physical changes to the external fabric are proposed and hence visual amenity is safeguarded.

5.11 Given the above, subject to the recommended conditions, the development is considered to safeguard amenity in accordance with the NPPF, policies CS14 and CS15 of the CSUCP and saved policies ENV3 and DC2 of the UDP.

5.12 **HIGHWAY SAFETY**

The proposed use is not expected to generate much traffic as most of the congregation live within a ten minute walk of the premises. In contrast, the traffic generated by the previous use "Angel Delights" that included two uses; a sandwich shop with the majority of the business providing helium balloon displays for functions such as weddings and 21st birthday parties that would by their very nature require collection by vehicle. As such it is not considered that the proposal would have a detrimental impact upon the existing road network nor create any unacceptable demand for on street parking.

5.13 The activity would be in use during the weekends and off peak times with between 30 and 80 participants attending any one service.

5.14 The premises would also be in use during weekdays for small group gatherings and discussions, as wells as for Jewish festivals.

5.15 Given the modest nature of the proposed use, it is considered the proposal would not create any significant highway safety implications. Therefore, the development is considered to accord with the NPPF and policy CS13 of the CSUCP in that regard.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning consent be granted, as the application has satisfactorily demonstrated that the principle of the development is acceptable, and it does not raise any amenity or highway safety implications. It is considered that the development does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant.

7.0 Recommendation:

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

1

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

1:1250 location plan
A4 ground floor plan
A4 first and second 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 opening hours of the premises shall be restricted to between 08:00 until 23:00 hours each day of the week 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 opening hours at the premises in accordance with the NPPF, Saved Policy DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

4

Prior to occupation of the use hereby permitted a detailed acoustic design scheme, to include noise mitigation measures to protect occupants of 172A and 176 Prince Consort Road, shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable opening hours at the premises in accordance with the NPPF, Saved Policy DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

5

The acoustic mitigation measures approved under condition 4 shall be implemented wholly in accordance with the approved details prior to first occupation of the use hereby approved and retained for the life of the development

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable opening hours at the premises in accordance with the NPPF, Saved Policy DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

6

Prior to the use hereby permitted being brought into use; post installation testing of the acoustic mitigation measures shall be undertaken, in accordance with a post installation monitoring scheme to be submitted to the Local Planning Authority for consideration and written approval. The testing shall demonstrate acceptable performance of the mitigation measures.

Should the testing fail to demonstrate this a scheme of further acoustic measures shall be submitted to the Local Planning Authority for consideration and written approval and thereafter implemented in accordance with the approved details and timetable and retained thereafter. The further acoustic measures shall be tested to demonstrate acceptable performance of the mitigation measures in accordance with the approved monitoring scheme.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of the use at the premises in accordance with the NPPF, Saved

Policy DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

7

No music, singing or other forms of live entertainment shall be permitted outside the host premises nor shall any equipment for the amplification of music and/or other sound be installed in the premises.

Reason

To ensure that no disturbance is caused to the neighbouring occupiers of residential property in accordance with Saved Policies DC2 and ENV61 of the Unitary Development Plan and CSUCP policy CS14.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 17 JULY 2019

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

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/18/00774/HHA	Replace existing garage with two storey side extension	7 Holburn Way, Ryton,	Granted;	Ryton Crookhill And Stella
DC/19/00056/FUL	Variation of condition 8 of DC/12/01264/FUL to allow opening hours of 08:00 to 22:00 hours (previously restricted to between 14:00 and 22:00 hours).	3 Hadrian House, Front Street,	Granted;	Lamesley
DC/19/00085/HHA	Two storey side and rear extension to replace existing garage	7 Fellside Avenue, Sunnyside,	Granted;	Whickham South And Sunnyside
DC/19/00057/FUL	Erection of a sub-station, gas meter and associated access road	South Follingsby Farm , Follingsby Lane,	Granted;	Wardley And Leam Lane
DC/19/00058/FUL	Erection of sub-station, foul pumping station, gas meter and associated access road	Follingsby Park South, Follingsby Lane,	Granted;	Wardley And Leam Lane

DC/19/00151/FUL	Two-storey extension to Pathology Centre of Excellence to provide delivery sorting area (amended plan received 19.03.2019).	Queen Elizabeth Hospital, Queen Elizabeth Avenue,	Granted;	High Fell
DC/19/00266/HHA	Proposed single storey side and rear extension and replace existing flat garage roof with hipped roof (amended plans received 11.06.2019).	8 Loweswater Road, Sheriff Hill,	Granted;	Low Fell
DC/19/00271/HHA	Proposed single storey rear extension (as amended by plans received 13/6/19)	13 Primrose Hill, Low Fell,	Granted;	Low Fell
DC/19/00277/COU	Change of use of open space to private land to enable the erection of a two-storey side extension.	34 Grange Estate, Kibblesworth,	Granted;	Lamesley
DC/19/00290/COU	Change of use from C2 (residential institution) use to C3 (dwelling) with single storey rear extension and alterations to window openings (plans amended 12.06.2019).	35 Gladstone Terrace West, Gateshead,	Granted;	Bridges
DC/19/00362/HHA	Proposed front and rear dormer windows, proposed part 3 part 2 storey extension with succah, basement conversion and new window to front elevation	38 Windermere Street West, Gateshead,	Refused;	Saltwell

DC/19/00312/FUL	Erection of free standing photovoltaic equipment (amended plans received 05.06.19)	The Metrocentre Car Park, Metro Centre,	Granted;	Whickham North
DC/19/00325/FUL	Proposed variation of Condition 1 (Approved Plans) of planning approval DC/19/00010/FUL to allow alterations to 'Plot B' comprising of retention of the existing second floor window and insertion of a new first floor window in the north elevation of the building, insertion of a new second floor window and alterations to the proposed first floor window in the east elevation of the building, new rooflights in the roof and dormer window alterations to the roof.	Ryton Park Country House Hotel , Holburn Lane,	Granted;	Ryton Crookhill And Stella
DC/19/00329/FUL	Installation of cacti spikes to flat roof on Block A at rear of library.	Central Library, Prince Consort Road,	Granted;	Saltwell
DC/19/00350/LBC	LISTED BUILDING CONSENT: Replacing existing timber windows with aluminium frames and double glazing.	The Lodge , 333 Durham Road,	Granted;	Low Fell

DC/19/00373/FUL	Variation of Condition 1 (approved plans) of permission DC/16/00190/FUL for amendments to the design of the development comprising additions to the north and south elevations, window and door alterations and an increased height of the garage element to allow for further rooms in the roof (amended 28/05/19) (additional information 30/05/2019, 05/06/2019)	4 Grange Lane, Whickham,	Granted;	Whickham South And Sunnside
DC/19/00384/FUL	Proposed new jet wash	Jet Service Station, Durham Road,	Granted;	Birtley
DC/19/00398/ADV	Installation of internally illuminated digital advert display (display area 8000mm by 4000mm) replacing existing 96 and 48 advert sheet displays.	Advertisement Hoarding Titan Advert 5107 At Junction Of Cross Lane And, Scotswood View,	Refused;	Whickham North
DC/19/00435/HHA	Proposed single storey rear extension with Lantern style rooflight and convert first floor bay window to french doors with juliet balcony (to match 2nd floor)	31 Heathfield Place, Gateshead,	Granted;	Saltwell
DC/19/00436/HHA	Erection of a part two storey/part single storey extension to rear and proposed first floor extension to front (amended plan received 01.07.019).	23 Hampton Drive, Felling,	Granted;	Deckham

DC/19/00438/HHA	Proposed single storey rear extension	9 Daisy Cottages, Birtley,	Granted;	Birtley
DC/19/00403/FUL	Removal of condition 3 of application DC/14/00325/FUL to allow the retention of the building on site (previously limited to 5 years) (description amended 20.05.2019)	Gibside Estate Offices , Gibside,	Granted;	Whickham South And Sunnyside
DC/19/00405/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The creation of a new opening in low boundary wall.	75 Lansbury Gardens, Wardley,	Granted;	Pelaw And Heworth
DC/19/00439/HHA	Replace existing front window with bay window and erection of a single storey extension to rear	2 Ladyhaugh Drive, Whickham,	Granted;	Whickham South And Sunnyside
DC/19/00472/HHA	Proposed two storey rear extension	High View, 10 Burn Road,	Granted;	Winlaton And High Spen
DC/19/00410/HHA	Demolition and reconstruction of garage with dormer window to front, single storey flat roof rear extension joining garage and new boundary fence along south west elevation ranging from 1m to 1.8m in height (amended plans received 11.06.19)	40 Pickering Drive, Winlaton,	Granted;	Blaydon

DC/19/00416/ADV	Installation of 3no non-illuminated fascia signs and 1no internally illuminated fascia sign.	Team Valley Retail Park, Unit 7A , Tenth Avenue West,	Temporary permission granted;	Lamesley
DC/19/00443/HHA	Single storey rear extension	2A Chesters Park, Gateshead,	Granted;	Saltwell
DC/19/00418/FUL	Variation of condition 1 (approved plans) of planning permission DC/18/00990/HHA to enable an additional extension to the front elevation and the rear elevation.	10 Ringlet Close, Festival Park,	Granted;	Lobley Hill And Bensham
DC/19/00419/COU	Retrospective change of use from an A1 (retail use) to D1 (floatation and wellbeing establishment)	5 Fairfield Terrace, Pelaw,	Granted;	Pelaw And Heworth
DC/19/00421/LBC	Installation of cavity wall insulation in North wall of 32 Church Road	32 Church Road, Low Fell,	Granted;	High Fell
DC/19/00422/HHA	Single storey front extension (amended 19.06.2019)	7 Oakfield Drive, Whickham,	Granted;	Whickham North
DC/19/00424/HHA	To knock down existing garage and replace it with a single storey side extension and new gate to front boundary	1 Appledore Gardens, Chowdene,	Granted;	Chowdene
DC/19/00425/HHA	Single storey rear extension	34 Hillside, Dunston Hill,	Granted;	Dunston Hill And Whickham East

DC/19/00348/HHA	Single storey outbuilding in rear garden	7 Towneley Cottages, Barmoor,	Granted;	Ryton Crookhill And Stella
DC/19/00426/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property.	20 Lansbury Gardens, Wardley,	Granted;	Pelaw And Heworth
DC/19/00446/LBC	Continued siting of five storage cabins	Land Adj Former Stable Yard , Saltwell Park,	Granted;	Saltwell
DC/19/00447/TPO	Felling of 1 Ash tree and works to 1 Sycamore tree in garden of 23 Heathfield Place.	23 Heathfield Place, Gateshead,	Granted;	Saltwell
DC/19/00451/HHA	First floor side extension over garage (Revised application)	4 Flexbury Gardens, Gateshead,	Granted;	Chowdene
DC/19/00450/HHA	Proposed first floor side extension	2 Sunningdale Close, Felling,	Granted;	Windy Nook And Whitehills
DC/19/00448/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 concrete to marry access ramp in with public footpath.	9 Greenfields, Ryton Central,	Granted;	Ryton Crookhill And Stella

DC/19/00461/ADV	Erection of free-standing (externally illuminated) post mounted roadside sign	Ravensworth Golf Club, Long Bank,	Temporary permission granted;	Lamesley
DC/19/00454/HHA	Proposed side and rear single storey extension	10 Alwinton Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/19/00455/HHA	Proposed single storey rear extension and new patio providing level access	18 Cowell Grove, Highfield,	Granted;	Chopwell And Rowlands Gill
DC/19/00456/HHA	Proposed demolition of existing conservatory and erection of single storey rear extension.	54 Shibdon Road, Blaydon,	Granted;	Blaydon
DC/19/00457/HHA	Proposed single storey side extension	33 Fallowfeld, Leam Lane Estate,	Granted;	Pelaw And Heworth
DC/19/00459/HHA	Proposed two storey extension to side elevation and single storey rear extension	81 West Crescent, Wardley,	Granted;	Wardley And Leam Lane
DC/19/00462/HHA	The installation of a modular access ramp to front of domestic property	13 Mareburn Crescent, Heworth,	Granted;	Felling
DC/19/00468/FUL	Renewal of temporary permission for the installation of a containerised biomass boiler system.	Whickham Golf Club Ltd, Hollinside Park , Whickham,	Temporary permission granted;	Whickham South And Sunnside

DC/19/00469/FUL	Installation of an ATM (retrospective)	3 Ravensworth Road, Birtley Central,	Granted;	Birtley
DC/19/00470/ADV	Display of Integral illumination and screen to the ATM fascia with Internally illuminated Free Cash Withdrawals sign above the ATM and Blue LED halo illumination to the surrounding collar	3 Ravensworth Road, Birtley Central,	Temporary permission granted;	Birtley
DC/19/00474/TPO	Tree works at 13 Beech Gardens Low Fell	13 Beech Gardens, Low Fell,	Granted;	Low Fell
DC/19/00475/TPO	Tree works at 8 Beech Gardens Low Fell	8 Beech Gardens, Low Fell,	Granted;	Low Fell
DC/19/00480/HHA	Erection of single-storey rear extension to existing residential dwelling.	52 Woodlands Park Drive, Axwell Park,	Granted;	Blaydon
DC/19/00485/HHA	Two storey side and rear extension	12 Croftdale Road, Blaydon,	Granted;	Blaydon
DC/19/00494/HHA	Proposed two storey side and single storey rear extensions	39 Harleston Way, Felling,	Granted;	Windy Nook And Whitehills
DC/19/00498/ADV	Display of miscellaneous Lamp Post Banners at various locations	Various Locations Across Gateshead Town Centre, ,	Temporary permission granted;	Bridges

DC/19/00500/HHA	Demolish garage and thereafter construct two storey side extension.	10 Salcombe Gardens, Chowdene,	Granted;	Chowdene
DC/19/00530/HHA	Proposed two storey side and rear extension and single storey extension to front of property.	23A Popplewell Gardens, Gateshead,	Granted;	Low Fell
DC/19/00524/CDPA	DETERMINATION OF PRIOR APPROVAL: Change of use of part of ground floor from financial and professional services (use class A2) to offices (use class B1(a)).	HSBC Building, Maingate,	Granted;	Lobley Hill And Bensham
DC/19/00534/AGR	DETERMINATION OF PRIOR APPROVAL: Erection of a new arable crop/ bale storage building	Land South Of The House, Schoolhouse Lane,	Prior Approval Not Required	Whickham South And Sunnyside
DC/19/00609/AGR	Erection of building for the storage and maintenance of farm vehicles, machinery and materials	Grizzel Stables, Barlow Road,	Refused;	Winlaton And High Spen

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 13.06.19 and ending 04.07.19, the enforcement team has received **134** new service requests:

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	45	22	17	1
HIGHWAYS	37	12	13	0
WASTE	52	35	30	57
TOTALS	134	69	60	58

COURT HEARINGS

The Enforcement Team attended **1** Court Hearing which was finalised, resulting in **£480** fines and **£606** costs

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

17th July 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 Councils 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> <p>A site visit was undertaken on the 29th June, two of the areas of land have been significantly cleared, efforts are being made by the owners to clear the third piece of land prior to the court date.</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 Councils Legal Department asking them to consider erecting a secure hoarding to prevent continued visual impact on the amenity of the area and to protect the site from unauthorised access.</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. The appeal has been decided and the notice upheld. Further details are provided on the appeals report
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 The appeal has been decided and the notice quashed. Further details are provided on the appeals report
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.

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
								Natural England has requested an up to date bat survey prior to issuing a licence.
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> <p>The hearing date has been rescheduled to the 8th October 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>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
13.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	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>
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	<p>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.</p>

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

17th July 2019

TITLE OF REPORT: Planning Enforcement Appeals

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

Purpose of the Report

1. To advise the Committee of new appeals against enforcement action received and to report the decisions of the Planning Inspectorate received during the report period.

New Appeals

2. There have been **no** appeals received since an update was provided to committee.

Appeal Decisions

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

25 Sundridge Drive Felling Gateshead NE10 8JF	Without planning permission, the change of use from open space to private garden involving the erection of a timber fence	Written	Notice Upheld
27 Sundridge Drive Felling Gateshead NE10 8JF	Without planning permission, the change of use from open space to enclosed land involving the erection of a timber fence	Written	Notice Quashed

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

Recommendations

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

CONTACT: Elaine Rudman extension 3911
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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 enforcement appeal regime is outside of the Council's control being administered by the Planning Inspectorate.

WARD IMPLICATIONS –

Wardley and Leam Lane and Saltwell

BACKGROUND INFORMATION

Start Letter
Appeal Decision

Outstanding Enforcement Appeal Cases

Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
321 And 323 Rectory Road Bensham Gateshead NE8 4RS	Without planning permission, the change of use from a dwelling C3 to a House of Multiple Occupation	Hearing	Awaiting Decision

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Appeal Decisions

Site visit made on 11 June 2019

by **Paul Freer BA (Hons) LL.M PhD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2019

Appeal Refs: APP/H4505/C/18/3211548 & 3211549 Land at 25 Sundridge Drive, Gateshead NE10 8JF

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Stephen Johnson and Mrs Eileen Johnson against an enforcement notice issued by Gateshead Council.
 - The enforcement notice was issued on 10 August 2018.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of part of the Land shown edged in blue on Plan 1 attached to the notice from public open space to private garden by incorporating into the curtilage of no 25 Sundridge Drive, Gateshead, NE10 8JF.
 - The requirements of the notice are:
 - (i) Permanently cease the use of part of the Land (shown edged in blue on Plan 1 attached to the notice) for private garden use.
 - (ii) Dismantle the timber fence enclosing the land (shown in the approximate position edged with a blue line and a broken black line on Plan 2 attached to the notice), ensuring that the posts and foundations are removed to at least 100 millimetres below the level of the ground.
 - (iii) Restore the land to its condition prior to the breach by filling in any post holes with topsoil to a minimum depth of 100 millimetres, levelling and evenly grading the surface of the ground to match the contours of the surrounding land.
 - The period for compliance with the requirements is 4 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2) (b), (c) and (f) of the Town and Country Planning Act 1990 as amended.
-

Summary Decisions: the appeals are dismissed and the enforcement is upheld

Procedural Matters

1. The appeals were initially made on ground (c) as set out in section 174(2) of the Town and Country Planning Act 1990 (the 1990 Act): namely that, in respect of any breach of planning control that may be constituted by the matters stated in the notice, those matters do not constitute a breach of planning control. Parts of the appellants' evidence, specifically that relating to the erection of the fencing around the land, is relevant to an appeal on ground (c) and I have considered that evidence in relation to that ground of appeal.
2. However, the appellants' primary case is that the land remains as open space available for use by the public and therefore is not used, as alleged in the notice, as a private garden. On my reading, that more properly constitutes an appeal on ground (b): namely that, in respect of any breach of planning control

that may be constituted by the matters stated in the notice, those matters have not occurred. I therefore propose to consider the appellant's arguments in that regard as an appeal made on ground (b). The Council has responded to the case made by the appellants, albeit in the context of an appeal under ground (c), and I am satisfied that no injustice would be caused by so doing.

3. As part of the statement that accompanied the appeal form, the appellants express the view that the steps required by the notice exceed what is necessary to remedy any breach of planning control. Although not expressly stated as being such, that is clearly an appeal on ground (f) as set out in section 174(2) the 1990 Act and I propose to treat it as such. In its statement, the Council has reiterated its view that the requirements of the notice are valid and reasonable. Accordingly, I am satisfied that I can consider the appellants' appeal on ground (f) without causing injustice.
4. A large part of the appellants' evidence refers to matters in support of the granting of planning permission for the use of the land as a private garden. These matters include, for example, the two appeal decisions relating to properties in Meadowbrook Drive and Montrose Drive in which such use was granted planning permission. I also note the map submitted by the appellants showing other areas of open space across the wider estate. That evidence, and other such matters referred to in the appellants' written statement, would be relevant to an appeal on ground (a) as set out in section 174(2) the 1990 Act: namely that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. However, because no appeal on ground (a) has been made and the requisite fee was not paid, I am not able to take these matters into account in reaching my decision¹.

The appeals on ground (b)

5. I noted during my site visit that the estate as whole is served by numerous parcels of public open space. These parcels of public open space are diverse in both size and shape. I noted that some of the larger spaces were used to provide informal recreational space: for example, on one linear area of open space, goal posts had been positioned and the land was clearly used for ball games. Other parcels of open space had less recreational value but nevertheless formed part of the character of the wider estate. In all cases that I observed, the spaces were neat and tidy, and it was evident that the grass had been cut relatively recently. The common denominator that united all these diverse spaces was the absence of any fencing or other physical barrier to prevent or restrict access to them by members of the public. From the perspective of a member of the public contemplating using those spaces, the absence of fencing or other physical barrier to access is a clear invitation to do so.
6. The appellants do not contend that the previous use of the land was not as public open space and, accordingly, I have taken the first aspect of the breach of planning control alleged (i.e. 'from public open space') to be undisputed. The appellants have, however, stressed that the land is currently open space and acknowledge both that it is available for use by the public and that they cannot make the land as enclosed into a private garden.

¹ See the letters from the Planning Inspectorate dated 16 October 2018 and 2 November 2018

7. The obvious corollary of the appellants position is that, in order for a member of the public to perceive the land as being public open space, the land must have the same physical attributes as the other areas of public open space on the estate in terms of the absence of any fencing or physical barriers that might deter or dissuade that person from using the open space. At the very least, given that the land is enclosed by fencing, there would need to be other indications (such as clear signage) that the land is available for public use. Otherwise, how might a member of the public recognise that the land is available for his or her use?
8. Nevertheless, at the time of my site visit, the gate that provides access to the fenced off land was locked with a small padlock attached to the latch on the rear of the gate. Consequently, and contrary to the stated position of the appellants, the locked gate is a clear and unequivocal statement to any member of the public intending to use the space that the land is private and that access to it is prohibited. In my view, the fact that the gate was locked is a firm indication that the land is used a private garden and that the breach of planning control alleged in the notice has occurred.
9. Moreover, even if the gate was not locked, in my view the enclosure of the land with fencing is sufficient in itself to distinguish the land from areas of open space on estate. The enclosed land is contiguous with the side of the main dwelling, with no physical separation of the land purportedly available as public open space from the land occupied privately as part the main house. I noted also that children's play equipment was lined up alongside the flank wall of the house. As a result, the land has very much the appearance of a side garden to the main house. There was no signage to indicate that the enclosed land is available for public use, or how a member of the public wanting to use the land might gain access to it. Again, from the perspective of a member of the public contemplating using that land, the fencing is a strong signal that the land is in some way different from the areas of open space to which they might have unrestricted access elsewhere on the estate and therefore should not be entered.
10. The Council has provided as part of its evidence copies of sales particulars from a local estate agent relating to the sale of the appeal property. The sales particulars, which appear to date from 2018, make clear reference to a garden situated to the side of the property and include a photograph of the land in question. It is apparent from these sales particulars that the land subject to the notice forms part of the residential property that is being offered for sale and specifically as a garden associated with and attached to it. Moreover, there is no disclaimer or other indication in the sales particulars to the effect that the land is available to members of the public to use as open space. It is usual in these circumstances for the sales particulars to be derived from instructions issued to the estate agent by the vendor. Consequently, to my mind, these sales particulars are a further indication that the land is used as, and is perceived by the appellants as being, part of their private garden.
11. Finally, I note that in March 2007 an appeal was dismissed for the change of use of the land from public open space to private garden following the purchase of land (APP/H4505/A/06/2028511). The appellant was Mr S Johnson, the same as the appellant for one of these appeals. I make no comment on the reasons why the appeal was dismissed, but I do note that the proposal then before the Inspector was use of the land as private garden. The intentions

behind the proposal at that time are therefore plainly stated and point to the underlying ambitions and intentions of the appellants for the use of the land both then and now. Taken together with the above sales particulars and the locked gate at the time of my site visit, this is yet another indication that the land is being used as a private garden.

12. I conclude that, on the balance of probability, the land previously used as public open space is now used as a private garden. I therefore conclude that the matters stated in the notice have occurred. Accordingly, the appeals on ground (b) fail.

The appeals on ground (c)

13. The appellants' primary position on this ground of appeal is that the land belongs to them and that ultimate control of the land is not vested in the Council. I have no reason to doubt that the appellants are the owners of the land but ownership does not dictate the use of land. The latter is controlled by the 1990 Act and associated legislation, and purchasing land does not automatically bring with it a change of use of that land. It follows that land owners, including the appellants in this case, are expected to use land in accordance with the 1990 Act and associated legislation. It further follows that, as a matter of planning principle, it is perfectly possible for land to be in private ownership but having a lawful planning use as public open space. In an appeal on ground (c), the onus is therefore on the appellants to show, on the balance of probability, that the matters alleged in the notice do not constitute a breach of planning control.
14. In this case, the Council are alleging a material change in use of the land from public open space to a private garden. The appellants contend that they were advised by the Council that, because they were not changing the use, the erection of fencing would not require planning permission. However, the exact wording of the Council's advice is important in this case.
15. A Council officer advised in an email dated 12 June 2009 that the land could be enclosed with fencing falling under Class A, Part 2 of the Town and Country Planning (General Permitted Development) (Amendment No 2)(England) Order 2008 (GPDO)². The clearly-stated caveat to that advice was that "*problems arise when a change of use of the land occurs*" (my emphasis). I will return to the question of the fencing below in relation to the appeal on ground (f) but the salient point here is that the erection of the fencing has resulted in a material change in the use of the land. Consequently, the erection of the fencing gave rise to the very problems flagged up by the Council in its advice and of which the appellants were made aware. It follows that the appellants cannot now rely on that advice in seeking to show that a breach of planning control has not occurred in this case.
16. I have found under the appeal on ground (b) that the use of the land a private garden has occurred. The appellants have provided no evidence to show that the change of use from open space to a private garden does not constitute a breach of planning control. Consequently, the appellants have not discharged the burden that is upon them and the appeals on ground (c) fail.

² Although the 2008 version of the GPDO has been subsequently superseded by the 2015 version, because the provisions within the 2015 version in relation to fencing are essentially unchanged, that is of no consequence in this case.

The appeals on ground (f)

17. The appeal on ground (f) is that the requirements of the notice exceed what is necessary. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. Section 173(4) of the Town and Country Planning Act 1990 sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are, in summary, (a) the remedying of the breach of planning control by discontinuing any use of the land or by restoring the land to its condition before the breach took place or (b) remedying any injury to amenity which has been caused by the breach. In this case, the requirements of notice are to cease the use of the land as a private garden and to dismantle the fence. The purpose of the notice must therefore be to remedy the breach of planning control that has occurred.
18. In the absence of an appeal on ground (a), the scope of an appeal on ground (f) is limited. However, the Courts have made it clear that I have a duty to consider whether there are any obvious alternatives which would overcome the planning difficulties with less cost or disruption to the appellant than complying fully with the notice. This leads me to consider whether removing the gate in its entirety, whilst leaving the remaining fencing in situ, would be a suitable lesser step. In my view, the mere presence of the fence distinguishes the land from areas of public open space elsewhere on the estate, and represents both a physical and psychological barrier to a member of the public who might be contemplating using that land. I therefore conclude that simply removing the gate would not overcome the planning difficulties in this case. Furthermore, simply removing the gate would not remedy of the breach of planning control that has occurred and would therefore not achieve the purpose of the notice.
19. I am mindful that in isolation the erection of fencing of the height in this case might constitute permitted development under Class A, Part 2, Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (2015 GPDO). Nevertheless, in this case, it is the erection of the fencing that has facilitated the material change of use to a private garden alleged in the notice. In these circumstances, it is settled case law that an enforcement notice can require the removal of the operational development that facilitates a material change of use, even though in other circumstances that operational development would constitute permitted development under the 2015 GPDO. I therefore consider that, in this case, the notice can require the removal of the fencing as being the operational development that facilitates the material change of use alleged in the notice.
20. Accordingly, for these reasons I conclude that the steps required by the notice are not excessive and that the appeals on ground (f) must fail.

Formal Decisions

21. The appeals are dismissed and the enforcement notice is upheld.

Paul Freer
INSPECTOR

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Appeal Decisions

Site visit made on 11 June 2019

by **Paul Freer BA (Hons) LLM PhD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2019

Appeal Refs: APP/H4505/C/18/3211273 & 3211274

Land adjacent to 27 Sundridge Drive, Gateshead NE10 8JF

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mrs Maria Marshall and Mr Denis Francis Marshall against an enforcement notice issued by Gateshead Council.
 - The enforcement notice was issued on 10 August 2018.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the Land shown edged in red on Plan 1 attached to the notice from public open space to enclosed land involving the erection of a timber fence.
 - The requirements of the notice are:
 - (i) Permanently cease the use as enclosed land of part of the Land shown edged in red on Plan 1 attached to the notice
 - (ii) Dismantle the timber fence enclosing the land as shown the approximate position edged with a blue line and a broken black line on Plan 2 attached to the notice, ensuring that the posts and foundations are removed to at least 100 millimetres below the level of the ground.
 - (iii) Restore the land to its condition prior to the breach by filling in any post holes with topsoil to a minimum depth of 100 millimetres, levelling and evenly grading the surface of the ground to match the contours of the surrounding land.
 - The period for compliance with the requirements is 4 weeks.
 - The appeals are proceeding on the grounds set out in section 174(2) (c) of the Town and Country Planning Act 1990 as amended.
-

Summary Decision: the enforcement notice is quashed

Reasons

1. The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the Land from public open space to *enclosed land* involving the erection of a timber fence (my emphasis). The term 'enclosed land' used in the alleged breach of planning control is a descriptive one, and is not a use of land in planning terms. Because the notice does not actually allege any material change of use of the land, it is invalid as originally drafted.
2. The appellants have responded to the notice on the basis that the alleged breach of planning control is a change of use to a private garden, and I have considered carefully whether I could correct the notice to allege that use without causing injustice. However, had that been the breach of planning control alleged in the notice as originally drafted, I cannot discount the possibility that the appellants may have chosen to lodge their appeal on

grounds other than or in addition to just ground (c) on which the appeal was made.

3. In particular, the appellants may have chosen to lodge an appeal on ground (a): namely that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. Indeed, some of the comments made by the appellants as part of their appeal on ground (c) do constitute matters that ought to be considered under an appeal on ground (a). However, because no appeal on ground (a) has been made and the requisite fee was not paid at the relevant time, I am not able to consider the appeal as if it had been made on ground (a) or to invite an appeal on ground (a) to be made at this time.
4. For these reasons, I am not able to correct the breach of planning control to allege use as a private garden without potentially denying the appellants the opportunity to appeal on one or more other grounds of appeal that they might have elected to pursue had that been the breach of planning control alleged in the notice as originally drafted. That would cause them injustice.
5. In addition, the requirement at paragraph 5(i) of the notice to permanently cease the use as enclosed land is not sufficiently precise to enable the recipients of the notice to know what they must do to comply with it. Because 'enclosed land' is not a use of land, there is no use of the land for the appellants to permanently cease. Consequently, the appellants would not be able to comply with the notice which, given the criminal sanctions that may result from not complying with an enforcement notice, would be a serious matter. Moreover, I am unable to vary the requirements of the notice because, by doing so, I would deprive the appellants of the opportunity to make appeals under grounds (f) and (g) as set out in section 174(2) (c) of the Town and Country Planning Act 1990, should they so wish, in relation to the requirements as varied. That would also cause them injustice.

Conclusion

6. For the reasons given above I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control or the requirements to comply with the notice. It is not open to me to correct the errors in these respects in accordance with my powers under section 176(1)(a) of the 1990 Act as amended since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances the appeals under ground (c) as set out in section 174(2) of the 1990 Act as amended does not fall to be considered.

Formal Decision

7. The enforcement notice is quashed.

Paul Freer
INSPECTOR



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/18/01161/HHA - 25 Lincoln Street, Gateshead Council
First floor and single storey rear extension, dormer window to rear and 2 velux windows to front

This application was a delegated decision refused on 25 January 2019

DC/18/01282/HHA - 2 Goodwood Avenue, Gateshead Council
Two storey extension to side of house

This application was a delegated decision refused on 12 March 2019

Appeal Decisions

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

Appeal Costs

4. There have been no appeal cost decisions

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 2

OUTSTANDING APPEALS

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
DC/18/01161/HHA	25 Lincoln Street Gateshead	First floor and single storey rear extension, dormer window to rear and 2 velux windows to front	Written	Appeal in Progress
DC/18/01282/HHA	2 Goodwood Avenue Gateshead	Two storey extension to side of house	Written	Appeal in Progress
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



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

17 July 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 has been **one** new planning obligations:

DC/16/00698/OUT - Prior to commencement to pay the ecological contribution of £30,000.00. Nexus Travel passes given to each new owner upon occupation. Archaeological Interpretation Boards Contribution of £1500.00 to be paid prior to first occupation. Affordable housing plan to be submitted prior to commencement. Training and employment management plan - to provide 4 apprenticeships directly related to development
Former Wardley Colliery, Wardley Lane, Felling, Gateshead NE10 8AA
Outline application for no more than 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. All matters reserved (additional information and amended 07/02/18, additional information 29/05/18 and amended 10/09/18).
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 17 July 2019.

Recommendations

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

Contact: Emma Lucas Ext: 3747

1. FINANCIAL IMPLICATIONS

Some Section 106 Agreements require a financial payment when a certain trigger is reached and there is a duty on the Council to utilise the financial payments for the purposes stated and within the timescale stated in the agreement.

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Monitoring: Various wards

9. BACKGROUND INFORMATION

The completed Planning Obligations