

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 7 August 2019 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 17 July 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 Acting Strategic Director, Communities and Environment. No 1 - Land East of Kwik Fit Euro Exhaust Centre (Pages 9 - 20) No 2 - The Cedar Academy (Pages 21 - 30) No 3 - Plot 1, Ivy Lane (Pages 31 - 36) No 4 - 1-5 Reay Street, Felling (Pages 37 - 46)
4i	Delegated Decisions (Pages 47 - 58)
5	Enforcement Team Activity (Pages 59 - 60) Report of the Strategic Director, Communities and Environment
6	Enforcement Action (Pages 61 - 68) Report of the Strategic Director, Communities and Environment
7	Planning Appeals (Pages 69 - 80) Report of the Strategic Director, Communities and Environment
8	Planning Obligations (Pages 81 - 82) Report of the Strategic Director, Communities and Environment

This page is intentionally left blank



PLANNING AND DEVELOPMENT
COMMITTEE
7 August 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/19/00476/FUL	Land East Of Kwik Fit Euro Exhaust Centre Sunderland Road	Felling
2. DC/19/00482/FUL	The Cedars Academy Ivy Lane	Chowdene
3. DC/19/00593/HHA	Plot 1 Ivy Lane	Chowdene
4. DC/19/00686/FUL	1-5 Reay Street Felling	Pelaw And Heworth

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 basic 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.

This page is intentionally left blank

Committee Report

Application No:	DC/19/00476/FUL
Case Officer	Rebecca Adams
Date Application Valid	15 May 2019
Applicant	Mr Miran Mehmet
Site:	Land East Of Kwik Fit Euro Exhaust Centre Sunderland Road Gateshead NE10 0NR
Ward:	Felling
Proposal:	Erection of industrial workshops/storage building (Use Classes B1(c) and/or B8) comprising 2 units and car sales area (sui generis) (amended description)
Recommendation:	REFUSE
Application Type	Full Application

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

- 1.2 The application site comprises a linear parcel of open land located to the north west of the junction of Stoneygate Lane and Sunderland Road, Felling.
- 1.3 The site totals approximately 0.12 hectares and is laid to grass, containing a small number of trees to the eastern side and northern boundary. A further tree is positioned north of the site boundary.
- 1.4 The site is open to the pavement along the east and southern sides. The northern boundary of the site abuts the Metro line, bordered by metal palisade fencing. Land levels within the site are predominantly flat however fall towards the northern boundary beyond which the rail embankment falls steeply to the north.
- 1.5 The area within which the application site is located comprises a mixture of uses including residential properties, light industrial and small commercial units.
- 1.6 The western side of the site is bordered by Stoneygate Lane, which crosses the Metro line beyond to the north, running towards Felling bypass. Beyond this to the west along the northern side of Sunderland Road are located an MOT centre, car valeting garage and car sales area with residential properties beyond, and further residential properties and the Duke of Cumberland Public House opposite.
- 1.7 The site is bordered to the west by Kwik Fit and its associated vehicular parking area and access, separated by a brick wall approximately 1.5m in height, beyond which to the west lies the Shell Petrol Garage.

- 1.8 To the south of the site lies Sunderland Road and the signalised junction with Stoneygate Lane. Beyond this to the south lie residential properties at Holly House, Stoneygate View and Rochester Terrace which are positioned approximately 23 metres from the site, increasing to approximately 35 metres as to the road curves to travel south west along Holly Hill. The road junction with Holly Hill and minor access road which provides rear access to properties along Rochester Terrace (opposite the site) are also located to the south and south west of the site.
- 1.9 DESCRIPTION OF THE APPLICATION
- 1.10 The application seeks planning permission for the erection of an industrial workshop/storage building (B1(c) or B8 use class) comprising 2no. separate units together with a car sales display area and office and parking areas, alongside the creation of a new vehicular ingress and egress from Sunderland Road.
- 1.11 The industrial workshop/storage building would be positioned to the western end of the side and would have a width of 13.5 metres and depth of 13.5 metres, extending to ridge and eaves heights of 7.3 metres and 6.5 metres respectively. The building would be formed from brickwork with cladding above and would be served by doors within the eastern elevation. The building would be divided centrally to form 2no. separate units comprising a large open area and w/c, with each unit having its own access.
- 1.12 No specific details as to the use of the building have been provided. The use classes for which planning permission is sought are B1(c), which The Town and Country Planning (Use Classes) Order 1987 (as amended) defines as *"Use for any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit"* and B8, which is defined as *"Use for storage or as a distribution centre"*.
- 1.13 The car sales display area would be positioned to the eastern side of the site and would be bordered by 2.4 metre high galvanised fencing, accessed via gates from inside the site. The plans indicate the position of a car sales office however no details of this have been provided. The plans additionally include 5no. new lighting poles within the site.
- 1.14 The development would necessitate the removal of two Silver Birch trees within the site.
- 1.15 The following documents were submitted with the application:
- Flood Risk Assessment
 - Tree Survey
- 1.16 There are inaccuracies within the plans submitted; the elevations of the proposed workshop/storage building do not include windows within the north

and south elevations as shown on the floor plans submitted; and the existing and proposed site plans omit 1no. Sycamore tree within the site adjacent to the northern boundary.

1.17 RELEVANT PLANNING HISTORY

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

205/89 - Erection of single-storey building to provide car wash centre and provision of associated vacuum bays (amended 10/3/89). This application was refused planning permission on 28.04.1989 on the grounds of inappropriate development that by virtue of nature, design and prominent siting would be harmful to the visual amenity of the area and unacceptable noise impacts resulting from the proposed opening hours and proposed level of activity within the site.

206/89 - Display of four internally illuminated fascia signs 20m x 1.4m on sides and 6.5m x 1.4m on end elevations all reading "IMO" "CAR WASH" and two internally illuminated goalpost signs 1.6m x 4.3m (inc 0.5m high flashing arrow) on forecourt to east and west of proposed car wash building (amended 15/03/89). This application was refused advertisement consent on 27.04.1989.

2.0 Consultation Responses:

Nexus	Objection. The site boundary with the Metro Railway is the only security fencing and the application proposes car sales, parking and vehicular movements. Nexus therefore objects until adequate rail incursions measures have been designed in accordance with the DfT publication 'Managing the Accidental Obstruction of the Railway by Road Vehicles 2017'. Planning conditions would also apply to any grant of planning permission.
Network Rail	No observations
Environment Agency	No response received

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, in addition to the display of a notice at the site.
- 3.2 One representation has been received from Councillor Dick which supports the concerns raised in individual letters of objection and the petition received, and raises concerns in respect of the loss of amenity space that would result from

the development and the increase in traffic and congestion, and potential impacts upon the stability of the adjacent Metro embankment and increase in flood risk.

3.3 One petition has been received with 16 signatories in objection to the application. The petition states 'Against the erection of industrial workshops/storage building and car sales area' 'Site location - Land east of Kwik Fit Euro Exhaust Centre, Sunderland Road, Gateshead, NE10 0NR'.

3.4 Five individual letters of objection have been received and are summarised below:

- The development would be out of character with the street scene
- The scheme would represent overdevelopment
- The development would result in the loss of an area of green space
- Highway safety concerns
- Increase in traffic
- Additional traffic congestion
- Inadequate car parking
- Impacts upon residential amenity
- Increase in noise
- Disturbance in early mornings/late evenings
- Loss of natural light
- Loss of privacy
- Overbearing/oppressive impact
- Health concerns
- Impacts upon wellbeing of occupiers of neighbouring residential properties
- Safety concerns for nearby residents
- Impact upon ecology
- Loss of trees
- Increased air pollution
- Proliferation of business/industrial development within the locality
- No need for the development
- The development would attract potential vandals

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV47 Wildlife Habitats

CFR20 Local Open Space

CFR23 Protecting and Improving Existing Open Space

MSGP Making Spaces for Growing Places (submission draft)

5.0 Assessment of the Proposal:

5.1 The key planning considerations in the assessment of this application are the principle of the development, the acceptability of the loss of open space, visual amenity, residential amenity, highway safety, rail safety, trees and biodiversity, drainage, CIL, and any further matters.

5.2 PRINCIPLE OF THE DEVELOPMENT

The application site is not allocated for a particular use in the Development Plan for Gateshead; the application is therefore to be considered on its merits.

5.3 LOSS OF OPEN SPACE

The application site comprises an area of approximately 0.12 hectares of publicly accessible vacant land. The site has a linear form, running east to west along the northern side of Sunderland Road for approximately 80 metres with a depth of approximately 15 metres.

5.4 The National Planning Policy Framework (NPPF) defines open space as:

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

5.5 It is considered that the application site would constitute open space of public value as defined by the NPPF through its role as a visual amenity in providing an area of soft landscaping with trees within built-up surroundings.

5.6 Owing to the size of the site, the absence of footpaths or formal Public Rights of Way across the land and its setting adjacent to Sunderland Road, it is considered that this does not offer members of the public with opportunities to widely use the area for sport and recreation, with regular users likely to be dog

walkers using the site transiently rather than as a destination. This is consistent with comments raised in letters of objection from the Felling Ward Councillor and nearby residents who predominantly raise opposition to the scheme in respect of the loss of the site as a visual amenity, with further reference to the regular use of the site by dog walkers.

- 5.7 As the site represents an area of public value that would meet with the NPPF definition of open space, national and local planning policies relating to the loss of open space are applicable in the assessment of this application.
- 5.8 Paragraph 95 and 96 of the NPPF relate to open spaces. Paragraph 95 explains that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 96 states that existing open spaces should not be built on unless an assessment has been undertaken which clearly shows the open space is surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 5.9 Saved policy CFR23 of the Council's UDP relates to the protection and improvement of existing open space. This policy states that the loss of public open space without replacement will not be permitted unless provision would still meet the relevant standard or standards under saved UDP policies CFR20, CFR21 and CFR22 and there is no identified deficiency in outdoor sports facilities or accessible natural green space or the site in question would be incapable of meeting it. Where the relevant standards are exceeded, the loss of open space is then only permitted exceptionally subject to assessment of the open space in question in respect of its quality in terms of *"recreational value, accessibility, visual quality and biodiversity"*.
- 5.10 Saved UDP policy CFR23 also states that where the standards in policies CFR20, CFR21 and CFR22 are not met or would be infringed, the loss must be made good by the creation of an alternative site of at least equal size, quality and recreational value serving the same residential area or neighbourhood.
- 5.11 Policy CS18 of the Council's CSUCP relates to Green Infrastructure and the Natural Environment. This policy states that a high quality and comprehensive framework of interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife will be achieved by a number of objectives including under item 5 by protecting and enhancing open spaces, sport and recreational facilities in accordance with agreed standards in line with National Policy.
- 5.12 The application site falls within Felling North neighbourhood area which is identified as being deficient in open space provision against the three hectares per 1,000 residents standards set out in saved UDP policy CFR20, with a deficiency of 0.67 hectares.

- 5.13 Although the site is not identified on the Council's records of open space and was not included within its quantitative assessment of open space within the Borough, had the site been included within this assessment, the neighbourhood area would still have been deficient in open space against policy CFR20 when considering the deficit of 0.67 hectares and site size of 0.12 hectares.
- 5.14 The application site is acknowledged to be small and offers limited opportunities for wider use for sport and recreation activities. It is also acknowledged that the site is not allocated as a protected open space by the Council. Notwithstanding this, the site constitutes open space as defined by the NPPF, with value predominantly placed upon the site locally for its role as a visual amenity for the locality, and is located within a neighbourhood which is deficient in open space. As the application does not propose any replacement open space provision to mitigate the development and is not accompanied by an assessment which shows that the open space is surplus to requirements, the development is considered to be contrary to NPPF paragraphs 95 and 96, Core Strategy policy CS18 and saved UDP policy CFR23.
- 5.15 Policy MSGP40 of the emerging Making Spaces for Growing Spaces DPD (MSGP) continues to protect open spaces to ensure they continue to meet quantitative and qualitative needs and to optimise the multifunctional benefits they can provide. The loss of open space would only be considered acceptable under MSGP40 if the site could be demonstrated to be surplus to requirements, or if the loss would be replaced by equivalent or better provision in a suitable location, with guidance provided as to how 'surplus to requirements' is to be assessed. The approach taken by MSGP is based upon a 2018 open space assessment, which uses wards rather than neighbourhood areas. The current status of MSGP is that it has been submitted for examination and is due to be considered in Autumn 2019; weight should therefore be afforded accordingly.
- 5.16 **MPACT UPON VISUAL AMENITY**
It is considered that the proposed scheme would not cause significant harm to the character, appearance or visual amenity of the area and would be commensurate with the character and scale of non-residential uses within the locality, notably those along the northern side of Sunderland Road, with the proposed industrial building being of very similar appearance to those within the Kwik Fit site directly to the west of the site.
- 5.17 Subject to details of the proposed scheme including materials/finishes, the design of the proposed Car Sales Office and final details of the proposed industrial workshop/storage building, which Officers are satisfied could be secured by condition on any grant of planning permission, the development is considered to be acceptable in respect of impact upon visual amenity, in accordance with saved UDP policy ENV3, CSUCP policy CS15 and the NPPF.
- 5.18 **IMPACT UPON RESIDENTIAL AMENITY**
The closest residential properties to the site are Holly House, Stonegate View and Rochester Terrace which are located approximately 23 metres south of the site, increasingly to approximately 35 metres. These properties are generally

positioned at a higher level than the site as a result of land levels which rise to the north.

- 5.19 Having regard for the location of the application site together with its distance from neighbouring properties, its overall scale and the proposed uses, it is considered that the proposed scheme would not result in an unacceptable impact upon the amenity of neighbouring dwellings, in accordance with saved UDP policy DC2, CSUCP policy CS14 and the NPPF.
- 5.20 If planning permission were to be granted, a condition could be imposed in respect of the hours of operation of the site and range of uses or activity types, in order to ensure that its operation would not give rise to disturbance to neighbouring properties as a result of unreasonable trading hours. A further condition could be imposed to ensure construction hours would not result in unacceptable noise/disturbance to neighbouring dwellings.
- 5.21 HIGHWAY SAFETY
Paragraph 108 of the NPPF states that:
- “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) *appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users; and*
 - c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.*
- 5.22 Paragraph 109 continues by stating:
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*
- 5.23 CSUCP policy CS13 seeks to ensure that development *“connects safely to and mitigates the effects of development on the existing transport networks”.*
- 5.24 The application proposes the creation of a new ingress and egress to the site from Sunderland Road.
- 5.25 No detailed information has been provided regarding the proposed uses on the site, the number of trips that these would likely generate or how parking would be managed on the site for staff, customers/visitors, car sales or any other movements (including operational vehicles). The information submitted within the application form is additionally inconsistent with the proposed site layout in terms of the number of vehicular parking spaces that would be provided.

- 5.26 The section of Sunderland Road directly to the south of the site contains a signalised junction with Stoneygate Lane. Close to the position of the proposed ingress point, the eastbound lane divides into two lanes to allow vehicles in the nearside lane to turn left into Stoneygate Lane, and those in the offside lane to continue east along Sunderland Road. The site is additionally positioned opposite the entrance to a minor access road to properties along Rochester Terrace, with junctions to Holly Hill to the south and south west and the entrance to the existing Kwik Fit site directly to the west.
- 5.27 Council officers have undertaken numerous visits to the site and have observed queuing traffic in relation to the signalised junction, with the predominant queue of traffic being in the offside lane (continuing eastwards along Sunderland Road). Officers therefore consider that vehicles wishing to turn right into or out of the site would frequently be required to turn through two lanes of traffic. Officers have therefore raised highway concerns on the grounds that, in the case of users wishing to turn right into the site, the visibility of vehicles in the nearside lane (wishing to turn left into Stoneygate Lane) would frequently be blocked by queueing traffic in the offside lane (given the observed predominant queue of traffic being in this lane). This is considered to have highway safety implications in respect of conflicts which may occur between queuing vehicles and those entering and exiting the site. It is considered by officers that these concerns would be further impacted by the proximity of the site to opposing and adjacent access and junctions.
- 5.28 Having regard for the above, due to the positions of the proposed site ingress and egress in relation to the surrounding road layout and in the absence of additional information detailing the proposed site operation which may be taken into consideration in the assessment of the application, it is considered that proposed development would have an unacceptable impact upon highway safety and the development would therefore fail to comply with the NPPF and CSUCP policy CS13.
- 5.29 RAIL SAFETY
The application is located directly south of the Metro rail line; accordingly Nexus have been consulted on the application, who have raised an objection on the grounds that adequate rail incursion measures have not been incorporated into the design of the scheme in accordance with the Department for Transport publication 'Managing the Accidental Obstruction of the Railway by Road Vehicles 2017'. Details of planning conditions that are requested to be attached to any grant of permission have additionally been provided including matters such as drainage, tree works and excavations/earthworks.
- 5.30 The applicant has confirmed in writing that the requirements outlined by Nexus would be complied with and that they would be willing to accept the conditions proposed, should planning permission be granted. Subject to conditions that would be attached to any grant of planning permission, it is considered that the proposed scheme would be acceptable in respect of the safety of existing transport networks, in accordance with CSUCP policy CS13 and the NPPF.
- 5.31 DRAINAGE

The application site comprises an area of 0.12 hectares and is located within Flood Zone 1; there is therefore no statutory requirement for a Flood Risk Assessment or Surface Water Drainage Assessment to be submitted to accompany this application.

- 5.32 The proposed development would result in the introduction of hard surfacing across a currently grassed site and proposes the drainage of surface water via soakaway within direct proximity to the rail line. No further information has been received in respect of proposed drainage measures. Nexus have requested conditions in respect of surface water drainage to satisfy the requirements relating to drainage raised within their response to the application.
- 5.33 Having regard for the above Officers are of the view that information pertaining to drainage would be required, however conditions could be attached to this effect to ensure that the development is acceptable in drainage terms. Subject to the inclusion of such conditions it is considered that the proposal complies with the NPPF, CSUCP policy CS17 and saved UDP policy DC1(j).
- 5.34 **TREES AND BIODIVERSITY**
The application site contains five trees, with a further Sycamore tree positioned north of the boundary fence, which collectively contribute to the visual amenity of the area.
- 5.35 An Arboricultural Impact Assessment and Method Statement have been submitted as part of the application, which proposes the removal of the two Silver Birch trees (T1 and T2) to the eastern side of the site. The three remaining Sycamore trees along the northern boundary are proposed to be retained and the Impact Assessment/Method Statement provide proposed details of protected measures for these.
- 5.36 The proposed removal of the two Silver Birch trees is acceptable on balance, as whilst contributing the amenity of the area as part of the wider tree group, the Impact Assessment reports these to be low quality specimens when considered individually and it is considered that these would not warrant protection under a Tree Preservation Order.
- 5.37 It is considered that, should planning permission be granted, conditions could be imposed in respect of protective measures to retain the Sycamore trees on the site, subject to which Officers consider that the development is acceptable in respect of impact upon trees, in accordance with the NPPF, CSUCP policy CS18 and saved UDP policy ENV44.
- 5.38 Objections to the scheme have raised concerns in respect of impacts upon biodiversity. Whilst the development would result in the loss of a grassed area and two trees, the site is considered to be of low biodiversity value and it is considered that the scheme would not result in any significant loss of wildlife habitat and therefore would not lead to any significant impact upon protected species and/or wildlife within the immediate area or conflict with the NPPF, CSUCP policy CS18 and saved UDP policies DC1 and ENV47.

- 5.39 CIL
On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and is located in Commercial Zone C in which use Class B ('All other development') carries a levy of £0.
- 5.40 ANY OTHER MATTERS
Issues raised in respect of potential anti-social behaviour resulting from the development are not material planning considerations.
- 5.41 A number of objections have stated that there is no need for the development and that there are a number of similar uses within the locality. These matters are not material planning considerations and the application is to be considered on its individual merit.
- 5.42 It is considered that all other matters raised in representations have been addressed within the body of the report.

6.0 CONCLUSION

- 6.1 It is considered that issues of visual amenity, residential amenity, trees, rail safety and drainage could be addressed by conditions.
- 6.2 It is however considered that, based on the information submitted, the proposed scheme would lead to an unacceptable impact upon highway safety as a result of the position of the proposed site ingress and egress in relation to the surrounding road layout, in particular the adjacent signalised junction. The proposed development would be contrary to the NPPF and policy CS13 of the CSUCP.
- 6.3 The development would also result in the loss of an area of open space of public value in a neighbourhood which is deficient in open space, and does not propose to make any replacement open space provision or provide an assessment to demonstrate that the open space is surplus to requirements. The proposed development would therefore be contrary to the NPPF, policy CS18 of the CSUCP and saved policy CFR23 of the UDP.
- 6.4.1 It is therefore recommended that the application be refused.

7.0 Recommendation:

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

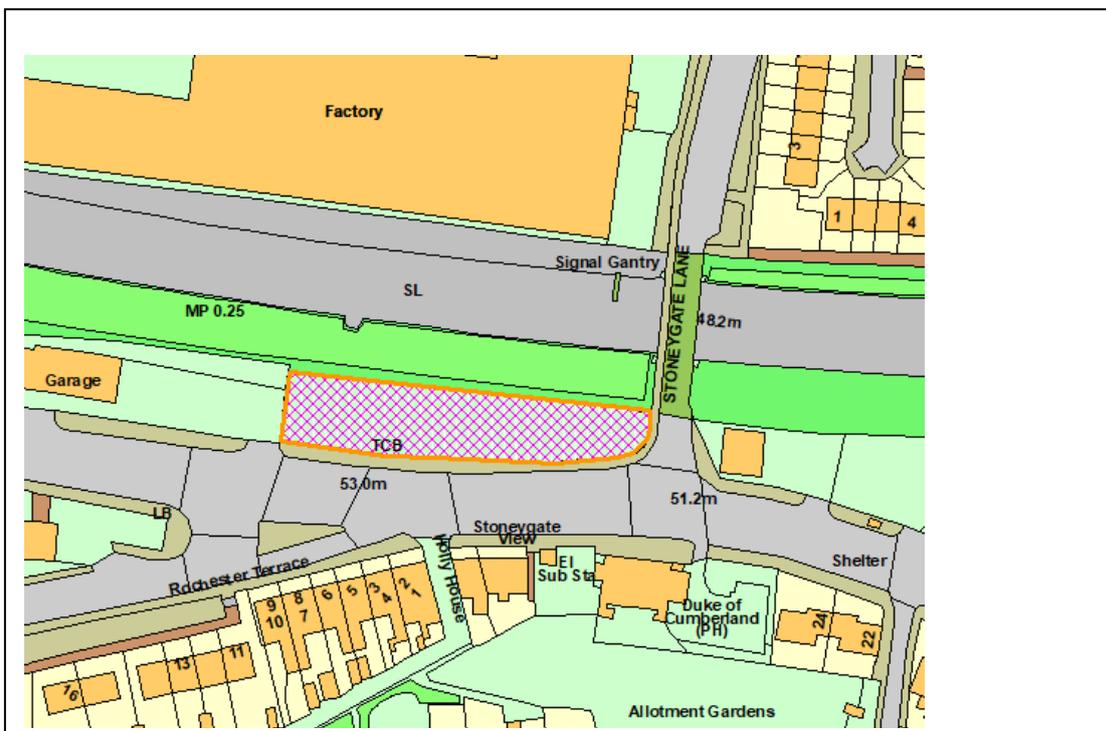
1

The proposed development is likely to lead to highway conflicts as a result of the location of the proposed site ingress and egress in relation to the surrounding road layout, which would be exacerbated by the proximity of the site from the opposing and adjacent accesses and junctions, and in the absence of additional information detailing the

proposed site operation, it is considered that the proposed development would have an unacceptable impact upon highway safety and would therefore be contrary to the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan.

2

The proposed development would result in the loss of open space which is valued by local residents in an area which is deficient in open space and does not propose to make any replacement open space provision or provide an assessment to demonstrate that the open space is surplus to requirements. The development would therefore be contrary to the open space aims and objectives of paragraph 97 of the NPPF, saved policy CFR23 of the Council's Unitary Development Plan and policy CS18 of the Council's Core Strategy and Urban Core Plan.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

Committee Report

Application No:	DC/19/00482/FUL
Case Officer	Richard Smith
Date Application Valid	20 May 2019
Applicant	Mr Martin Flowers
Site:	The Cedars Academy Ivy Lane Lyndhurst Gateshead NE9 6QD
Ward:	Chowdene
Proposal:	Extension to front of the academy to comprise new sports facility development inclusive of enlarged sports hall area, gym and associated works
Recommendation:	GRANT
Application Type	Full Application

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

The application site is a north facing school set off Ivy Lane, which specialises in the provision of young people aged 3 to 19 years with physical, sensory and medical needs, speech, language and communication disorders, autism, and a wide range of other complex needs often associated with emotional vulnerability.

1.2 The site is set off Ivy Lane and shares a boundary with properties on Brampton Gardens to the east, Oakwood Avenue to the south and Cedars Green to the west. The site is also adjacent Lyndhurst Grove to the north.

1.3 Ivy Lane is a predominantly residential area, with the only other non-residential building being St Ninians Church which is located to the north-west of Cedars Academy.

1.4 The site currently has 6no car parking spaces directly opposite the location of the proposed works with more parking spaces located to the north-west of the site.

1.5 The site has a number of trees within the site located largely to the north-east of the site along the boundary with the properties on Brampton Gardens. There are no restrictions relating to works to these trees as they are not within a Conservation Area, nor are they subject to a Tree Protection Order.

1.6 DESCRIPTION OF APPLICATION

The application under consideration seeks planning permission for a single storey, flat roofed extension to the front of the academy to comprise a new sports facility. It is proposed to be finished in a grey render.

1.7 The submitted plans show the proposed extension will replace the existing sports hall to the front of the property.

1.8 Further information provided by the applicant show that the proposed development will be for use by the school and will not be hired out as a public sports area.

1.9 PLANNING HISTORY

A number of developments have been undertaken at the application site, but none are directly relevant to this application.

2.0 Consultation Responses:

Coal Authority No objections

3.0 Representations:

3.1 REPRESENTATIONS

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

3.2 1no letter of objection has been received, raising concern with regards

- Parking
- Road provisions
- Highway and Pedestrian Safety

3.3 Cllr McElroy has asked that this application be determined by the Planning and Development Committee and, as required in the Council's Constitution, has sited 'Parking' as the material planning reason for making this request. Cllr McElroy has not objected to the application himself.

4.0 Policies:

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

DC1C Landform, landscape and after-use

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the use in terms of residential amenity, visual amenity, highway safety and parking, trees and land contamination.
- 5.2 **VISUAL AMENITY**
Saved policy ENV3 of the UDP requires that new development should make a positive contribution to the established character and identity of its locality; policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 (CSUCP) requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.
- 5.3 The proposed development is considered to be of good design quality, which will sit well within the wider Academy, it will replace an existing extension to the front which is starting to show signs of age and given that the academy is set back within the wider site is not considered to be highly visible from Ivy Lane, thus not appearing out of character with the existing building, nor will it introduce an incongruous element within the wider street scene.
- 5.4 Therefore, it is considered that the development is acceptable in terms of visual amenity; in accordance with saved UDP policy ENV3, policy CS15 of the CSUCP and the NPPF.
- 5.5 **RESIDENTIAL AMENITY**
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 and paragraph 127 of the NPPF requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users. Furthermore, policy CS14 1 (iii) seeks to prevent negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
- 5.6 Given the location within the wider site and the distances to the nearest residential properties ranging between 15 - 60 metres from the proposed development, coupled with the number of trees which screen the site from said neighbouring properties, it is not considered that the proposed development will lead to an adverse negative impact on the living conditions of occupiers of properties located to the north, east and west of the application site.

- 5.7 Therefore, it is considered that the development is acceptable in terms of residential amenity; in accordance with saved UDP policy DC2, policy CS14 of the CSUCP and the NPPF.
- 5.8 HIGHWAY SAFETY AND PARKING
Policy CS13 of the CSUCP seeks to ensure that any new development provides safe, secure and direct pedestrian links.
- 5.9 Paragraph 109 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 It is acknowledged that there has been a long-standing issue with parking in and around Cedars Academy, in particular at school drop off and pick up times with vehicles utilising the on-street parking which is available along Lyndhurst Grove, and that this has led to issues with residents.
- 5.11 It is however, considered that as the proposed development is for a new sports hall for the use of the students who currently attend Cedars Academy, rather than to facilitate an increase in pupil or staff numbers, and as it does not result in the loss of any parking within the site, officers are of the view that the proposed extension will not lead to a unacceptable impact upon highway safety nor would the residual cumulative impacts on the road network be severe.
- 5.12 The Council's Transport section confirmed they have no objections to the proposed development.
- 5.13 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.
- 5.14 TREES
Due to the location of the proposed development, no trees will be directly affected as a result. A condition (number 4) will be imposed requesting a Tree Protection Scheme be submitted and agreed by the Council as Local Planning Authority prior to works commencing on site.
- 5.15 LAND CONTAMINATION
The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not situated on potentially contaminated land based on previous historic use. The site was previously used for agriculture prior to the construction of a large house circa 1895 when the development area was used as its garden area. This building was later used as a school before being demolished and the area subject to redevelopment for its current use. Consequently, overall the potential level of contamination possibly being a hazard to site operatives and future site users is considered to be low, and that significant contamination of soils and made ground beneath these areas is not anticipated. However, it is possible that the development area may be affected by ground contamination from imported fill materials and material

used to construct a development platform for the site prior to the construction of the current building

- 5.16 Therefore considering the above and the site's future sensitive land use, and potential for land contamination, a condition (number 6) for an intrusive site investigation with a Phase II Detailed Risk Assessment, and if required standard conditions for remediation, Monitoring and Verification Reports is recommended.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the development has been able to demonstrate, subject to suitable conditions it 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 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

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

2

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

Location Plan

Existing and Proposed Floor Plans, dwg no. 773.0030A.001

Existing Site Plan, dwg no. 773.0030A.002 Proposed Site Plan, dwg no.

773.0030A.003 Existing and Proposed Elevations, dwg no.

773.0030A.004

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

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials detailed on the application form.

Reason

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

4

No development or any other operations shall commence on site until a scheme for the protection of the existing trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies DC1 and ENV44 of the Unitary Development Plan and CSUCP policy CS18.

Reason for prior to commencement condition

To ensure there can be no damage to the trees located within Cedars Academy and to the rear of Brampton Gardens during the construction of the development hereby permitted.

5

The protective fencing approved under condition 4 must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works 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

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies DC1 and ENV44 of the Unitary Development Plan and CSUCP policy CS18.

Reason for prior to commencement condition

To ensure there can be no damage to the trees located within Cedars Academy and to the rear of Brampton Gardens during the construction of the development hereby permitted.

6

No development hereby approved shall commence until a report of findings arising from Phase II intrusive site investigation and a Phase II Detailed Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. The site investigation will consist of a series of boreholes and trial pits, in situ testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

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

The Risk Assessment shall confirm possible pollutant linkages and provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

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.

7

Prior to the commencement of development hereby approved, where remediation is identified under condition 6, a detailed 'Remediation

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

The 'Remediation Strategy' (including timescales for implementation) shall detail objectives, methodology and procedures of the proposed remediation 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.

8

The remediation works detailed in the 'Remediation Strategy' approved under Condition 7, shall be wholly undertaken within the timescales set out within the approved strategy.

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.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

This page is intentionally left blank

Committee Report

Application No:	DC/19/00593/HHA
Case Officer	Samantha Elsander
Date Application Valid	7 June 2019
Applicant	Mr Fred White
Site:	Plot 1 Ivy Lane Gateshead NE9 6QD
Ward:	Chowdene
Proposal:	Erection of boundary fence
Recommendation:	GRANT
Application Type	Householder Application

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

1.2 The application site is a broadly triangular plot set off Ivy Lane. The land is undeveloped. A number of the trees within the site are covered by Tree Preservation Orders.

1.3 The site shares a boundary with Cedars Academy to the South East. To the South it shares a boundary with numbers 6 - 14 Ivy Lane. To the West there is a block of garages which appear to serve properties at Cedars Green. Numbers 25 and 27 Ivy Lane are to the north.

1.4 Ivy Lane is a predominantly residential area with the only non-residential buildings being St Ninians Church and Cedars Academy.

1.5 DESCRIPTION OF THE APPLICATION

1.6 The application under consideration seeks planning permission for the erection of a 1.8 metre high boundary fence. The fence would be attached at the North Western corner of the site to an existing stone wall which runs along the North/North East boundary. The proposed fence would continue along the boundary of the site before terminating on the eastern boundary of the site. Provisions have been made along the Southern boundary to retain an existing bin store which serves number 14 Ivy Lane and an access gate is to be provided along the West boundary.

1.7 PLANNING HISTORY

1.8 There are several planning applications relating to the site and its immediate surrounds. The most relevant planning history is detailed below.

1.9 DC/18/00882/FUL - Planning Permission Granted for Erection of five bedroom dwelling (Resubmission of expired planning application DC/14/00917/FUL approved on 15.04.2015) (additional information received 25/10/18). - 13/11/18

2.0 Consultation Responses:

None Received

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 Five objections have been received from surrounding residents raising the following concerns.

- Harmful effect on visual amenity
- Industrial in size and scale
- Overbearing
- Out of character with the area
- Not in keeping with other fencing in the area.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

CS14 Wellbeing and Health

CS15 Place Making

CS13 Transport

CS18 Green Infrastructure and the Natural Environment

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are: the effect on the character and appearance of the street scene and trees, whether there would be any unacceptable highway safety issues and the effect on the living conditions of neighbouring occupiers.

5.2 VISUAL AMENITY

Section 12 of the NPPF states that the creation of high-quality buildings and places is fundamental and development process should achieve and good design is a key aspect of sustainable development. Local policies CS15 of the Core Strategy and ENV3 of the UDP reflect this.

5.3 The development would result in the erection of a fence along the boundary of the site, where this is largely open at present. Given the height of the proposed fence views will still be afforded to the trees and landscaping areas within the site. At 1.8 metres in height, officers consider that the fence does not appear excessively high or out of character for a normal domestic setting. Similar fences are present in the area surrounding the site.

5.4 Objections have been raised concerning the fence not being in line with the character of the area and partially open fencing on Ivy Lane along with concerns over the size and scale of the proposed fence.

5.5 After considering the proposal against the relevant policies, and the representations received, it is considered that the fence is acceptable both in terms of its location and design

5.6 HIGHWAYS IMPACT

The proposal would not have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with policy CS13 of the CSUCP.

5.7 RESIDENTIAL AMENITY

By virtue of the overall height of the fence and separation distance to the nearest surrounding properties the proposed fence would not cause any unacceptable overshadowing nor result in oppressive living conditions for neighbours. It therefore conforms with policy DC2 of the Unitary Development Plan as well as the NPPF which seek to secure a standard of amenity for all existing and future occupants of land and buildings.

5.8 TREE PROTECTION

Trees that are protected by a Tree Protection Order (TPO) are located on the site. To ensure that the construction of the fence does not cause unacceptable disturbance to trees, a detailed site specific Arboricultural Method Statement would need to be submitted for approval before any works take place and as such; this can be secured through an appropriately worded pre-commencement condition.

5.9 Subject to conditions, it is considered that the proposal accords with policy CS18 of the CSUCP and saved policy ENV44 of the UDP.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable, would not result in significant harm to design or

residential amenity, trees, or highway safety, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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 -
A-104 Rev C; Site Location plan A-01

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

Reason

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

2

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

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials as specified on the application form.

Reason

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

4

No external site works (including soil stripping or movement, or bringing onto site of materials, supplies or machinery) hereby approved

shall commence until an arboricultural method statement has been submitted to and approved in writing by the local planning authority.

Reason

To ensure the development would not have an unacceptable impact on trees, in accordance with saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

Reason for Pre Commencement

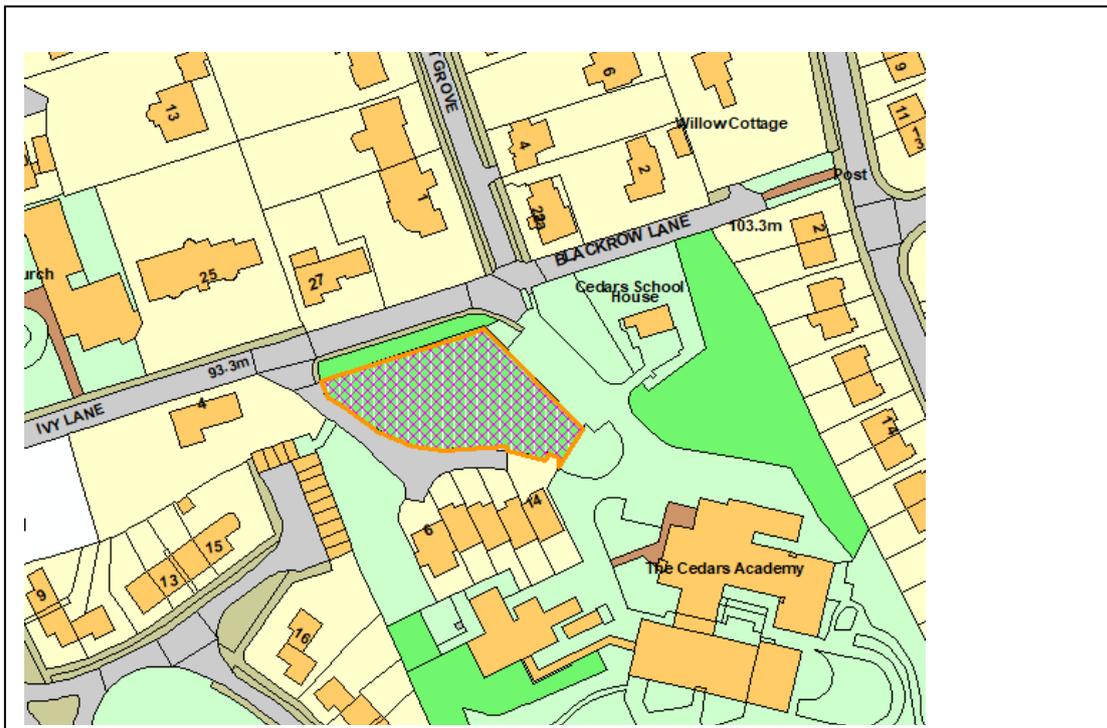
To ensure appropriate measures are in place for the protection of trees before works start.

5

The development shall be constructed in accordance with the approved details under Condition 4.

Reason

To ensure the development would not have an unacceptable impact on trees, in accordance with saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

This page is intentionally left blank

Committee Report

Application No:	DC/19/00686/FUL
Case Officer	Joanne Munton
Date Application Valid	2 July 2019
Applicant	Mr David Simpson
Site:	1-5 Reay Street Felling
Ward:	Pelaw And Heworth
Proposal:	Erection of two dormer bungalows and extension to No. 5 Reay Street
Recommendation:	REFUSE
Application Type	Full Application

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

The application site is land to the rear of the former Albion Inn public house (which ceased trading as a pub in April 2010). The building itself has been converted to five dwellinghouses under permission DC/16/01157/FUL. It is understood that this land is currently used as communal garden space for the existing five dwellings.

1.2 The site is located in north Bill Quay and is accessed via Reay Street. To the north are industrial buildings (and the River Tyne beyond) and there are two residential properties at Hoyson Villas to the north west and at a lower level, with an industrial area beyond. To the east and south east are scrap yards and there is vacant land to the south, which benefits from permission DC/18/00125/COU to change use to residential garden land.

1.3 The site itself is fairly level but the land falls away steeply to the north beyond the site boundary. The boundary treatment is currently close boarded timber fencing.

1.4 DESCRIPTION OF APPLICATION

This application proposes the construction of two further dwellinghouses behind the five existing properties.

1.5 The proposal also includes a single storey extension with a roof terrace to the rear of no.5 Reay Street.

1.6 The two dwellings would be dormer bungalows with rooms in the roof space, providing three bedrooms each. The properties would be orientated so as to run north west to south east, perpendicular to the existing terrace of houses. The proposed side elevation to the south east would face onto the rear elevation of existing dwelling no.5 Reay Street and would join onto the north western end of the proposed new rear extension of this neighbour.

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP Making Spaces for Growing Places

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment of the Proposal:

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

5.2 PRINCIPLE

The site is within a Mixed Use site, as identified by saved policy MU22 of the UDP (Bill Quay Riverside). This policy states that C3 residential use will be permitted provided that:

- the residential element accounts for no more than 80% of the total floorspace of any development;
- the residential amenity of the site and existing residential area are not adversely affected;
- developers contribute through a planning obligation and/or conditions to highway and transport improvements to the area;
- any development accommodates the River Tyne Corridor recreational route for pedestrians and cyclists;
- any development safeguards and enhances the riverside setting;
- the integrity of the green corridor is retained; and
- the public transport accessibility of the site is enhanced.

5.3 The residential element proposed would account for the total floorspace of the development. However, the MU22 site is more than 3 hectares (30,000sqm) in area, and the supporting text to the policy states that the land provides a redevelopment opportunity for housing interspersed with light business or live/work units (amongst others). Therefore, this policy relates to the larger site

as a whole, and the limitation on residential floorspace should be read in that context.

- 5.4 Weight is also given to the aforementioned permission DC/09/01771/FUL at the site, which found the use of the public house to be unviable and the principle of the total floorspace becoming residential use to be acceptable. This is also the case in permission DC/16/01157/FUL.
- 5.5 Additionally, the site is identified as a housing allocation site in emerging policy MSGP10. The allocation site includes land for the dwellings approved under permission DC/16/01157/FUL, and the site has an expected capacity of five houses (although this is not a policy requirement). This application proposes two further dwellings in addition to the five previously granted.
- 5.6 Therefore, whilst the first point of policy MU22 is not completely met, on balance and given the context of the policy, previous permissions and allocation in emerging policy, it is considered that this would not warrant refusal of the application. Residential amenity, visual amenity and highways/transport are addressed later in the report.
- 5.7 Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.
- 5.8 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The scheme proposes two dwellings with three bedrooms each, which would satisfy this policy requirement.
- 5.9 Policy CS11(4) of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents." Whilst the proposal would not provide external space dedicated to the two proposed dwellings, there would be a communal garden area, and, looking at the proposal for the two dwellings on its own, it is considered that appropriate internal and external space would be provided for residents.
- 5.10 It is considered that the principle of the residential use on site would be acceptable, subject to the considerations below.
- 5.11 VISUAL AMENITY
Saved policy ENV3 of the UDP requires that new development should make a positive contribution to the established character and identity of its locality; policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.
- 5.12 Additionally, paragraph 127 of the NPPF seeks to ensure that developments:

'(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

5.13 Paragraph 64 of the NPPF also requires the permission be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

5.14 The proposal includes dormers on the front of the two dwellings, which would face into the site, matching those on the existing dwellings, and the proposed dwellings would also be at a lower height and would not be widely visible from the public domain.

5.15 The proposed materials and vertical emphasis for fenestration for the dwellings and extension would also reflect those of the existing dwellings, and would be appropriate, and could be secured by a condition if the application was recommended to be granted.

5.16 However, notwithstanding the comments above on internal and external space, in terms of the overall site layout, the proposal would reduce the amount of private garden space allocated to the previously approved dwellings to the south and it is considered that the proposed scheme would constitute overdevelopment of the site.

5.17 The space at the rear of the existing properties is bounded on each side by a high close boarded fence and the proposal would not sit comfortably within the site. The addition of the two dwellings would fail to create an effective 'courtyard' scheme as the layout would disregard and be at the expense of existing property no.5 Reay Street, rather than deliver an inclusive space for all residents.

- 5.18 It is considered that the proposal would not deliver high quality design and that the design, density and layout of the proposed development would not make a positive contribution to the established character and identity of its locality. As such, it is considered that the proposal would not comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.
- 5.19 RESIDENTIAL AMENITY
Saved policy DC2 of the UDP requires that new development should [amongst others]:
- a) not have an adverse impact on amenity or character of an area, and does not cause undue disturbance to nearby residents or conflict with other adjoining uses;
 - b) safeguard the enjoyment of light and privacy for existing residential properties;
 - c) ensure a high quality of design and amenity for existing and future residents
- 5.20 Additionally, policy CS14 of the CSUCP requires that the wellbeing and health of communities will be maintained and improved by [amongst others]:
- 1. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
 - i. Creating an inclusive built and natural environment,
 - ii. Promoting and facilitating active and healthy lifestyles,
 - iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality,
 - iv. Providing good access for all to health and social care facilities, and
 - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.
- 5.21 Additionally, as above, paragraph 127 of the NPPF seeks to ensure that developments [amongst others]:
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.22 The proposed dwellings would be located on land north west of the five dwellings granted under permission DC/16/01157/FUL. Given the orientation of the proposed dwellings in relation to those to the south east, it is considered that the proposal would not result in an unacceptable loss of light at existing residential neighbours.
- 5.23 However, it is considered that the proposal would result in an unacceptable impact on the residential amenity of existing neighbours at no.5. The proposed dwellings would be approximately the same as the heights of existing dwellings at nos.4 and 5 Reay Street and would be only 5m away from the main rear

elevation of no.5. The proposed dwellings would also be deeper than the width of the existing dwelling no.5. Additionally, the issue would be exacerbated by the dormers proposed on the front elevation of the new dwellings, which would leave only a limited part of glazing serving one of two bedrooms on the first floor of no.5. As such, it is considered that the proposal would result in an unacceptable overbearing impact and loss of outlook at existing dwelling no.5.

- 5.24 In terms of the proposed extension at no.5, whilst there would be windows on the north east (side) elevation, permission DC/16/01157/FUL did not remove permitted development rights for extension at the five dwellings. Therefore, although windows would look onto external/garden land associated with no.4, the proposed extension would be set back from the shared boundary with these neighbours, and there would be potential for an extension (albeit with a smaller projection) to be constructed along this boundary without planning permission. Additionally, it is considered that the proposed roof terrace, whilst not ideal, would not have an unacceptable impact on the residential amenity of neighbouring properties.
- 5.25 In terms of potential future occupiers of the proposed dwellings, the site is also approximately 79m south east of a vehicle dismantling facility, which is regulated by the Environment Agency. Given this distance, the significant change in levels and that there are existing dwellings between the facility and the application site, it is considered that the noise and dust generated by the facility would not have an unacceptable impact on the residential amenity of potential future occupiers.
- 5.26 However, there are concerns regarding the living conditions of potential future occupiers in relation to outlook and light. Submitted plans indicate that the proposed two new dwellings would be located so as their rear elevations would be on the south western boundary of the site. There is currently boundary treatment on site in the form of a high close boarded timber fence, and it is noted that further south west immediately beyond this there is a mound/bund of land. Windows serving the dining rooms and kitchens are proposed on the south western (rear) elevations of the proposed new dwellings at ground floor level.
- 5.27 It appears that the two potential outcomes on this boundary would be either that the boundary treatment remains and the ground floor windows would be hard up or extremely close to this fencing, or that the boundary treatment is removed, exposing the windows to the mounded land and/or resulting in the proposed windows looking directly onto the neighbouring land understood to be associated with residential property 1 Hoyson Villas.
- 5.28 The first scenario would result in unacceptable living conditions for potential future occupiers of the proposed two dwellings, due to lack of appropriate levels of outlook and light.
- 5.29 The second scenario would result in an impact on levels of outlook and light for potential future occupiers (dictated by the height of the mounded land) and direct overlooking from and onto land that is not part of the application site and

associated with a different dwelling. Further, even if the existing boundary treatment is removed, there would be potential for owners of the neighbouring land to construct other boundary treatment, without planning permission, adjacent the windows, which would again impact on living conditions of potential future occupiers.

- 5.30 Therefore, it is considered that the proposal would give rise to unacceptable living conditions for potential future occupiers due to the positioning of the proposed two dwellings on the boundary of the site, which would result in a lack of appropriate levels of outlook and light.
- 5.31 The proposed development would result in an unacceptable impact on the residential amenity of both existing neighbours and potential future occupiers, and would not comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.32 HIGHWAY SAFETY AND PARKING
Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.33 The existing road carriageway on Reay Street is approximately 3.7m wide and this would not generally accommodate two-way movements. This road already serves existing properties to the east of Reay Street and the five dwellings approved under permission DC/16/01157/FUL.
- 5.34 The submitted plans propose a new passing place on the road, and a new path on the north western side of the street (extending south west to the junction). It is considered that these features would allow the existing road to adequately accommodate the additional movements generated from the proposal.
- 5.35 However, it is understood that the submitted plans do not accurately show the width of the road as it is on site. For example, there is an existing path in front of the houses 1-5 Reay Street but this does not appear to be as wide as shown on plans. If the application was recommended to be granted, conditions could be imposed requiring final accurate details of the proposed path and passing place to be submitted for LPA consideration, and implementation of the approved scheme.
- 5.36 Four parking spaces for the two new dwellings are proposed at the north eastern part of the site. However, the north easternmost parking space would not have an adequate reversing aisle and it would be difficult to manoeuvre in and out of this space. That said, it is considered that three parking spaces would be adequate provision to serve the two dwellings (one space each and one for visitors). Therefore, if the application was recommended to be granted, conditions could be imposed requiring final details of the parking provision to be submitted for LPA consideration, and implementation of the approved scheme.

- 5.37 Submitted plans also show an area dedicated for cycle storage and bin storage. If the application was recommended to be granted, conditions could be imposed requiring final details of these features to be submitted for LPA consideration, and implementation of the approved schemes.
- 5.38 The proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.39 **GROUND CONDITIONS**
The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. The site boundaries have been occupied by former terraced housing, allotment gardens and the south east of the site formed a small area of a motor salvage operation adjacent to the site to the east.
- 5.40 The applicant has submitted a Preliminary Risk Assessment (Phase 1 Contaminated Land Desk Top Study) and if the application was recommended to be granted, conditions would be recommended requiring details of further site investigations, risk assessment and remediation measures, to be submitted to the LPA for consideration, and implementation of the approved remediation.
- 5.41 The proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.
- 5.42 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This proposal has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The site is located within Charging Zone C, with a levy of £0 per square metre for this type of development.

6.0 CONCLUSION

- 6.1 The proposal would deliver additional family housing, would be acceptable in principle and in terms of highway safety and parking and ground conditions.
- 6.2 However, the design, density and layout of the proposed development would not make a positive contribution to the established character and identity of its locality and the proposal would result in an unacceptable impact on the residential amenity of both existing neighbours and potential future occupiers.
- 6.3 Therefore, the proposal would not comply with the aims and objectives of saved policies DC2 and ENV3 of the UDP, policies CS14 and CS15 of the CSUCP and the NPPF, and it is recommended that planning permission be refused.

7.0 Recommendation:

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

1

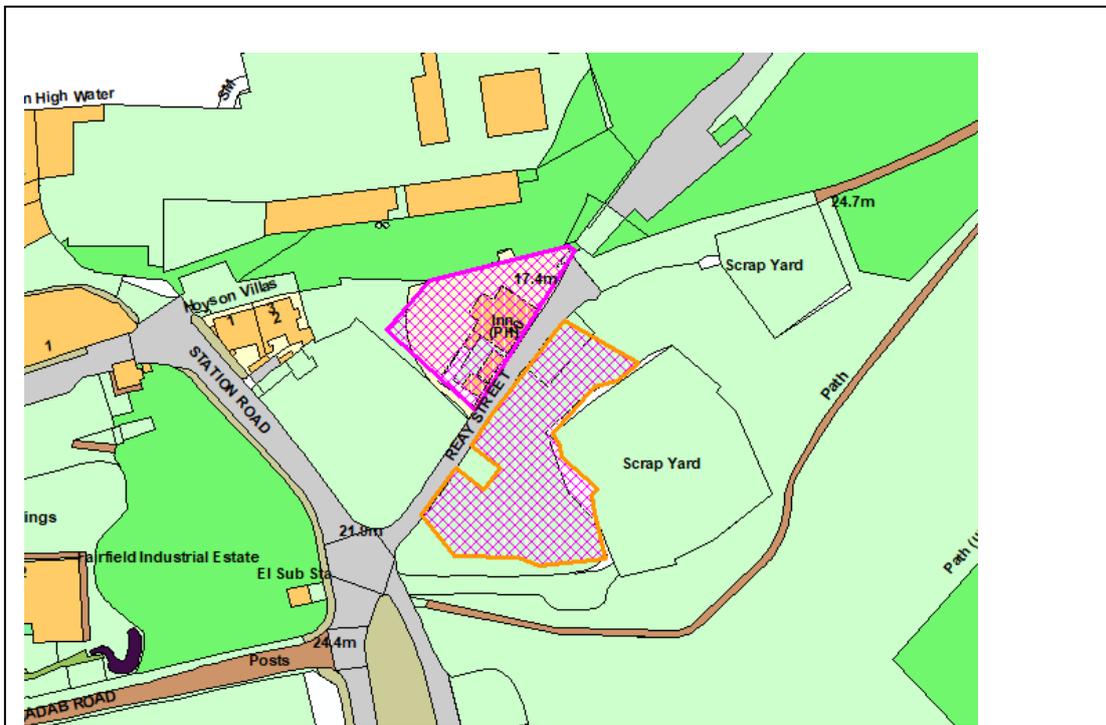
The proposal would constitute overdevelopment of the site, would not sit comfortably within the site and would disregard and be at the expense of existing property no.5 Reay Street. The proposal would not deliver high quality design and the design, density and layout of the proposed development would not make a positive contribution to the established character and identity of its locality. As such, the proposal would not comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.

2

The proposal would result in an unacceptable overbearing impact and loss of outlook at existing dwelling no.5 Reay Street. Therefore, the proposal would have an unacceptable impact on residential amenity, which would not comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.

3

The proposal would give rise to unacceptable living conditions for potential future occupiers due to the positioning of the proposed two dwellings on the boundary of the site, which would result in a lack of appropriate levels of outlook and light. As such, the proposal would not comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 7 AUGUST 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/18/00393/FUL	Conversion of first and second floors into four flats (amended 14/05/18, 28/09/18 and 22/03/19).	92 Coatsworth Road, Gateshead,	Granted;	Bridges
DC/18/01053/HHA	Replacement of existing flat roof of side extension with tiled pitched roof, cantilevered bay window to the front, new windows to front and rear, rear balcony with glass balustrade and new external steps leading to rear garden (Amended Description)	Hillside , 3 West High Horse Close,	Granted;	Winlaton And High Spen
DC/19/00158/FUL	Erection of three houses (additional info received 15.04.19, 28.06.19)	Land East Of Blacksmiths Cottage, Pennyfine Road,	Granted;	Whickham South And Sunnyside
DC/19/00280/FUL	Construction of steel portal framed building for ply lining commercial vans.	Arnold Clark Birtley Motorstore, Portobello Road,	Granted;	Birtley

DC/19/00322/COU	Partial change of use from dwelling (Use class C3) to retail on ground floor, new shop front, managers flat on first floor and two storey rear extension	160 Brighton Road, Gateshead,	Refused;	Saltwell
DC/19/00313/HHA	Proposed timber fence around car parking space	1 Gibsons Court, Winlaton,	Refused;	Blaydon
DC/19/00315/COU	Amalgamation of Units 9 and 10 and change of use from Storage and Distribution (Use Class B8) to mobility and care products showroom with ancillary storage, replacement of roller shutter door for a glass window in Unit 9 and the creation of a new customer entrance in Unit 10 together with associated works.	Units 9 And 10, Blaydon Trade Park,	Granted;	Blaydon
DC/19/00335/CPE	CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE: for the storage of building materials (Use class B8)	Bradley Hall Farm , Bradley Hall Farm,	Refused;	Crawcrook And Greenside
DC/19/00372/TPO	Tree works at 1 Carlton Terrace	1 Carlton Terrace, Gateshead,	Granted;	Low Fell

DC/19/00404/FUL	Erection of two townhouses with associated driveways and garden spaces (amended plans received 01.06.19)	Garage Site, Whittonstall Road,	Granted;	Chopwell And Rowlands Gill
DC/19/00428/HHA	Single storey rear extension	25 Elisabeth Avenue, Elisabeth-Ville,	Granted;	Lamesley
DC/19/00444/HHA	Two storey side extension	Garden House, Garden Terrace,	Refused;	Crawcrook And Greenside
DC/19/00461/ADV	Erection of free-standing (externally illuminated) post mounted roadside sign	Ravensworth Golf Club, Long Bank,	Temporary permission granted;	Lamesley
DC/19/00464/HHA	Proposed single storey rear extension and raised decking area in rear garden.	60 Saltwell Road South, Gateshead,	Granted;	Low Fell
DC/19/00466/FUL	Erection of storage building (B8 use class)	TTS Ltd Generator Specialists, Nest Road,	Granted;	Felling
DC/19/00477/FUL	Proposed erection of six dwellings with associated access (amended 02/07/19).	The Grange , St Cuthberts Road,	Granted;	Whickham South And Sunnyside
DC/19/00483/FUL	Construction of industrial building (B2) comprising 2 units with associated external hardstanding and creation of car parking (amended description) (amended plans 15.07.2019)	Land At Patterson Street, Blaydon,	Granted;	Blaydon

DC/19/00499/HHA	Single storey rear extension	5 Queen Elizabeth Avenue, Gateshead,	Granted;	High Fell
DC/19/00484/FUL	Extension to the first floor office accommodation and refurbishment of ground floor offices, including provision of eight new external windows to the front (south facing) elevation and replacement of existing single glazed units and entrance doors on the ground floor	Bay 1, Clarke Chapman,	Granted;	Bridges
DC/19/00487/HHA	Metal access ramp to front of property	12 Kempton Gardens, Gateshead,	Granted;	Lobley Hill And Bensham
DC/19/00501/HHA	Single storey rear extension	22 Whaggs Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/19/00491/FUL	Renewal of permission DC/13/00968/FUL to allow the continued siting of a demountable classroom (amended 10/06/19).	Lingey House Primary School , Millford,	Granted;	Wardley And Leam Lane
DC/19/00507/TPO	Works to trees in garden of 341 Durham Road.	341 Durham Road, Gateshead,	Granted;	Low Fell
DC/19/00502/HHA	Metal mesh access ramp to front door of domestic dwelling	76 Morris Street, Teams,	Granted;	Dunston And Teams

DC/19/00503/HHA	Erection of a dormer to rear (south) elevation.	4 Orchard Gardens, Low Fell,	Granted;	Low Fell
DC/19/00526/HHA	Proposed single storey front and rear extensions	7 Denham Grove, Winlaton,	Granted;	Winlaton And High Spen
DC/19/00529/HHA	Proposed single storey rear extension, whole house rendered, new windows and doors	1 Beech Grove Court, Crawcrook,	Granted;	Crawcrook And Greenside
DC/19/00531/HHA	Proposed side and rear extension	40 Valley Drive, Gateshead,	Granted;	Low Fell
DC/19/00509/LBC	LISTED BUILDING CONSENT: Conversion of Church, erection of mezzanine floor and installation of 10 rooflights to create 9 no apartments, demolition of single storey extension, erection of first floor extension to Church Hall, to provide religious and community facilities, and erection of extension to existing ramp (revised proposal).	Durham Road Baptist Church, Gladstone Terrace,	Granted;	Bridges
DC/19/00525/TPO	Tree works at Whickham Park House Whickham	Whickham Park House, Whickham Park,	Granted;	Dunston Hill And Whickham East
DC/19/00536/HHA	Proposed rear single storey extension	14 Rose Avenue, Whickham,	Granted;	Whickham North

DC/19/00511/FUL	Extension of existing pay window pod, erection of larger bin store, existing drive thru menus and speaker post relocated and timing loop installed at speaker post.	KFC, Clasper Way,	Granted;	Blaydon
DC/19/00533/AGR	DETERMINATION OF PRIOR APPROVAL: Erection of barn for storage of farm machinery, hay and corn etc. (Revised Application) (revised description 10.07.2019)	Hollinhill Lane, Rowlands Gill,	Refused;	Winlaton And High Spen
DC/19/00538/HHA	Proposed single storey rear extension	14 Thorp Drive, Ryton,	Granted;	Ryton Crookhill And Stella
DC/19/00513/HHA	Proposed side extension providing garage with dormer over.	Beech Trees , 3 Moraine Crescent,	Granted;	Chopwell And Rowlands Gill
DC/19/00514/FUL	VARIATION of Condition 1 (Approved Plans) of planning permission DC/18/00834/FUL	Durham Road Baptist Church , Gladstone Terrace,	Granted;	Bridges
DC/19/00516/HHA	Single storey side extension and raised decking area.	12 Stratford Gardens, Low Fell,	Granted;	Low Fell
DC/19/00518/HHA	Proposed single storey extension to southern elevation.	3 South Avenue, Whickham,	Granted;	Whickham South And Sunnyside

DC/19/00520/ADV	Display of 4 Internally illuminated fascia signs, 2 non illuminated fascia signs and 1 internally illuminated totem sign	Suzuki Sherwood (Springfield Cars) , Durham Road,	Temporary permission granted;	Bridges
DC/19/00521/HHA	Erection of a two storey side extension, single storey rear extension and conversion of existing garage into habitable room.	77 Alwinton Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/19/00580/HHA	Proposed two storey side extension and front porch	46 Derwent View, Winlaton,	Granted;	Winlaton And High Spen
DC/19/00582/HHA	Proposed two storey side extension and single storey rear extension	21 Turner Close, Ryton,	Granted;	Ryton Crookhill And Stella
DC/19/00535/HHA	Proposed single storey front and rear extensions, new pitched roof over existing front bay window	5 Axwell View, Whickham,	Granted;	Whickham North
DC/19/00537/HHA	Proposed two storey side extension, single storey rear extension and front porch (amended 1 July 2019)	14 Reasby Gardens, Ryton,	Granted;	Ryton Crookhill And Stella
DC/19/00583/HHA	Proposed single storey side and rear extensions with porch and canopy roof to front elevation	58 Glenluce, Birtley,	Granted;	Birtley

DC/19/00541/ADV	Display of one non-illuminated projecting sign	25 West Street, Gateshead,	Temporary permission granted;	Bridges
DC/19/00545/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The laying of new paving to widen existing driveway (retrospective)	37 Emmaville, Barmoor,	Granted;	Crawcrook And Greenside
DC/19/00546/HHA	Conversion of loft space to form habitable room, incorporating hip to gable to the front elevation & 3no Velux roof lights to the side elevations	65 Fellside Road, Whickham,	Granted;	Whickham North
DC/19/00552/COU	Change of use from Industrial Unit (Use class B2) to Fitness Service (Use class D2 leisure)	Unit 9, Dunston Enterprise Park,	Granted;	Dunston And Teams
DC/19/00590/HHA	Demolition of existing single storey kitchen/dining room and erection of two storey kitchen/dining room with first floor bedroom and bathroom and porch (amended description 09.07.2019)	30 Lilley Terrace, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/19/00559/HHA	Loft conversion with front and rear dormers	17 Peartree Bungalows, Blackhall Mill,	Granted;	Chopwell And Rowlands Gill

DC/19/00562/HHA	Proposed two storey rear extension and rear patio area (description amended 15.07.19)	Millfield House , Lead Road,	Granted;	Crawcrook And Greenside
DC/19/00570/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	Bus Shelter 0501-0111 , Front Street,	Temporary permission granted;	Whickham North
DC/19/00571/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	0501-0114 , Crowhall Lane,	Temporary permission granted;	Felling
DC/19/00575/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	0501-0265 , Gibside Way,	Temporary permission granted;	Whickham North
DC/19/00579/HHA	Proposed single storey extension to the side and proposed single storey extension to the front with bow window	4 Harleston Way, Felling,	Granted;	Windy Nook And Whitehills

DC/19/00613/HHA	Single storey side extension	11 Webb Gardens, Felling,	Granted;	Pelaw And Heworth
DC/19/00589/HHA	Two storey side and front extension	64 Long Gair, Winlato,	Granted;	Winlato And High Spen
DC/19/00621/HHA	Proposed single storey front extension	2 The Foxhills, Whickham,	Granted;	Whickham South And Sunnside
DC/19/00596/HHA	Proposed pitched/hipped roof to existing garage	Onich , 7 Field Lane,	Granted;	Pelaw And Heworth
DC/19/00611/HHA	Installation of two balconies to the rear of the property (amended plans received 27.06.19, 18.07.19, 22.07.19)	Park View , Lead Road,	Granted;	Crawcrook And Greenside
DC/19/00618/HHA	Single storey extension to front (east) elevation (amended plans 16.07.2019)	5 Havelock Terrace, Chopwell,	Granted;	Chopwell And Rowlands Gill
DC/19/00636/HHA	Demolition of existing glass lean-to and erection of two storey extension to side of dwelling	25 Lindale Avenue, Whickham,	Granted;	Whickham North
DC/19/00632/HHA	Garage conversion to habitable room and single storey rear extension	17 Calow Way, Whickham,	Granted;	Whickham South And Sunnside

DC/19/00669/TPO	Trees work within Woodland at Axwell park	Woodland, Axwell Park,	Granted;	Blaydon
DC/19/00674/CPL	CERTIFICATE OF PROPOSED LAWFUL USE/DEVELOPMENT: Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3m, with a maximum height of 3.8m, and eaves height of 2.5m	31 Calder Walk, Sunnyside,	Granted;	Whickham South And Sunnyside

This page is intentionally left blank

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 05.07.19 and ending 24.07.19, the enforcement team has received **94** new service requests:

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	32	11	22	1
HIGHWAYS	25	4	28	0
WASTE	37	25	35	57
TOTALS	94	40	85	58

COURT HEARINGS

The Enforcement Team attended **14** Court Hearings, **7** of which was finalised, resulting in **£1359** fines and **£1908** costs



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

07th August 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	<p>14 March and 4 July 2016</p> <p>29th Sep 2018</p>	<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. Council Officers are in discussions with the home owner to ensure compliance as the end of the compliance period has now lapsed.
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 As the notice has been quashed, permission is sought from Committee to remove this item from the report. Legal advice is being obtained regarding what further enforcement action to take.

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
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	<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</p> <p>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.</p> <p>Planning application intended to be taken to the 15th May Committee, once a decision made, the Enforcement Officer is to pursue demolition following consent from Natural England.</p> <p>Natural England has requested an up to date bat survey prior to issuing a licence.</p>
10.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05 th September 2018	05 th September 2018	5 th October 2018	30 th November 2018	<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>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
12.	2 Wythburn Place Gateshead NE9 6YT	High Fell	Unauthorised development	12 th February 2019	12 th February 2019	19 th March 2019	19 th July 2019	<p>Complaints had been received regarding the erection of an extension to the property, the extension has a detrimental impact on the visual amenity of the area and thus an enforcement notice has been served seeking the extension be demolished and remove in its entirety.</p> <p>A planning application has been submitted and approved for the erection of a single storey side extension. The owner of the property has stated that the extension will be removed in the next four weeks and footings for the new extension installed.</p>
13.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A site visit was undertaken on the 4th June, where drainage works had commenced. Officers are working closely with the Operator of the quarry to ensure compliance.</p>
14.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.
15.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 th July 2019	25 th July 2019	22 nd August 2019	03 rd October 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.</p>

This page is intentionally left blank



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/18/00807/FUL - Team Valley Retail World, Gateshead
Erection of food and drink unit (Use Class A3/A5) (additional information received 20/08/18).

This application was a delegated decision refused on 3 October 2018

DC/19/00145/HHA - 1 Comma Court, Gateshead

Two storey side extension and new 1.8m tall boundary wall to front of property

This application was a delegated decision refused on 3 May 2019

Appeal Decisions

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

16/00924/DOC3 - Land At Portobello Road

Birtley

Discharge of conditions 22 (Surface Materials) for planning permission

DC/16/00924/FUL

Appeal withdrawn 23 July 2019

DC/18/00958/TPO – Woodlands, Derwent Avenue, Rowlands Gill

Tree works at Woodlands, Derwent Avenue, Rowlands Gill

This application was a delegated decision refused on 9 November 2018

Appeal dismissed 12 July 2019

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

This application was a delegated decision refused on 25 January 2019

Appeal dismissed 15 July 2019

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

Appeal Costs

4. There have been no appeal cost decisions

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning
Inspectorate

3D Eagle
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5525

Customer Services:
0303 444 5000

Email:
North2@planninginspectorate.gov.
uk

www.gov.uk/planning-inspectorate

Your Ref:

Our Ref: APP/H4505/W/18/3213273

Miss Alicia Dawson
Peacock and Smith
Suite 9C Josephs Well
Hanover Walk
Leeds
West Yorkshire
LS3 1AB

23 July 2019

Dear Miss Dawson,

Town and Country Planning Act 1990
Appeal by Gleeson Regeneration
Site Address: Land At Portobello Road, Birtley, DH3 2SN

Thank you for your letter withdrawing the above appeal.

I confirm no further action will be taken.

Any event arrangements made for the appeal will be cancelled.

A copy of this letter has been sent to the local planning authority.

Yours sincerely,

Terry Scott
Terry Scott

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search



Appeal Decision

Hearing Held on 2 July 2019

Site visits made on 2 July 2019

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 12/07/2019

Appeal Ref: APP/TPO/H4505/7109

Woodlands, Derwent Avenue, Rowlands Gill Central, Rowlands Gill NE39 1BZ

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
 - The appeal is made by Dr Lorna Carter against the decision of Gateshead Council.
 - The application Ref: DC/18/00958/TPO, dated 15 September 2018, was refused by notice dated 9 November 2018.
 - The work proposed is: Fell Copper Beech.
 - The relevant Tree Preservation Order (TPO) is The Borough Council of Gateshead TPO The Woodlands, Derwent Avenue, Rowlands Gill, which was confirmed on 15 January 1991.
-

Decision

1. The appeal is dismissed

Main Issues

2. The main issues are whether the proposed felling would preserve or enhance the character or appearance of the Rowland Gill Conservation Area (CA) and whether sufficient justification has been given.

Reasons

3. The copper beech (beech) is a mature specimen with a high canopy located in the garden of Woodlands, a period villa situated on a wooded hillside close to the River Derwent. Visibility is largely limited to the immediate area, but nonetheless it makes a significant contribution to the character and appearance of Woodland's mature garden.
4. The CA guidance¹ states that the area is an essentially Edwardian housing development, which includes large detached houses in substantial gardens. It is also stated that the extensive tree cover and substantial levels changes help to shape the CA's character. This description reinforces my observations of the Derwent Avenue area at my visit and suggests that the site is strongly representative and reflective of the CA's characteristics.
5. In relation to trees, the guidance states that *the mature tree cover is one of the most important factors that contributes to the area's special character.*

¹ Conservation Area Character Statements, Strategies and Policy Guidelines March 2006, pages 1 -6, 104 - 109

There will be a general presumption against development that would directly or indirectly lead to the loss of trees ...which contribute to the character of the CA. There is nothing before me to suggest I should give the guidance anything other than full weight.

6. Although I concluded that the beech makes at best a very minor contribution to views of the seemingly dense and extensive stretch of woodland when viewed from across the river from the nearby Derwent Walk, this does not alter the weight I give to the beech's contribution to the character and appearance of the CA or the site.
7. The beech has a compression fork but there is nothing before me to suggest that it is damaged, diseased or lacks structural integrity. Furthermore, the Council noted that the beech was inspected and given a clean bill of health fairly recently. This statement was not disputed by the appellant. Although there is an arboriculturalist's statement which addresses the beech's visual impact in the area, this does not contain anything about its current condition. As there is a presumption against the removal of healthy and protected trees, I now turn to whether sufficient justification has been given.
8. The original plot has been subdivided and a former single garage is now in the adjacent plot. The appellant wishes to build a double garage and there is nothing before me to suggest that the Council objects to the building of a garage in principle.
9. As no scaled drawings have been submitted, I undertook to verify measurements on this sloping site at the visit. It is apparent that in order to build a double garage² the beech tree would need to be removed. To locate the garage further away from the beech would require significant engineering works as the garage footprint would extend beyond an embankment.
10. However, the beech is sited on a steep slope between the sloping drive and the modest terrace currently used for parking. It is unclear, from the evidence before me, how level access to the full width of the garage could be achieved without building an extended retaining wall beyond the garage frontage to accommodate the difference in level, and/or to create a turning area within which it would be very difficult for vehicles to manoeuvre.
11. There is also another tree nearby which would be very likely to be affected by the garage works, and which might need to be removed. Moreover, the depth of the available terrace suggests that the proposed garage construction could also encroach into the root zone of another protected tree³.
12. As such, on the basis of what is before me, I am unable to conclude that even if the appeal was allowed and the beech was removed, it would be possible to satisfactorily build what is proposed. Moreover, the effects on other trees are at this stage unquantified but would appear to be detrimental to their future health and longevity.
13. I appreciate that the beech is not particularly visible from the public domain, but it is protected under the TPO and local guidance, as well as national legislation concerned with the preservation and enhancement of the CA. Its removal would reduce mature tree cover in the area, and arguments advanced

² Based on standard parking bay dimensions, a garage width of around 6 – 7 metres was considered appropriate.

³ T3, Sycamore

- for its removal have to be sufficient to outweigh that legislative protection. As I am required to exercise a statutory duty of care under the Planning (Listed Buildings and Conservation Areas) Act 1990, I have to take a precautionary approach.
14. Other arguments have been advanced in relation to the planning merits of a garage. However, although I considered it necessary to ascertain whether a garage could be satisfactorily built, this appeal is concerned primarily with the removal of a protected tree, not the planning merits of a garage *per se*. In any case, with regard to privacy I am satisfied that it is not necessary to build a garage to provide privacy for the adjoining dwelling and its garden.
 15. The appellant argues that the Council would be liable to pay compensation if the appeal is dismissed. However, as the situation is reasonably foreseeable the Council would be exempt from any liability, as set out in Planning Practice Guidance⁴.
 16. With regard to the appellant's human rights with regard to the proposed works, even if I had concluded that there was interference with the appellant's rights as set out in Article 1 of the First Protocol, and Article 8 of the Human Rights Act 1998, these are qualified rights. Interference with a qualified right is permissible where there is a clear legal basis to do so, in this case for the protection of trees as set out in Part VIII of the Town and Country Planning Act 1990. The fundamental rights of the individual have to be balanced against the legitimate interests of the wider community.
 17. It is argued that the beech could interfere with telephone lines. However, removal of the beech seems an extreme solution and I am satisfied that this could be mitigated by other means. I acknowledge that other trees in the area have suffered storm damage but this is a sheltered location. In any case, it does not follow that this beech is vulnerable to storm damage.
 18. I give no weight to arguments regarding debris and sap, or winter protection for vehicles. The appellant purchased Woodlands in full knowledge that the hardstanding was below mature tree canopies, and moreover, that the hardstanding was limited and that the dwelling did not have a garage.
 19. I also acknowledge that a replacement tree could be planted. However, this does not necessarily compensate for the removal of a healthy tree for reasons that are largely unsubstantiated. I conclude that the proposed felling would fail to preserve or enhance character or appearance of the CA, and there is insufficient justification given to support the application. The appeal is dismissed.

A Blacq

INSPECTOR

⁴ Ref ID: 36-110-20140306



Appeal Decision

Site visit made on 2 July 2019

by **F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/H4505/D/19/3226986

25 Lincoln Street, Gateshead NE8 4EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Avram against the decision of Gateshead Council.
 - The application Ref DC/18/01161/HHA, dated 13 November 2018, was refused by notice dated 25 January 2019.
 - The development proposed is first floor extension to rear elevation, ground floor extension with succah, dormer to rear main roof and 2 velux windows to front main roof.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of No 27 Lincoln Street, with particular regard to daylight and sunlight and outlook.

Reasons

3. The appeal site is located within a residential area of Gateshead which is characterised by terraced houses in a grid pattern. The building is a mid-terrace property built of brick with a slate roof. It has a wide flat roof single storey extension within a rear yard which is enclosed by a high brick boundary wall.
4. The Local Planning Authority (LPA) has raised no concerns regarding the proposed ground floor extension with succah, dormer to rear main roof and two velux windows to front main roof and consider them to be acceptable. I have no reason to disagree. I shall therefore limit my considerations of the proposed development comprising the first floor extension to the rear elevation.
5. The LPA has produced guidance on extensions to residential properties in the form of the Household Alterations and Extensions Supplementary Planning Document (SPD) (2011). It states that any extension to the rear should not dominate neighbouring properties or significantly alter a neighbour's existing level of sunlight, daylight or privacy. A key objective is to avoid overshadowing or having an overbearing or oppressive effect on the neighbouring property. It declares that two storey extensions to the rear can have a significant adverse effect on neighbouring properties. Such extensions will not normally be permitted unless it can be demonstrated through careful design that there will

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

be no unacceptable reduction in sunlight, daylight and privacy of adjoining occupiers.

6. I acknowledge that the proposed first floor extension would provide additional facilities and accommodation within this family home and that the flat roof would sit below eaves level. However, its height, length, size and scale would cause a great deal of overshadowing to the rear elevation of No 27 Lincoln Street. This would considerably reduce the amount of daylight and sunlight into habitable rooms on this south facing elevation. Furthermore, taking into account the existing part single storey part two storey rear extension to No 27 Lincoln Street, it would be an overbearing and oppressive structure, that would create an uncomfortable sense of enclosure from habitable rooms and within the yard. This would substantially harm the outlook of the occupants of No 27 Lincoln Street.
7. Accordingly, I conclude that the proposed development would significantly harm the living conditions of the occupants of No 27 Lincoln Street, with particular regard to daylight and sunlight and outlook. This is contrary to policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015) which states the wellbeing and health of communities will be maintained and improved by, amongst other things, preventing negative impacts on residential amenity. It also conflicts with saved policy DC2 of the Gateshead Unitary Development Plan (2007) which, amongst other things, safeguards the enjoyment of light and privacy for existing residential properties. It is also contrary to guidance within the Household Alterations and Extensions SPD (2011) referred to above.

Other Matters

8. I note that planning permission has been granted for an amended proposal to No 25 Lincoln Street ref DC/19/00215/HHA. This includes a revision to the design detail of the proposed first floor extension to the rear to mitigate harm to the living conditions of the occupants of No 27 Lincoln Street. I acknowledge that this is a relatively small alteration to the proposal. However, acceptance of the amended scheme by the LPA does not justify this proposed development or the identified harm.
9. The appellant has drawn my attention to similar or larger two storey extensions to the rear of terraced properties within the area. I accept that there are many properties nearby that have been substantially altered and extended to the rear. However, I consider none of them to be directly comparable to this particular mid-terrace property. Furthermore, I do not know the circumstances of any of these cases and their existence does not justify further harm. I must determine this appeal on its own merits, and I have found harm.

Conclusion

10. For the reasons above and having considered all matters raised, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

APPENDIX 3

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 Withdrawn
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/18/00807/FUL	Team Valley Retail World Gateshead	Erection of food and drink unit (Use Class A3/A5) (additional information received 20/08/18).	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 Dismissed
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/18/01161/HHA	25 Lincoln Street Gateshead	First floor and single storey rear extension, dormer window to rear and 2 velux windows to front	Written	Appeal Dismissed

DC/18/01282/HHA	2 Goodwood Avenue Gateshead	Two storey extension to side of house	Written	Appeal in Progress
DC/19/00145/HHA	1 Comma Court Gateshead	Two storey side extension and new 1.8m tall boundary wall to front of property	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

7 August 2019

TITLE OF REPORT: Planning Obligations

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

Purpose of the Report

1. To advise the Committee of the completion of Planning Obligations which have previously been authorised.

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee meeting there have been **no** new planning obligations.
4. Since the last Committee there 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 7 August 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