

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 4 September 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 7 August 2019 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 8) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Whickham and District Social Club, School Street, Whickham NE16 4AD (Pages 9 - 28) Report of the Strategic Director, Communities and Environment
4ii	No. 2 - Former Owen Pugh Properties Ltd, Factory Road, Blaydon NE21 5RZ (Pages 29 - 44) Report of the Strategic Director, Communities and Environment
4iii	No. 3 - Former Monkridge Gardens Residents Association and Lands at 21 and 23 and land south of 9 - 23 Monkridge Gardens, Dunston (Pages 45 - 68) Report of the Strategic Director, Communities and Environment
5	Site Visit in Advance of Considering Planning Application DC/18/00443/FUL - land to the west of Moorland View/Valley Dene, Chopwell (Pages 69 - 72) Report of the Strategic Director, Communities and Environment
6	Delegated Decisions (Pages 73 - 84) Report of the Strategic Director, Communities and Environment
7	Enforcement Team Activity (Pages 85 - 86) Report of the Strategic Director, Communities and Environment

8 Enforcement Action (Pages 87 - 94)

Report of the Strategic Director, Communities and Environment

9 Planning Appeals (Pages 95 - 112)

Report of the Strategic Director, Communities and Environment

10 Planning Obligations (Pages 113 - 114)

Report of the Strategic Director, Communities and Environment

Contact: Helen Conway - Email: HelenConway@gateshead.gov.uk, Tel: 0191 433 3993,
Date: Tuesday, 27 August 2019



PLANNING AND DEVELOPMENT
COMMITTEE
4 September 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/19/00299/FUL	Whickham And District Social Club School Street	Whickham North
2. DC/19/00397/FUL	Former Owen Pugh Properties Ltd Factory Road	Blaydon
3. DC/19/00634/OUT	Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens	Dunston Hill And Whickham East
AGENDA ITEM 4		
DC/18/00443/FUL	Land to the west of Moorland View/ Valley Dene	Chopwell and Rowlands Gill

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 Dwellings	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared dwellings/houses 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, creches, day nurseries, consulting rooms, museums, public halls, libraries, art galleries, exhibition halls, non-residential education and training centres.
B2 General Industry	General industry.	D2 Assembly & Leisure	Cinemas, music and concert halls, baths, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls.
B8 Storage and Distribution	Wholesale warehouses repositories, including open air storage	Sui generis	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops.

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

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Committee Report

Application No:	DC/19/00299/FUL
Case Officer	David Morton
Date Application Valid	15 April 2019
Applicant	John Moody
Site:	Whickham And District Social Club School Street Whickham Newcastle Upon Tyne NE16 4AD
Ward:	Whickham North
Proposal:	Demolition of existing club and erection of building comprising of 13 apartments (amended 16/08/19).
Recommendation:	GRANT PERMISSION AT THE END OF THE PUBLICITY PERIOD AFTER CONSULTATION WITH THE CHAIR AND/OR VICE-CHAIR
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is located on the site of the former Whickham Social Club, School Street, Whickham. The Social Club closed in 2016 and has since fallen into disrepair. Land levels within the area (and on the application site) fall steeply from south to north.

1.2 To the west side of the application site lies Victoria Mews a development of six townhouses accessed off a private driveway. To the south side of the proposed site lies the former Front Street Primary School, this building is now vacant. To the east side of the site lies a single detached dwelling (River View House); the front elevation of the property faces the application site. To the north of the proposed site lies an existing dwelling; planning permission was recently obtained for the extension of the dwelling (DC/19/00187/HHA).

1.3 The club building itself is a brick-built structure with a rendered upper floor. The building features a brick quoin detailing, arched ground floor windows and a slate roof finish. A single storey part (adjoining the dwelling to the north) is finished in stone with a slate roof.

1.4 The application site is located just outside of Whickham Conservation Area and is not allocated for any purpose within the Local Plan.

1.5 DESCRIPTION OF THE PROPOSAL

The application seeks full planning permission for the demolition of the club building and the erection of 13 apartments and associated infrastructure.

- 1.6 The application proposes for the development to be comprised of a single 'L' shaped block, the property would be three storeys to the north of the site stepping up to four storeys to the south of the site. It is proposed for the ground floors to be finished in facing brick with render above, the design would incorporate stone detailing and would be finished with grey concrete roof tiles.
- 1.7 The main car park is located to the north of the site and is accessed via an undercroft to the south via Simonside View. A total of 14 carparking spaces are to be provided.
- 1.8 It is proposed that all of the properties would be designed to accommodate wheelchair users in terms of access and facilities.
- 1.9 The application is accompanied by the following documents:
- Bat Risk Assessment;
 - Coal Mining Risk Assessment;
 - Contaminated Land Preliminary Risk Assessment;
 - Design and Access Statement;
 - Flood Risk and Drainage Assessment;
 - Heritage Statement;
 - Planning Statement; and
 - Tree Survey
- 1.10 **PLANNING HISTORY**
The planning history relevant to the current application is set out below;
- 1250/01; Planning permission granted for 'Erection of six terraced dwellinghouses (use class C3) in two blocks and associated car parking (amended 30/11/01).' Date; 28 November 2002.

2.0 Consultation Responses:

Northumbrian Water	No objection subject to condition.
Coal Authority	No objection subject to conditions.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. Neighbours have been re-notified following the receipt of amended plans. This publicity period ends on 11 September 2019, no representations have been received to date.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV9 Setting of Conservation Areas

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H5 Housing Choice

H10 Wheelchair Housing

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

DC1D Protected Species

DC1H Pollution

DC1J Substrata Drainage-Water Quality

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

CFR23 Protecting and Imp Existing Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The detailed planning considerations are the principle of the proposed development, the impact on design, residential amenity, flood risk, drainage, land contamination, highway safety, contamination, ecology, open space and play area provision and CIL.

5.2 PRINCIPLE

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

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

5.4 Housing Mix

Core Strategy and Urban Core Plan (CSUCP) policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms).

5.5 The plans propose the erection of 13 two-bedroomed apartments, none of which could be considered to be family homes. However, the application proposes the creation of 13 wheelchair accessible homes, the provision of which is supported by policy CS10 of the CSUCP.

5.6 It cannot be considered that the proposed mix provides a range, choice of accommodation or family homes, however it is considered that the creation of a large number of wheelchair accessible homes is considered to be of significant benefit. In this context it is considered that the housing makeup is appropriate in accordance with policies CS10 and CS11 of the CSUCP and saved UDP policies H5 and H10.

5.7 Residential space standards

Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is

considered based upon the submitted information that the application meets this requirement providing adequate space both internally and externally.

5.8 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5 and H10 of the UDP, policy CS11 of the CSUCP as well as the NPPF.

5.9 HERITAGE ASSETS

The application site is located just outside of Whickham Conservation Area. It is considered that the scale and appearance of the proposed building is not dissimilar to that of the existing club, as such the development could not be considered to have any significant impact on views into or out of the conservation area. The development is therefore considered to comply with the requirements of the NPPF in regard to heritage assets.

5.10 DESIGN ISSUES

The NPPF at Paragraph 124 makes it clear that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.' It goes on to make clear that '*good design is a key aspect of sustainable development...*'

5.11 Further, Paragraph 130 states that;

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

5.12 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.

5.13 The design, scale, layout, height, density and appearance of the proposed development is considered to be adequately sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result. It is considered that the proposed development would represent an appropriate design solution. It considered necessary to condition that the final details of materials be submitted to the Council (Conditions 3 and 4) and also that the submitted landscaping scheme be implemented (Conditions 5 and 6).

5.14 Based on the above, it is considered that the proposed development has successfully demonstrated that it has achieved an appropriate standard of design that will contribute to the site and its surrounding context. The scheme is acceptable from a design point of view and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.

5.15 RESIDENTIAL AMENITY ISSUES

It is considered that the proposed development has been designed in a thoughtful manner in order to reduce the potential for any unacceptable impact on amenity. The portion of the building to the north effectively has a single aspect (to the west) in order to ensure that no overlooking occurs to the property located to the east of the site (River View House). Further, given the non-residential nature of the property to the south of the site and the separation distances afforded to the west it considered no significant impact on amenity would occur.

5.16 It is considered that the internal separation distances within the site strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. On this basis, the internal layout is considered to be acceptable and would not cause any significant harm to the living conditions of the future occupiers of the proposed dwellings in terms of loss of light, overshadowing or visual intrusion.

5.17 Construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 7 and 8).

5.18 Based on the above, it is considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.

5.19 TRANSPORT ISSUES

The site is very accessible to all the amenities within the village centre such as doctors' surgeries, chemists, the post-office and shops and restaurants. It is also very accessible to public transport with regular services along the Front Street and bus stops less than 50 metres away at the top of School Street.

5.20 The site is on the corner of School Street and Simonside View which is relatively steep and has been traffic calmed by the Council. It is considered that the accessing of the application site from Simonside View is acceptable. The proposed carpark layout has been amended to take account of officer's concerns in regard to circulation, it is the view of officers that the carpark can now adequately accommodate 14 carparking spaces.

5.21 Further, the application proposes the creation of 14 secure cycle and mobility scooter; the delivery of these spaces can be secured via planning condition (Condition 9).

5.22 It is therefore considered that subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.

5.23 FLOOD RISK/DRAINAGE

A drainage assessment has been submitted and it has been demonstrated that a greenfield runoff rate is achievable. The scheme comprises seven cascading pools to provide rainwater storage capacity within landscaped areas. Given the small scale of the site and the potential flood risk, the proposed approach is considered to be proportionate.

5.24 It is accepted that the proposed drainage system offers a workable solution to dealing with the drainage associated with the site, as such the delivery of the drainage system should be secured through a planning condition (Condition 10).

5.25 Subject to the above planning condition the proposal is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.

5.26 LAND CONTAMINATION

A Contaminated Land Risk Assessment has been submitted in support of the application. The submitted report concludes that the site is developable, however it is considered that further investigation is required prior to the commencement of work on site and the demolition of the club building.

5.27 It is therefore considered necessary to condition further investigative works in the form of a Phase II CS18 Green Infrastructure/Natural Environment Risk Assessment (Conditions 11 to 16).

5.28 Subject to the above conditions, the proposal would comply with the aims and requirements of saved policy DC1 of the UDP and policy CS14 of the CSUCP.

5.29 LAND STABILITY

The application site falls within a defined Development High Risk Area and therefore the site and surrounding area is potentially at risk from coal mining features and hazards. As a result, the applicant has submitted a Coal Mining Risk Assessment, which has been assessed by the Coal Authority.

5.30 The Coal Authority is satisfied with the broad conclusions of the report, informed by the site investigation works; however it is considered necessary to condition that an intrusive investigation is undertaken to identify any potential remedial works required. Subject to appropriate conditions (Conditions 17 and 18), The Coal Authority does not object to the proposed development.

5.31 The development is, therefore, considered to comply with policy CS15 of the CSUCP and saved policy ENV54 of the UDP.

5.32 ECOLOGY

The planning application is supported by a bat survey, the report indicates that the site has sub-optimum suitability for roosting bats. Based on the information provided, it is considered that the application site can be developed without

impacting on ecology, subject to conditions. It is considered necessary to condition the undertaking of works in accordance with the submitted ecology method statement (Condition 19).

5.33 Therefore, subject to the above condition, it is considered that the proposal would be acceptable in terms of impact on ecology and is in accordance with the aims and requirements of saved policies DC1(d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

5.34 TREES

An Arboricultural Impact Assessment has been submitted as part of this planning application. The trees to be retained, either on or abutting the site would be protected through the use of the protective fencing, to this end a tree protection plan has been submitted as part of the application, the installation of the protective fencing can be conditioned (Condition 20). However, the submitted information is lacking in details regarding the construction details of hardstanding within tree root protection zones; conditions can be imposed requiring the submission of further information (Conditions 21 and 22).

5.35 Subject to these planning conditions and satisfactory resolution/protection of retained trees, it is considered that the proposed development is acceptable in terms of impact on the existing trees and accords with the aims and objectives of the NPPF, saved policies ENV44 of the Council's UDP and policy CS18 of the CSUCP.

5.36 OPEN SPACE

The site is located within a residential neighbourhood that is not deficient in open space provision. Further, the proposed layout includes the provision of some level of amenity space within the application site. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

5.37 PLAY SPACE

Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.

5.38 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Therefore, whilst the proposal is considered to be unacceptable in terms of on-site open space and play space provision and does not accord with saved UDP policies CFR28, CFR29 and CFR30, it is also not possible to require any contribution for either play or open space provision in this case, based on the above assessment.

5.39 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable

development as it is for housing related development. The development is located within a charging zone with a levy of £60 per square metre for this type of development.

6.0 CONCLUSION

- 6.1 It is considered that the development would bring about a number of benefits such as the provision of additional wheelchair accessible housing in Gateshead and the housing growth required in the Local Plan. The development would also have economic benefits from construction jobs.
- 6.2 Taking all other relevant issues into account, it is considered that the proposed development is acceptable; the proposal (subject to planning conditions) is considered to accord with the aims and objectives of both national and local planning policies.
- 6.3 Given the above, it is recommended that planning permission be granted subject to the planning conditions set out below.

7.0 Recommendation:

Authorise the Service Director of Development, Transport and Public Protection to deal with at the end of the publicity period after consultation with the Chair and/or Vice-Chair with a view to GRANT permission subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary:

1

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

25850 1200 P16 - Proposed Site Plan

25850 1250 P06 - Elevations 1

25850 1251 P05 - Elevations 2

25850 1212 P07 - Third Floor and Roof Plans

25850 1211 P06 - First and Second Floor Plans

25850 1210 P06 - Basement and Ground Floor Plans

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

Reason

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

2

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

Reason

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

3

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under Condition 3 and retained as such in accordance with the approved details thereafter.

Reason

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

5

The landscaping scheme shown on drawing number 25850 1200 P16 - Proposed Site Plan submitted with the application shall be completed in full accordance with the approved plans prior to the first occupation of any residential unit hereby permitted unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

6

The landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die,

become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

7

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

The DCMP shall include:

- a dust management plan
- a noise management plan
- contractor parking
- details of delivery arrangements

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

Reason

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

8

The development shall be implemented in accordance with the Demolition and Construction Management Plan (DCMP) measures approved at condition 7.

Reason

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

9

The cycle storage shown on approved plan 25850 1210 P06 - Basement and Ground Floor Plans shall be provided in full prior to the first occupation of any residential unit hereby permitted.

Reason

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

10

The drainage scheme hereby approved shall be constructed and maintained in full accordance with the following information;

- 25850 1200 P16 - Proposed Site Plan
- Outline Drainage Design (16919)

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

No development other than demolition and site clearance shall be commenced until a site investigation is undertaken and a Phase II Risk Assessment report of the findings submitted to the Local Planning Authority for approval. 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 should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use 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.

12

Following completion of the site investigation and Phase II Risk assessment site investigation works (condition 11.), and following approval by the Local Planning Authority, if the findings of the Phase II

investigation require remediation works to be undertaken then a 'Remediation Strategy' statement document is required to be produced and submitted to the Local Planning Authority for written approval. The 'Remediation Strategy' (including timescales) must detail objectives, methodology and procedures of the proposed remediation works. This must be submitted to the Local Planning Authority, for written approval, before any remediation works commence.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

13

The remediation works detailed in the 'Remediation Strategy' submitted and approved by the Local Planning Authority in respect of Condition 12, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

14

Upon completion of the remediation works detailed in the approved Remediation Strategy approved under condition 12 and prior to the first occupation of any residential unit hereby permitted, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use 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.

15

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

amended risk assessment of the development (including a timescale for implementation) should then be undertaken, to determine whether remedial works are necessary.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use 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.

16

Any works deemed to necessary following testing (as part of condition 15) shall be carried out in accordance with the timescales approved as part of condition 15.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use 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.

17

No development other than demolition and site clearance shall be commenced until intrusive site investigation works have been undertaken in order to establish coal mining legacy issues on site. The findings of the intrusive site investigations works in relation to coal mining legacy issues along with details of any remedial works (and timescales) required shall be submitted and approved by the Local Planning Authority prior to the commencement of the development hereby approved.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1 of the Unitary Development Plan.

18

Any remedial works identified under Condition 17 shall be implemented in accordance with the timescale set out in the approved findings.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1 of the Unitary Development Plan.

19

All works shall be undertaken in accordance with paragraph 5.0.2 of the submitted bat survey (Bat Risk Assessment of Whickham Social Club, PASD_WhickhamSC_Bat1.1, March 2019).

Reason

To ensure that a satisfactory balance is achieved between development of the site and the protection of nature conservation in accordance with policies DC1 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

The tree protective fencing specified in Figure 3 of the submitted Arboricultural Impact Assessment (Dendra, PASD_Whickham_AIA1.1, March 2019) shall be installed in the locations specified in Appendix 1 of the Arboricultural Impact Assessment prior to the commencement of development (including demolition) and thereafter retained intact for the full duration of the construction works (unless and alternative is agreed in writing by the Local Planning Authority) 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 the NPPF, policy CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

21

Notwithstanding the submitted tree survey, no works shall take place within the root protection zones identified in Appendix 1 of the Arboricultural Impact Assessment (Dendra, PASD_Whickham_AIA1.1, March 2019) until an updated Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The updated AMS shall address how the proposed hardstanding will be constructed i.e. the provision and installation of low impact hard landscaping.

Reason

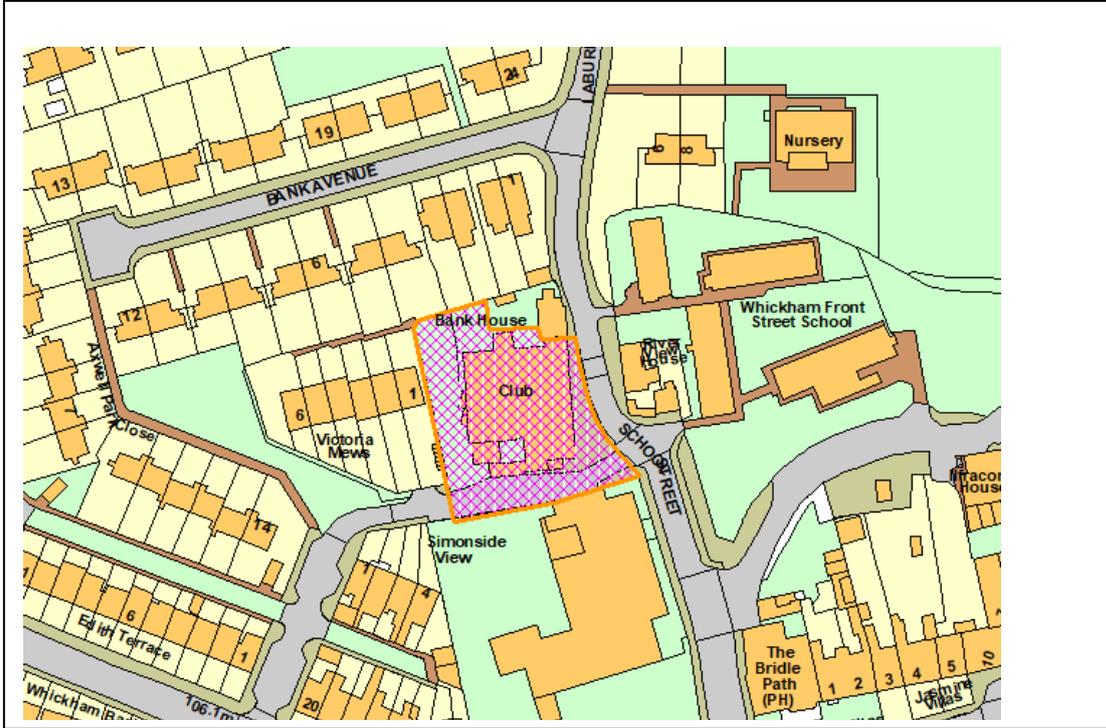
To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

22

The development shall be undertaken in full accordance with the Arboricultural Method Statement approved at condition 21.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.



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Committee Report

Application No:	DC/19/00397/FUL
Case Officer	David Morton
Date Application Valid	25 June 2019
Applicant	Mr Craig Dougall
Site:	Former Owen Pugh Properties Ltd Factory Road Blaydon NE21 5RZ
Ward:	Blaydon
Proposal:	Change of use of warehouse and integral offices with hardstanding for vehicle and materials storage and vehicle circulation (use class B8) to waste transfer station including waste recycling, storage of waste materials, storage of products, vehicle parking and erection of associated industrial unit (sui generis).
Recommendation:	GRANT
Application Type	Full Application

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

The application site is located on the south east side of the River Tyne, within the Blaydon/Derwenthaugh Primary Employment Area. The application site comprises of a warehouse building, parking to the south and west of the site and vehicle and materials storage in the yard area to the north and east. The site currently has two accesses to the east and west of the existing warehouse.

1.2 The site is bound to the north, south and east by industrial units, yards and offices, including metal scrap yards to the north and east. The closest office to the site is the Blaydon Communications Ltd office located on the opposite side of Factory Road.

1.3 The closest residential properties are 470 metres southwest of the site on Shibdon Road, with the A695 dual carriageway, a railway line and a commercial area in between the site and the properties.

1.4 DESCRIPTION OF APPLICATION

The application seeks consent for the change of use of the application site from the current storage and distribution use (Use Class B8) to waste transfer station (Sui Generis) including the erection of an associated industrial unit.

1.5 The application proposes to accept commercial and industrial waste from Newcastle and the surrounding area, the application site will provide a material recycling facility with materials being sorted into the appropriate waste stream

then moved to the appropriate licenced waste facility for further processing/recycling.

- 1.6 It is proposed for the site to handle the contents of skips/containers and vehicles that are returned from customers. The majority of the waste will be construction waste e.g. soil, bricks and concrete.
- 1.7 It is proposed that commercial and industrial waste would be delivered to the site using skip and hook vehicles where it would be processed/sorted within the proposed building and then stored in skips and containers within designated areas. Sorted materials would be loaded using a wheeled loading shovel.
- 1.8 The applicant has indicated that the intention would be for the site to operate 24 hours a day, however the site is only likely to accept waste deliveries between 0600 - 1800 Monday to Friday and 0700 - 1400 Saturday and Sunday.
- 1.9 It has been estimated that the application would employ approximately 15-20 people (equivalent to 10 full time staff).
- 1.10 **RELEVANT PLANNING HISTORY**
The planning history associated with the application site is summarised as follows;
 - 1431/88; Planning permission granted for 'Erection of warehouse (Use Class B8) with integral offices for storage of extruded plastic pipes and fittings.' Date; 07 March 1989.
 - 272/92; Planning permission granted for 'Erection of single-storey building to provide storage accommodation (use class B8).' Date; 30 April 1992.
 - 1226/93; Planning permission granted for 'Erection of single-storey building to provide storage accommodation (use class B8).' Date; 03 February 1994.
 - 156/02; Planning permission granted for 'Erection of warehouse for the storage and distribution of building materials (use class B8) and integral offices with hardstandings for materials storage and vehicle circulation.' Date; 08 March 2002.
 - DC/17/00355/COU; Planning application withdrawn for 'Change of use of warehouse and integral offices with hardstanding for vehicle and materials storage and vehicle circulation (Use Class B8) to commercial rental vehicle and maintenance premises (Sui Generis) and/or warehouse and integral offices with hardstanding for vehicle and materials storage and vehicle circulation (Use Class B8).' Date; 30 June 2017.
 - DC/18/01131/COU; Planning permission granted for 'Change of use of warehouse and integral offices with hardstanding for vehicle and materials storage and vehicle circulation (use class B8) to waste transfer station including waste recycling, storage of waste materials, storage of products, vehicle parking including vehicle operating licence (sui generis) (amended 22/02/19).' Date; 26 April 2019.

2.0 Consultation Responses:

The Coal Authority

No objection.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. No objections have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC2 Residential Amenity

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

JE1 Primary Employment Areas

CS6 Employment Land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS21 Waste

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The main planning issues are considered to be the principle of the development within a primary employment area and its acceptability in terms of design, highway safety, the amenity of adjacent businesses and residents, ecology, land conditions and CIL.

5.2 BACKGROUND

The proposed development is to be controlled through an Environmental Permit (by the Environment Agency).

5.3 The NPPG (Paragraph: 050 Reference ID: 28-050-20141016) states the following;

"There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body."

5.4 Therefore, it is important to ensure that the planning application does not seek to duplicate matters controllable through other consent regimes. This also applies in regard to the imposition of planning conditions, Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The NPPG provides further guidance on conditions and sets out that a condition must not be used to control matters where there are specific controls outside planning legislation (in the case of this application it would be the permit regulated by the Environment Agency).

5.5 PRINCIPLE

The site is located within the Blaydon/Derwenthaugh Primary Employment Area, allocated by policy JE1. Policy JE1 seeks to prevent change of use to non-employment uses. Non-employment uses are usually categorised as those outside B1, B2 and B8 use. However, there are some uses which fall outside B-use classes which can be considered compatible, in principle, with employment uses. The latest Employment Land Review recommended that the application site is retained within the Blaydon Employment Area proposed for allocation within the emerging MSGP.

5.6 While the proposed sui generis use is not within the definition of B-use development defined within policy JE1, it should be noted that waste transfer/recycling facilities operate within several of Gateshead's employment areas, including within Blaydon/Derwenthaugh. Such facilities can often be appropriately accommodated within employment areas, provided that they do not have a detrimental impact on other uses, most notably residential uses. Accordingly, the proposed change of use is considered broadly compatible with the Council's approach to the use of employment land.

5.7 The proposed development is therefore considered to be an acceptable addition to the Blaydon/Derwenthaugh Primary Employment Area and accords

with the aims and objectives of the NPPF, saved policy JE1 of the Council's UDP and policy CS6 of the CSUCP.

5.8 DESIGN

The application proposes the erection of a single building within the application site, this building would have a footprint of 16 metres by 36 metres, with an overall height of 5.35 metres. It is proposed for the building to be finished in profiled aluminium sheeting. It is considered that the scale and appearance of the proposed building is entirely appropriate in the context of both the application site and the wider commercial area, subject to conditions requiring approval of final materials (Conditions 3 and 4).

5.9 Other than the proposed building the development proposes a minimal amount of physical development (placing of a weighbridge and setting out of storage areas) and as such would retain the appearance of an industrial facility which is considered appropriate in the context of the wider area. It is, however, considered necessary to set a height limit on the storage of materials to ensure no unacceptable visual impact would occur (Condition 5).

5.10 Subject to conditions, the proposed development is considered to be acceptable from a visual perspective and accords with the aims and objectives of the NPPF, saved policy ENV3 of the UDP and policy CS15 of the CSUCP.

5.11 HIGHWAY ISSUES

Given the nature of the proposed development the application has been supplemented by a Transport Statement (TS) and a Travel plan (TP).

5.12 The TS provides information on the expected hourly flows in and out of the site with maximum movements of 15 to 20 movements per hour in the 0700 to 0800 period. The daily movements at the site are expected to be around 80 to 100 departures; this figure will include site based vehicles that may make multiple trips to and from the site.

5.13 It is considered by Officers that the trips generated as part of the proposed use of the site are unlikely to be greater than that of the established storage and distribution use (Use Class B8).

5.14 Regarding parking levels, the application proposes 20 spaces to the front of the site. Officers are of the view that this would provide adequate parking for the 15 to 20 staff; this arrangement can be monitored through the TP and the applicant has allowed for an additional parking area if required.

5.15 The submitted TS has estimated that the number of articulated vehicles accessing the site will be approximately four per day. The routing plan submitted within the TS has indicated that these vehicles will access the site from Patterson Street to the west; on this basis, it is considered that the proposal would not have an unacceptable impact on highway safety.

5.16 Improvements to accessibility by sustainable means are assessed within the submitted TP. The bus services are approximately 400 metres from the site

with train station some 200m further. The final details of the TP including targets would need to be agreed via planning condition (Conditions 6 and 7).

5.17 It is also considered that final details of the cycle parking to be provided ought to be secured via planning condition (Conditions 8 and 9).

5.18 Based on the above assessment and subject to appropriate conditions, it is considered that the proposal would comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP.

5.19 AMENITY ISSUES

The planning application has been supplemented by a Noise Impact Assessment (NIA). The NIA concludes;

"... noise from the site will be within WHO Guidelines for Community Noise during daytime hours; predicted internal noise levels will meet the recommended criterion suggested in BS 8233 for sleeping in bedrooms at night with windows open for ventilation purposes; and Internal noise levels at the offices closest to the site are not expected to exceed the recommended BS 8233 criterion for executive offices, even with windows open."

5.20 Officers are in broad agreement with the submitted NIA, however there are some concerns in regard to 'impulsive noise' during the evening i.e. banging and clattering. It is considered that the report lacks some detail in this regard, however it is noted that there are no residential properties close to the application site that are likely to be affected.

5.21 Further to the above, the day to day management of noise from the site is primarily regulated by the Environment Agency through the permit for the site.

5.22 Management measures through the environmental permit are set up to be responsive to local conditions and changing circumstances and therefore provide important flexibility. Whilst consideration has been given to whether planning conditions are required to control noise, these would have to impose fixed specifications of noise control measures given the need for planning conditions to be precise. The disadvantage of this approach is that it cannot provide the flexibility of changing circumstances on site. Therefore, the flexibility of the permit would make it the most appropriate method to control the impact of noise from the site.

5.23 In terms of the physical development taking place, it is considered that there is sufficient distance between the proposed development and residential properties to ensure that no unacceptable level of impact would occur. While there are other commercial properties located close to the development, it is considered that the form of development would not be alien to the area and would not lead to any significant loss of amenity for neighbouring occupiers.

5.24 Officers are of the view that given the industrial nature of the area some level of noise disturbance is to be expected and any potential issues could be controlled via the environmental permit. As such the residual levels of noise

would not be so significant as to warrant refusal, it is considered unlikely that the development would have any significant impact on the living conditions of any residential properties.

5.25 It is therefore considered that the proposed development is acceptable from an amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the CSUCP.

5.26 ECOLOGY

A Preliminary Ecological Appraisal has been submitted in support of the application which confirms the site is generally of low ecological value. The appraisal does recognise the local value of the area of habitat situated along the site boundary adjacent the River Tyne LWS.

5.27 The submitted ecology report makes a number of recommendations for biodiversity enhancements, including the provision:

- tree mounted nest (bird) boxes;
- building mounted swift boxes; and
- tree mounted bat boxes.

5.28 Officers agree with the recommendations set out within the submitted ecology report, it is recommended that a condition requiring the final details of the proposed bird and bat boxes should be imposed (Conditions 10 and 11).

5.29 Therefore, subject to the recommended conditions above, it is considered that the proposal would be acceptable in terms of impact on ecology and is in accordance with the aims and requirements of saved policies DC1(d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

5.30 LAND CONDITIONS

5.31 Contaminated Land

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.

5.32 A preliminary risk assessment has been submitted with the application, the report concludes that further intrusive investigative works are required. It is recommended that conditions be imposed requiring details of further site investigations, a phase II risk assessment and remediation measures where required, to be submitted to the LPA for approval (Conditions 12 to 17).

5.33 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.

5.34 Land Stability

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

submitted a Coal Mining Risk Assessment, which has been assessed by the Coal Authority.

- 5.35 The report concludes that the site is not at risk from any coal mining legacy issues stating they have 'negligible risk to the stability of the site.' The Coal Authority is satisfied with the conclusion of the report and no further investigation is required.
- 5.36 The development is, therefore, considered to comply with policy CS15 of the CSUCP and saved policy ENV54 of the UDP.
- 5.37 **DRAINAGE**
The application has been supported by a Flood Risk Assessment, Officers agree with the broad conclusions of the document. However, it is considered that conditions requiring the final detail of the drainage system (Conditions 18 and 19) and conditions pertaining to an evacuation plan (Conditions 20 and 21) are required to ensure the application is acceptable from a flood risk perspective.
- 5.38 Subject to the conditions cited above, it is considered that the proposal does not conflict with the aims and requirements of policy CS17 of the CSUCP or the NPPF.
- 5.39 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related.

6.0 CONCLUSION

- 6.1 It is clear that there are a number of environmental impacts from the site such as noise which have potential to impact upon neighbouring businesses in the area. It is considered that these impacts are to be primarily controlled by the permit for the site which is regulated by the Environment Agency. The NPPG is clear that planning should not duplicate the role of the pollution control body.
- 6.2 Therefore, taking all the relevant issues into account it is considered that the proposed development accords with national and local planning policies. It is therefore recommended that planning permission be granted subject to the conditions below.

7.0 Recommendation:

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

1

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

NWH/036/PLAN/101A
NWH/036/PLAN/102
NWH/036/PLAN/103
NWH/036/PLAN/104
NWH/036/PLAN/105
NWH/036/PLAN/006

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

Reason

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

2

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

Reason

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

3

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under Condition 3, and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

All materials on site shall be stored to a maximum height of four metres (from existing ground level).

Reason

To ensure that no unacceptable impact on the amenities of neighbouring properties would occur in accordance with Policy DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

6

The use hereby approved shall not commence until a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.

Clearly defined objectives, targets and indicators.

Details of proposed measures.

Appointment of a travel plan.

Detailed timetable for implementing measures.

Proposals for maintaining momentum and publicising success.

A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

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

Reason

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

7

The Travel Plan approved under condition 6 shall be wholly implemented in accordance with the approved details for the life of the development

Reason

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

8

Prior to the commencement of use hereby permitted final details of weatherproof, secure cycle storage for staff, including details of the locking mechanism and/or anchor point shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

9

The cycle storage provision approved at condition 8 shall be provided prior to the commencement of the use hereby permitted.

Reason

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

10

Prior to the commencement of the use hereby permitted full details including the number, specification and precise location of building and tree mounted bat and bird boxes to be installed on site, shall be submitted to and approved in writing by the LPA.

Reason

To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF and Saved UDP policies CS18, DC1(d) and ENV46.

11

The bat and bird box details approved at Condition 10 shall be implemented in full prior to the use hereby approved and retained for the life of the development.

Reason

To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF and Saved UDP policies CS18, DC1(d) and ENV46.

12

No development shall commence until an intrusive site investigation is undertaken, and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, soil sampling, chemical laboratory testing, to assess potential contamination issues.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to the environment, 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 should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

13

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 12 shall be implemented prior to commencement of the development hereby permitted.

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

14

Prior to commencement of the development hereby permitted, where required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

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

15

The details of remediation measures approved under condition 14 shall be implemented in accordance with the approved timescales and maintained for the life of the development.

Reason

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

16

Following completion of the remediation measures approved under condition 14 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

Reason

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

17

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason

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

18

The use hereby permitted shall not commence until full details of the drainage scheme have been submitted and approved in writing by the Local Planning Authority. The scheme shall include detailed drainage drawings, electronic model, adoption arrangements, timetable for implementation and health and safety assessment in accordance with the Council's SuDS Guidelines

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

The final drainage scheme shall be carried out in full accordance with the details approved under condition 18 (including timings for implementation).

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

The use hereby approved shall not commence until an emergency flood warning and evacuation plan for the site which includes:

- a. details of the flood warning procedures
- b. details of the emergency flood access and egress routes
- c. identified places that people could be evacuated to and

d. flood response procedures

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

Reason

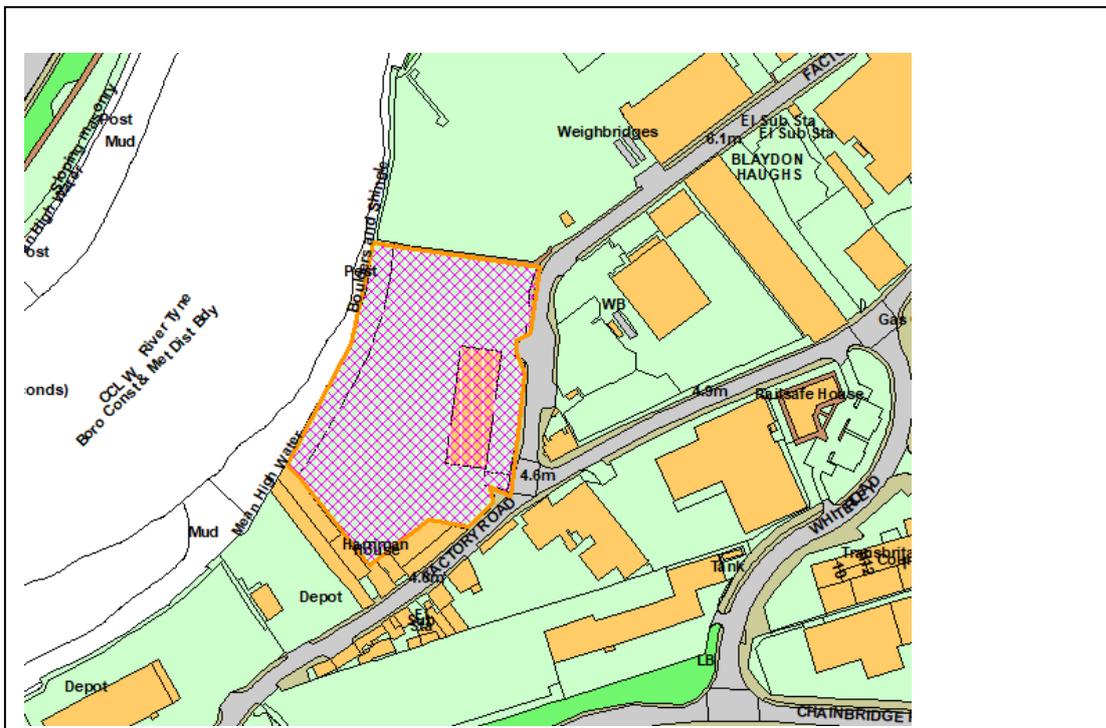
To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

21

The emergency flood warning and flood evacuation measures approved under condition 20 shall be implemented prior to the use hereby approved commencing and retained as such in accordance with the approved details thereafter.

Reason

To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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Committee Report

Application No:	DC/19/00634/OUT
Case Officer	David Morton
Date Application Valid	23 June 2019
Applicant	Mr Alan Kain
Site:	Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens
Ward:	Dunston Hill And Whickham East
Proposal:	Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwellinghouses, with new shared-surface, new vehicular and pedestrian access, demolition of 23 Monkridge Gardens and formation of new blank supporting gable wall to 25 Monkridge Gardens.
Recommendation:	GRANT
Application Type	Outline Application

1.0 The Application:**1.1 BACKGROUND**

The application follows previously refused application DC/17/01358/OUT, the application was refused by Planning Committee in March 2018 based upon the scheme's design, the development's impact on residential amenity, it's impact on highway safety and the lack of information submitted regarding flood risk and drainage. The decision to refuse the application was appealed to the Planning Inspectorate and was subsequently dismissed in December 2018, with the Inspector concluding;

"I have considered all matters that have been raised, but the benefits that would arise [as a result of the development] would not outweigh the harm to the living conditions of the occupiers of Nos 21 and 23 [Monkridge Gardens], and the risk of flooding. For these reasons, I conclude that the proposal conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed."

1.2 Through the latest submission the applicant has sought to address the issues which resulted in the dismissal of the appeal i.e. residential amenity and drainage. To this end, the applicant has amended the illustrative site access and provided additional information in regard to flood risk and drainage.

1.3 DESCRIPTION OF THE SITE

The majority of the application site is located to the rear of properties located on Monkridge Gardens (to the north) and Woodside Gardens (to the south). The application site also includes land currently within the curtilage of 21 Monkridge

Gardens as well as the property in situ at 23 Monkridge Gardens including its curtilage.

- 1.4 The majority of the application site is made up of hardstanding consistent with the most recent use of the site as an area used as tennis/basketball courts and play-areas. Some structures associated with this use remain in situ on site however the use of the site by local residents has ceased; currently there is only pedestrian access to the east of the site off Monkridge Gardens.
- 1.5 A significant proportion of the application site is identified as an outdoor sports facility in the proposals map accompanying the 2007 UDP.
- 1.6 **DESCRIPTION OF THE APPLICATION**
This application has been submitted in outline form as the developer is seeking agreement "in principle" to the erection of up to 10 dwellings.
- 1.7 Whilst some illustrative information has been submitted with the application, all matters - access, appearance, landscaping, layout and scale are to be considered at reserved matters stage. However in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the areas where access points to the site are proposed have been provided with this outline application.
- 1.8 The vehicular access into the site is shown to be taken from Monkridge Gardens to the north of the site; the applicant stating '*... this is the only feasible point within the applicant's ownership to create a viable vehicular access from the site to the existing highways network...*' However, the application differs significantly from the original application in that submitted plans show the demolition of 23 Monkridge Gardens. The demolition of Monkridge Gardens would provide a wider space in which to create an access which is now illustratively shown to include pavements and a buffer strip.
- 1.9 The existing access into the site is a narrow (2.5m wide) gated lane located between nos 9 and 11 Monkridge Gardens. This is indicated as being retained as access to the electricity substation located to the east of the site.
- 1.10 The applicant has also submitted illustrative plans for the layout of the site as well as elevations for the proposed dwellings. As shown on the illustrative plans the road within the site would run along the front of five pairs of semi-detached dwellinghouses. The application also makes reference to elevation changes to 21 Monkridge Gardens, the aim of which is to limit the impact of the development on the occupiers of this property. The illustrative site layout remains unchanged in all regards other than the proposed site access, including the demolition of 23 Monkridge Gardens.
- 1.11 The following documents have been submitted by the applicant in support of the application:
 - Planning Support, Design and Access Statement;
 - A Drainage Investigation;
 - Explanatory Statement including;

- The proposed development would cause structural issues;
- The development would lead to noise and disturbance as a result of the proposed access;
- The proposed development would lead to flood risk issues;
- The development would impact on ecology;
- Any proposed streetlighting has the potential to impact on residential amenity;
- The proposed development would impact on privacy;

3.4 Letters of support are summarised as follows;

- The proposed would lead to additional affordable housing and use a brownfield site;
- The erection of housing would remove an eyesore; and
- The development would be better for surrounding houses.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H3 Sites for New Housing

H4 Windfall and Small Housing Sites

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR17 Retention of Outdoor Sports Facilities

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The main planning issues in this case are considered to be the principle of development and the impact on design, residential amenity, highways, flood risk, contaminated land, ecology as well as other material planning considerations.

5.2 PRINCIPLE OF THE DEVELOPMENT

5.3 Loss of Sports Facilities

The application site is identified as an outdoor sports facility in the Local Plan. Saved UDP policy CFR17 seeks to protect such facilities, and states:

"The loss of outdoor pitches, courts or other sports facilities, including necessary ancillary buildings such as changing rooms, to built or other sterilising development will not be permitted unless there is, and would continue to be, an identified surplus of recreational public open space in the area, and either:

(a) the facilities are severely under-used and there is no reasonable expectation that investment, management or other changed circumstances could increase their use to a reasonable level; or

(b) the loss is wholly made good by the creation of alternative provision in the same area of the borough.”

- 5.4 The site is located within a residential neighbourhood that was identified as deficient in open space provision in the Council's 2006 Open Space Assessment; therefore the proposed development would conflict with the requirements of saved UDP Policy CFR17.
- 5.5 The application site is a 'backland' site, enclosed by residential properties significantly limiting the usability of the site for local residents and the site's access from a single narrow lane further limits the use of the site. Further, it is the view of officers that it is unreasonable to protect this land on the basis that the Council (or another body) may at some point in the future acquire this land, and use it for either a sports facility or convert it into recreational public open space and maintain it for that purpose, when there is no indication that the Council or any other organization is in a position to do this. The condition of the site (areas of hardstanding with some buildings) suggests it would require significant investment to re-use the site or convert it into recreational open space, while its limited potential recreation or amenity value suggests that in practice, such investment may offer little return.
- 5.6 The applicant states that the site was previously used as tennis/basketball courts operated by a residents' association, but the facility has fallen into disrepair, and has been vacant for many years. As such, it seems reasonable to conclude that the circumstances related to this site meet the requirements of criterion (a) of CFR17. The site was not considered to provide a functioning sports facility in the Council's 2016 Built Sports Facilities Assessment.
- 5.7 For the reasons set out above, although this site is located within a residential neighbourhood that is deficient in open space, it is reasonable to conclude that there are site specific circumstances which mean it is unlikely to contribute to open space in the future. The site is currently not in use as a sports facility, and there is no reasonable prospect that it will be brought back into use in the future. As such, the development of this land for residential use is considered broadly acceptable in spite of the non-compliance with saved Policy CFR17.
- 5.8 Housing demand and policy
As the application site is not specifically allocated for housing in the UDP, proposals for housing need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.
- 5.9 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result, the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.10 Housing choice

Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application proposes the erection of up to ten homes, the scale of type of homes would be considered further at reserved matters stage.

5.11 Based on the above, the development is considered appropriate in the context of the NPPF, saved policies H4 and H5 of the UDP and policies CS10 and CS11 of the CSUCP.

5.12 Residential space standards

Policy CS11(4) requires that new residential development provides "*adequate space inside and outside of the home to meet the needs of residents*". In assessing the previous planning application, it was concluded by officers that '*... based upon the submitted information that the applicant has failed to demonstrate that a development of up to 10 dwellings would be able to provide adequately sized family outdoor private garden spaces.*'

5.13 The Inspector determining the appeal agreed with officer's concern regarding the illustrative layout, however they concluded that the site is capable of accommodating 10 dwellinghouses (this is considered further within the design section of the report).

5.14 Affording appropriate weight to the appeal, it is considered that the proposed development would comply with the requirements of Policy CS11(4).

5.15 DESIGN

Officers continue to have design concerns with the proposed illustrative layout as submitted by the applicant, these concerns were echoed by the Inspector in determining the appeal, stating;

"The proposed indicative site plan shows large areas of hardstanding, so that the proposed dwellings would be located towards the boundaries of the site. A number of these dwellings nearest to Woodside Gardens would suffer from low levels of outdoor private amenity space. This would be compounded with the lower ground levels of the site and related effects would also arise concerning overlooking, a poor level of outlook, and light."

5.16 However, the Inspector was clear that the submitted information was being considered as 'illustrative only', and as such disagreed with the LPA's view that the site was not capable of accommodating up to 10 dwellinghouses, stating;

"... given the size of the site, and when it is compared to its surroundings, it would seem to me that it could accommodate up to 10 dwellings so as to provide adequate levels of living conditions for its future occupiers."

5.17 It is considered that the demolition of 23 Monkridge Gardens and the creation of a site access would inevitably lead to some visual impact on the established streetscene. It is the view of officers that this impact wouldn't be so significant as to warrant refusal of planning permission.

- 5.18 Based upon the above and affording appropriate weight to the Inspector's decision it is considered that the proposal is acceptable in design terms. The proposed development is considered to be acceptable from a visual perspective (subject to conditions pertaining to materials (Conditions 3 and 4) and boundary treatments (Condition 5 and 6)) and accords with the aims and objectives of the NPPF, saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.19 RESIDENTIAL AMENITY
As stated above, a number of amenity concerns were cited in regard to the impact on future occupiers when considering the design of the proposal. In dealing with the appeal the Inspector concluded that it was possible to design a scheme of up to 10 dwellinghouses without impacting on the amenities of future occupiers (while also citing concern with the illustrative layout).
- 5.20 Further to the above, when considering the previous application officers were concerned in regard to the impact of the proposal on the amenity of 21 and 23 Monkridge Gardens. It was concluded that the proposal, as a result of vehicle movements, would have an unacceptable impact on amenity '*... even allowing for proposed elevations that show a number of existing openings of the side elevations of both of these properties being blocked up.*'
- 5.21 In assessing the appeal, the Inspector concluded that '*... the proposal would have an unacceptable effect on the living conditions of the occupiers of Nos 21 and 23, in particular by way of noise and disturbance associated with vehicle and pedestrian movements.*'
- 5.22 The applicant through the illustrative plans has shows significant alteration to the proposed site access, including the proposed demolition of 23 Monkridge Gardens. The demolition of 23 Monkridge Gardens allows for the (illustrative) creation of a 6 metres wide highway with 1.5 metre footways either side, the application also allows for 1 metre of highway verge on either side of the road. Further to this, the application also proposes the retention of an area of garden space to the side of 21 Monkridge Gardens in addition to the retention to a large proportion of the rear garden. These alterations create a significantly different access layout than was proposed in the previous application, the previous application proposed for the shared vehicle and pedestrian access to be located hard up against the gables of 21 and 23 Monkridge Gardens. It is considered that the proposed amendment to the site access would lead to a significant reduction in the impact on residential amenity and the residual potential impact is not considered sufficient to warrant refusal.
- 5.23 It is considered that works to 21 Monkridge Gardens and the hours of demolition and construction could be secured though an appropriately worded planning condition (Conditions 7 and 8).
- 5.24 It is therefore considered that the proposed development is acceptable from an amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the CSUCP.

5.25 HIGHWAY SAFETY

The site is well situated within an established residential estate and bus stops providing regular services can be reached via a network of lit footways within a 400 metre walk. There are also a small number of local shops in close proximity and the site can therefore be classed as being sustainable in transport terms.

5.26 In assessing the previous application Officers were of the view that the proposed development would result in a highway safety conflict between pedestrians and vehicles. Further information was provided by the applicant at appeal stage, however the LPA retained their objection to the proposal. The Inspector in determining the appeal stated that '*... the issue [raised by the LPA] concerns the suitability of the shared access arrangement for vehicles and pedestrians*' and in concluding that the proposal was acceptable from a highways perspective stated that Council Policy '*... supports an integrated approach, with a shift away from design been dominated by movements of vehicles, and so that such space is usable for all users. The proposal would accord with this approach.*'

5.27 It is considered that the proposed illustrative access arrangement would offer a significant improvement over the previously submitted scheme, which was considered to be acceptable by the Inspector.

5.28 It is, considered necessary for cycle parking to be provided for each dwelling this could be conditioned (Condition 9 and 10).

5.29 Based on the above assessment, it is considered that the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.

5.30 CONTAMINATED LAND AND COAL MINING

5.31 Contaminated Land

The application site has been assessed and inspected under the Council's Contaminated Land strategy and has not been classified as "contaminated land". However, the site is considered to be situated on 'potentially contaminated land' based on previous historic development uses. On this basis, a preliminary risk assessment (PRA) has been submitted with the application. The submitted report suggests further intrusive investigations be undertaken prior to the commencement of works associated with the development; officers agree with the report's recommendation the required works could be secured via planning conditions (Condition 11 to 16).

5.32 Coal Mining

The site is located in a Development High Risk Area and an area of probable shallow coal mine workings and as such a Coal Mining Risk Assessment (CMRA) has been submitted in support of the proposal. The Coal Authority have reviewed the CMRA submitted by the applicant and it is considered an appropriate level of information has been provided in regard to coal mining

legacy issues, subject to appropriate planning conditions (Conditions 17 and 18).

5.33 Based on the above, it is considered that the development complies with NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.

5.34 FLOOD RISK AND DRAINAGE

The previous planning application was refused based upon the lack of information provided in regard to flood risk and drainage. The applicant supplemented their appeal with additional drainage information, in determining the appeal the Inspector concluded;

"... it is unclear how then the groundwater would be adequately dealt with as the effectiveness of the associated mitigation measures would be likely dependant on the results of the ground investigation and could involve a significant level of intervention, even if they were to be effective. These are matters that would need resolving prior to the grant of a planning permission..."

5.35 On the basis of the above, the applicant has provided additional information in regard to flooding, this information includes details of the investigation into groundwater flooding. The investigation has adequately demonstrated that the problem was due to damaged land drainage.

5.36 Based on the above assessment, Officers are of the view that the site can be developed without increasing flood risk, while preventing existing flood risk and providing an appropriate drainage solution (subject to the imposition of appropriate conditions (Conditions 19 to 20)).

5.37 It is considered the development would satisfy the aims and objectives of the relevant paragraphs in the NPPF as well as policy CS17 of the CSUCP.

5.38 ECOLOGY

Generally, the site is considered to be of low ecological value, however, habitats/features within and immediately adjacent the site, including buildings, trees, scrub/shrubs, tall ruderals and grassland, have the potential to support a range of statutorily protected and/or priority species. These include roosting, foraging and commuting bat species, breeding and foraging bird species and small mammals, including hedgehog.

5.39 The proposal includes the demolition of No. 23 Monkridge Gardens and the comprehensive clearance of existing habitats and features within the site. It is therefore considered necessary to condition that a biodiversity method statement be submitted to minimise ecological impact (Conditions 21 and 22).

5.40 Subject to the above condition, it is considered that the proposed development would accord with the requirements of the NPPF and policies CS18, DC1(d), ENV44, ENV46 and ENV47.

5.41 OPEN SPACE

The area to which the application site belongs is identified as being deficient in open space. In accordance with policy H13, public recreational open space proportionate to the anticipated population of the development, in sites of at least 0.2 ha, should be included in the proposal. The illustrative proposal includes a central area of grass space; while minimal in its form it is considered a more detailed design could accommodate additional areas of open space/informal play space. It is considered that this could meet the requirements of saved UDP policies CFR20, CFR21, CFR22.

5.42 PLAY SPACE

Pooling restrictions were introduced by the Community Infrastructure Levy (CIL) Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.

5.43 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Whilst it cannot be concluded that the proposal would accord with saved UDP policies CFR28, CFR29 and CFR30, it is not possible to require any contribution for either play or open space provision in this case, due to the CIL Regulations considered above.

5.44 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.

5.45 OTHER MATTERS

The issues of loss of property value and the means of separating 23 and 25 Monkridge Gardens are not material planning considerations.

5.46 It is considered all material planning considerations raised by objectors have been addressed within the main report.

6.0 CONCLUSION

6.1 It is considered that the submission has adequately addressed the residual planning issues associated with the refusal of planning application DC/17/01358/OUT and the outcome of the appeal against the refusal of that planning application. While Officers still have concerns around the proposed illustrative layout it was acknowledged by the Inspector in determining the appeal, that the site is capable of accommodating up to 10 dwellinghouses. This decision is reached taking into consideration the information submitted by the applicant, representations from third parties and the planning history of the site.

6.2 Therefore, taking all the relevant issues into account it is considered that the proposed development accords with national and local planning policies. It is therefore recommended that planning permission be granted subject to the conditions below.

7.0 Recommendation:

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

1

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

Reason

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

2

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

Reason

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

3

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under Condition 3 and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies

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

5

No boundary treatments shall be provided on site until a fully detailed scheme for the boundary treatment of and within the site (including a timescale for implementation) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

The development shall be implemented wholly in accordance with the approved boundary treatment details approved under condition 5 in accordance with the approved timescale.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

No development beyond demolition and site clearance shall take place until the works to gable elevation of 21 Monkridge Gardens (as shown on submitted plan AD-17-48-RESUB - Proposed Side Elevation (21 Monkridge Gardens) have been completed in full.

Reason

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

8

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

Reason

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

9

Prior to the first occupation of any dwellinghouse hereby approved, final details of cycle parking provision (including timescale for implementation) for each individual property shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

10

The cycle parking provision approved under Condition 9 shall be installed in accordance with the approved details within the approved timescales.

Reason

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

11

No development other than demolition and site clearance shall be commenced until a site investigation is undertaken and a Phase II Risk Assessment report of the findings submitted to the Local Planning Authority for written approval. 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 should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use 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.

12

Following completion of the site investigation and Phase II Risk assessment site investigation works (condition 11.), and following approval by the Local Planning Authority, if the findings of the Phase II investigation require remediation works to be undertaken then a 'Remediation Strategy' statement document is required to be produced and submitted to the Local Planning Authority for approval. The 'Remediation Strategy' (including timescales) must detail objectives, methodology and procedures of the proposed remediation works. This must be submitted to the Local Planning Authority, for approval, before any remediation works commence.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

13

The remediation works detailed in the 'Remediation Strategy' submitted and approved by the Local Planning Authority in respect of Condition 12, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

14

Upon completion of the remediation works detailed in the approved Remediation Strategy and prior to the occupation of any dwellinghouse hereby permitted, under condition 11 and/or condition 15, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy, and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use 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.

15

During development works, any undesirable material observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. An amended risk assessment of the development (including a timescale for implementation) should then be undertaken, to determine whether remedial works are necessary.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use 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.

16

Any works deemed to necessary following testing (as part of condition 15) shall be carried out in accordance with the timescales approved as part of condition 15.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use 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.

17

No development other than demolition and site clearance shall be commenced until intrusive site investigation works have been undertaken in order to establish coal mining legacy issues on site. The findings of the intrusive site investigations works in relation to coal mining legacy issues along with details of any remedial works (and timescales) required shall be submitted and approved by the LPA prior to the commencement of the development hereby approved.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1 of the Unitary Development Plan.

18

Any remedial works identified under Condition 17 shall be implemented in accordance with the timescale set out in the approved findings.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1 of the Unitary Development Plan.

19

No development other than demolition and site clearance shall commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

- an assessment of the potential for disposing of surface water by means of a sustainable drainage system
- information about the design storm period and intensity
- the method employed to delay and control the surface water discharged from the site
- the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- a timetable for its implementation; and
- a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policy CS17 of the Core Strategy and Urban Core Plan.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the site clearance and construction phases of the development can be carried out in a manner which avoids or minimises harm to ecology. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of site clearance and construction works and the manner in which they are undertaken could harm existing ecology on the site.

20

The drainage scheme approved under condition 19 shall be implemented in accordance with the approved timetable and managed and maintained in accordance with the approved details thereafter.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policy CS17 of the Core Strategy and Urban Core Plan.

21

No development shall take place until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:

- An assessment of the habitats/features within and immediately adjacent the site and their potential to support statutorily protected and/or priority/notable species (NB all survey work and reporting must be undertaken by a suitably qualified, experienced and, where appropriate, licenced ecologist in accordance with current good practice guidelines)
- Full details of all avoidance, mitigation and/or compensation measures to be implemented to address the direct and secondary impacts of the development on statutorily protected and/or priority/notable species; and to ensure the development delivers measurable net-gains for biodiversity.

Reason

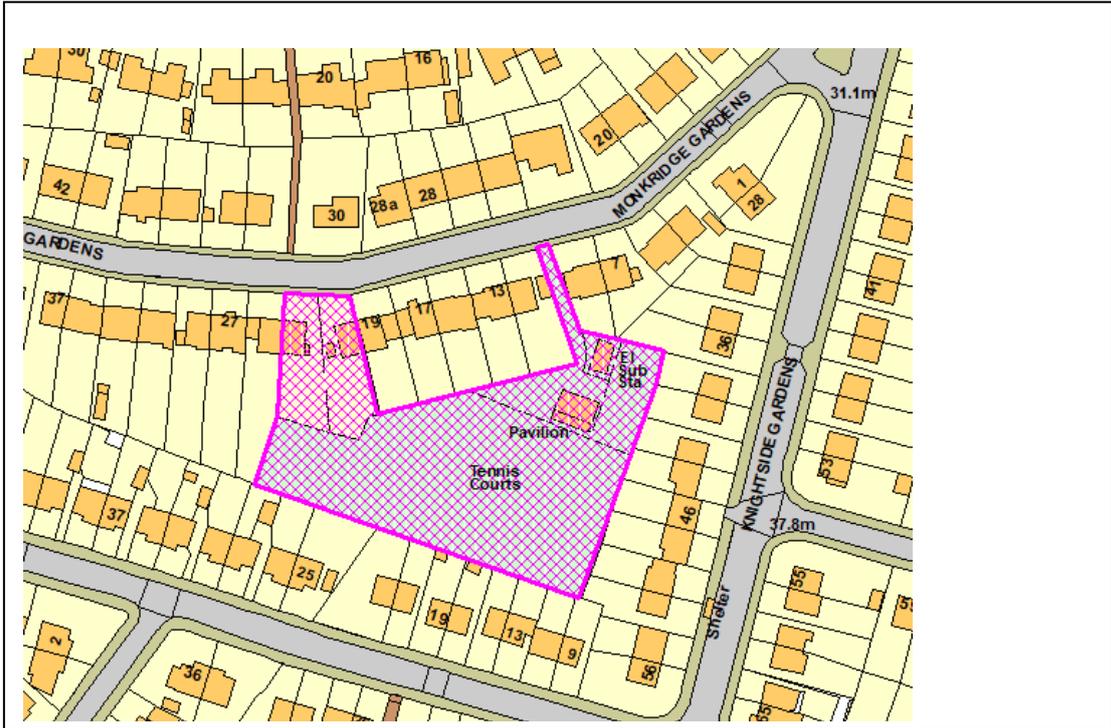
To ensure the development avoids impacting negatively on statutorily protected and/or priority species and to ensure the development delivers net-gains for biodiversity in accordance with the requirements of the NPPF and policies CS18, DC1(d), ENV44, ENV46 and ENV47.

22

The development shall be undertaken in full accordance with the biodiversity method statement approved under condition 21.

Reason

To ensure the development avoids impacting negatively on statutorily protected and/or priority species and to ensure the development delivers net-gains for biodiversity in accordance with the requirements of the NPPF and policies CS18, DC1(d), ENV44, ENV46 and ENV47.



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TITLE OF REPORT: Planning and Development Committee site visit in advance of considering planning application

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

Purpose of the Report

1. To inform members of a planning application which is anticipated to be reported to Planning and Development Committee on 25 September 2019 and to request Members to decide if they wish to visit the site (19 September 2019) in advance of that meeting.

The above request is made regarding application DC/18/00443/FUL relating to land to the west of Moorland View/Valley Dene, Chopwell. The application proposes the erection of 208 no. 2, 3 and 4 bedroom semi and detached two-storey dwellings with associated works.

2. The above application was made valid on 23 May 2018.

Following receipt of the application the Local Planning Authority also notified residents of the application and on amendments received on a number of occasions to give them the opportunity to make representations on the application. The latest round of neighbour notification took place on in August 2019. In excess of 150 properties in the surrounding area have been notified about the application. In addition, a number of site notices were displayed around the site and a notice was also published in The Journal newspaper.

As of 13 August 2019 there have been 140 objections received in regard to the application.

The objections include the following concerns:

- Noise and disturbance from the construction of the development
- Loss of trees
- Impact on wildlife
- Overdevelopment of the site
- Development is out of character with the area
- Loss of existing views
- Increased traffic
- Impact on amenity
- Highway safety
- Flooding

- Insufficient infrastructure regarding the existing drainage and sewerage system and lack of local school, GP surgery spaces, local shops and community hall

The application site was formerly located in the Green Belt. As part of the proposals in the Council's adopted Core Strategy and Urban Core Plan (CSUCP) the site has been removed from the Green Belt and is now allocated for approximately 216 homes.

The application proposes the erection of 208 homes across the Chopwell Village Growth site. The application is a full planning application, fully detailed plans and associated supporting information has been provided.

3. Officers consider that it would be beneficial for Members to view the site in advance of the meeting when the application is likely to be presented to Members.

Recommendations

4. It is recommended that the Committee;
 - (i) Resolve whether or not to visit the above site in advance of the meeting on 25 September 2019 where officers anticipate that the application will be presented.

Contact: David Morton – Extension 3471

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

Nil.

8. WARD IMPLICATIONS

Chopwell And Rowlands Gill

9. BACKGROUND INFORMATION

Nil

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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 4 SEPTEMBER 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/11/01156/COU	Change of use from office (use class B1) to mixed use office (B1 Use Class) and non residential institution (D1 Use Class) (resubmission).	3 Kings Court, Kingsway South,	Granted;	Lamesley
DC/17/00667/LBC	LISTED BUILDING CONSENT to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.	Axwell Hall, Axwell Park,	Granted;	Blaydon
DC/17/00669/LBC	LISTED BUILDING CONSENT for minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access from Axwell Hall, partial reinstatement of the historic landscape and provision of two new garden stores.	Axwell Hall, Axwell Park,	Granted;	Blaydon

DC/18/01091/HHA	Demolition of existing garage and outbuilding and proposed construction of part single storey part two storey side extension with porch (amended description 26/06/2019) (amended/additional information 22/07/2019, 23/07/2019 and 24/07/2019)	8 Grasmere Crescent, Winlaton,	Granted;	Winlaton And High Spen
DC/19/00097/FUL	Erection of new boundary fence and wall around church (description amended 20.08.19, amended plans received 19.03.19, 30.07.19)	Indian Orthodox Church, Front Street,	Granted;	Winlaton And High Spen
DC/19/00401/HHA	Loft conversion including three Velux windows (amended description 06.08.2019).	273 Windsor Avenue, Bensham,	Granted;	Saltwell
DC/19/00406/FUL	Variation of conditions 2, 8, 9 and 10 of application DC/18/00508/FUL for amendments to the layout of Ensign car park and to allow the existing gated vehicle access into the car park of Units 5 - 7 Ensign House to remain open (description amended 17.07.19, amended plans received 10.07.19)	MH Southern And Co Ltd, Green Lane Sawmills,	Granted;	Felling

DC/19/00441/CPL	CERTIFICATE OF PROPOSED LAWFUL USE: to operate as a hot food takeaway (as approved by DC/11/00723/COU) between the hours of 0900 and 2300 Monday to Saturday and between 1200 and 2230 hours on Sundays.	1 Staithes Road, Dunston,	Granted;	Dunston And Teams
DC/19/00453/HHA	Erection of a two storey extension to side, single storey extension to rear and loft conversion with 3no rear dormer windows (amended plans received 16.07.2019).	10 Valley View, Birtley,	Granted;	Lamesley
DC/19/00458/HHA	Proposed single storey side and rear extension and raised decking/patio area (amended plan received 05.08.2019).	58 Calderwood Crescent, Lyndhurst,	Granted;	Chowdene
DC/19/00473/FUL	Conversion of single dwelling house into two dwellinghouse's (use class C3) with associated parking and landscaping works	6 Hedley Hall Farm , Hedley Hall,	Granted;	Lamesley
DC/19/00478/FUL	Variation of Condition 1 (approved plans) of planning approval DC/16/00453/FUL to allow reconfiguration of layout and elevations.	Sandygate Cottage , St Cuthberts Road,	Granted;	Whickham South And Sunnyside

DC/19/00489/HHA	Erection of a single storey extension to the rear.	7 Lesbury Terrace, Chopwell,	Granted;	Chopwell And Rowlands Gill
DC/19/00508/COU	Change of use from shop (A1 use) to tanning studio (sui generis)	624 Durham Road, Gateshead,	Granted;	Low Fell
DC/19/00512/HHA	Proposed extension of existing garage to provide additional parking space and potting shed	Birchholme , The Drive,	Granted;	Saltwell
DC/19/00517/COU	Change of Use from a shop (Class use A1) to a Private Members Club (Sui Generis) (amended 12/06/19 and 18/06/19).	100 Coatsworth Road, Bensham,	Granted;	Bridges
DC/19/00522/HHA	First floor extension above sunroom to form bedroom (amended plan received 24.07.2019).	7 Red Admiral Court, Festival Park,	Granted;	Lobley Hill And Bensham
DC/19/00523/HHA	Proposed single storey rear extension	10 Albert Drive, Low Fell,	Granted;	Low Fell
DC/19/00547/HHA	Proposed partial demolition of existing single garage and construction of a larger single garage (plans amended 14.08.2019).	235 Bensham Road, Bensham,	Granted;	Lobley Hill And Bensham

DC/19/00548/LBC	LISTED BUILDING CONSENT: Partial demolition of existing single garage and construction of a larger single garage (plans amended 14.08.2019).	235 Bensham Road, Bensham,	Granted;	Lobley Hill And Bensham
DC/19/00560/COU	Conversion from Stable buildings to Dwellinghouse and residential annexe (Class Use C3)	Hedgefield Farm, Stella Road,	Granted;	Ryton Crookhill And Stella
DC/19/00557/HHA	Proposed creation of additional storey within new gabled roof, extension to side elevation and alteration of existing front garden to create level access driveway.	36 Moss Crescent, Meadowfield Park,	Refused;	Crawcrook And Greenside
DC/19/00561/COU	Change of use from offices and synagogue to residential house with succah to rear and dormer and succah to front elevation.	106 - 106A High West Street, Gateshead,	Refused;	Bridges
DC/19/00574/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	0501-0166 , St Marys Green,	Temporary permission granted;	Whickham North
DC/19/00616/LBC	LISTED BUILDING CONSENT: Cleaning, repointing and general refurbishment of Memorial	South Africa War Memorial Opposite 500-502, Durham Road,	Granted;	Low Fell

DC/19/00591/COU	Change of use from A3 (food and drink) use to mixed use of A3 (food and drink) and sui generis (tattoo studio)	Ground Floor , 14 Regent Terrace,	Granted;	Bridges
DC/19/00619/LBC	LISTED BUILDING CONSENT: Repairs to roof including tile replacement, repointing of stonework and replacement cast iron downpipe.	Shipleigh Art Gallery, Prince Consort Road,	Granted;	Saltwell
DC/19/00624/HHA	Proposed first floor side extension above existing garage	1 Westmorland Gardens, Gateshead,	Granted;	Low Fell
DC/19/00627/HHA	Remove existing timber sash windows and replace with white UPVC sash windows of same style and design as existing	1 Westfield Lodge, Saltwell Road South,	Granted;	Low Fell
DC/19/00612/FUL	Erection of two-storey rear extension with creation of new lower ground floor level, decked terrace, alterations to existing roof and change of use of local amenity land to enclosed rear garden (additional information 25.07.2019)	Bowhill , Green Grove,	Granted;	Crawcrook And Greenside
DC/19/00617/FUL	Change of use from dog day care facility for ten dogs to dog boarding kennels for twelve dogs, dog grooming and dog walking services.	Northside Farm , North Side,	Granted;	Lamesley

DC/19/00625/FUL	Variation of condition 1 of application DC/17/00164/FUL to allow erection of stone wall in place of approved fence.	3 Thomas Street, Gateshead,	Granted;	Lamesley
DC/19/00628/HHA	Two storey side extension to provide, bedroom, kitchen extension and ground floor bathroom.	6 Belsay Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/19/00630/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 marry access ramp in with existing pathway.	37 Oak Avenue, Dunston Hill,	Granted;	Dunston Hill And Whickham East
DC/19/00633/HHA	Proposed single storey extension to rear elevation, porch to front elevation and dormer window to the rear elevation (amended 25/07/19).	53 Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/19/00644/HHA	Garage conversion with new pitched roof	7 Embleton Road, Bill Quay,	Granted;	Pelaw And Heworth
DC/19/00670/HHA	Two storey front extension	185 Whitehall Road, Gateshead,	Refused;	Saltwell
DC/19/00671/HHA	Single storey rear extension to replace existing conservatory	187 Dryden Road, Gateshead,	Granted;	Deckham

DC/19/00672/HHA	Proposed single storey front and single storey side extension	10 Regency Drive, Whickham,	Granted;	Whickham South And Sunnyside
DC/19/00675/HHA	Proposed garage extension with hipped roof.	3 Rushley Crescent, Blaydon,	Granted;	Blaydon
DC/19/00676/HHA	Proposed box bay window and porch to the front elevation of the property	2 The Path, Gateshead,	Granted;	Chowdene
DC/19/00688/FUL	Installation of dormer window to existing offices	KGM Refrigeration, Abbotsford Road,	Granted;	Pelaw And Heworth
DC/19/00680/HHA	Erection of a single storey extension.	1 Lorton Road, Sheriff Hill,	Granted;	Low Fell
DC/19/00682/HHA	Rear first floor extension and porch to front of property	8 St Albans Place, Windy Nook,	Granted;	Windy Nook And Whitehills
DC/19/00701/OHL	Installation of steel pole to support overhead line and removal of existing pole	Coalburns Cottages, Ryton,		Crawcrook And Greenside
DC/19/00683/HHA	Proposed single storey rear extension	Woodcroft , 21 The Crescent,	Granted;	Whickham South And Sunnyside
DC/19/00684/CPL	Erection of a single storey extension to private dwelling (plan amended 09.08.2019).	7 Ruskin Road, Birtley Central,	Granted;	Birtley

DC/19/00685/HHA	Proposed flat roof dormer to rear elevation and rooflights to front elevation	Alness, High Heworth Lane,	Granted;	Pelaw And Heworth
DC/19/00687/HHA	Proposed 2 Front Facing Dormers	Mill Cottage, Mill Road,	Granted;	Chopwell And Rowlands Gill
DC/19/00690/HHA	Proposed 2 storey side and single storey rear extensions	10 Thornwood Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/19/00696/HHA	Single storey front extension (as amended 2/8/19)	2 Woodgate Gardens, Felling,	Granted;	Pelaw And Heworth
DC/19/00698/HHA	Proposed single storey rear extension	15 Chepstow Gardens, Gateshead,	Refused;	Lobley Hill And Bensham
DC/19/00699/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property.	1 Beech Drive, Dunston,	Granted;	Dunston And Teams
DC/19/00703/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property.	17 Easington Avenue, Wrekenton,	Granted;	High Fell
DC/19/00704/HHA	Convert existing garage into office/study and utility room	120 King Oswald Drive, Blaydon On Tyne,	Granted;	Ryton Crookhill And Stella

DC/19/00706/HHA	Proposed two storey side extension	14 Cherrytree Gardens, Low Fell,	Granted;	Low Fell
DC/19/00707/HHA	Proposed 2 storey side/rear extension and single storey rear extension (amended plans 09.08.2019 and 13.08.2019)	Mount Pleasant, The Grove,	Granted;	Chopwell And Rowlands Gill
DC/19/00709/HHA	Proposed single storey side extension	21 Denewell Avenue, Low Fell,	Granted;	Low Fell
DC/19/00716/FUL	Proposed flat roof extension with new ramp and steps at rear of public house.	Stone Trough , Durham Road,	Granted;	Chowdene
DC/19/00717/HHA	Proposed single storey wooden annexe	Hallgarth , Hookergate Lane,	Granted;	Winlaton And High Spen
DC/19/00724/HHA	Proposed side and rear extensions. New additional entrance and driveway with new dropped kerb (additional information 07.08.2019)	6 Grange Lane, Whickham,	Granted;	Whickham South And Sunnside
DC/19/00728/HHA	Single storey extension to rear	3 Falsgrave Place, Whickham,	Granted;	Whickham South And Sunnside
DC/19/00731/HHA	Proposed single storey side extension	8 Moralee Close, Crawcrook,	Granted;	Crawcrook And Greenside

DC/19/00733/AGR	DETERMINATION OF PRIOR APPROVAL: Erection of horticultural greenhouse.	Daniel Farm, Sled Lane,	Prior Approval not required	Crawcrook And Greenside
DC/19/00755/HHA	Proposed rear and side single storey extension	24 Oaklands, Swalwell,	Granted;	Whickham North
DC/19/00819/GPDT	Change of use from craft shop (A1) to tea room (A3 use)	The Craft House, 46 Church Street,	Observations	Whickham South And Sunnyside

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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 24.07.19 and ending 16.08.19, the enforcement team has received **118** new service requests:

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	50	20	27	1
HIGHWAYS	31	11	9	0
WASTE	37	25	35	57
TOTALS	118	56	71	58

COURT HEARINGS
The Enforcement Team attended 6 Court Hearings, 3 of which was finalised, resulting in £2160 fines and £769 costs



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

04th September 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 Council's legal department.</p> <p>A court date has been issued for the 26th April 2019 at Gateshead Magistrates Court.</p> <p>The court date has been re issued for the 10th June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.</p> <p>The Court date has been adjourned until 24th June at 10am, discussions are to take place with the land owner prior to the court date to progress with the clearance of the land.</p> <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>The inspectorate has arranged for the appeal hearing to commence on the 3rd September 2019.</p> <p>The appeal has been withdrawn. Following a site visit on the 16th August it appears that works have recommenced on site. As the concerns regarding the conditions have been submitted for approval and as the temporary stop notice has expired permission is sought from Committee to remove this item from the report.</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. Ale	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 of leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays. A site visit was undertaken on the 20 th June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.
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.	Blaydon and District Club and Institute, Garden Street	Blaydon	Untidy Land	03 rd September 2018	03 rd September 2018	5 th October 2018	30 th November 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished Given the potential bat roost, Natural England will not issue a licence for the roost to be destroyed until after the hibernation period which is November to March. Planning application intended to be taken to the 15 th May Committee, once a decision made, the Enforcement Officer is to pursue demolition following consent from Natural England. Natural England has requested an up to date bat survey prior to issuing a licence.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
9.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05th September 2018	05 th September 2018	5 th October 2018	30 th November 2018	<p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and a hoarding erected.</p> <p>The owner has been in contact and will submit a scope of works with timescales to make this building safe and in part to be brought back into use, rather than demolish property.</p> <p>Following a site visit on the 19th November, a scope of works should be submitted by the developer no later than the 30th November. Quotes however are being sought for the demolition of the property in preparation that the information is not forthcoming.</p> <p>Scaffolding has been erected and works are commencing to bring the building back into use. The windows have been inserted in the rear part of the building and works have commenced on the roof.</p> <p>Officers are visiting the site on the 21.03.19 to confirm that the proposed roof tiles are appropriate, once this is agreed works will re commence, it is anticipated that the works to the roof will take approximately 6-8 weeks.</p> <p>Roof tiles have now been agreed, works to the roof are to recommence imminently.</p>
10.	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>
11.	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> <p>Following the expiry of the compliance period, officers have visited the site and wrote to the owner allowing a further 21 days to remove the structure, the site is being monitored weekly and progress has been made to partially demolish the structure.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
12.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	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>
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 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.
14.	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	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.
15.	27 Sundridge Drive, Wardley Gateshead NE10 8JF	Wardley and Leam Lane	Unauthorised change of use	01 st August 2019	01 st August 2019	5 th September 2019	03 rd October 2019	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. A previous enforcement notice was served seeking the removal of the fence, however the notice was quashed following an appeal decision. The notice has been re served to include the change of use to residential garden.

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
4 September 2019**

TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

2. There have been **no** new appeals lodged since the last committee.

Appeal Decisions

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

DC/18/00727/OUT - Grazing Land At Beda Hills West Of, Woodside Walk,
Rowlands Gill
Erection of four bedroom house
This application was a committee decision refused on 1 November 2018
Appeal dismissed 2 August 2019

DC/18/01046/HHA – Etherley, 17 Marlboro Avenue, Swalwell
Single story flat roof extension to the side of the property.
This application was a delegated decision refused on 16 April 2019
Appeal dismissed 26 July 2019

DC/18/01230/FUL - 65 Coatsworth Road, Gateshead
Variation of condition 5 of permission DC/14/00184/COU to extend opening hours
from 11am to 11pm to 11am to midnight (Sunday-Thursday) and 11am to 1am
(Friday and Saturday).
This application was a delegated decision refused on 28 January 2019
Appeal turned away – no further action

DC/18/01282/HHA - 2 Goodwood Avenue, Gateshead
Two storey extension to side of house
This application was a delegated decision refused on 12 March 2019
Appeal dismissed 26 July 2019

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

Appeal Costs

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

DC/18/00727/OUT - Grazing Land At Beda Hills West Of, Woodside Walk, Rowlands Gill
Erection of four bedroom house
The costs have been allowed.

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 28 May 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Appeal Ref: APP/H4505/W/18/3219406 Beda Hills, Woodside Walk, Rowlands Gill

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Miss E Raymond against the decision of Gateshead Council.
- The application Ref DC/18/00727/OUT, dated 11 July 2018, was refused by notice dated 01 November 2018.
- The development proposed is described as: "wood framed 4 bedroom house. This house will be replacing existing agricultural buildings with foundations. Will require mains water, waste and electric to be installed. Heating and hot water will be biomass boiler. Solar panels will also be installed to create a predominantly carbon neutral environment. House is pre-designed flat pack house from Deeside Timberframe, model 'Balmoral'."

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Gateshead Council against Miss E Raymond. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline, with matters of appearance, landscape, layout and scale to be determined at this stage. However, although the application form includes a description of the proposed materials, no illustrative plans or other information were submitted with the application or the appeal.

Main Issues

4. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal on the character and appearance of the countryside;
 - iii) The effect of the proposal on biodiversity and trees;
 - iv) Whether or not a safe and suitable access could be provided; and
 - v) If the proposal is inappropriate development, whether the harm by reason of inappropriateness or any other harm, is clearly outweighed by

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

other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. The appeal site is located in the Green Belt. Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 Adopted March 2015 (the Core Strategy) states that the Green Belt will be protected in accordance with national policy to, among other things, safeguard the countryside from encroachment.
6. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 establishes that new buildings are inappropriate in the Green Belt, subject to certain specific exceptions. The one that is most relevant in this case is Paragraph 145 g). This relates to the redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development.
7. The appeal site is agricultural and the existing structures and buildings which would be demolished to facilitate the proposed dwelling are agricultural buildings. The definition of PDL in the glossary of the Framework specifically excludes land that is or was last occupied by agriculture or forestry buildings. While the nearby timber stable building has an equestrian use and might therefore be considered to be PDL, this is outside of the footprint of the proposed dwelling. Consequently, the site would not be PDL for the purposes of the Framework.
8. I therefore conclude that the proposal would be inappropriate development in the Green Belt, contrary to local and national policy for the protection of the Green Belt.

Character and appearance

9. The application was in outline, with very limited details provided. No additional information has been submitted with the appeal. In the absence of illustrative plans, it is not possible to assess the precise effects of the proposal on its surroundings. However, it would undoubtedly amount to an encroachment of residential development into the countryside and woodland setting.
10. Consequently, the proposed dwelling would result in significant harm to the rural character and appearance of the countryside. It would conflict with the development plan, including Policy CS15 of the Core Strategy and saved Policy ENV3 of the Unitary Development Plan Adopted July 2010 (the UDP). These require, among other things, that new development contributes to good place making, responds positively to its surroundings and makes a positive contribution to the established character and identity of its locality.

Biodiversity and trees

11. The appeal site is an extensive area of predominantly wooded land. It is part of Beda Hills Local Wildlife Site and it is within a designated wildlife corridor. Evidence submitted to the appeal indicates that there are Biodiversity Action

Plan priority habitats, and protected and priority species, in the area. Consequently, the proposed development has the potential to result in significant adverse impacts on biodiversity.

12. Paragraph 175 of the Framework is clear that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In this respect, the Planning Practice Guidance advises that where a proposal is likely to affect a protected species, planning permission can be granted if an appropriate survey has been carried out and subject to any necessary proposals for mitigation or compensation being found acceptable.
13. In this case, no evidence in the form of an ecological survey and assessment has been submitted with the appeal. The appellant has made no attempt to address the Council's reasons for refusal. No justification has been provided as to why permission should be granted in the absence of information which demonstrates that the requirements of relevant biodiversity legislation, planning policy and guidance would be addressed.
14. There are numerous trees around the location of the proposed dwelling. Although only 3 trees have been identified for removal, it seems likely that a far greater number would be affected by the construction of a detached dwelling and associated vehicular access at this site. However, no arboricultural assessment has been submitted.
15. There is insufficient information to assess the effects of the proposal on biodiversity and trees. Consequently, it would conflict with Policies CS15 and CS18 of the CSUCP and saved Policies DC1(d), ENV44, ENV46, ENV47, ENV49 and ENV51 of the UDP. Among other things, these require development to protect and enhance connectivity and wildlife corridors, biodiversity assets and trees. The proposal would also conflict with relevant policies in the Framework and the Planning Practice Guidance relating to protected species.

The provision of a safe and suitable access

16. The appeal scheme includes vehicular access from Lintzford Lane, which is winding road through woodland with no street lighting or speed restrictions. In order to provide a suitable access, the Council has indicated that a visibility splay of 2.4m x 210m would be required. No evidence has been submitted to demonstrate that the required visibility splay could be provided, nor has any justification been put forward to support a relaxation of the standards.
17. I therefore conclude that that the proposal would fail to provide a safe and suitable access to the highway. It would be in conflict with Policy CS13 of the CSUCP which requires, among other matters, that development connects safely to the highway network. It would also conflict with policies in the Framework that require development to provide safe and suitable access to the site for all users.

Other Considerations

18. I acknowledge that the custodianship of the land has been passed down by the appellant's grandfather, and that the proposal is intended to facilitate the continuing management of the land and to better maintain security. However, no substantive evidence has been presented in respect of the management requirements of the agricultural holding nor has it been demonstrated that

security could not be achieved by alternate means. Therefore, these are factors that carry little weight in my consideration of the scheme.

19. The dwelling would include a number of features to improve the energy efficiency of the building, including solar panels and a biomass boiler. Such features would contribute towards the sustainability objectives of the Framework and the Local Plan. However, the proposed dwelling is in an unsuitable location for new residential development and these are not therefore factors in the scheme's favour.

The Green Belt Balance

20. I have concluded that the proposed dwelling would be inappropriate development in the Green Belt which is, by definition, harmful. The Framework advises that substantial weight must be given to any harm to the Green Belt.
21. There would be an adverse effect on the character and appearance of the countryside resulting from a new dwelling in this location. There would also be likely harm to designated sites, priority habitats, protected and priority species, ecological connectivity and trees. Furthermore, there is no evidence that a safe or suitable access could be provided.
22. The Framework states that inappropriate development should not be approved except in very special circumstances. In this case, there are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusions

23. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR



Costs Decision

Site visit made on 28 May 2019

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Costs application in relation to Appeal Ref: APP/H4505/W/18/3219406 Beda Hills, Woodside Walk, Rowlands Gill

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Gateshead Council for a full award of costs against Miss E Raymond.
 - The appeal was against the refusal of planning permission for the erection of a wood framed 4 bedroom house.
-

Decision

1. The application for a full award of costs is allowed.

Reasons

2. The Planning Practice Guidance (the PPG) advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council considers that the applicant acted unreasonably in the submission of the appeal, on the grounds that no substantive evidence was submitted to the appeal to address the Council's reasons for refusal.
4. The evidence before me indicates that the applicant was made fully aware of the concerns of the Council in respect of both the appeal scheme and an earlier outline application at the same site¹. The significant concerns in respect of the sensitive location were highlighted with reference to national and local planning policy and the Council was clear that an application in this location would not be supported. Nevertheless, the applicant was advised of the need for further information to be submitted should she wish to proceed with the applications against the advice of the Council.
5. While the earlier application was withdrawn, the applicant proceeded with the appeal scheme without addressing the issues raised by the Council. However, even if the applicant had been advised not to go to the expense of submitting additional information prior to the grant of outline permission, the need to submit further information in support of the appeal should have been apparent from the guidance published by the Government. In this respect, the PPG advises applicants to give consideration to the merits of the case, and whether

¹ Email correspondence from the Council in respect of applications ref DC/17/00217/OUT and DC/18/00727/OUT

there are strong grounds to contest the reasons for refusal of planning permission before submitting an appeal. Furthermore, parties involved in the appeal process are expected to present full and detailed evidence to support their case, and to respond to the reasons for refusal set out in the Council's decision notice.

6. In this case, the applicant proceeded with the appeal without addressing the specific requirements of relevant planning policy and without submitting any substantive evidence to refute the Council's reasons for refusal. As a result, the Council has been put to the expense of defending their position when the appeal effectively had no hope of succeeding.

Conclusion

7. I therefore find that unreasonable behaviour by the applicant, resulting in unnecessary or wasted expense as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and other enabling powers in that behalf, IT IS HEREBY ORDERED that Miss E Raymond shall pay to Gateshead Council, the costs of the appeal proceedings described in the heading of this decision.
9. The Council is now invited to submit to Miss E Raymond, to whom a copy of this decision has been sent, details of those costs with a view to reaching an agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Sarah Manchester

INSPECTOR



The Planning
Inspectorate

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Mr Tim Gregory
Lambert Taylor Gregory Solicitors
9 Walker Terrace
Gateshead
Tyne and Wear
NE8 1EB

Your Ref:
Our Ref: APP/H4505/W/19/3226880

31 July 2019

Dear Mr Tim Gregory,

Town and Country Planning Act 1990
Appeal by Mrs Neslihan Kilickap
Site Address: 65 Coatsworth Road, Gateshead, Tyne and Wear, NE8 1QL

I refer to the above appeal(s).

We are unable to accept appeals unless all the essential supporting documents are received before the 6 months deadline expires (ie 28th January + 6 months = **28th July 2019**).

As you have not responded to our previous letter of 17th April (see attached) the appeal is now out of time and must be **turned away as incomplete and invalid**.

I have sent a copy of this letter to the local planning authority.

Yours sincerely,

Validation Officer A8
Validation Officer A8



Appeal Decision

Site visit made on 15 July 2019 by S Witherley BA, PGDiP, PGDiP, Cert CIH, Assoc RTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/H4505/D/19/3227202

Etherley, 17 Marlboro Avenue, Swalwell, Newcastle Upon Tyne, NE16 3ER

- 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 Jack Collins against the decision of Gateshead Council.
 - The application, Ref DC/18/01046/HHA, dated 8 October 2018, was refused by notice 16 April 2019.
 - The development proposed as described on the application form is for a single storey flat roof extension to the side of the property.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The effect of the development on: 1) the character and appearance of the host dwelling and street scene, and 2) the living conditions of occupiers of neighbouring properties having regard to overshadowing and outlook.

Reasons for the Recommendation - *Character and appearance*

4. The appeal property is a detached bungalow with linked flat roof garage located at the top of a steep embankment. The property faces south onto Marlboro Avenue and has a large side garden. The proposal would replace the existing flat roof linked garage with a single storey flat roof extension which would extend out almost double the width of the garage and be set back slightly from the shared boundary to the west. The plans show that the proposal would have a similar height as the eaves of the original dwelling. This would give it an awkward appearance that, due to its width and the mass of the flat roof, would be seen as a bulky and overly dominant addition to the front elevation and would upset the uniformity of the host dwelling.
 5. The appellant maintains that the parapet wall, which is a distinctive feature on the original garage and a common feature seen throughout the street, would be continued along the width of the proposed extension, there are no details of this feature on the submitted drawings. Nevertheless, this design feature would not overcome the visual harm that would be caused to the appeal property as a result of its overall width and flat roof design. The proposal would conflict with the aims of the Supplementary Planning Document – *Household Alterations and extension (SPD)*.
-

6. It is acknowledged that there were letters in support of the proposal. Nevertheless, the development would be out-of-keeping with the character of the street scene given the overall design of the extension. Due to the harm that would occur to the character of the wider streetscape, the development would not be either outstanding or innovative. I find that the proposal would have a visually harmful effect upon the character and appearance of the host dwelling and street scene. Accordingly, it would not comply with Policy CS15 Place Making of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015), and saved Policy ENV3 Character and Design of the Gateshead Unitary Development Plan (2007) (GUDP).

Living conditions

7. The neighbour to the north, No. 15 Marlboro is a two-storey semi-detached property facing east with linked garage to the south. To the west and overlooking the appeal site are the rear elevations and gardens of No. 13, 15 and 17 Grosvenor Avenue. As a result of the staggered rear elevation, the window of the main living area would be set back from the shared boundary which overlooks the rear garden of No.15 Marlboro Avenue. The most direct views from this window would be towards the part of the garden furthest from the dwelling, which is most likely to be used for outdoor activities. There is, however, currently effective screening by a high fence atop a brick wall to this part of the garden which would screen any undue overlooking and maintain the privacy between occupiers of these properties. Given the siting and existing boundary treatments in relation to No.15, it is unlikely that there would be any significant increase in terms of overshadowing to the garden area or indeed the dwelling as a result of the development.
8. In terms of impact upon the other neighbouring occupiers, given the height of the proposal, along with the existing boundary treatments and that the proposal would be set back from the common boundary it would not result in an unduly overbearing or oppressive effect upon these occupiers. As a result of the window placements there would be no risk of overlooking or loss of privacy to these residents.
8. I find that the proposal would not have a materially harmful effect on the living conditions of neighbouring occupiers. Accordingly, the development would comply with GUDP Policy DC2.

Conclusion and recommendation

9. On balance, the finding on the second main issue do not outweigh findings on the first issue. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too concur that the appeal should be dismissed.

A U Ghaffoor

INSPECTOR



Appeal Decision

Site visit made on 22 July 2019 by S Witherley BA, PGDiP, PGDiP, Cert CIH, Assoc RTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/H4505/D/19/3228200
2 Goodwood Avenue, Gateshead, NE8 4YE

- 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 Steven Gannon against the decision of Gateshead Council.
 - The application, Ref DC/18/01282/HHA, dated 18 December 2018, was refused by notice 12 March 2019.
 - The development proposed is for a double storey extension to side of house.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposal on the character and appearance of the host dwelling and the street scene.

Reasons for the Recommendation

4. No. 2 is located on the corner of Goodwood Avenue and Victoria Road. It is a semi-detached two storey dwelling with hipped roof with a distinctive asymmetric overhang to the side. The size of the existing garden is typical of the layout of the area, which is characterised by corner plots having open, spacious areas that front the junction.
 5. The proposal seeks a two-storey side extension with dual pitched roof, which would occupy most of the side space. The side extension would be brought closer to the footpath and highway along Victoria Road, which would substantially reduce the open character around the junction. As the site is set down from the footpath and highway along Victoria Road, the proposal would result in a bulky and dominant feature along this side boundary, which would be readily visible on the corner. The front and rear elevations would be set back and down from the host dwelling, but it would unbalance the symmetry of the pair of semi-detached properties and would look at odds with the prevailing pattern of development.
-

6. The design and form of the roof would be out-of-keeping with the host dwelling and it would remove the asymmetric overhang, which is a key characteristic of the properties in the area. The development would be inconsistent with the host property's architectural style and appear as an uncharacteristic feature within the street scene, because of the double-storey extension's bulk, mass and scale. The proposal would not meet with the guidance contained in the Householder Alterations and Extensions Supplementary Planning Document.
6. The appellant has stated that there are other similar proposals in the area but no details of these have been submitted. In any event, every application is considered on its own merits. The argument is that the extension is to provide much needed accommodation for the growing family to remain together. However, limited weight can be attached to the circumstances presented because, in this location, the two-storey side extension would cause visual harm and fail to respect local distinctiveness. Lack of objections from neighbours is not determinative.
7. I find that the proposal would harm the character and appearance of the host dwelling and street scene. Accordingly, it would not comply with Policy CS15 of the Gateshead and Newcastle Upon Tyne Core Strategy and Urban Core Plan (2015) and saved Policy ENV3 of the Unitary Development Plan (2010).

Conclusion and recommendation

8. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghiafoor

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/18/00727/OUT	Grazing Land At Beda Hills West Of Woodside Walk Rowlands Gill	Erection of four bedroom house	Written	Appeal Dismissed
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/18/00981/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 Dismissed

DC/18/01230/FUL	65 Coatsworth Road Gateshead NE8 1QL	Variation of condition 5 of permission DC/14/00184/COU to extend opening hours from 11am to 11pm to 11am to midnight (Sunday-Thursday) and 11am to 1am (Friday and Saturday).	Written	Appeal Turned Away - No Further Action
DC/18/01282/HHA	2 Goodwood Avenue Gateshead	Two storey extension to side of house	Written	Appeal Dismissed
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
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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

4 September 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 4 September 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