

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 16 October 2019 at 6.00 pm in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 25 September 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 - Land to the west of Moorland View/Valley Dene, Chopwell (Pages 9 - 46) Report of the Strategic Director, Communities and Environment
4ii	No. 2 - Land at Highfield Road Rowlands Gill (Pages 47 - 62) Report of the Strategic Director, Communities and Environment
5	Delegated Decisions (Pages 63 - 72) Report of the Strategic Director, Communities and Environment
6	Enforcement Team Activity (Pages 73 - 74) Report of the Strategic Director, Communities and Environment
7	Enforcement Action (Pages 75 - 82) Report of the Strategic Director, Communities and Environment
8	Planning Appeals (Pages 83 - 88) Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
16 October 2019

TITLE OF REPORT: Planning applications for consideration

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

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/18/00443/FUL	Land To The West Of Moorland View/Valley Dene Chopwell	Chopwell And Rowlands Gill
2. DC/19/00279/OUT	Land At Highfield Road Rowlands Gill	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 dwellinghouses occupied by between 3 and 6 unrelated individuals who share basic amenities such as kitchen or bathroom.
B1 Business	Offices not within A2, research and development studios, laboratories, high tech., light industry appropriate in a residential area.	D1 Non-residential Institutions	Places of worship, church halls, clinics, health centres, crèches, day nurseries, consulting rooms, museums, public halls, libraries, art galleries, exhibition halls, non-residential education and training centres.
B2 General Industry	General industry.	D2 Assembly & Leisure	Cinemas, music and concert halls, baths, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls.
B8 Storage and Distribution	Wholesale warehouses repositories, including open air storage	Sui generis	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops.

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

This page is intentionally left blank

Committee Report

Application No:	DC/18/00443/FUL
Applicant	Gleeson Regeneration Ltd.
Date Application Valid	23 May 2018
Site:	Land To The West Of Moorland View/Valley Dene, Chopwell NE17 7EX
Ward:	Chopwell and Rowlands Gill
Proposal:	Erection of 205 no. 2, 3 and 4 bedroom semi and detached two-storey dwellings with associated works (additional information/amended 21/12/18, 17/05/19, 29/05/19 and 19/08/19).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

1.0 The Application:

1.1 BACKGROUND

This application was deferred at the meeting of the Planning and Development Committee on 25 September 2019 to allow further information to be provided relating to the offsite impact of construction. Further information will be provided by the applicant and will form part of an update report.

1.2 The Local Plan states that; '*Chopwell village is located in the far west of Gateshead borough, long in need of regeneration*'. As such, Chopwell has been identified by Gateshead Council as a Village Growth Area and sites at 'Middle Chopwell' and 'South Chopwell' have been allocated for the delivery of approximately 305 homes (policies CS4 and GV1 of the CSUCP). South Chopwell (the application site) has been allocated to deliver approximately 216 homes.

1.3 DESCRIPTION OF SITE

The application site is situated on land at Moorland View/Valley Dene, Chopwell, and extends to 7.6 hectares. The application site comprises three agricultural fields and part of a fourth, adjoining the existing housing estate to the south end of Chopwell.

1.4 The site was most recently used for agricultural purposes as an arable field. Given changes in land levels (sloping significantly from north to south) the site benefits from views of the surrounding countryside.

1.5 The application site contains a number of trees and hedgerows along its external boundaries and forming the field boundaries within the site.

1.6 The application site is surrounded by the following uses;

- Whinney Leas Road runs to the north of the application site, beyond which are residential properties and fields in agricultural use;

- To the east of the site is the main residential area of Chopwell;
 - To the south of the site are residential properties and fields in agricultural use; and
 - The west of the site are fields in agricultural use.
- 1.7 As referenced, the site was formerly located within the Green Belt but now forms a housing allocation under the CSUCP for the delivery of approximately 216 homes. However, a small portion of site (to the south west) is located outwith the housing application within the Green Belt.
- 1.8 **DESCRIPTION OF APPLICATION**
The application seeks planning permission for residential development totalling 205 homes, including associated access, infrastructure and landscaping.
- 1.9 The proposed layout shows the dwellings being split between the northern and southern portions of the site, 72 on the northern portion and 133 on the southern portion. Vehicular and pedestrian/cycle access into the northern portion is proposed via an extension of the existing residential street Moorland View. The southern portion of the site would be accessed via Valley Dene, both Moorland View and Valley Dene are accessed from Mill Road to the east of the site.
- 1.10 A pedestrian/cycle link is provided between the northern and southern portion of the site, a pedestrian/cycle link is also provided between the site and Whinney Leas and Runnymede Gardens.
- 1.11 Each dwelling would be a maximum of two-storeys in height. All dwellings would be of conventional design with pitched roofs. The development proposes that 91 of the dwellings would be detached and 144 semi-detached; 15 dwellings would have four bedrooms, 152 would have three bedrooms and 38 would have two bedrooms.
- 1.12 The main areas of open space would be located in the northern and central areas of the site, with smaller areas of open space distributed around the site. The main SuDS area would be located to the south west of the application site.
- 1.13 The applicant held a public consultation drop-in event during the consideration of the application. The public consultation took the form of a leaflet drop and a public exhibition both of which took place in July 2019. Engagement also took place with Councillors during two meetings which both took place in June 2019.
- 1.14 The following information has been submitted with the application:
- Affordable Housing Statement
 - Arboricultural Impact Assessment
 - Archaeological Desk Based Assessment
 - Design and Access Statement
 - Drainage Assessment
 - Ecological Impact Assessment
 - Economic Benefits Report
 - Flood Risk Assessment

- Ground Investigation Assessment
- Masterplan
- Parking Statement
- Statement of Community Involvement
- Sustainability Statement
- Transport Assessment
- Travel Plan

1.15 PLANNING HISTORY

There are no historic planning applications of relevance to the current application. However, there an application for advertisement consent under consideration (DC/18/01144/ADV). The application proposes the 'display of post-mounted, non-illuminated 'V' board sign advertising Gleeson Homes'.

2.0 Consultation Responses:

Highways England	No objection.
Northumbrian Water	No objection subject to conditions.
Coal Authority	No objection subject to conditions.
Durham County Council	No objection.
Nexus	No objection.
Northern Gas Network	No objection.
Natural England	No objection.
Tyne and Wear Archaeologist	No objection subject to conditions.

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. Neighbour letters were sent out in July 2018, January 2019, June 2019 and August 2019, the application appeared in The Journal and a number of site notices were erected.

3.1 A total of 151 letters of objection (including one from a Ward Councillor (Councillor Michael McNestry)), a petition of 136 signatures have been received in addition to eight letters of support.

3.2 The objections raised by the Ward Councillor are summarised as follows:

- Concerns over traffic management;
- Concerns over the proposed drainage solution.

- There is a need for a crossing on Mill Road.
- Consultation procedure has not been followed.

3.3 The issues raised within the petition are summarised as follows:

- Highway safety improvements should be made on Mill Road owing to the expected increase in traffic following the construction of the proposed houses.

3.4 The objections received are summarised as follows:

- The proposed traffic calming on Moorland View will impact on access to properties.
- Access routes into the sites are inappropriate.
- The solution to flood risk and drainage issues is not adequate.
- The information submitted in regard to ecology is unconvincing.
- The proposed development would lead to an over-population of the area.
- The proposed development would result in gables of garages and garage areas being close to existing properties.
- No garden spaces should be located adjacent to boundaries with existing residents.
- The planting of trees would cause a loss of light to existing properties.
- The development would encroach onto existing properties to their detriment.
- The application site is Green Belt and should not have been allocated.
- The proposed development would impact on existing views.
- The development would impact on existing levels of onstreet parking.
- The proposed SuDS area is of poor design.
- The properties are of budget/value engineers design e.g. the use of gravel driveways and post and wire fencing.
- The increase in traffic using Valley Dene is unacceptable.
- The application site is not sustainable.
- The site has poor accessibility for those using cycles, wheelchairs and/or pushchairs.
- The construction traffic and operations would lead to a significant impact on occupiers.
- There is no requirement for additional two bedroomed properties.
- The proposed cycle route is dangerous.
- Other site within Chopwell (The Heartlands) should be developed prior to this one.
- Existing accesses to the site are not suitable for heavy machinery.
- The levels of dust, mud and noise will be unacceptable.
- Signage has been erected on the application site without planning approval.
- The proposed cycle track assessing onto Whinney Leas will cause highway safety conflicts.
- There are not enough educational facilities within the area.

- Existing infrastructure in Chopwell cannot accommodate the increased level of residents.
- The development is out of keeping with conservation area.
- The proposed development would lead to impact on ecology.
- The development would lead to flooding at Blackhall Mill.
- The properties proposed do not comply with NDSS.
- The development does not propose any affordable housing.
- There is no safe crossing point on Mill Road.
- The proposed development would result in a loss of open space.
- The development would result in a loss of agricultural land.
- The proposed development would lead to a significant loss of hedgerows.
- The submitted ecological information is out-of-date and does not include sufficient survey work.
- The proposed drainage scheme does not take account of existing floors and/or climate change.
- The proposed development does not comply with MSGP or national policy;
- Residents have not been given the opportunity to comment on the masterplan.
- The proposed footpath along Moorland View is inadequate
- The developer has not been challenged over the illegal sign.

3.5 The letters of support are summarised as follows:

- Chopwell is in need of three and four bedroomed housing and despite objection the development should go ahead.
- The proposed development is exactly what Chopwell needs.
- The proposal will provide a good range of an affordable housing.
- The proposal will kick-start development.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS4 Spatial Strategy - Rural/Village Area

CS5 Employment-Economic Growth Priorities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GV1 Chopwell

DEL1 Infrastructure/Developer Contributions

DC1C Landform, landscape and after-use

DC1D Protected Species

T1 Transport req for New Developments

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV2 The Built Environment - Gen Policy

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV52 Creation of New Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H12 Housing Density

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The main planning issues relating to this proposed development are considered to be: the principle of housing on this site; the impact on existing trees and hedges on and around the site; the impact on the landscape; flood risk and drainage; the possible impact on ecology on the site and in the area; whether the proposed design of the development is acceptable; transport issues; the impact on the living conditions of the future occupiers of the proposed housing and existing residents near the site; the impact on archaeology remains on the site; the possible contamination of the site; children's play facilities; education impacts; site specific policy compliance; financial considerations; and any other issues arising.
- 5.2 **PRINCIPLE OF DEVELOPMENT AND MASTERPLAN**
The application site is allocated in the CSUCP, under policies CS4 and GV1(1) for residential development for approximately 216 homes including a mix of predominantly family housing.
- 5.3 Policy GV1 also requires that development takes place in accordance with an approved masterplan and phasing plan. This follows on from policy CS4 which requires the approved masterplans to; demonstrate a comprehensive, phased and coordinated approach to site development, setting out how necessary infrastructure, and the strategic infrastructure identified for the site in the Infrastructure Delivery Plan will be delivered on a phased basis; and approved development phasing plans setting out build rates and triggers for infrastructure, and demonstrating how each phase of the development is sustainable and deliverable.
- 5.4 The applicant has provided a phasing plan and masterplan. The phasing plan shows that the site would be developed out over three phases. The first phase is shown to be around the centre of the site around the access off Valley Dene and would include the main spine road extending to the south and the SuDS feature. The second phase includes the southern portion of the application site. The third phase includes the northern portion of the application around the proposed access point at Moorland View. The masterplan shows how the site could ultimately be delivered, however it does not contain an infrastructure delivery plan element.
- 5.5 Any necessary off-site infrastructure would be delivered through condition(s), the Community Infrastructure Levy or S106 agreement.

- 5.6 Given the above, Officers consider that the application has sufficiently demonstrated it can be developed in a phased and coordinated approach in line with policy GV1, subject to a planning condition requiring the submission of a final masterplan (containing an infrastructure delivery plan).
- 5.7 Further, the proposed housing numbers (205) is considered to satisfy the approximate figure referred to within policy GV1 of the Council's Core Strategy and Urban Core Plan (CSUCP).
- 5.8 GREEN BELT
A portion of the proposed SuDS pond to the south west of the application site extends beyond the housing allocation and into the Green Belt.
- 5.9 In terms of the control of new development in the Green Belt, the relevant policy is contained in paragraphs 143 to 147 of the NPPF and states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt (inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances).
- 5.10 Engineering operations are defined as an exception by paragraph 146 of the NPPF, as such the proposal would not be inappropriate development in Green Belt terms. Further, it is considered that the proposed SuDS feature would cause minimal change to land form and would be well planted and as such would not impact on the openness of the Green Belt. It is considered that this engineering operation would not conflict with the purposes of including land within the Green Belt.
- 5.11 The proposal would therefore accord with the NPPF and policy CS19 of the Core Strategy.
- 5.12 HOUSING POLICIES
- 5.13 Affordable Housing
Policy CS11 of the CSUCP requires the provision of 15% affordable homes on all developments of 15 or more dwellings subject to development viability. The applicant has supplemented their application with a Viability Assessment. The report makes reference to the viability appraisal carried out on behalf of Gateshead Council as part of the Local Plan process. This appraisal was prepared in connection with the Viability and Deliverability Report (Feb.2014). Comparison with the Council appraisal is in accordance with NPPF and NPPG. There are two key factors when considering viability for this proposed development. The first is the impact of S106 contributions and the second is the abnormal site development costs set out within the submitted assessment.
- 5.14 The submitted Viability Assessment concludes that providing affordable housing would make the scheme unviable. Officers have reviewed the submitted assessment and additional information provided and consider that the conclusion of the report is reasonable. On this basis, no affordable housing will be provided.

- 5.15 Housing type and density
The proposed development includes 167 houses (out of a total of 205) which incorporate 3 or more bedrooms. In addition, all dwellings include private garden areas. It is therefore considered that the development would meet the requirements of policies CS11 and GV1 of the CSUCP in providing a majority of family housing and would make an important contribution to the aim of a minimum of 16,000 new homes having 3 or more bedrooms. In addition, the type of housing would vary between detached and semi-detached suitable for a wide range of groups in accordance with saved policy H5 of the UDP.
- 5.16 The density of the development would equate to approximately 40 houses per hectare. This would comply with the 30-50 dwellings per hectare target within saved policy H12 of the UDP. In this case it is considered that the density of the development would assimilate well with the adjoining neighbourhoods. Further, the requirement of policy H12 must be considered in context with the approximate housing numbers set out in policy GV1 of the CSUCP.
- 5.17 House size
Policy CS11 of the CSUCP requires that new residential development provides adequate space inside and outside of the home to meet the needs of residents. It is considered that all houses would have generous garden sizes in order to provide satisfactory outdoor private amenity space. Further, it is considered that the house types would provide acceptable levels of internal space.
- 5.18 The development would provide acceptable levels of internal and external space in accordance with policy CS11.
- 5.19 TREES AND HEDGEROWS
The majority of trees and hedges are located within or immediately outside of the site boundary, with some trees and hedgerows forming field boundaries within the site. The site consists of three and a half fields which are used for grazing and they are separated by existing hedgerows and young to mature trees. The northern field boundary comprises both unmanaged and managed hedges with a mixture of young to large mature trees. The central field boundaries comprise predominately unmanaged hedges with a mixture of young to large mature trees. The southern fields comprise the entire eastern field and approximately half of the western field. The field boundaries, with the exception of the western boundary, comprise unmanaged hedges with young to large mature trees.
- 5.20 An arboricultural assessment was submitted with the application. The assessment indicates that a total of 14 individual trees, a single group of trees and three significant lengths of hedgerow would need to be removed to accommodate the proposed development. Large portions of the retained hedgerows are proposed to be located within rear garden space.
- 5.21 Whilst the amount of direct hedgerow loss and the likely reduction in the value of hedgerow to be retained fails to comply with Policy GV1(9), it is considered by officers that the constraints of the site, particularly with regards to

topography, that reasonable effort has been made to limit the potential loss of both hedgerows and trees.

5.22 Therefore, it is considered that the proposed tree and hedgerow loss would inevitably lead to both a local visual impact and a wider landscape impact. However, it is acknowledged that compensatory tree planting will be undertaken across the site that will provide new tree cover that is better integrated into the new layout.

5.23 It is considered that the application allows for the potential creation of replacement/translocation hedge planting, gapping up and long-term maintenance which can be secured through the use of planning conditions (Conditions 12 and 13). Further planning conditions are also required to ensure the final details of design, implementation and maintenance of an updated landscaping plan (Conditions 12 and 13). Conditions are also required to secure the hedgerow and tree protection measures for the duration of construction works (Condition 5).

5.24 Given the above, it is considered that the application would be in accordance with policy CS18 of the CSUCP and saved policy ENV44 of the UDP.

5.25 IMPACT ON THE LANDSCAPE

In recognition of the site's landscape value, an initial landscape assessment was carried out to support the allocation of the site for residential development. This assessment considered that the development of the site for housing would not have an unacceptable impact on the surrounding landscape.

5.26 In terms of the layout of the development, there would be numerous opportunities for additional planting, particularly along the western boundary, within the large area of open space and within the proposed SuDS area to the southern part of the site. The areas of green space, the retention of hedgerow and creation of a western landscape buffer would significantly reduce the impact of the development in the landscape.

5.27 Given the above, it is considered that the proposed development would be laid out so as to assimilate well into its landscape, particularly due to the large areas of open space and SuDS and the orientation of the development.

5.28 OPEN SPACE AND LANDSCAPING WITHIN THE SITE

In regard to open space and landscaping within the site as discussed above, large areas of open space and landscaping along with SuDS features would be created in the northern, central and southern parts of the site. This would have a number of benefits including providing attractive green space for residents and being suitable for recreation. In addition, there are a number of other green spaces provided within the site. Whilst these smaller areas would have limited recreational value given their size, they would still provide attractive landscaped areas.

5.29 Therefore, given the compliance with saved policies H13 and CFR20 of the UDP, it is considered that an acceptable provision of open space would be made on site in terms of its quantity, quality and location.

5.30 DRAINAGE AND FLOOD RISK

A flood risk and drainage assessment has been submitted with the application. In accordance with policy CS17 of the CSUCP, the assessment has covered all sources of flooding and has had regard to the Council's Strategic Flood Risk Assessment (SFRA).

5.31 The development has had regard to the sequential approach by discharging surface runoff into the unnamed watercourse south of Runnymede Gardens at a lower rate than pre-development for all significant rainfall events. The layout also accommodates the modified overland flows reflecting Policy GV6:11/13 of the Core Strategy.

5.32 The submitted flood risk and drainage assessments have had regard to both the application site and the requirements of Policy GV1.

5.33 Flood Risk

The flood risk assessment has assessed risk from all sources of flooding (fluvial/tidal, groundwater, sewer, overland flow and artificial sources) and concludes that the flood risk is low.

5.34 It is considered that the proposal has been designed to ensure that the proposed development would not be at risk of flooding specifically in regard to overland flow.

5.35 Drainage

A sustainable drainage system has been incorporated in the development primarily in the form of a detention basin.

5.36 Policy GV1:6 of the Core Strategy requires 'A flood risk assessment to demonstrate there is no risk of ground water flooding to property, and to demonstrate there is no increase in flood risk downstream should surface water be discharged into the nearest watercourse and consider the potential for additional SuDS storage to manage flood risk at Blackhall Mill'. The drainage strategy has regard to Policy GV1:6 it will improve the flood management of the surrounding area by intercepting the overland flows and reducing existing flow rates and reducing the surface water flood risk at Blackhall Mill.

5.37 Based on the above, it is considered that subject to conditions (Conditions 6 - 9) and based upon the submitted flood risk assessment and drainage proposals, the drainage scheme proposed is acceptable.

5.38 It is considered that the application has appropriate regard to the requirements of NPPF and Policies GV1, CS4 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5.39 IMPACT ON BIODIVERSITY

The application site is located approximately 400 metres east of Milkwellburn Wood Local Wildlife Site (LWS), 500 metres north of the River Derwent LWS and 250 metres west of Tongue Burn Wood LWS. Chopwell Wood LWS lies approximately 450 metres west of the application site. The application site

comprises four former agricultural fields bound by young to mature native hedgerows incorporating hedgerow trees. Similar habitat occurs immediately west and south of the proposed development with residential housing located immediately to the east and north.

- 5.40 The planning application is supported by an up to date ecological survey, assessment and mitigation report comprising the following elements:
- Ecological Impact Assessment;
 - Botanical Survey;
 - Bat Survey;
 - Breeding Bird Survey; and
- 5.41 Habitats on site include predominately unmanaged semi-improved neutral grassland, marshy grassland, dense scrub/hedgerow incorporating hedgerow trees, short horse grazed semi-improved grassland and bare ground. Individually the relatively species rich hedgerows incorporating mature hedgerow trees and the area of more botanically diverse marshy grassland are considered to present the most distinctive and ecologically valuable habitats on site and are of district value. Collectively the site is assessed as being of parish value and provides opportunities for a broad range of statutorily protected and priority species.
- 5.42 The survey work undertaken by the applicant has confirmed that the site supports the following species: bats, breeding and non-breeding birds. Habitats within and immediately adjacent to the site are also considered to provide potential opportunities for amphibians, brown hare and hedgehog.
- 5.43 The applicant has sought to avoid adverse impacts on biodiversity and provide on-site mitigation and compensation where impacts are unavoidable. Owing to the predicted significant residual loss of biodiversity resulting from the development despite the implementation of avoidance, mitigation and onsite compensation measures; the submitted Ecological Impact Assessment acknowledges the requirement for a proportionate programme of offsite ecological compensatory measures to be delivered through a developer contribution (S106).
- 5.44 It is considered that the amount of direct hedgerow loss and the likely reduction in the value and function of hedgerow to be retained/created on site creates partial conflict with Policy GV1. However, Officers are satisfied that given the constraints of the site, particularly with regards to topography, that reasonable effort has been made to follow the principles of the mitigation hierarchy set out within para. 175 of the NPPF in designing the layout of the development.
- 5.45 As such, it is considered that subject to the submission of a final/updated ecological and compensatory strategy and a developer contribution to allow for the delivery offsite compensatory measures (within reasonable proximity of the proposed development site) the proposed development can be achieved within acceptable ecological limits consistent with national and local planning policy.

- 5.46 It is recommended that a Construction Ecological Management Plan (Conditions 10 and 11), an Ecological and Landscape Design Strategy (Conditions 12 and 13), Landscape and Ecological Management Plan (Conditions 14 and 15) and a Lighting Design Strategy (Conditions 16 and 17) are secured by way of planning conditions and the offsite ecological compensation is secured by way of planning obligation to ensure that the proposed development can be delivered within acceptable ecological limits, and in accordance with both national and local planning policies.
- 5.47 As a result, the application is considered to comply with the principles of the NPPF and the following local planning policies GV1, CS4, CS18, DC1(d), ENV44, ENV46, ENV47 and ENV49.
- 5.48 DESIGN AND LAYOUT
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...'*
- 5.49 Further, Paragraph 130 states that:
"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."
- 5.50 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.
- 5.51 The design of the proposed development has evolved following submission of the application, including the use of improved surface materials, improved landscaped areas, streetcapex with greener, softer finishes, the utilisation of corner turner units in key locations and an appropriate materials palette. The proposed layout is considered to have responded well to the existing land levels on site and as such delivers an appropriate design solution.
- 5.52 On the basis of the above, the design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area. The proposed development provides a positive response to the site constraints and an appropriate design solution.
- 5.53 Details of the external appearance/materials have been provided as part of the application and are considered to be suitable, these materials should be conditioned (Condition 18).

- 5.54 With regard to landscaping, hard landscaping has been submitted as part of the application and is considered acceptable; it is considered necessary to condition that the application be undertaken in accordance with the submitted information (Condition 19).
- 5.55 Furthermore, the boundary treatment details submitted in support of the application are considered to be acceptable. It is considered necessary to condition the boundary treatment be provided in accordance with the details provided (Condition 20).
- 5.56 It is considered that the proposed development has successfully demonstrated that it has achieved an appropriate standard design. Subject to the recommended conditions the application 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.
- 5.57 **TRANSPORT AND HIGHWAYS**
The principal of development on this site was established in the authorities Core Strategy adopted in March 2015 where, approximately 305 new homes were allocated to Chopwell with approximately 216 on the application site.
- 5.58 **Layout**
The site is on a relatively steep hillside on the south western edge of Chopwell village and due to gradient issues, the site has been split into two parts the northern section incorporating 72 dwellings and accessed via the existing residential street Moorland View and the southern side with 133 dwellings accessed via Valley Dene. Both of these access roads link onto Mill Road which connects with the A694 the main route to Gateshead and Newcastle. The layout has been dictated by a large degree by gradients and attempts by the developer to limit highway gradients.
- 5.59 The layout has been designed with suitably located traffic calming, which can be secured via planning condition(s). The new development is proposed to be part of a 20mph zone which will incorporate the existing residential estate and proposed development. In order to achieve this some traffic calming works are required on Moorland View. The developer will incorporate this within a package of wider off-site highway works.
- 5.60 The proposed surface materials on the site have been amended through the application process, most notably the application now proposes the use of consolidated surfaces for driveways.
- 5.61 **Parking**
In terms of parking the developer has confirmed that connection points will be provided for EV charging for each dwelling, this can be conditioned (Condition 21). The number of visitor car parking spaces equates to a ratio of 1 per 4 dwellings. It is proposed for there to be 21 in the northern section for 72 dwellings and 36 in the southern section for 133 dwellings; the parking levels are considered to be acceptable.

- 5.62 Not all properties have garages as they are provided on request, the applicant proposes that those properties which are not provided with a garage would have a weatherproof secure cycle store, this can be conditioned (Condition 22).
- 5.63 **Accessibility**
A footpath link to Whinney Leas at the north of the site has been provided to link the site into the adjacent footpath network. Similarly, a footpath link to Runnymede Gardens at the southern edge of the site has also been provided. There are footways provided alongside both access points to Valley Dene and Moorland View for pedestrian and cycle access to Mill Road on the eastern edge of the site. Broadly speaking, the application would therefore benefit from good links to existing facilities including schools, health care facilities and post offices.
- 5.64 Due to the steep gradients on the site particularly between the two sections north and south the footpath link has several steps and as such is not suitable for wheelchair users, cyclists, people with prams and mobility difficulty; this does create issues in regard to accessibility to bus stops.
- 5.65 The recommended maximum walking distance to a bus stop is 400 metres and for those able to use the stepped link within the development this means almost 90% of the new site is within this distance of existing bus stops, however this figure reduces to 50% of the site for those users unable to use steps. As referenced above, the layout has largely been dictated by land levels and in order to facilitate appropriate highway gradients the 'splitting' of the site is unavoidable. Further, given land levels on site, the creation of an accessible route linking the two portions of the site is not achievable without the loss of a significant number of units. On this basis, it is considered that the level of accessibility is, on balance, acceptable.
- 5.66 **Access to the Highway Network**
As mentioned previously it is considered necessary for the northern access to the site at Moorland View to become part of the overall proposed 20mph zone. Concerns were raised by Ward Councillors and residents in that the traffic generated by the 72 new dwellings in the northern portion of the development would be required to access Mill Road along Moorland View which heavily parked up. To mitigate this the developer has proposed to widen the road and provide parking laybys for residents along this section.
- 5.67 Another safety concern of Ward Councillors and officers is the sightline for vehicles exiting the Moorland View/Mill Road junction. Although the sightline is adequate in terms of highway standards the verge areas to the north and south of the junction have been hard paved and vehicles park on them obstructing the sightline in both directions. Measures in the form of physical parking restrictions and parking areas are proposed to mitigate this concern.
- 5.68 While a scheme for physical parking restrictions has been submitted it is considered the form of these restrictions i.e. bollards isn't appropriate. Further, it is considered that the location of the pedestrian dropped kerb could potential cause a highway conflict. On this basis, the final detail of the physical parking

restrictions and the location of an alternative crossing point should be secured by planning condition.

- 5.69 In regard to the provision of a crossing point, there is a point approximately 20 metres northwest of the proposed dropped kerb that provides a pedestrian desire line to amenities within the wider Chopwell centre including the local school, subject to detailed design a pedestrian refuge could be incorporated along with dropped kerbs and tactile paving. It is considered that the creation of this crossing would ensure a crossing point directly on the junction is no longer required.
- 5.70 At the Valley Dene southern access, the issue is not as bad as there is no parking on the verges although several vehicles have been observed parking too close to the junction. A short length of waiting restrictions will be required to provide adequate visibility.
- 5.71 The applicant has submitted information detailing all of the proposed highway works referenced above, the final details and implementation of these works can be secured via planning conditions (Condition 23 and 24).
- 5.72 Transport Assessment
As part of the application the developer has submitted a Transport Assessment (TA) and a Travel Plan (TP).
- 5.73 The TA estimates how initially traffic from this site along with all the traffic from the other core strategy sites will impact on the network both now and in the future (2028). As well as modelling the junctions outside the site it looks at the effect further downstream at key junctions on the A694 the main classified principal road in the area for access to Gateshead and Newcastle.
- 5.74 The TA has provided modelling analysis of a number of key junctions in order to identify any capacity and/or safety issues in order to identify any required mitigation. The results of the analysis have been reviewed by highways officers. The modelling and survey work indicate no works are required at any junctions other than the two signalised junctions at Noel Avenue and Thornley Lane on the A694. As the junctions are already signalised the only form of mitigation available is to upgrade the traffic signal controllers to a new form of reactive controller that detects queue lengths and reacts accordingly, the cost of delivering these controllers can be secured via a S106 legal agreement.
- 5.75 In addition to the above, concerns were raised by Durham County Council regarding the lack of survey work undertaken at the Mill Road/A694 junction (within Durham). Further information has been provided and it is considered that the development would not impact significantly on the County Durham road network.
- 5.76 Travel Plan
A TP has been submitted in support of the application, the contents of TP and sustainability measures including the provision of a welcome pack, the distribution of Nexus Pop Cards and the development of cycling activities. The

submission of a final TP can be secured by planning condition (Condition 25 and 26).

- 5.77 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 policies CS13 and GV1 of the Council's CSUCP.
- 5.78 RESIDENTIAL AMENITY
The relevant considerations are the impact on residential amenity in terms of existing nearby properties and also for future residents of the proposed development.
- 5.79 Impact on existing nearby properties
There are a number of existing residential properties that would be potentially affected by the development. These are properties located on Whinney Leas, Pear Tree Terrace, Moorland View, Valley Dene and Runnymede Gardens.
- 5.80 Whilst it acknowledged that the outlook from all the properties which abut the application site would change, officers have considered the impact on these properties carefully together with the separation distances between the proposed development and existing housing.
- 5.81 In regard to the properties on Whinney Leas, it is considered that the separation distances from the rear and side elevations of the existing properties (Dorville and Silverdale) to the rear elevations of the proposed dwellings (a minimum of 21.5 metres) would be acceptable. While proposed property 201 would be located within 14 metres of the rear elevation of Silverdale it is considered the oblique relationship and the proposed separation distance would ensure no acceptable overlooking would occur. Further, the separation distances afforded between the rear elevation existing properties (Kendale and Lyncroft) to the gable of the proposed dwelling to the south would be acceptable. On the basis of the above, it is considered that the physical development would not result in an unacceptable visual impact or loss of privacy to existing properties on Whinney Leas.
- 5.82 In regard to existing properties on Pear Tree Terrace, it is considered that the separation distances afforded between the proposed development and existing housing (rear to gable (minimum of 28 metres)) is sufficient to prevent any unacceptable visual impact or loss of privacy.
- 5.83 In regard to existing properties on Moorland View, officers have considered the separation distanced afforded between the proposed development and existing housing (minimum of 23 metres window to window and 15 metres gable to window) and the staggered relationship between the properties; it is considered the proposal would not have any unacceptable visual impact or loss of privacy.
- 5.84 In regard to existing properties on Valley Dene, officers have considered the separation distances afforded between these properties and the proposed development (15 metres rear to gable) and the offset relationship between the

properties; it is considered that the proposed development would not have any unacceptable impact or loss of privacy.

5.85 In regard to existing properties on Runnymede Gardens, officer have considered the separation distanced afforded between these properties and the proposed development (36 metres window to window) and the retention of existing planting; it is considered that the proposed development would not have any unacceptable impact or loss of privacy.

5.86 It is acknowledged that the application proposes the garden spaces associated with proposed dwelling be located up to the boundaries with existing properties in a number of circumstances. It is considered this arrangement is not unusual within residential areas and in itself would result in a significant impact on amenity.

5.87 Given the above, it is acknowledged that the development would alter the outlook of existing properties as it would introduce housing on land which has been open and undeveloped. However, it is considered that the layout of the development is such that it would not lead to an unacceptable visual impact or an unacceptable reduction in privacy to existing properties.

5.88 It is also acknowledged that the construction of the development would have a potential impact on nearby properties in terms of noise, disturbance and dust. Whilst these impacts cannot be avoided, it is considered that through the imposition of a planning condition for final construction control measures these impacts can be minimised to ensure no unacceptable impact on residential amenity (Conditions 27 and 28).

5.89 It is therefore considered that the application would be in accordance with policy CS14 of the CSUCP and saved policy DC2 of the UDP.

5.90 Living conditions for future residents
It is considered that the proposed layout of the development is adequate to ensure that the interface distances between proposed dwellings would ensure no unacceptable impact would occur.

5.91 On this basis, it is considered that living conditions for future residents would be acceptable and the proposal would not conflict with policy CS14 of the CSUCP and saved policies ENV61 and DC2 of the UDP.

5.92 ARCHAEOLOGY

The application has been supported by an appropriate level of archaeological assessment. Some archaeological remains have been found; these remains are not significant enough to require preservation *in situ*, however further archaeological work will be required (Conditions 32 - 35). The application would therefore not conflict with policy CS15 of the CSUCP and saved policies ENV21 and ENV22 of the UDP.

5.93 GROUND CONDITIONS AND COAL MINING

The findings of an intrusive site investigation, including boreholes and trial pits have been submitted with the application. The submitted report concludes that

there are no major soil contamination issues on the site and that no gas protection measures are required, officers agree with these recommendations.

- 5.94 It is considered necessary to impose conditions requiring the production of an amended risk assessment and a remediation strategy if any previously unidentified contamination is found (Condition 29).
- 5.95 It is therefore considered that the proposed development would not cause unacceptable risk in terms of ground contamination to existing and future residents. The application would not conflict with policy CS14 of the CSUCP and saved policies ENV54 and DC1 of the UDP.
- 5.96 The Coal Authority have also been consulted on the application and have no objection to the proposal subject to the imposition of planning conditions (Conditions 30 to 31).
- 5.97 Subject to the above conditions, it is considered that the application would not conflict with policy CS14 of the CSUCP and saved policies ENV54 and DC1 of the UDP.
- 5.98 **CHILDREN'S PLAY**
The plans submitted with the application identify locations for informal play provision suitable for all age groups (toddler to teen) in the central and northern parts of the site. It is considered that these locations are suitable given that they would be well overlooked with dwellings fronting on to them. The areas would also be accessible from all areas of the development.
- 5.99 Given the above, the proposed development would be in accordance with policies CS14 and GV1 of the CSUCP and saved policies H15, CFR28, CFR29 and CFR30 of the UDP.
- 5.100 **EDUCATION CONTRIBUTIONS**
Policy GV1 of the CSUCP requires that development contributes to local primary school provision. Policy DEL1 requires new development to be made acceptable through the provision of necessary infrastructure. This would usually be delivered through CIL. Education requirements appear on the Council's CIL Regulation 123 list, as such the works can only be funded through CIL and not a S106 legal agreement.
- 5.101 The proposed development would be in accordance with policies GV1 and DEL1 of the CSUCP.
- 5.102 **SITE SPECIFIC POLICY**
Policy GV1 allocates land at Chopwell for approximately 305 homes to take place in accordance with an "approved masterplan and phasing plan". The Policy also sets out 9 criteria against which proposals for development within the allocation are to be assessed. The compliance with these requirements is assessed within the main body of the report and is summarised below;

1) Delivery of approximately 216 homes at South Chopwell.

The application seeks approval for 205 homes. The application complies with this requirement.

2) Mitigation of cumulative traffic impacts of the proposed development on the transport network, including access to sustainable modes of transport.

The application proposed a number of offsite highway works and improvements to a number of junctions. Further, the application would create links to existing pedestrian and vehicular highways. While there are some concerns in regard to access to bus stops it is considered that the sustainable credentials of the site are acceptable. The application complies with this requirement.

3) A contribution to local primary school provision.

A contribution to local primary school provision would only be secured via CIL; the LPA cannot seek contributions on education via S106 agreement, the application therefore complies with this requirement.

4) Mitigation and enhancement of biodiversity and green infrastructure, including improved links to the surrounding countryside.

The proposed layout incorporates areas of green space within the central and northern parts of the site as well as a SuDS area to the south of the site. Further, links have been created to the north and south of the site improving links to the surrounding countryside. Officers are of the view that the development would therefore comply with this requirement.

5) Open space, sport and recreational facilities, where necessary.

The proposed development provides for an acceptable and appropriate level of informal recreational facilities, there is no identified need for any sports facilities on site. The application complies with this requirement.

6) Demonstration that there is no risk of ground water flooding, increased flood risk downstream and consideration to additional SuDS capacity to manage flood risk as Blackhall Mill.

The submitted FRA has demonstrated that the development would comply with the above requirements.

7) Measures to ensure existing greenfield runoff rates are maintained.

The submitted FRA has demonstrated that the development would comply with the above requirements.

8) Protection and enhancement of the existing hedgerow network to encourage biodiversity and to assist with landscape impact and enhancement of the existing south west boundary of the site.

It is considered that the amount of direct hedgerow loss and the likely reduction in the value and function would take place within acceptable ecological limits consistent with national and local planning policy. Further, the proposed development would be laid out so as to assimilate well to its landscape, particularly due to the large areas of open space and SuDS and the orientation of the development

9) Evidence that there is adequate foul and surface water infrastructure capacity before connecting to the existing public sewerage system.

NWL has raised no objection to the proposed development through the submission of appropriate information the applicant has demonstrated the proposal would comply with the above requirement.

5.103 FINANCIAL CONSIDERATIONS

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the application site is within Residential Zone C and the levy is £0 per sqm for market housing.

5.104 Aside from the above, the developer estimates that the development would 'sustain or create' 312 full time jobs during the anticipated construction phase. The total gross construction investment value is approximately £17.7 million and the New Homes Bonus payment is around £1.04 million. Furthermore, additional council tax receipts of approximately £305,934 (following completion) would be generated.

5.105 OTHER MATTERS

It is considered that all the other issues raised from the representations have been covered elsewhere in the report.

6.0 CONCLUSION

6.1 The site is allocated in the CSUCP for residential development and therefore the principle of the development is clearly acceptable. It is considered that the proposed development is acceptable in terms of national and local planning policy, including site specific policy.

6.2 Further, it is considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the CSUCP. The development would also have economic benefits from construction jobs and employment including targeted local employment. Further benefits would be the reduction in surface water flood risk from the site as a result of SuDS.

6.3 Given the above, it is recommended that planning permission be granted subject to planning conditions and Section 106 Agreement.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT:

- 1) The agreement shall include the following obligations:
 - Upgrading of traffic signals Noel Avenue and Thornley Lane junctions on the A694; and
 - Offsite ecological mitigation
- 2) That the Strategic Director of Corporate Services and Governance be authorised to conclude the agreement.
- 3) That the Service Director of Development, Transport and Public Protection be authorised to add, delete, vary and amend the planning conditions as necessary.
- 4) And that the conditions shall include;

1

Unless otherwise required by planning condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below -

- Location Plan – Dwg No. GH83:L:02
- Single Garage drawing – Dwg No. SD700 Rev C
- Double Garage drawing – Dwg No. SD701 Rev D
- Terraced Single Garage drawing – Dwg No. SD703 Rev D
- 1800mm Timber Fence drawing – Dwg No. SD100 Rev F
- Post and Wire Fence drawing – Dwg No. SD103 Rev C
- Planning Layout – Dwg No. GH83:L:01 Rev L
- Boundary Treatment Plan – Dwg No. GH83:L:04 Rev I
- Materials Plan – Dwg No. GH83:L:09 Rev G
- Overall Landscaping plan – Dwg No. GH83:L:03 Rev J
- Landscaping plan – sheet 1 – Dwg No. GH83:L:10 Rev F
- Landscaping plan – sheet 2 – Dwg No. GH83:L:11 Rev C
- Landscaping plan – sheet 3 – Dwg No. GH83:L:12 Rev G
- Phasing Plan – Dwg No. GH83:L:13 Rev D
- Tarmac Drive detail – Dwg No. PD910
- Cycle Shed detail – Dwg No. SD705
- Tarmac Drive Detail – Dwg No. PD910
- Detention Basin Planting Plan – Dwg No. 2998/2
- 201 housetype – Dwg No. 201/1G
- 202 housetype – Dwg No. 202/1F
- 212 housetype – Dwg No. 212/1-
- 301 housetype – Dwg No. 301/1H
- 303 housetype – Dwg No. 303/1E
- 309 housetype – Dwg No. 309/1E
- 304 housetype – Dwg No. 304/1E
- 307 housetype – Dwg No. 307/1B
- 310 housetype – Dwg No. 310/1D
- 311 housetype – Dwg No. 311/1B
- 313 housetype – Dwg No. 313/1-
- 314 housetype – Dwg No. 314/1-
- 401 housetype – Dwg No. 401/1G

- 403 housetype – Dwg No. 403/1J
- 405 housetype – Dwg No. 405/1E
- 201 rural housetype elevation – Dwg No. 13/201-8 Rev E
- 202 rural housetype elevation – Dwg No. 13/202-9 Rev F
- 212 rural housetype elevation – Dwg No. 13/212-9 Rev A
- 301 rural housetype elevation – Dwg No.13/ 301-8 Rev E
- 303 rural housetype elevation – Dwg No. 13/303-9 Rev F
- 309 rural housetype elevation – Dwg No. 13/309-10 Rev D
- 304 rural housetype elevation – Dwg No. 13/304-10 Rev G
- 307 rural housetype elevation – Dwg No. 13/307-10 Rev F
- 310 rural housetype elevation – Dwg No. 13/310-10 Rev D
- 311 rural housetype elevation – Dwg No. 13/3 -11-8 Rev C
- 313/314 rural housetype elevation – Dwg No. 13/313/314-9 Rev B
- 401 rural housetype elevation – Dwg No. 13/401-9 Rev D
- 403 rural housetype elevation – Dwg No. 13/403-9 Rev C
- 405 rural housetype elevation – Dwg No. 13/405-9 Rev F
- Brick choice sheet – Forterra Ashwell Yellow Multi
- Brick choice sheet – Forterra Fulwood Multi
- Brick choice sheet – Forterra Lindum Cottage Red Multi
- Arboriculture Impact Assessment – Ref: BioC19-004 V1.1 – 03/09 2019
- Bat Assessment Report – Ref: BioC19-004 V1.1 – 19/08/19
- Breeding Bird Survey Report – Ref: BioC19-004 V1.1 – 19/08/19
- Badger Report – Ref: BioC19-004 V1.1 – 19/08/19
- Ecological Impact Assessment (ECIA) – Ref: BioC19-004 V2.0 – 22/08/19
- Ecology Submission August 2019 Cover letter V1.0
- Phase 2 Ground Investigation Report – Ref: C7112 – November 2016
- Ground Gas Monitoring Addendum Letter – Ref: C712/6550/APC/APC – 3rd January 2017
- Archaeology Desk-Based Assessment – Ref: AD287 – April 2018
- Hydrogeological Risk Assessment – Ref: C7112/7180/DCB/DCB – 28th Nov 2018
- Drainage Strategy – Ref: RO/FRA/17000.200 V2 - June 2018
- FRA – Ref. RO/FRA/17000.100 V2 - April 2018
- Transport Assessment – Ref: AH/18015/TA/3 – Rev 3 – June 2019
- Travel Plan – Ref: AH/18015/TP/4 – Rev 4 – August 2019
- Archaeological Geophysical Survey report – Ref: AD330 – August 2019
- WSI & trenching plan approved version 27.08.19
- SUDS Maintenance Plan – Ref: 17000/RO/SuDS – Issue 3 – April 2019
- SUDS Risk Assessment – Ref: RO/SRA/17000.100 July 2019 Version 1

- Surface Water CMP – Ref: 17200/RO/SWCMP.1 July 2019
Version 1
- Overall Engineering Layout – Dwg No. D001 Rev M
- Engineering Layout Sheet 1 – Dwg No. D002 Rev M
- Engineering Layout Sheet 2 – Dwg No. D003 Rev M
- Engineering Layout Sheet 3 – Dwg No. D004 Rev M
- Proposed Levels Sheet 1 – Dwg No. D100 Rev D
- Proposed Levels Sheet 2 – Dwg No. D101 Rev D
- Proposed Levels Sheet 3 – Dwg No. D102 Rev D
- Proposed Drainage Sheet 1 – Dwg No. D200 Rev D
- Proposed Drainage Sheet 2 – Dwg No. D201 Rev D
- Proposed Drainage Sheet 3 – Dwg No. D202 Rev D
- Basin Sections and Details – Dwg No. D203 Rev E
- Basin Planting Plan – Dwg No. D204 Rev –
- Proposed Manhole Schedules – Dwg No. D210 Rev G
- Impermeable Areas Plans – Dwg No. D211 Rev C
- Proposed First Off Manholes Schedules – Dwg No. D212 Rev B
- Proposed Longsections Sheet 1 – Dwg No. D300 Rev H
- Proposed Longsections Sheet 2 – Dwg No. D301 Rev H
- Proposed Longsections Sheet 3 – Dwg No. D302 Rev G
- Proposed Longsections Sheet 4 – Dwg No. D303 Rev G
- Proposed Longsections Sheet 5 – Dwg No. D304 Rev F
- Road Setting Out Sheet 1 – Dwg No. D400 Rev -
- Road Setting Out Sheet 2 – Dwg No. D401 Rev -
- Road Setting Out Sheet 3 – Dwg No. D402 Rev -
- Plot Setting Out Sheet 1 – Dwg No. D403 Rev -
- Plot Setting Out Sheet 2 – Dwg No. D404 Rev -
- Plot Setting Out Sheet 3 – Dwg No. D405 Rev -
- Kerbs and Surfacing – Dwg No. D500 Rev C
- Cut & Fill – Dwg No. D600 Rev F
- Cut & Fill Ground Water – Dwg No. D601 Rev -
- Drainage Details – Dwg No. D701 Rev C
- SUDS Maintenance Plan – Dwg No. D803 Rev D
- Flood Route Plan – Dwg No. D804 Rev E
- Off-Site Engineering Plan – Dwg No. D902 Rev 3
- Findrain drawing – Dwg No. ABGF18 – 01/09/16
- Findrain Type 6 Installation Guide
- Hydrobrake Characteristics – Dwg No.
SHE-0231-3040-1500-3040 – 18/12/2018
- Hydrobrake Design Drawing – Dwg No.
SHE-0231-3040-1500-3040 – 18/12/2018
- Plot 5 – Dwg No. SK016 Rev 4
- 1/2/30/100yr calcs – 05/08/19
- 100yr+ calcs – 05/08/19
- Drainage Calculations – MDX file – 05/08/19
- RWO response 270619 LLFA comments – 190719
- RWO response to LLFA commen – Ref: 17/12/18 V1

- Valley Dene/Mill Rd Mitigation Measures – Dwg No. 18015/P/004 Rev F
- Moorland View/Mill Rd Mitigation Measures – Dwg No. 18015/P/003 Rev L
- Off-Site Highway Mitigation Measures – Dwg No. 18015/P/008 Rev E

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 development shall commence on site (except for the installation of tree protection measures, site investigations and remediation works) until an infrastructure delivery plan and a development phasing plan which include details of what elements of the development are included in each phase and the order of the phases has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of good design and to ensure a comprehensive, phased and co-ordinated approach to the site development to accord with the aims and objectives of the NPPF, saved policy ENV3 of the Council's Unitary Development Plan and Policies CS4, CS15 and GV4 of the Council's 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 development and associated infrastructure provision is carried out in a comprehensive and co-ordinated manner. This information is fundamental to the development and requires approval prior to development starting on the site.

4

The development shall be carried out in accordance with the infrastructure phasing and development phasing plans approved under condition 3, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of good design and to ensure a comprehensive, phased and co-ordinated approach to the site development to accord with the aims and objectives of the NPPF, saved policy ENV3 of the Council's Unitary Development Plan and Policies CS4, CS15 and GV4 of the Council's Core Strategy and Urban Core Plan.

5

All retained trees and hedges that are to be retained on each phase of the development shall be protected in accordance with the approved Arboricultural Impact Assessment (Arboriculture Impact Assessment - Ref: BioC19-004 V1.1 - 03/09 2019) prior to the commencement of development for that phase.

Thereafter, the tree protection shall be retained intact for the full duration of the construction works on that phase of the development 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, 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.

6

Notwithstanding the approved plans and documents, prior to the commencement of any works pertaining to the proposed drainage basin a detailed design for the drainage basin shall be submitted to and subsequently approved in writing by the LPA. The detailed design shall include: amended inlet/outlet features; a safety bench; landscape treatment to screen and secure inlet and outlets; a SuDS Health and Safety Assessment (HSA (with incorporation of any safety features identified by a thorough health and safety assessment)), detailed consideration of maintenance access, and a detailed specification for planting and seeding within the basin shall be provided.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and GV4 of the Core Strategy and Urban Core Plan.

7

The drainage basin shall be implemented in accordance with the detailed design approved under Condition 6 and in accordance with the

timescales set out within the infrastructure delivery plan and a development phasing plan approved under Condition 3.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and GV4 of the Core Strategy and Urban Core Plan.

8

Notwithstanding the approved plans and documents, prior to the first occupation of any dwellinghouse hereby approved a drainage management and maintenance document shall be submitted to and subsequently approved in writing by the LPA. The development a drainage management and maintenance document and method of delivery shall specify maintenance requirements for the drainage basin, inlets, outlets, flow controls, and any other non-adopted drainage features.

Reason

To ensure to correct functioning of the drainage system for the lifetime of the development and to prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, saved policies DC1 (h) and (j) of the Unitary Development Plan and policies CS14, CS17 and GV4 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

The approved drainage scheme shall be managed and maintained in accordance with the drainage management and maintenance document approved at condition 8.

Reason

To prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, saved policies DC1 (h) and (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.

10

No development shall take place (including any groundworks or site clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 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.

11

The development shall be undertaken in full accordance with the CEMP (Biodiversity) approved under condition 10.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

12

No development shall take place until an ecological and landscape design strategy (ELDS) addressing mitigation, compensation, enhancement and restoration has been submitted to and approved in writing by the local planning authority.

The ELDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.

- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) An updated fully detailed landscaping scheme.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long-term maintenance.
- j) Details for monitoring and remedial measures.
- k) Details for disposal of any wastes arising from works.

The ELDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 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.

13

The development shall be undertaken and maintained in full accordance with the ELDS approved under condition 12.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

14

A landscape and ecological management plan (LEMP) for all landscaping features and landscaping shall be submitted to, and be approved in writing by, the local planning authority prior to the first occupation of any dwellinghouse hereby approved.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

15

All retained landscape features shall be managed in full accordance with the LEMP approved under condition 14.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

16

No external lighting shall be provided on each phase of the development until an external lighting strategy for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity, including bats
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can clearly be demonstrated that areas to be lit will not prevent bats and other wildlife using their territory or having access to their resting places and
- c) identify those areas of highway (including footpaths) which are intended to be adopted.

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, policies DC1(d) and ENV46 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

17

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy at condition 16.

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, policies DC1(d) and ENV46 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

18

The development hereby approved shall be completed in full accordance with the approved materials plan (Materials Plan - Dwg No. GH83:L:09 Rev G).

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.

19

All hard landscaping shall be completed in full accordance with the following approved plans;

- Materials Plan - Dwg No. GH83:L:09 Rev G
- Tarmac Drive detail - Dwg No. PD910

The hard landscaping shall be provided in accordance with the timescales set out within the infrastructure delivery plan and a development phasing plan approved under Condition 3 and retained 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.

20

All boundary treatments on the site shall be installed in accordance with the following approved plans;

- Boundary Treatment Plan – Dwg No. GH83:L:04 Rev I
- 1800mm Timber Fence drawing – Dwg No. SD100 Rev F
- Post and Wire Fence drawing – Dwg No. SD103 Rev C

The boundary treatments shall be provided in accordance with the timescales set out within the infrastructure delivery plan and a development phasing plan approved under Condition 3 and retained in accordance with the approved details thereafter.

Reason

To ensure the satisfactory appearance of the development upon completion 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.

21

An electrical spur to be used for electric vehicle charging points shall be provided for each individual dwellinghouse prior to the first occupation of each individual dwellinghouse.

Reason

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

22

Each dwellinghouse hereby approved shall be provided with secure and weatherproof cycle storage in either of the following two forms;

- A secure and lockable garage; or
- A secure and lockable cycle shed as shown on approved plan Cycle Shed detail - Dwg No. SD705.

The cycle storage shall be provided for each individual dwellinghouse prior to first occupation, the cycle storage shall be retained as installed.

Reason

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

23

Prior to the occupation of any dwellinghouse hereby permitted final details of the offsite highway mitigation measures at Valley Dene/Mill Road and Moorland View/Mill Road based on the following plans shall be submitted to and subsequently approved in writing by the Local Planning Authority;

- Valley Dene/Mill Rd Mitigation Measures - Dwg No. 18015/P/004 Rev F
- Moorland View/Mill Rd Mitigation Measures - Dwg No. 18015/P/003 Rev L
- Off-Site Highway Mitigation Measures - Dwg No. 18015/P/008 Rev E

Reason

In the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

24

The offsite highway works shall be provided in accordance with the details approved under Condition 23 within the timescales set out within the infrastructure delivery plan and a development phasing plan approved under Condition 3 and retained in accordance with the approved details thereafter.

Reason

In the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

25

No dwelling hereby approved shall be occupied until a final Travel Plan based upon the recommendations of approved Travel Plan (AH/18015/TP/4 – Rev 4 – August 2019) has been submitted to and approved in writing by the Local Planning Authority.

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.

26

The Travel Plan approved under condition 25 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.

27

No development shall commence on each phase of the development (except for the installation of tree protection measures) until a Construction Management Plan (CMP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include:

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

All external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be

carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, 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.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the construction phases of the development can be carried out in a manner which minimises nuisance to surrounding residents and businesses. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of construction works and the manner in which they are undertaken could affect adjacent occupiers.

28

Each phase of the development shall be implemented in accordance with Construction Management Plan (CMP) measures approved for that phase of the development at condition 27.

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.

29

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.

30

No development shall commence on each phase of the development (except for the installation of tree protection measures and site investigation) until a detailed scheme of remediation works for shallow coal mining workings in that phase including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development is not at risk from unstable land in accordance with the NPPF, policies DC1(p) of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

Reason for Pre-commencement Condition

This pre-commencement condition is required due to the presence of shallow mine workings below the site and to satisfy the Local Planning Authority that the development can be carried out in a safe and stable manner. This information is fundamental to the development and requires approval prior to development starting on the site as it may not be possible to carry out the investigations and remediation works once development has started.

31

The scheme of coal mining remediation works on each phase of the development shall be carried out in accordance with the details approved for that phase under condition 30 including the approved timetable of implementation.

Reason

To ensure that the development is not at risk from unstable land in accordance with the NPPF, policies DC1(p) of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

32

No development shall commence (except for the installation of tree protection measures and site investigation) until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

The investigation is required to ensure that any archaeological remains on the site can be recorded, in accordance with the NPPF, Core Strategy Policies CS15 and saved Unitary Development Plan Policies ENV21 and ENV22.

Reason for Pre-commencement Condition

This pre-commencement condition is required due to the presence of archaeological remains below the site and to satisfy the Local Planning Authority that the development can be carried out without disturbing or damaging the remains. This information is fundamental to the development and requires approval prior to development starting on the site as it may not be possible to carry out the investigations, remediation and recording works once development has started.

33

The development shall be carried out in accordance with the programme of archaeological fieldwork approved under condition 32.

Reason

The investigation is required to ensure that any archaeological remains on the site can be recorded, in accordance with the NPPF, Core Strategy Policies CS15 and saved Unitary Development Plan Policies ENV21 and ENV22.

33

No dwellinghouse hereby permitted shall be occupied until the final report of the results of the archaeological excavation undertaken on site has been submitted to and approved in writing by the Local Planning Authority.

Reason

The investigation is required to ensure that any archaeological remains on the site can be recorded, in accordance with the NPPF, Core Strategy Policy CS15 and saved Unitary Development Plan Policies ENV21 and ENV22.

34

No more than 100 dwellinghouses hereby permitted shall be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason

The site is of archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with the NPPF, Core Strategy Policy CS15 and saved Unitary Development Plan Policies ENV21 and ENV22.

This page is intentionally left blank

Committee Report

Application No:	DC/19/00279/OUT
Case Officer	David Morton
Date Application Valid	12 May 2019
Applicant	DAMF (NE) LTD
Site:	Land at Highfield Road Rowlands Gill
Ward:	Chopwell And Rowlands Gill
Proposal:	Proposed erection of thirteen dwellings.
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Outline Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site is located to the north of Wellfield Road, Rowlands Gill. The application site was formally occupied by Highfield School and is now vacant. Highfield Road itself bounds the site to the west, Smailes Lane is to the north and to the east there are the gardens of the neighbouring properties.

1.2 The site is uneven, a clear slope can be seen to be directed from the north east corner down to the south east of the site; this is slope is also reflected in the surrounding streets.

1.3 The site is located within an established residential area with the majority of the surrounding streets being characterised by private residential dwellings.

1.4 DESCRIPTION OF APPLICATION

This application has been submitted in outline form as the developer is seeking agreement "in principle" to the erection of 13 dwellings.

1.5 Whilst indicative 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. The combined vehicular and pedestrian access into the site is shown to be taken from Highfield Road to the north of the application site.

1.6 The applicant has also submitted indicative plans for the layout of the site as well as elevations and plans for the proposed dwellings. The indicative plans show the majority of properties organised around a single access road which features a turning facility at its head; the two most westerly properties are accessed via a private drive.

- 1.7 The indicative layout shows a mix of three (5no.) and four (8no.) bedroomed properties. All of the properties have two storeys.
- 1.8 The following documents have been submitted by the applicant in support of the application:
- Design and Access Statement;
 - Phase I Ecology Assessment;
 - Preliminary Risk Assessment; and
 - Arboricultural Impact Assessment & Method Statement.
- 1.9 **RELEVANT PLANNING HISTORY**
The relevant planning history associated with the application site is summarised as follows;
- DC/04/00622/GBO; Outline planning permission granted for 'Development of 1.08 ha of land for residential purposes.' Date; 16 July 2004.
 - DC/07/00958/REM; Planning permission granted for 'Erection of 33 semi-detached and town houses and 56 flats in a 4 storey block with associated car parking and landscaping (amended 12/10/07, 7/11/07, 21/11/07 and 5/12/07).' Date; 20 December 2007.

2.0 Consultation Responses:

Tyne and Wear Archaeology Officer	No objection.
Northumbria Police	No objection.
Northumbrian Water	No objection, subject to condition.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 A total of four letter of objection have been received and are summarised as follows:
- The proposal would impact on residential amenity;
 - The proposed development would impact on existing retaining structure;
 - The proposed development would impact on biodiversity;
 - The location of the houses would result in a loss of view;
 - The proposal would impact on property values; and
 - The development should not move existing boundary treatments.
- 3.3 A total of three letters of support have been received and are summarised as follows:
- The proposal represents an improvement compared to previous schemes.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H3 Sites for New Housing

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

H3 Sites for New Housing

H5 Housing Choice

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

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

5.2 PRINCIPLE

The entirety of the application site is allocated for housing under saved UDP Policy H3; the application site forms part of a wider housing allocation which includes land to the north.

5.3 Policy H3 suggests a capacity of 34 units for the housing allocation within the supporting text. The application area is smaller than that of the policy H3 housing allocation as it fails to include land to the north of the application site. The application proposes a relatively low density of 15.4 dwellings per hectare.

5.4 Therefore, subject to satisfying other material considerations, the principle of erecting 13 housing on the site is considered to be acceptable.

5.5 Housing Mix

Policy CS11 of the CSUCP sets out the mix of housing and aims to promote lifetime neighbourhoods with a good range and choice of accommodation. Additionally, saved Policy H5 of the UDP requires developments to offer a range of housing in terms of sizes and types for different groups. It is considered that the indicative proposed mix provides a good range and choice of accommodation in accordance with policy CS11 of the CSUCP and saved UDP policy H5.

5.6 Family Homes

Core Strategy and Urban Core Plan (CSUCP) policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The indicative layout comprises entirely of family homes, with a mix of three and four bedroomed properties. Therefore, the indicative layout complies with policy CS11(1).

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 that the indicative layout and house types meet this requirement providing adequate space both internally and externally.

5.8 VISUAL AMENITY

Saved policy ENV3 of the UDP requires that new development should make a positive contribution to the established character and identity of its locality; policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.

5.9 It is considered that the indicative layout plan submitted in support of the application demonstrates an appropriate design. Further, the indicative scale and appearance of the proposed dwellinghouses is considered appropriate when considered alongside dwelling immediately adjacent to the application site.

5.10 It should be noted that details of appearance, landscaping, layout and scale will be required at the reserved matters stage where further consideration can be given to design and the impact the development will have on visual amenity but generally the proposed layout reinforces the character of the wider area and with complementary landscaping is considered to be acceptable.

5.11 The proposal at outline stage would comply with the aims and requirements of the Gateshead Placemaking SPD, saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.

5.12 RESIDENTIAL AMENITY

Given the separation distances afforded between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.

5.13 The indicative internal layout is considered to be acceptable and would allow future residents to experience acceptable living conditions.

5.14 Officers consider that the 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 3 and 4).

5.15 Officers are therefore of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore 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.

5.16 HIGHWAY SAFETY AND PARKING

It is considered that the location of the indicated site access is appropriate. This said, the final design (including visibility splays) will need to be considered further at reserved matters stage; officers consider the creation of an appropriate site access is achievable.

5.17 In terms of parking for the site the requirement will be one space per dwelling and one per three dwellings for visitor parking (max) , the indicative layout would indicate that such a provision is achievable at reserved matters stage.

5.18 It is considered that details of weatherproof cycle storage and facilities for electric charging for each property should be secured via planning condition (Conditions 5 to 8).

5.19 Subject to conditions, the proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.

5.20 TREES

An Arboricultural Impact Assessment (AIA) and an Arboricultural Method Statement (AMS) have been submitted as part of this planning application. The trees to be retained 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. It is considered subject to works being undertaken with the submitted AIA and AMS and subject to the submission of a final tree protection scheme the proposed development would not have any unacceptable impact on any retained trees, this can be secured via planning conditions (Conditions 9 and 10).

5.21 Subject to this condition, 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.

5.22 ECOLOGY

The application has been supported by an updated Preliminary Ecology Appraisal. Sufficient information is available to determine the likely impacts of the development on biodiversity, including priority habitats and species. Further, it is possible to for an appropriate/proportionate scheme of on and offsite mitigation and compensation measures to be provided by way of planning conditions and obligations (S106).

5.23 It is considered that conditions pertaining to the production of a biodiversity method statement (Conditions 11 and 12) should be attached. It is considered that the proposed landscaping scheme submitted at reserved matters stage should have appropriate regard to wildlife both in its design and implementation.

5.24 Further to the above conditions, it is considered necessary for an appropriate/proportionate scheme of offsite ecological compensatory measures to be provided. These works would comprise the creation of circa

0.35ha of species rich early successional brownfield habitat and the restoration/enhancement of circa 0.08ha of early successional brownfield habitat/species poor semi-improved grassland on land to the south east of Derwenthaugh Road, Swalwell. These works would be provided through a commuted sum secured via a S106 agreement.

5.25 Subject to the above, it is considered that the proposed development can be undertaken within acceptable ecological limits and in accordance with national and local planning policies. The proposal would comply with the aims and requirements of saved policies DC1(d) and ENV46 of the UDP, policy CS18 of the CSUCP and the NPPF.

5.26 GROUND CONDITIONS

The site has been assessed as being potentially contaminated. A preliminary risk assessment has been submitted with the application it is considered following on from this that a Phase II site investigation is required to investigate potential contamination issues at the site. It is recommended that conditions be imposed requiring details of further site investigations, phase II risk assessment and remediation measures where required, to be submitted to the LPA for consideration, and implementation of the approved remediation (Conditions 13 to 18).

5.27 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.

5.28 FLOOD RISK

To prevent the increased risk of flooding from the development, conditions are recommended requiring final details of the proposed drainage scheme for the site (Conditions 19 to 20).

5.29 The proposal would comply with the aims and requirements of policy CS17 of the CSUCP.

5.30 OPEN SPACE

The neighbourhood area to which the application site belongs is identified as having an adequate level of open space according to the standard set by policy CFR20. This would mean that the development would not result in a deficiency, so there is no requirement to provide any open space as part of this development proposal. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

5.31 PLAY SPACE

With regards to the Play Space contribution, the legislation has very recently changed to mean that the pooling restriction has now been lifted and therefore, in theory, we could seek either on or off site play provision. As this application is in outline, as per the approach taken with the open space assessment, it is considered that at reserved matters stage, it would be possible for the layout to incorporate play features to satisfy this policy requirement.

5.32 It is considered that the development accords with saved UDP policies CFR28, CFR29 and CFR30.

5.33 **COMMUNITY INFRASTRUCTURE LEVY**

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

5.34 **OTHER MATTERS**

The impact of the proposal on existing retaining structures, the loss of existing views and the impact on property values are not material planning considerations. As such, these matters have not been afforded any weight in the assessment of the application.

5.35 All other matters have been addressed within the main body of the report.

6.0 CONCLUSION

6.1 The proposal would result in the redevelopment of previously developed land that would contribute to the Borough's housing stock.

6.2 Taking all the relevant issues into account, it is considered that the proposal for outline permission with all matters reserved is acceptable in principle and in terms of visual and residential amenity, highway safety and parking, ecology, flood risk, ground conditions, trees, and open space/play provision, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

7.0 Recommendation:

GRANT SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT:

1) The agreement shall include the following obligations:

- Offsite ecological mitigation

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

3) That the Service Director of Development, Transport and Public Protection be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include;

1

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 development shall commence (except for the installation of tree protection measures) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include:

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

All external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, 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 of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the construction phases of the development can be carried out in a manner which minimises nuisance to surrounding residents and businesses. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of construction works and the manner in which they are undertaken could affect adjacent occupiers.

4

The development shall be implemented in accordance with Construction Management Plan (CMP) measures approved at condition 3.

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.

5

Prior to the first occupation of any dwelling hereby approved final details of cycle storage for each house including details of the locking mechanism and 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.

6

The cycle storage provision approved at condition 5 shall be provided for each house prior to each house being occupied.

Reason

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

7

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

Reason

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

8

The electric vehicle charging units/points approved at condition 7 shall be provided for each house prior to each house being occupied.

Reason

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

9

Notwithstanding the submitted information, no development shall commence until a scheme for the protection of the retained trees (as identified by Plan 0009027/P1) has been submitted to and approved in

writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees 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.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the development can be carried out in a manner that protects existing trees that are to be retained. This information is fundamental to the development and requires approval prior to development starting on the site.

10

The tree protective fencing approved at condition 9 must be installed prior to the commencement of development and thereafter retained intact for the full duration of the construction works (unless an alternative is agreed in writing by the LPA) 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, 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.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the development can be carried out in a manner that protects existing trees that are to be retained. This information is fundamental to the development and requires approval prior to development starting on the site.

11

Notwithstanding the information submitted, 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 Biodiversity Method Statement shall include details of the following:

- Measures to be undertaken to avoid/minimise the residual risk of harm to breeding birds and hedgehog during the site clearance and construction phases of the development: timing of works; checking surveys of suitable habitats/features immediately prior to the commencement of works on site and the progressive removal of vegetation to encourage the natural dispersal of species away from working areas.

- The provision of integral and tree mounted bat and bird boxes, including: number, type (specification) and precise location.
- Persons responsible for implementing the works/ecological mitigation measures.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 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.

12

The development shall be undertaken and maintained in full accordance with the Biodiversity Method Statement approved under condition 11.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

13

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.

14

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 13 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.

15

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.

16

The details of remediation measures approved under condition 15 shall be implemented in full prior to the commencement of the development hereby permitted and maintained for the life of the development.

Reason

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

17

Following completion of the remediation measures approved under condition 16 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.

18

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. 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.

19

No development 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 policies CS17 and GV4 of the Core Strategy and Urban Core Plan.

Reason for Pre-commencement Condition

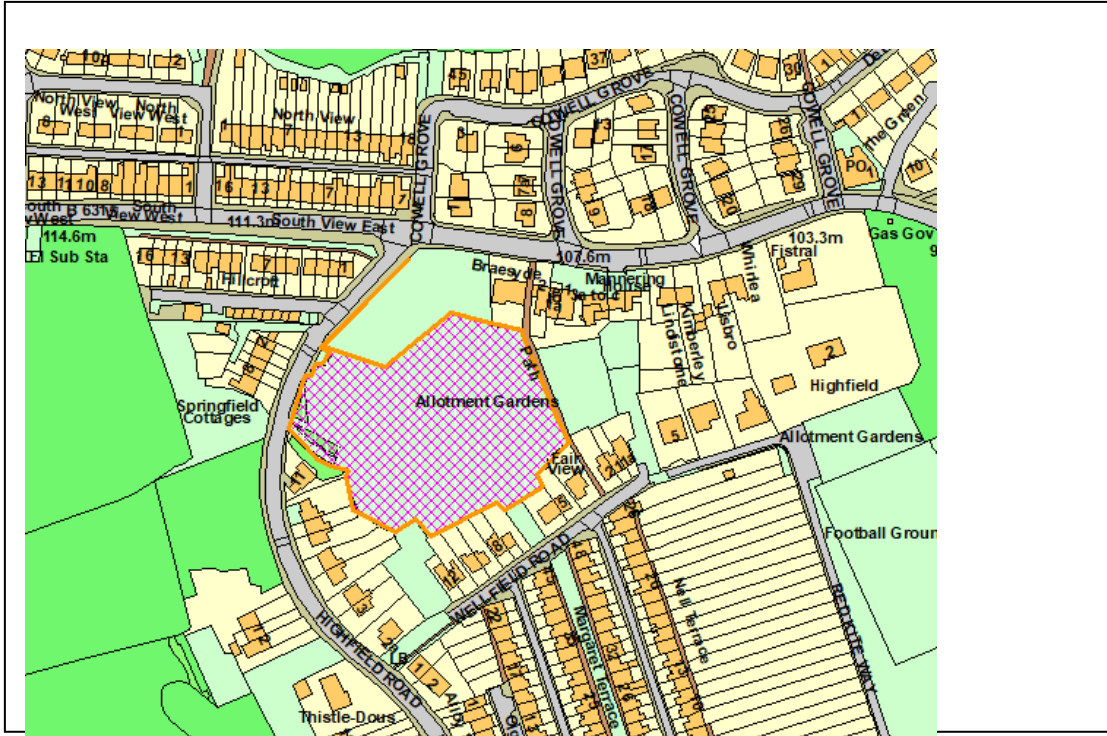
This pre commencement condition is required to satisfy the Local Planning Authority that the development and associated drainage provision is carried out in a comprehensive and co ordinated manner. This information is fundamental to the development and requires approval prior to development starting on the site to prevent the increased risk of flooding.

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 policies CS17 and GV4 of the Core Strategy and Urban Core Plan.



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

REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 16 OCTOBER 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/19/00420/COU	Conversion of detached garage to dwelling including erection of extension at front.	1 Well Lane, Gateshead,	Refused;	Low Fell
DC/19/00563/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	Bus Shelter 0501-0026, Jackson Street,	Temporary permission granted;	Bridges
DC/19/00564/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	Bus Shelter 0501-0049 , Durham Road,	Temporary permission granted;	Low Fell

DC/19/00565/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	Bus Shelter 0501-0077 , Durham Road,	Temporary permission granted;	Low Fell
DC/19/00566/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	Bus Shelter 0501-0096 , Jackson Street,	Temporary permission granted;	Bridges
DC/19/00567/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	Bus Shelter 0501-0097 , Jackson Street,	Temporary permission granted;	Bridges
DC/19/00568/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	Bus Shelter 0501-0098 , Jackson Street,	Temporary permission granted;	Bridges

DC/19/00569/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	Bus Shelter 0501-0108, Durham Road,	Temporary permission granted;	Birtley
DC/19/00572/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	0501-0123 , Durham Road,	Temporary permission granted;	Birtley
DC/19/00576/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	0501-0272, High Street,	Temporary permission granted;	Bridges
DC/19/00577/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	0501-0286 , High Street,	Temporary permission granted;	Bridges

DC/19/00578/ADV	Upgrade of existing double sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter.	0501-0287 , High Street,	Temporary permission granted;	Bridges
DC/19/00700/HHA	Proposed two storey side and rear extension (amended plans and description 13.09.2019 and 25.09.2019)	Holly House , Fellside Road,	Granted;	Whickham South And Sunnside
DC/19/00735/HHA	Formation of first floor rear bay window and outbuilding in rear garden.	West View , 364 Durham Road,	Granted;	Saltwell
DC/19/00748/HHA	Proposed demolition of existing garage and proposed erection of two-storey side extension (description amended 28.08.19)	19 Knoll Rise, Gateshead,	Granted;	Dunston Hill And Whickham East
DC/19/00750/COU	Change of use of land between 15 and 17 Glendale Avenue from grassed area to private garden and erection of fence (amended 16.08.2019)	15 Glendale Avenue, Whickham,	Refused;	Whickham North
DC/19/00757/HHA	Two storey side and single storey rear and side extension.	Newell House , 4 Sunnside Road,	Granted;	Whickham South And Sunnside

DC/19/00761/HHA	Decking erected to the front and rear of property (amended plan 18.09.2019).	17 Cowen Gardens, Allerdene,	Granted;	Lamesley
DC/19/00763/CPL	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE/DEVELOPMENT: Erection of single storey rear extension (amended plans 19.08.2019 and 21.08.2019)	9 Dunstanburgh Court, Wardley,	Refused;	Wardley And Leam Lane
DC/19/00769/ADV	Replacement of existing noticeboard with freestanding post-mounted noticeboard containing two lockable poster cabinets	St Patricks Church, Lintzford Lane,	Temporary permission granted;	Chopwell And Rowlands Gill
DC/19/00768/HHA	Proposed two storey rear extension and loft conversion including rear dormer window (amended plans received 05.09.19)	1 Manor Terrace, Winlaton,	Granted;	Winlaton And High Spen
DC/19/00770/FUL	Erection of a sub-station (Amended Plan 05.09.2019).	Palintest House , Kingsway North,	Granted;	Lobley Hill And Bensham
DC/19/00771/COU	Change of use from Sui Generis to Class Use B1	Saltwell Business Park , 9 Anderson Green,	Granted;	Low Fell
DC/19/00780/HHA	Proposed two storey side extension	42 Linton Road, Gateshead,	Granted;	Chowdene

DC/19/00783/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from front door of domestic property.	12 Chilcote, Felling Central,	Granted;	Felling
DC/19/00788/HHA	Proposed rear extension to first floor.	17 Strothers Terrace, Rowlands Gill,	Granted;	Winlaton And High Spen
DC/19/00790/TPO	Tree works at Bankside Derwent Avenue Rowlands Gill	Bankside , Derwent Avenue,	Granted;	Chopwell And Rowlands Gill
DC/19/00791/HHA	Proposed single storey side/rear extension to existing garage, proposed single storey side extension to main house and partial demolition of front boundary wall to allow addition of a driveway.	22 Killowen Street, Low Fell,	Refused;	Low Fell
DC/19/00793/HHA	Proposed access ramp to front of property	22 Moray Close, Vigo,	Granted;	Birtley
DC/19/00799/FUL	Proposed second floor extension to form new rehearsal space over existing auditorium.	1 Saltwell View, (The Little Theatre),	Granted;	Saltwell
DC/19/00810/TPO	Felling of 1 Ash tree on land to rear of 26 Cedars Green.	Land To Rear Of, 26 Cedars Green,	Granted;	Chowdene
DC/19/00805/HHA	Proposed single storey rear extension to garage	The Farm House, 4 South Wardley Farm,	Refused;	Wardley And Leam Lane

DC/19/00806/HHA	Proposed single storey rear extension	8 Arundel Gardens, Low Fell,	Granted;	Low Fell
DC/19/00815/COU	Change of use from vehicle repairs to gym (use class D2 leisure) to provide personal fitness training.	Unit 19, Dunston Enterprise Centre,	Granted;	Dunston And Teams
DC/19/00843/HHA	Proposed 2 storey side extension	Danescroft, Market Lane,	Granted;	Whickham North
DC/19/00822/HHA	Proposed two storey side extension	14 Clockburnsyde Close, Fellside Park,	Granted;	Whickham South And Sunnyside
DC/19/00823/TPO	Tree works at 4 Bates Houses Blaydion	4 Bates Houses, Blaydon,	Granted;	Blaydon
DC/19/00828/FUL	Installation of new shopfront	T G Laskey Racing Ltd, 1 Brookfield Terrace,	Granted;	Pelaw And Heworth
DC/19/00829/ADV	Display of 3 internally illuminated fascia signs reading "GREGGS", 1 internally illuminated projecting sign reading "GREGGS" and 3 internal non illuminated posters.	T G Laskey Racing Ltd, 1 Brookfield Terrace,	Temporary permission granted;	Pelaw And Heworth
DC/19/00837/HHA	Erection of a single storey extension to the rear.	3 Hill Top, Birtley,	Granted;	Birtley

DC/19/00846/HHA	Proposed single storey rear extension	49 Sunnyside Road, Sunnyside,	Granted;	Whickham South And Sunnyside
DC/19/00839/TDPA	Installation of 1no 15m high lattice tower supporting 2 no antennas, 1 no cabinet to be installed at ground level, all within a secure compound, and ancillary development thereto	Northern Gas Compound, Thornley Lane,	Granted;	Winlaton And High Spen
DC/19/00840/TPO	Tree works at 19 Axwell Park Road	Danetree, 19 Axwell Park Road,	Granted;	Blaydon
DC/19/00847/HHA	Demolition of existing rear conservatory and erection of single storey rear extension	61 Dominies Close, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/19/00856/HHA	Proposed front porch, rear flat roof dormer and raising of main roof with the insertion of new windows and rooflights	28 Buttermere, Felling,	Refused;	Pelaw And Heworth
DC/19/00858/HHA	Proposed single storey extension to the rear to accommodate succah (Revised application)	40 Whitehall Road, Gateshead,	Granted;	Bridges
DC/19/00867/HHA	Proposed single storey side and rear extension	92 Dryden Road, Gateshead,	Granted;	Low Fell
DC/19/00869/COU	Change of use from shop (use class A1) to professional aesthetic services (sui generis)	433 Durham Road, Gateshead,	Granted;	Low Fell

DC/19/00871/DEM	Demolition of greenhouses	Former Groundworks NE And Cumbria , Whickham Highway,	Granted;	Dunston Hill And Whickham East
DC/19/00872/HHA	Single storey rear extension	9 Dunstanburgh Court, Wardley,	Granted;	Wardley And Leam Lane
DC/19/00877/HHA	Proposed single storey rear extension (amended plans 23.08.2019)	16 Wellfield Court, Crawcrook,	Granted;	Crawcrook And Greenside
DC/19/00894/HHA	Proposed single storey rear extension	29 Chilside Road, Felling,	Granted;	Felling
DC/19/00899/HHA	Proposed ramped access to rear of property	5 Kays Cottages, Carr Hill,	Granted;	Windy Nook And Whitehills
DC/19/00906/HHA	Proposed porch to the front of the property.	25 Warrenmor, Leam Lane Estate,	Granted;	Pelaw And Heworth
DC/19/00907/HHA	Proposed modular metal mesh access ramp at rear with new paving (Retrospective)	80 Woodburn, Whitehills,	Granted;	Windy Nook And Whitehills
DC/19/00925/DEM	Demolition of pre-fabricated office building	Beggars Wood Golf Course And Driving Range , Coach Road,	Granted;	Lobley Hill And Bensham

DC/19/00932/CPL

CERTIFICATE OF PROPOSED
LAWFUL USE OR
DEVELOPMENT: Loft conversion
and the construction of a flat roof
dormer to the rear (north) roof slope

2 Dodsworth North, Greenside,

Granted;

Crawcrook
And Greenside

TITLE OF REPORT: Enforcement Team Activity

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

Purpose of the Report

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

Background

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

Recommendations

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

Within the date range commencing 12.09.19 and ending 03.10.19, the enforcement team has received **110** new service requests:

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	29	13	21	1
HIGHWAYS	20	6	17	0
WASTE	61	40	64	62
TOTALS	110	59	102	63

COURT HEARINGS

The Enforcement Team attended **6** Court Hearings, **2** of which was finalised, resulting in **£780** fines and **£852** costs



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
16th October 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	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. Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016 29 th Sep 2018	<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> <p>The trial date has been arranged for the 24th September 2019</p>
4.	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rowlands 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.
5.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter or leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays. A site visit was undertaken on the 20 th June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.
6.	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.

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
								<p>The appeal has been decided and the notice upheld. Further details are provided on the appeals report.</p> <p>Council Officers are in discussions with the home owner to ensure compliance as the end of the compliance period has now lapsed.</p>
7.	Blaydon and District Club and Institute, Garden Street	Blaydon	Untidy Land	03 rd September 2018	03 rd September 2018	5 th October 2018	30 th November 2018	<p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished</p> <p>Given the potential bat roost, Natural England will not issue a licence for the roost to be destroyed until after the hibernation period which is November to March.</p> <p>Planning application intended to be taken to the 15th May Committee, once a decision made, the Enforcement Officer is to pursue demolition following consent from Natural England.</p> <p>Natural England has requested an up to date bat survey prior to issuing a licence.</p>
8.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05 th September 2018	05 th September 2018	5 th October 2018	30 th November 2018	<p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and a hoarding erected.</p> <p>The owner has been in contact and will submit a scope of works with timescales to make this building safe and in part to be brought back into use, rather than demolish property.</p> <p>Following a site visit on the 19th November, a scope of works should be submitted by the developer no later than the 30th November. Quotes however are being sought for the demolition of the property in preparation that the information is not forthcoming.</p> <p>Scaffolding has been erected and works are commencing to bring the building back into use. The windows have been inserted in the rear part of the building and works have commenced on the roof.</p> <p>Officers are visiting the site on the 21.03.19 to confirm that the proposed roof tiles are appropriate, once this is agreed works will re commence, it is anticipated that the works to the roof will take approximately 6-8 weeks.</p> <p>Roof tiles have now been agreed, works to the roof are to recommence imminently.</p>
9.	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>

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
								<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>
10.	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.</p> <p>A further site visit has been undertaken and works to fully remove the structure has still not taken place, a prosecution file is now being compiled due to non compliance with the notice.</p> <p>Following a further site visit, additional works have been undertaken to comply with the notice, however Officers have spoken to the owner advising what additional works are still needed to fully comply with the notice.</p>
11.	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> <p>A discharge of condition application has been submitted in relation to condition 23 for the Council to assess.</p>
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 October 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
13.	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.
14.	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.
15.	40 Whitemere Gardens, Gateshead NE10 0BE	Wardley and Leam Lane	Untidy Land	11 th September 2019	11 th September 2019	16 th October 2019	27 th November 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 vehicles and building materials be removed from the land, the garden and weeds cut back, and the fence and gate reinstated.
16.	114 Coatsworth Road Bensham Gateshead Tyne And Wear NE8 1QQ	Saltwell	Untidy Land	16 th August 2019	16 th August 2019	17 th September 2019	4 th February 2020	Complaints have been received regarding the condition of the property within the Coatsworth Road Conservation Area. A Notice has been re -issued pursuant to section 215 of the Town and Country Planning Act requiring the building be demolished and necessary support provided to the adjacent buildings to ensure they are wind and watertight. Following demolition, the land needs to be levelled, graded and compacted to match the contours of the surrounding land.

This page is intentionally left blank



TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

2. There has been **one** new appeal lodged since the last committee:

DC/18/00290/HHA - 59A Derwent Water Drive, Blaydon On Tyne NE21 4FJ
Creating a driveway for vehicular access, off road parking.
This was a delegated decision refused on 19 June 2018.

Appeal Decisions

3. There has been **one** new appeal decision received since the last Committee:

DC/19/00145/HHA - 1 Comma Court, Gateshead, NE11 9UF
Two storey side extension and new 1.8m tall boundary wall to front of property
This application was a delegated decision refused on 3 May 2019
Appeal dismissed 16 September 2019

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

Appeal Costs

4. There have been **no** appeal cost decisions.

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 10 September 2019

by **E Symmons BSc (Hons), MSc**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/H4505/D/19/3229130

1 Comma Court, Festival Park, Gateshead, Tyne and Wear NE11 9UF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Charlotte Dixon against the decision of Gateshead Council.
 - The application Ref DC/19/00145/HHA, dated 18 February 2019, was refused by notice dated 3 May 2019.
 - The development proposed is a two storey side extension, internal reconfigurations and new brickwork/timber boundary treatments.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposals upon:
 - the character and appearance of the area, and
 - the living conditions of occupiers of adjacent properties with respect to access to light and outlook.

Reasons

Character and appearance

3. The two storey semi-detached property appeal property sits a within relatively modern estate. There are various different house styles and designs both within the area and Comma Court. In common with the general character of the estate the front garden is open plan.
4. The Household Alterations and Extensions Supplementary Planning Document (SPD) recommends that side extensions should not exceed 50% of the width of the original house and are subordinate to the host building to retain the original character of the dwelling and semi-detached pair. Subordination can be achieved by setting the proposed front elevation back at first floor level by one metre. This proposal would substantially increase the width of the host property by more than 50% and would not be set back on its front elevation. This would unbalance the pair of properties and result in loss of the original design concept.
5. The appellant has drawn my attention to 5 Comma Court which has an extension of a similar scale to that proposed. I also acknowledge the variety of other house styles within the vicinity. I am not aware of the planning history of

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

No 5 and am unable to make a direct comparison. I have assessed the proposal on its own merits and find that similar development in the locality does not provide justification for harmful development. Due to the design, resultant mass and lack of subordination to the host property the two storey side extension would harm the character and appearance of the area.

6. The proposal includes construction of a front wall which, other than a three metre gap to allow access to the drive, would span the width of the garden. This would consist of 1.8m high brick pillars with one metre high brick infill panels topped with timber boarding between these pillars. Guidance within the SPD states that front boundary treatments should relate to the character of the area. Due to the predominantly open plan nature of the front gardens within the estate and Comma Court, the wall enclosure would appear incongruous. It would form an oppressive feature adjacent to the highway which would harm the character and appearance of the area.
7. The proposed extension and front wall would conflict with Policy CS15 of the Core Strategy and Urban Core Plan 2010-2030¹ (Core Strategy) and Saved Policy ENV3 of the Unitary Development Plan (UDP). These policies, together and amongst other matters, seek that development makes a positive contribution to local distinctiveness and character.

Living conditions

8. The gable wall of the proposed extension would sit directly opposite the rear elevations of 19 and 21 Festival Park Drive. It would sit at the bottom of these property's rear gardens along the shared boundary. This would result in a two-storey blank gable wall which would be between 10.5 metres and 11 metres from the rear wall of these properties. The SPD recommends that gable walls should be at least 13 metres from habitable rooms of neighbouring properties to retain privacy. Although privacy would not be affected due to the lack of proposed windows on the gable wall, the proximity of the proposal would have an overbearing effect upon their rear gardens and habitable rooms. Additionally, as the host property sits to the west and south west of these properties, a two-storey extension would shade the rear gardens and potentially the rear habitable rooms.
9. The proposal would harm the living conditions of occupiers at neighbouring properties with respect to both outlook and light which would conflict with policies CS14 of the Core Strategy and DC2 of the UDP. These policies, together and amongst other matters, seek that development does not have an adverse impact upon neighbouring properties.

Conclusion

10. For the reasons detailed above, the appeal is dismissed.

E Symmons

INSPECTOR

¹ Planning for the Future. Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne. 2010-2030. Adopted March 2015.

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/18/00290/HHA	59A Derwent Water Drive Blaydon On Tyne NE21 4FJ	Creating a driveway for vehicular access, off road parking.	Written	Appeal in Progress
DC/18/00807/FUL	Team Valley Retail World Gateshead	Erection of food and drink unit (Use Class A3/A5) (additional information received 20/08/18).	Written	Appeal in Progress
DC/19/00145/HHA	1 Comma Court Gateshead	Two storey side extension and new 1.8m tall boundary wall to front of property	Written	Appeal Dismissed
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

This page is intentionally left blank



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 **two** new payments received in respect of planning obligations:

DC/18/00704/FUL – The total sum of £85,912.00 paid to off-set biodiversity effects (£61,400), towards upgrading of Tanfield Railway Path (£3,600) and for lighting of Tanfield Railway Path (£20,000).

Land West Of Pennyfine Road, Sunnyside, Newcastle Upon Tyne NE16 5EP
Construction of 89 residential dwellings, including access to Pennyfine Road and associated infrastructure and landscaping (amended 18/07/18, 28/08/18, 04/09/18, 25/09/18 and 24/10/18 and additional information received 31/07/18, 04/09/18, 14/09/18, 08/10/18, 19/10/18 and 23/10/18).

DC/18/00508/FUL - The sum of £18,100.00 towards cost of restoration and enhancement of a minimum of 0.5 hectares of species rich semi-improved grassland and the maintenance of the offsite measures for a period of no less than 20 years.

MH Southern And Co Ltd, Green Lane Sawmills, Felling, NE10 0JS
Extension of sawmill yard including demolition of existing buildings and erection of new buildings (as amended 09.11.2018 and 15.11.2018).

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 16 October 2019.

Recommendations

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

Contact: Emma Lucas Ext: 3747

APPENDIX 1

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

This page is intentionally left blank