

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 6 November 2019 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 16 October 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 - Former Bling Bling Car Wash, Durham Road, Birtley (Pages 9 - 34) Report of the Strategic Director, Communities and Environment
4ii	No 2 - Unit 6, Cameron Retail Park, Metro Centre (Pages 35 - 48) Report of the Strategic Director, Communities and Environment
4iii	No 3 - 21 Mill Road, Gateshead (Pages 49 - 80) Report of the Strategic Director, Communities and Environment
4iv	No 4 - 18 The Cedars, Whickham (Pages 81 - 88) Report of the Strategic Director, Communities and Environment
4v	No 5 - 42 Follingsby Drive, Felling, Gateshead (Pages 89 - 92) Report of the Strategic Director, Communities and Environment
5	Delegated Decisions (Pages 93 - 102) Report of the Strategic Director, Communities and Environment
6	Enforcement Team Activity (Pages 103 - 104) Report of the Strategic Director, Communities and Environment

- 7 **Enforcement Action** (Pages 105 - 112)
Report of the Strategic Director, Communities and Environment
- 8 **Enforcement Appeals** (Pages 113 - 116)
Report of the Strategic Director, Communities and Environment
- 9 **Planning Appeals** (Pages 117 - 120)
Report of the Strategic Director, Communities and Environment
- 10 **Planning Obligations** (Pages 121 - 122)
Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
6 November 2019

TITLE OF REPORT: Planning applications for consideration

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

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/19/00705/FUL	Former Bling Bling Car Wash Durham Road	Birtley
2. DC/19/00773/FUL	Unit 6 Cameron Retail Park	Whickham North
3. DC/19/00785/FUL	21 Mill Road Gateshead	Bridges
4. DC/19/00961/HHA	18 The Cedars Whickham	Whickham South And Sunnyside
5. DC/19/01010/HHA	42 Follingsby Drive Felling	Wardley And Leam Lane

DEVELOPMENT PLAN

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

LOCAL PLAN

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

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

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

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

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

UPDATES

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

SPEAKING AT COMMITTEE

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

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

SITE PLANS

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

PUBLICITY/CONSULTATIONS

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

SITE VISITS

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

A1 Shops	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	C1 Hotels	Hotels, boarding and guest houses
A2 Financial and Professional Services	Banks, building societies, estate and employment agencies, professional and financial services.	C2 Residential Institutions	Residential schools and colleges convalescent homes/nursing homes
A3 Restaurants and Cafes	Restaurants, snack bars, cafes.	C2A Secure Residential Institutions	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
A4 Drinking Establishments	Public Houses and Wine bars etc	C3 Dwellinghouses	Dwellings, small businesses 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.

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Committee Report

Application No:	DC/19/00705/FUL
Case Officer	Lois Lovely
Date Application Valid	11 July 2019
Applicant	Minster Developments Ltd
Site:	Former Bling Bling Car Wash Durham Road Birtley Birtley DH3 1LS
Ward:	Birtley
Proposal:	Erection of 12 No. One Bedroom Apartments with Communal Space and On Site Car Parking (amended 18/09/19, 18/10/19, 21/10/19, 22/10/19 and 23/10/19).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is a derelict brownfield piece of land, that has a site area of 848sqm, situated on the Durham Road, between Esk Terrace and Mitchell Street in Birtley. The site slopes steeply east to west away from Durham Road. The dwellings to the rear of the site are generally a mix of two and three storeys. St. Joseph's Catholic Infants School on Esk Terrace is a single storey building but has a steep pitched roof.

1.2 The site has been used previously as car valeting premises and before that a tyre service / car mechanics garage and petrol station.

1.3 The site is in a mixed residential and commercial area, with commercial uses along Durham Road, including shops, churches, public houses, restaurants and a library, all within a short walking distance. Beyond the main road the area is predominantly residential. A number of shops and local businesses occupy some of the larger dwellings. The architectural vernacular within the area is Victorian comprising detached, semi-detached and terraced housing. A more recent 1970's development comprising a two storey flat roof building is located opposite the application site, directly across Durham Road. Materials in the area are predominantly red brick, slate or clay tile roof covering.

1.4 There is easy access to the public transport system and local facilities are within easy walking distance.

1.5 DESCRIPTION OF THE PROPOSAL

The proposal is a three storey residential development with both stair and lift access comprising 12no. 1 bedroom apartments. Each floor has four apartments. The ground floor includes a communal space and WC/ shower

room. The kitchen / living room of the northernmost rear flat (No.4) is in a single storey offshot with a monopitch roof. Each flat is for a single person and comprises a bedroom, shower room with a kitchen / living room comprising 44.6sqm.

- 1.6 The proposed site layout locates the building fronting Durham Road with a pedestrian entrance to the building from Durham Road. A second pedestrian access is from Esk Terrace. Seven car parking spaces are located along the western boundary with a landscaped strip buffer adjacent to No.2 Mitchell Street. Access to the car park is taken from Mitchell Street, opposite the Birtley Spiritualist Church.
- 1.7 There is no access to the car park from Esk Street and this boundary, opposite St Joseph's Catholic Infant School, is marked with a 2.1m high close board fence.
- 1.8 The bin store is located within the car park, behind a 2.1m high close board fence. A 2.1m high close board fence is also proposed to separate the car park from the garden area and patio to the rear of the building, with an access gate from the car park giving access to the amenity space and to steps up to a rear building entrance. Four cycle lockers are proposed, located within the amenity space for added security.
- 1.9 The proposed building has a dual pitched roof with a gable peak to the Durham Road elevation and two bay windows, one of which extends the canopy over the entrance door. The roof is hipped on the southern elevation and northern elevations. The rear elevation also has a gable peak and a monopitch roof over the single storey offshot to the rear. There is an external staircase up to an entrance door on the rear.
- 1.10 The eastern elevation onto Durham Road is 7.7m to eaves height and 12m to ridge height. As the site slopes the rear (western) elevation is 14m in height. The proposed building is 7m from the two storey property on the opposite corner of Mitchell Street. Formerly a shop, the two floors are now occupied by the offices of the Manor Care Home Group. There are windows on the northern (side) elevation of this property facing the proposed bedroom windows of the apartments. To the north of the site lies the end terraced property that faces Durham Road but has a gable end onto Esk Terrace. There are no windows on the gable end of this property, however there is a door and a small window onto a raised patio area at first floor level and a yard area that has a garage roller shutter door. The proposed bedroom and stairwell windows are 15.5m from the gable end. Two of the apartments have bedroom windows approximately 17.5m distant directly opposite the raised patio.
- 1.11 The living room and kitchen window to apartment No.4 are proposed to be 17.3m from the 2m high rear yard wall of 2 Mitchell Street and 21m from the side of the rear offshoot in which there is a obscurely glazed bathroom window at first floor and a kitchen window at ground floor. The apartment windows on the first and second floors above apartment no. 4 are in excess of 24m from the

rear offshot of 2 Mitchell Street. There are no windows on the gable end of 2 Mitchell Street. The apartments that face the gable end are 22.4m distant.

1.12 The proposed materials are a red multi brick, art stone mullions and cills, grey roof tiles, white upvc double glazed windows, anthracite upvc double glazed doors, black upvc rainwater goods, white upvc fascia boards and grey powder coated galvanised steel handrail and balustrade. A brick wall to match the existing is proposed on a part of the Esk Terrace boundary and a 2.1m high close boarded fence on the Esk Terrace and Mitchell Street boundaries is proposed.

1.13 The application is supported by a Design and Access Statement and Ground Investigation Report.

1.14 **RELEVANT PLANNING HISTORY**

DC/16/01319/FUL Erection of building to provide a shop and car valeting area on ground floor with storage above; Use of forecourt for parking and as a car wash. Appeal Dismissed 23.01.2018.

DC/15/00571/FUL Erection of building to provide car valeting area on ground floor and ancillary customer waiting area/shop; two flats on first floor for employees and use of forecourt for parking and as a hand car wash (amended 12/11/15). Appeal Dismissed 28.06.2016.

DC/10/00814/REM: Reserved Matters Application pursuant to DC/08/01971/OUT for layout, appearance, scale, means of access and landscaping (amended 11.11.2010). Application was granted. 15.11.2010.

DC/08/01971/OUT: Outline planning permission granted for the redevelopment of the former garage premises to provide a single-storey retail unit, associated car parking and repositioning of the existing canopy over the new petrol pumps. 30.07.2009.

DC/06/01090/COU: Planning application withdrawn for the change of use of the former garage to a hand car wash and valeting centre including the erection of a kiosk. 18.07.2006.

05/00002/ENF: Appeal against the serving of the enforcement notice stated below was dismissed by the Planning Inspectorate. 20.07.2005.

DC/04/01585/COU: Retrospective planning application refused for the change of use from a tyre garage to a car wash and valeting service. An enforcement notice was subsequently served. 11.11.2004.

2.0 Consultation Responses:

Tyne And Wear
Archaeology Officer

No comments

Northumbria Water	The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development. Condition recommended.
Northumbria Police	No objection

3.0 Representations:

3.1 Eight letters of representation have been received, two from the same resident. The main concerns raised are:

- Highway safety in relation to increased traffic inc refuse collection vehicles and lack of footpath on Mitchell St
- Seven car parking spaces not enough for residents and visitors and no provision for accessible parking bays;
- Increase in pollution and congestion for parking would not be environmentally sustainable;
- Congestion during construction;
- Proposed access close to church - building at risk from being struck by a vehicle;
- Poor quality;
- Overdevelopment;
- Does not provide family housing without justification;
- Residential amenity concerns including the proximity of bins to residential properties, loss of light to rear yard and noise and disturbance.
- Overlooking of school and rear yard from elevated flats;
- 2 storey development with fewer apartments would be more appropriate;
- Questions regarding the day to day management and tenure of the development.
- 2 Mitchell Street owned the land and the roof guttering/downpipe from the house runs into a gully on the application site land all the way along the side of the property. No allowance for this is shown on the plan;
- The parking is against the gable end wall and there is nothing to prevent vehicles crashing into the wall;
- the proposed tree is too close to property could damage my foundations or affect my house insurance;
- understood flats were for the elderly - feel that 12 to 24 young people are not the right residents for the area.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1E Planting and Screening

DC1H Pollution

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS21 Waste

5.0 Assessment of the Proposal:

5.1 The main planning issues relating to this proposed development are considered to be: the principle of housing on this site; flood risk and drainage; 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 possible contamination of the site; open space; and any other issues arising.

5.2 PRINCIPLE

The site is not allocated for a particular use in the Local Plan. As such the proposal is considered to be windfall development as defined in Saved UDP policy H4. Windfall housing is acceptable subject to assessment against the following criteria:

- c the location of the site in relation to jobs, shops and services, and accessibility by modes of transport other than the private car;
- d the capacity of the existing and potential infrastructure;
- e the ability to build or sustain communities; and
- f any other material planning benefits.

- 5.3 In respect of criteria c the site is located centrally within Birtley Town Centre with easy access to shops and services, employment and public transport, therefore it is considered to meet criteria c.
- 5.4 The proposal will not be harmful to the existing infrastructure and therefore meets criteria d.
- 5.5 The proposed supported living apartments are considered will add to the variety of accommodation available within the community and as such meets criteria e.
- 5.6 The material benefits of this proposal, in addition to providing needed accommodation, is the development of a problematic site that has been vacant for many years and the subject of enforcement measures in respect of unauthorised use of the site for hand car washing and as such meets criteria f.
- 5.7 The principle of windfall housing on this site is considered to be acceptable and in accordance with saved UDP policy H4.
- 5.8 Range and choice of housing
The emerging Local Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure. Accordingly:
- 5.9 Family Homes
CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area are suitable and attractive for families (i.e. homes with three or more bedrooms). The proposal is for the development of a block of 12 x 1 bedroom apartments with communal space. This proposal does not satisfy this policy objective, however, as that is a Borough wide target over the life of the Plan, it is not considered that this would be grounds for refusal of the application.
- 5.10 Affordable Homes
This proposal falls below the policy threshold within CSUCP CS11 (5), and so would not be required to provide affordable homes.
- 5.11 Lifetime Homes and Wheelchair accessible homes
This proposal falls below the policy threshold within CSUCP CS11 (2) and saved UDP policies H9 and H10.
- 5.12 Suitable accommodation for the elderly
Policy CS11(3) seeks to increase the choice of suitable accommodation for the elderly population. Given the site's proximity to the centre of Birtley, consideration should be given to the provision of dwellings suitable for people looking for retirement living accommodation, such as level access flats/apartments that promote and maintain people's independence. It is not considered that the proposal, in its current form, would satisfy these criteria; given that access to amenity space and the car parking is reliant on stepped access. However, the development does propose a type of accommodation

that would be suitable for single people of a wide range of ages and so it is not considered that this would be grounds for refusal of the application.

5.13 Residential space standards

The proposal will be required to satisfy Policy CS11(4) which requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents"

- 5.14 With regard to this requirement, it should be noted that in March 2015 DCLG published nationally described space standards for new housing. The Council would expect that proposals for new residential development will, as a minimum, seek to achieve nationally described space standards.

The floorspace of each apartment meets the NDSS for a 1 storey, 1 bedroom flat, designed for 1 person, as indicated on the submitted plans and is therefore in accordance with CSUCP policy CS11(4).

5.15 PLAYAND OPEN SPACE

The scheme has been designed to include areas of communal open space and it is considered that this on-site provision would be adequate to comply with the relevant policies where play and open space is necessary to support residential development.

5.16 GROUND CONDITIONS

A previous application DC/16/01319/FUL was submitted in 2016 for a building to provide a shop and car valeting area on ground floor with storage above with use of forecourt for parking and as a car wash (i.e. a commercial end use). A Phase 2 Geoenvironmental Appraisal report titled "Geoenvironmental Appraisal of land at former Bling Bling car wash, Durham Road Birtley report no D4723/1" by Dunelm dated July 2013 was submitted with that application. N.B. The report risk assessment had assessed potential contamination at the site in respect of the proposed commercial end use applicable to that application.

- 5.17 The site was unoccupied until circa 1919 when a number of buildings (and possible Smithy) are shown. By 1939 one large building is shown suggesting either merging or demolition and rebuild. By the 1970's the site is occupied by a Petrol filling station.

- 5.18 The site has been inspected and assessed as part of the Council's Contamination Land Strategy, as being 'potentially contaminated'.

- 5.19 Additional Phase 2 intrusive Geoenvironmental site investigations, with an updated Phase 2 Detailed Risk Assessment report, (for the proposed more sensitive, residential end use), with updated ground gas risk assessment, are required to be undertaken and a report submitted to the Local Planning Authority for written approval. These can be secured by conditions (CONDITIONS 3 - 10).

- 5.20 The site is not in a Coal Authority Development High Risk therefore the Coal Authority was not consulted.

- 5.21 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved Policies DC1(p), and ENV54 of the Unitary Development Plan and CSUCP policy CS14.
- 5.22 **FLOOD RISK/ DRAINAGE**
A flood risk assessment is not required for this site as it is in Flood Zone 1 and under 1 hectare in area. There are no significant flood risks to the site.
- 5.23 The proposal is a major development therefore should incorporate sustainable drainage in accordance with the 2014 Ministerial Statement on SuDS, NPPF 163c and 165 and CSUCP Policy CS17. The policy requirement for sustainable drainage within the proposal has not been addressed by the applicant. However, the drainage scheme during construction and SuDS scheme that are required for the site and can be secured by condition (CONDITIONS 14 -16).
- 5.24 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with CSUCP policy CS17.
- 5.25 **HIGHWAY SAFETY**
The principle of residential development on this site is acceptable in transport terms.
- 5.26 The layout provides two x 2m wide safe convenient pedestrian accesses in to the site. One directly from the footway running alongside Durham Road. The second access is proposed to be taken off the adopted footway on Esk Terrace, and this also forms the cycle access/egress for the site
- 5.27 The footway running adjacent to the site on Esk Terrace will need to be fully reinstated as part of this development proposal to a 2m width (CONDITIONS 24 and 25).
- 5.28 Parking has been provided on the site at 7 spaces for 12 units, whilst this is below the normal standards for a residential use, however the proposed development is located in a sustainable location with good access to public transport. On this basis, it would be acceptable to have a reduced parking provision, however, a planning condition will be required in relation to car park management (CONDITIONS 26 and 27).
- 5.29 All parking bays are proposed to have ducting for future EV charging points with bays 1 and 2 are proposed to have free standing bollard EV charging points. The final details and delivery can be secured by condition (CONDITIONS 26 and 27).
- 5.30 No accessible parking or motorcycle parking has been included in the car park. A condition is recommended to secure the final car park details (CONDITIONS 26 and 27).
- 5.31 The design of the vehicle access, off Mitchell Road, has been improved since the original submission, however there is a concern about the lack of visibility to

the left of the access (as you exit the site). It may be necessary to rearrange the amenity space particularly the position of the Pergola and boundary treatment to ensure suitable visibility can be achieved. The final access proposal will need detailed design to be submitted for approval, this design will need to be undertaken by the Council's engineering design team. The position of the access will impact on existing highway signage, any costs associated with the relocation of this together with any other reasonable requirements associated with the access design and delivery will need to be met by the applicant. The delivery of the works will be through section 278 agreement, which would also deal with the widening of the footway works on Esk Terrace and any other works that impinge the highway. The detailed access design is to be secured under condition (CONDITIONS 24 and 25)

- 5.32 Details around servicing remain unclear, the position of the bin storage is supported, however, information will need to be provided in order to understand how bins will be collected and wider servicing will be carried out. Details can be secured by condition (CONDITIONS 28 and 29).
- 5.33 A cycle storage area has been indicated on the site layout plan, final details will need to be provided which ensure a suitable level of secure cycle parking is provided to meet the needs of the 12 units, a minimum of eight spaces). Short stay parking should also be provided, a single Sheffield stand would meet requirements for this (CONDITIONS 26 and 27).
- 5.34 The design and access statement notes that a Travel Plan (TP) will not be required for the site, whilst a full TP is not a requirement for a site of this size, it is expected that a residents welcome pack should be provided which outlines available options for sustainable access to the site, including details of EV charging and cycle parking (CONDITION 34).
- 5.35 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with CSUCP policy CS13.
- 5.36 **URBAN DESIGN**
The proposed building has hipped roofs down to the northern and southern elevations with an eaves height of 7.6m, 1m higher than the shop on the opposite corner of Mitchell Street. This scale of development sits well in the existing gap on Durham Road and the hipped roofs reduces the impact of the building on the street scene.
- 5.37 The proposed site layout has the front elevation of building set back a minimum of 2m from the back of footpath creating defensible landscaped space between users of the footpath and the residents of the ground floor flats numbers one and two, that face Durham Road. The landscaped buffer wraps around the proposed building creating a buffer to flats numbers three and four also.
- 5.38 A footpath leads from Durham Road to a clearly legible entrance to the building.
- 5.39 To the rear of the building is a 90sqm area measuring 9.5m x 9.5m partly grassed and partly paved patio area with a pergola. To the north of a path that

gives access from the car park to the rear entrance steps to the building lies a smaller 32.5sqm amenity area measuring 5.7m x 5.7m which is also grassed and paved with a BBQ / patio area.

- 5.40 The two areas are very usable given their dimensions. The proposed 2.1m high boundary enclosures will give privacy to the future residents of the flats when using the external amenity area but would also ensure the privacy of existing residents of Mitchell Street and Esk Terrace is not harmed. The location of the areas sandwiched between the building and the car parking is such that residential amenities of existing residents would not be harmed by noise and disturbance when the areas are in use.
- 5.41 Final details of the hard and soft landscaping of the external communal space can be secured by condition (CONDITIONS 30, 31 and 32).
- 5.42 All car parking is located to the rear of the building arranged perpendicularly to the gable end of 2 Mitchell Street with a 0.5m landscaped verge separating the parking spaces from the gable end. The occupant of this dwelling has a concern that vehicles could strike the gable end. As such the applicant has indicated 1800mm long heavy duty rubber parking bay kerbs on the proposed site layout to address the concern.
- 5.43 The architectural styling of the proposed apartment building is traditional in approach. All external materials will need to be carefully considered to finalise the palette of materials; elevational, boundary treatments, and external surfaces and a condition is recommended to secure these details (CONDITIONS 22 and 23).
- 5.44 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy and ENV3 and CSUCP policy CS15.
- 5.45 **RESIDENTIAL AMENITY**
Concerns have been raised by objectors that the development will result in overlooking and loss of privacy. The relationship of the existing and proposed windows is set out earlier in the report.
- 5.46 It is considered that the 17.3m separation distance from ground floor habitable room windows of the new development to the rear offshot windows of 2 Mitchell Street are acceptable given the upper floor is obscurely glazed and whilst the lower is a window to a kitchen (a habitable room) only the top of the window would be visible from the proposed development due to the 2m high rear yard wall. The other apartments are 24m from the gable end of 2 Mitchell Street which exceeds the minimum privacy distance requirement and as mentioned there are no windows on the gable end. There is a separation distance of 17.5m to the raised patio area to the rear of Esk Terrace. These distances are considered to be generous and unlikely to result in loss of privacy given they look onto gable ends and not directly towards existing habitable room windows.

- 5.47 Construction The site is positioned between residential properties that are directly adjacent to the site, with other dwellings in close proximity. The existing residents living adjacent and opposite the site will be impacted during the redevelopment, therefore it is crucial to have measures in place to protect their amenity as much as possible during development. Conditions are recommended to require a scheme for the control of noise and dust to be submitted for approval (CONDITIONS 12 and 13) and to restrict the construction hours, including for deliveries to the site (CONDITION 34).
- 5.48 Given the above and subject to the recommended conditions it is considered that the proposal is acceptable and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.
- 5.49 **NOISE**
An objector has expressed concern that there may be noise generated by people and their vehicles parking adjacent to their living room and dining room wall would result in regular disturbance and a negative impact on quality of life.
- 5.50 The adjacent site was previously occupied by a Petrol Filling Station that would have generated significantly more vehicle movements than the proposal under consideration. It is not considered that seven parking spaces will generate the extent of noise and disturbance anticipated by the objector.
- 5.51 An objector has raised concerns that the development will be occupied by young people who will socialise in the outdoor amenity space that will disrupt the area when they had thought the apartments were for the elderly.
- 5.52 Given the above, the proposal is considered to be acceptable and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.
- 5.53 **OTHER MATTERS**
The occupant of 2 Mitchell Street has commented that the guttering/downpipe from their house runs into a gully on the application site land and a drain runs all the way along the side of the property. No allowance for this is shown on the plan but this is detail that can be secured by condition (CONDITIONS 30 and 31).
- 5.54 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the application site is within Residential Zone C and the levy is £0 per sqm for market housing.
- 6.0 **CONCLUSION**
- 6.1 Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.
- 6.2 It is recommended that planning permission is granted subject to conditions.

7.0 Recommendation:

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

1

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

Proposed Site Plan 19/2212/(02)007 P6

Proposed Elevations 19/2212/(02)006 P5

Proposed Ground Floor Plan 19/2212/(02)002 P4

Proposed First Floor Plan 19/2212/(02)003 P4

Proposed Second Floor Plan 19/2212/(02)004 P4

Proposed Roof Plan 19/2212/(02)005 P4

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

Reason

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

2

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

Reason

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

3

The development hereby permitted shall not commence until a remediation method statement is submitted for the consideration and written approval of the Local Planning Authority, to include, details of the remedial works to be undertaken by a 'specialist' commissioned contractor to remove the underground storage tanks (USTs) and remediate and validate any surrounding associated soil and groundwater contamination.

The statement shall include appropriate measures that will need to be implemented to prevent contamination potentially migrating to other parts of the site and offsite during these works as shallow groundwater depths are present at the site.

The scope of the remedial works should comprise:

- Excavation and removal of UST's on site.
- Excavation and removal of surrounding contaminated soils and waters
- Validation of the tank removal and chemical validation of retained surrounding soils.
- Placement of recompacted clean granular layers to fill the excavations left from the tanks to allow future redevelopment on these areas.

Reason for condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policies CS14 and CS21 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for prior to commencement condition

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

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

4

Prior to commencement of the development hereby permitted the details approved under condition 3 for the Underground Storage Tank removal shall be implemented wholly in accordance with the approved details

Reason for condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policies CS14 and CS21 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for prior to commencement condition

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

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

5

Prior to commencement of the development hereby permitted a validation report that validates the completed underground storage tank removal remedial works approved under condition 3 shall be submitted for the consideration and written approval of the Local Planning Authority

Reason for condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policies CS14 and CS21 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for prior to commencement condition

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

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

6

On completion of the underground storage tank removal remediation works approved under condition 3, and prior to commencement of the development hereby permitted a further updated Phase 2 intrusive Geoenvironmental site investigation, of the whole site, shall be undertaken and an updated Phase 2 Detailed Risk Assessment, (for the proposed residential end use), shall be submitted for the consideration and written approval of the Local Planning Authority.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and any possible areas which may require further remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers. Reference should be

made to Land Contaminated: Risk Management, Environment Agency June 2019. (replacement to CLR11) and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

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

Reason for condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policies CS14 and CS21 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for prior to commencement condition

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

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

7

Prior to 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.

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

Reason for condition

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

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

Reason for prior to commencement condition

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

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

8

The remediation measures approved under condition 7 shall be implemented wholly in accordance with the approved remediation measures prior to commencement of the development hereby permitted and maintained for the life of the development.

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

Reason for condition

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

Reason for prior to commencement condition

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

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

9

Following completion of the remediation measures approved under condition 7 a verification report that demonstrates the effectiveness of

the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted and maintained for the life of the development.

Reason

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

10

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

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

Reason

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

11

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

Reason

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

12

No development shall commence (except for the erection of site security hoardings and site investigations and remediation) until a Construction Management Plan (CMP) for 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
- pollution prevention measures
- contractor parking
- details of delivery arrangements, hours and routing
- measures to limit and manage transfer of debris on to the highway
- Dampening down of exposed stored materials, which will be stored as far from sensitive receptors as possible;
- Ensure all vehicles switch off engine when stationary; and
- Avoiding dry sweeping of large areas

Reason for condition

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

Reason for prior to commencement condition

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

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

13

The development hereby permitted shall be undertaken wholly in accordance with the Construction Method Statement approved under condition 12 for the duration of the construction period

Reason:

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

14

Prior to commencement of the development hereby permitted (except for site security hoardings and site investigations and remediation) a drainage construction method statement (DCMS) shall be submitted to and approved in writing by the Local Planning Authority. The content of

the CMS shall be in accordance with Appendix B6 of the CIRIA SuDS Manual, and Gateshead Interim SuDS Guidelines (Version 2 - March 2016) for best practice:

Reason for condition

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

Reason for prior to commencement condition

To ensure that it has been demonstrated that the drainage scheme will prevent the risk of flooding prior to construction of the development.

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

15

The drainage construction method statement details approved under condition 14 shall be wholly implemented prior to first occupation of any of the building hereby permitted in accordance with the approved details and retained for the full duration of the development

Reason

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

16

Prior to commencement of the development hereby permitted (except for the erection of site security hoardings and site investigations) a Drainage Assessment shall be submitted. This shall include:

- o Demonstration that the final drainage scheme conforms with the DEFRA Non-Technical Standards for SuDS, and that the drainage hierarchy has been followed with evidence of site investigation in accordance with the CIRIA SuDS Manual (C753).

- o Demonstration that water quality will not be worsened by the development through assessment and consideration of treatment methods, in accordance with CS17.3.

- o Detailed drawings of the drainage network showing clearly numbered pipes, falls, diameters, invert and cover levels that correspond with the submitted drainage model. Proposed contours, external, and finished floor levels should be submitted along with: existing and proposed site sections and levels; long and cross sections of the proposed drainage system; detailed drawings of all SuDS features and connections; detailed landscape plans showing proposed planting, and seeding, in and around SuDS features, including planting schedules and timescales for the implementation of all features

- o An electronic copy of the drainage model is required in Microdrainage format which corresponds with any drawings within the submission. It

should include any topographical site layouts or 3d surveys relevant to the drainage design.

- o SuDS Health and Safety Assessment where appropriate consideration and management of any health and safety issues relating to the SuDS implementation features with reference to Appendix B3 of the CIRIA SuDS Manual for best practice.
- o All necessary consents required for off-site works.

Reason for condition

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

Reason for prior to commencement condition

To ensure that it has been demonstrated that the drainage scheme will prevent the risk of flooding prior to construction of the development.

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

17

The details approved under condition 16 shall be wholly implemented prior to first occupation of any of the development hereby permitted in accordance with the approved details and retained thereafter for the life of the development

Reason

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

18

Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

19

The details approved under condition 18 shall be implemented wholly in accordance with the approved details and retained thereafter for the life of the development.

Reason

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

20

Prior to commencement of the development hereby permitted a drainage scheme that takes into consideration the existing drainage arrangement for 2 Mitchell Street shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for condition

To ensure the works do not disrupt the drainage to 2 Mitchell Street in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

Reason for prior to commencement condition

To ensure that it has been demonstrated that the drainage scheme will ensure the drainage of 2 Mitchell Street is not affected.

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

21

The details approved under condition 20 shall be implemented wholly in accordance with the approved details prior to the car park hereby permitted being first brought into use.

Reason

To ensure the development does not disrupt the drainage to 2 Mitchell Street in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

22

Development shall not progress above foundation level until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

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

23

The development shall be completed using the materials approved under Condition 22 and retained as such in accordance with the approved details thereafter.

Reason

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

24

Prior to the construction above damp proof course of the development hereby permitted final details of the highway works shall be submitted for the written approval of the Local Planning Authority. Details shall include:

Access proposals on Mitchell Street:

Inclusive of visibility splay, kerbing, markings and any relocation of existing highway infrastructure and changes to traffic regulation orders (TRO's)

Details of a scheme for the reinstatement of the footpath to Esk Terrace

Pedestrian accesses on Esk Terrace and Durham Road

Reason

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

25

The details approved under condition 24 shall be implemented wholly in accordance with the approved details prior to the first occupation of the development hereby permitted.

Reason

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

26

Prior to the development hereby permitted progressing above damp proof course final details relating to the car park management scheme to include:

- details of how spaces will be allocated to staff, residents and visitors
- Final details of cycle parking (a minimum of eight secure and weatherproof spaces) for residents and staff in addition to a space for visitors
- Provision of an anchor point to allow secure motorcycle parking (this could be within a car parking bay).
- Final details of electric vehicle charging points
- Provision of a single accessible bay

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

Reason

To ensure adequate site management for all elements of the development and in accordance with the NPPF and CSUCP policy CS13.

27

The details approved under condition 26 shall be implemented wholly in accordance with the approved details and adhered to for the life of the development thereafter unless otherwise agreed by the Local Planning Authority.

Reason

To ensure adequate servicing arrangements are provided for all elements of the development and in accordance with the NPPF and CSUCP policy CS13.

28

Prior to first occupation of the development hereby permitted final details of the storage and collection arrangements for refuse and recycling waste shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure adequate site management for all elements of the development and in accordance with the NPPF and CSUCP policy CS13.

29

The details approved under condition 28 shall be implemented wholly in accordance with the approved details and adhered to for the life of the development thereafter unless otherwise agreed by the Local Planning Authority.

Reason

To ensure adequate servicing arrangements are provided for all elements of the development and in accordance with the NPPF and CSUCP policy CS13.

30

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

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

Reason

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

31

The details approved under condition 30 shall be fully implemented in accordance with the approved specifications and timescales.

Reason

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

32

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

Reason

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

33

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

Reason

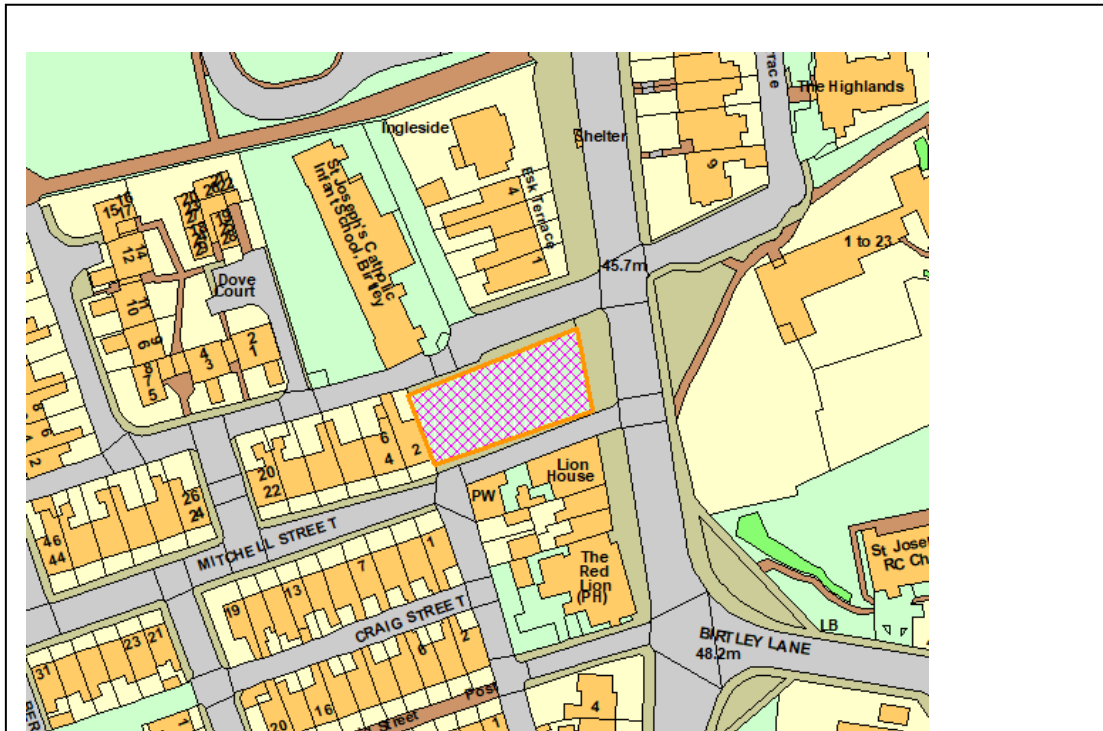
To avoid/minimise harm to protected/priority species in accordance with the NPPF, Policy CS18 of the CSUCP, and saved policies of the UDP DC1(e) and ENV46.

34

Each resident shall be provided with a Welcome Pack on first occupation of their apartment setting out available options for sustainable access to the site, including details of EV charging and cycle parking.

Reason

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



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Committee Report

Application No:	DC/19/00773/FUL
Case Officer	Tracy Long
Date Application Valid	31 July 2019
Applicant	The Metrocentre Partnership
Site:	Unit 6 Cameron Retail Park Metro Centre Gateshead NE11 9XU
Ward:	Whickham North
Proposal:	Demolition of existing retail unit and erection of new retail unit, extension of existing service yard and other associated works.
Recommendation:	GRANT SUBJECT TO FINAL CONSIDERATION OF TRANSPORT STATEMENT AND NO OBJECTION BEING RECEIVED FROM HIGHWAYS ENGLAND
Application Type	Full Application

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

1.2 The application site is unit 6, a vacant retail unit at the south end of the terrace of retail units which form Metro Retail Park at the Metrocentre. The unit was last occupied by Toys R Us. The unit became vacant at the end of April 2018.

1.3 DESCRIPTION OF APPLICATION

1.4 This planning application has been submitted on behalf of intu (The Metrocentre Partnership) to demolish the vacant Toys R Us retail unit and replace it with a new retail unit. The covering letter submitted with the application explains that intu has marketed the site since it became vacant and that interest has been expressed from retailers wishing to occupy this location in a new replacement unit. This application has been submitted to respond to this interest. The end occupy / future tenant of the new building is not known at this stage.

1.5 The new retail unit will have a smaller footprint to the existing retail unit. It will however include a larger internal mezzanine floor than the one installed in the existing unit. The existing retail unit measures 5,034 sqm (gross internal area). The proposed retail unit will measures 6,724 sqm (gross internal area). As a result of the additional mezzanine floor space the overall size of the replacement building will be 1,690 sqm (gross internal area) larger.

1.6 The planning application has been submitted with the following supporting information.

- Covering Letter/ Supporting Statement
- CIL forms
- Design and Access Statement
- Flood Risk Assessment
- Drainage Strategy
- Ground Conditions Report
- Transport Statement dated July 2019
- Transport Statement updated October 2019

1.7 PLANNING HISTORY

The Toys R Us unit was built as part of the Metro Retail Park which was constructed under the terms of the Gateshead No2 (Cross Lane/Dunston) Enterprise Zone scheme. The Enterprise Zone scheme limits the sale of food, drink and tobacco within shop units to no more than 250 square metres. Otherwise there is currently no restriction or limitation on the retail use of this site, the range of goods permitted to be sold or the size of the retail unit.

2.0 Consultation Responses:

Northumbria Water Has no comments to make.

Highways England Recommend that the application is not determined for a period of 3 months until 15 November 2019 to allow the applicant and Gateshead Council to address their comments on the Transport Statement dated July 2019.

Awaiting comments on the updated Transport Statement dated October 2019.

3.0 Representations:

3.1 The Council sent neighbour notification letters to 7 surrounding businesses, as well as displaying 4 site notices around the site during August 2019. A notice also appeared in the Newcastle Journal on 14 August 2019. No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV54 Dev on Land Affected by Contamination

T1 Transport req for New Developments

RCL1 Retail Hierachy

RCL8 The MetroCentre

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

AOC2 Metrogreen

5.0 Assessment of the Proposal:

5.1 The main planning issues are considered to be the principle of locating a new retail store at this out of centre location, the design of the unit, highway issues, the potential for contaminated land and flood risk/ drainage issues.

5.2 PROPOSED DEMOLITION

5.3 There is no objection to the demolition of the existing retail building which is currently vacant and outdated in its appearance.

5.4 ECOLOGY ISSUES

5.5 The site is located within 500 metres of 3 Local Wildlife Sites – Tidal River Derwent, The River Tyne and Cross Lane Meadows. No ecological information has been submitted with the planning application. The Council's Ecologist has however assessed the proposed development and confirmed that the site is of low ecological value, given that it is dominated by a single large retail building of modern construction with areas of hardstanding. Council officers are therefore of the opinion that due to the recent modern construction of the building, the

lack of nearby high quality foraging habitat and the impact of artificial lighting that the existing building to be demolished is likely to pose a negligible risk for bats. It is therefore considered that the proposed development is unlikely to have a significant adverse impact either directly or indirectly on designated ecology sites and / or ecological connectivity.

5.6 It is therefore considered that the proposal is acceptable from an ecology point of view and accords with the aims and objectives of the NPPF, saved policies DC1(d), ENV46, ENV47 and ENV49 of the Unitary Development Plan (UDP) and policy CS18 of the Core Strategy and Urban Core Plan (CSUCP).

5.7 RETAIL ISSUES

5.8 Retail Planning Policy

The site is situated within Metro Retail Park, adjacent to the Metrocentre, which is not identified as a centre in the Council's retail hierarchy as set out in the Local Plan. Policy CS7 of the CSUCP supports the role of the Metrocentre with proposals being assessed in line with national planning policy.

5.9 This planning application proposes the replacement of an existing retail unit formerly occupied by Toys R Us. The proposal would therefore not result in any additional retail units at the Metrocentre / Retail Park but rather provide a replacement retail unit to attract a new occupier. There would be an increase of 1,690 sqm in gross internal retail floor space as a result of a proposed larger mezzanine floor.

5.10 The site is in an out of centre location. Therefore policy CS7 of the CSUCP requires a proportionate assessment of retail impacts for the proposal. A covering letter / supporting statement has been submitted as part of the planning application which includes a proportionate assessment, in addition to a sequential assessment which considers if the proposal could be accommodated on a more sequentially preferable site.

5.11 Impact On Other Centres

To assess the potential impact from the proposed development the starting point is to understand the potential increase in turnover resulting from the net increase in retail floor space. The submitted information estimates that additional turnover from the proposal to be around £7.6 million pa based on average turnover density sourced from Mintel (which would be less for bulky goods retailers). Diversion expenditure will be dispersed given the extent of the Metrocentre catchment area, including facilities in similar out of centre retail parks. National planning guidance notes that retail uses tend to compete with their most comparable competitive facilities.

5.12 Council officers therefore accept that whilst the proposal is not an insignificant increase in retail floor space, in an out of centre location, impact on existing centres are likely to be minimal.

5.13 Assessment of Potential Alternative Sites

In terms of the sequential test the submitted covering letter / supporting statement examines whether the proposal could be accommodated on a more sequentially preferable site including within Gateshead Town Centre and Blaydon District Centre. The applicant notes the difference in the role of the Metrocentre compared to the Town Centre and Blaydon District Centre. The latter serving smaller more localised catchments and therefore not suitable locations in terms of serving the needs of the potential occupiers that the proposed unit is aimed at. On this basis Council officers accept that there are no sequentially preferable units or sites within the town centre or Blaydon Centre.

5.14 Council officers therefore consider the proposed development to be acceptable from a retail policy point of view. The potential impact on existing centres is likely to be minimal and there are no suitable sequentially preferable sites. The proposed development will also assist in supporting the role of the Metrocentre by providing a flagship new store for a retailer serving a regional catchment area. It is therefore considered that the proposal accords with the aims and objectives of the NPPF and policy CS7 of the CSUCP.

5.15 METRO GREEN AREA OF CHANGE

5.16 The site is situated within the Metro Green Area of Change. Policy AOC2 of the CSUCP relates to the Metro Green Area of Change and sets a commitment to preparing an Area Action Plan (AAP) to guide development of the land in the area for residential, commercial and office uses. The AAP has not been produced to-date. Policy AOC2 states that proposals in advance of the AAP should not prejudice the development of the area. Given the nature of this proposal as a replacement retail unit Council officers are of the opinion that the proposal will not have any material impact on or prejudice the completion of the Area Action Plan or the delivery of the Metro Green vision.

5.17 DESIGN ISSUES

5.18 The submitted Design and Access Statement explains the design approach to the proposed new building and shows how the development will result in improvements to the character and appearance of the site and surrounding area.

5.19 The proposed building is of a contemporary and modern design. The basic form of the new building is cuboid and this form is carried through all elements of the proposed building design. External materials include large areas of glazing, brick walls, light grey cladding, as well as a large sculptural / decorative feature which is a large expanse of perforated bronze metal, which can be backlit to create visual interest.

5.20 The proposed new building replicates and slightly reduces the footprint of the existing building. The parapet height of the new building is the same as the adjacent unit occupied by Oak Furniture Land. Customer entrances are provided to both the main frontage on the east elevation and to the south elevation. The entrance canopy proposed on the east elevation will be higher in

height to provide an entrance feature to the unit. The existing service bay to the rear of the unit is to be removed and is to be replaced with an open sprinkler and plant enclosure.

- 5.21 Council officers consider that the proposed size, design and materials of the proposed unit will result in a high quality design which is appropriate for a new commercial retail building, within a commercial area of the Metrocentre. The submitted Design and Access Statement explains that the redevelopment of this site will create an opportunity for a new landmark retail unit that will not only be fit for purpose in attracting a new tenant but will also take the opportunity to lift the design standard and replace a poor quality outdated building
- 5.22 A planning condition has been recommended (CONDITION 11) to ensure that the external materials specified on the submitted drawings are used in the interest of good design. Subject to the above planning condition the proposal is considered to be acceptable from a design point of view and accords with the design aims and objectives of the NPPF, saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.23 AMENITY
- 5.24 Given that the proposed development is for a retail building, within a retail park, surrounding by other commercial and retail uses Council officers are of the opinion that it is not necessary to control the hours of construction works or hours of opening by planning conditions.
- 5.25 The proposal is therefore considered to be acceptable from an amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.26 FLOOD RISK / DRAINAGE ISSUES
- 5.27 A Flood Risk Assessment and Drainage Strategy have been submitted as part of this planning application. National and local planning policies advise that development should be directed towards the areas at the lowest risk of flooding. The application site is located within Flood Zone 1 (area of lowest risk). It is therefore considered to be an appropriate location for the proposed retail redevelopment.
- 5.28 The Drainage Statement sets out a series of measures to manage foul and surface water drainage on the site. The drainage hierarchy has been followed and practical/feasible options for managing surface water runoff have been considered. A range of measures are proposed as part of the new development to achieve betterment in surface water run off rates, including permeable paving to the south and east of the building and the use of oversized pipework to store greater volumes of water runoff from the roof area of the building. A drainage operation and maintenance plan has also been provided as part of the submitted Drainage Strategy which is considered to be acceptable by Council officers.

- 5.29 The submitted documents show that development is acceptable from a flood risk point of view both to the site and to the surrounding area. The documents also show that a suitable drainage scheme can be provided for the new development which minimises and controls surface water run off.
- 5.30 A number of planning conditions (CONDITIONS 12-13) have been recommended to ensure the proposed drainage scheme is provided prior to the new store opening and the maintenance of the drainage system once installed.
- 5.31 Subject to the above drainage conditions the proposed development is considered to be acceptable from both a flood risk and drainage point of view. It is therefore considered that the development accords with the aims and objectives of the NPPF and policy CS17 of the CSUCP
- 5.32 POTENTIAL FOR CONTAMINATED LAND
- 5.33 Council officers consider that the site is likely to be contaminated due to historic uses. A Phase 1 desktop ground conditions report has been submitted as part of the planning application. This report considers the ground conditions at the site and the potential for land contamination. The report recommends that a ground investigation will be required to assess the risks of contamination and if any remediation measures are required. Council officers agree with this recommendation.
- 5.34 It is therefore considered that a number of planning conditions (CONDITIONS 3-7) are necessary to require site investigations, a remediation strategy where required, a verification report if required, as well as controlling any unidentified contamination that may be discovered on the site.
- 5.35 Subject to these conditions, it is considered the proposed development would be acceptable from a contaminated land point of view and would accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.36 TRANSPORT ISSUES
- 5.37 A Transport Statement dated July 2019 was submitted with the planning application. This Transport Statement examines the potential vehicle movements associated with the proposed development and whether they could be accommodated on both the adjacent A1 and the local roads surrounding the Metrocentre.
- 5.38 Highways England have been consulted as the site is adjacent to the A1. Highways England responded on 15 August 2019 stating that the information provided was insufficient for Highways England to be able to assess the impact of the proposed development. Highways England therefore recommended that the planning application is not determined for a period of 3 months until 15 November 2019 to allow the applicant to address their detailed comments

- 5.39 A revised Transport Statement dated October 2019 was submitted on 11 October 2019 to address the comments made by Highways England. Highways England have been reconsulted and the Council is currently awaiting their response.
- 5.40 The Council is also currently reviewing the updated Transport Statement dated October 2019.
- 5.41 An update on the highway issues will therefore be reported to the Planning Committee.
- 5.45 COMMUNITY INFRASTRUCTURE LEVY
- 5.46 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 a retail development which is located within Commercial Charging Zone 2. Currently there is a levy of £50 per square metre for this type of development for the additional floorspace to be created. The application has been accompanied by the requisite CIL forms and the CIL charge has been calculated as approximately £84,500.

6.0 CONCLUSION

- 6.1 This planning application will enable a vacant site to be brought back into use with a development of a high standard of design.
- 6.2 The Council is considering an updated Transport Statement and awaiting comments from Highways England to confirm whether the revised Transport Statement dated October 2019 has addressed their earlier comments.

7.0 Recommendation:

That permission be GRANTED SUBJECT TO FINAL CONSIDERATION OF THE TRANSPORT STATEMENT AND NO OBJECTION BEING RECEIVED FROM HIGHWAYS ENGLAND and subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

2062-X01-D	Location plan as existing
2062-P01	Site/GF plan as proposed
2062-P02	Mezzanine floor as proposed
2062-P03	Roof as proposed
2062-P04	Elevations as proposed
2062-P05	Elevations as proposed
2062-P06	Sections as proposed

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 (other than the demolition of the existing building) until a Phase 2 intrusive site investigation is undertaken, and a Phase 2 Risk Assessment report of the findings has been submitted to and approved in writing by the Local Authority.

The site investigation shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use. 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 where applicable recommendations with regard to an appropriate remediation scheme which will ensure safe redevelopment.

Reason

In ensure that risks from land contamination are minimised in accordance with the NPPF, saved policies DC1(p) and ENV54 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 as it may not be possible to carry out the site investigations and remediation works after development has commenced on constructing the new building.

4

No development shall commence (other than the demolition of the existing building) until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by 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 risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 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 as it may not be possible to carry out the site investigations and remediation works after development has commenced on constructing the new building.

5

The development shall be carried out in full accordance with the scheme and timetable approved under condition 4.

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

Reason

To ensure that risks from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 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 as it may not be possible to carry out the site investigations and remediation works after development has commenced on constructing the new building.

6

Following completion of the remediation measures approved under condition 4, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason

To ensure that risks from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the

Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

7

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

Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and implemented. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

8

No cycle parking facilities shall be provided at the site until a scheme for the provision of secure and weather proof cycle parking facilities for staff and visitors which includes the number, specification and location of the cycle facilities has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

9

The cycle parking facilities approved at condition 8 shall be provided at the site prior to the building being brought into use and shall be retained thereafter.

Reason

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

10

Prior to the unit hereby approved being brought into use, evidence shall be submitted to and approved by the local planning authority of the measures being taken to reduce car usage and increase the use of

public transport, walking and cycling amongst occupiers of the unit, in line with the measures set out in the intu Metrocentre Travel Plan, March 2013 (or any subsequent update). The evidence shall include:

- Measures taken to raise awareness of the objectives and actions set out in the intu Metrocentre Travel Plan.
- Measures taken to offer the opportunity for personalised journey planning for each member of staff within the unit.

The evidence shall also include details of the timescales within which the travel plan measures are to be implemented. Evidence of travel plan measures being successfully implemented shall be submitted to and approved in writing by the Local Planning Authority within 12 months of occupation of the approved unit. At all times thereafter, the Travel Plan measures which have been implemented within the unit shall remain in operation.”

Reason

In the interests of highway safety and to promote sustainable travel in accordance with the NPPF and policy CS13 of the CSUCP.

11

The development hereby permitted shall be constructed entirely of the external materials detailed and shown on drawings :

Elevations as proposed	2062-P04	dated 18/07/19
Elevations as proposed	2062-P05	dated 18/07/19

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policy ENV3 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan.

12

The approved drainage scheme as shown in figure 5 of the Drainage Statement by Cundall (document reference : 1022004.RTP.CL.002 Revision C dated 19 July 2019) shall be fully provided on site prior to the development being brought into operation.

Reason

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

13

The drainage at the site shall be operated and maintained in accordance with the Operation and Maintenance Plan in section 4.2.2 on pages 11 - 12 of the Drainage Strategy by Cundall (document reference : 1022004.RTP.CL.002 Revision C dated 19 July 2019).

Reason

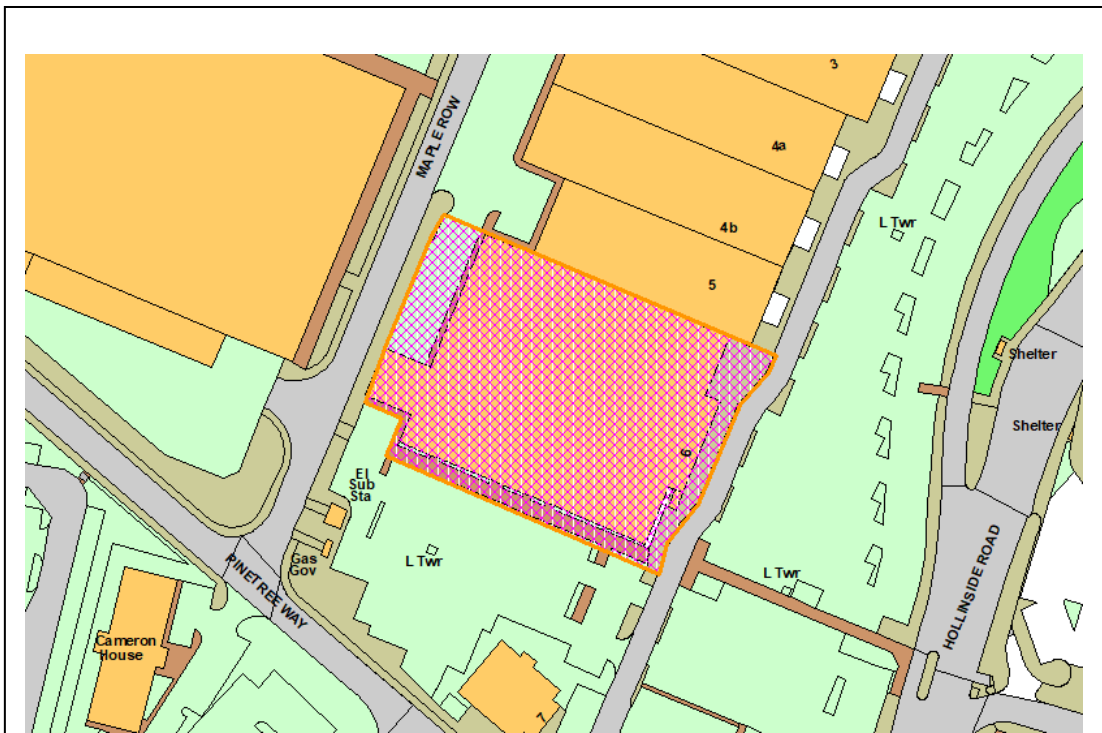
To ensure the correct functioning of the drainage system in accordance with the NPPF and policy CS17 of the Core Strategy and Urban Core Plan.

14

The development hereby approved shall be used for the sale of any goods except food, drink or tobacco for consumption off the premises where such sales exceed 250sqm of gross floor area of the retail unit. The operation of any café or restaurant selling hot or cold food and drinks for consumption on or off the premises shall at all times remain ancillary to the Class A1 retail use of the unit.

Reason:

In order to protect the viability and vitality of retail centres and to limit the impact on the highway network in accordance with the NPPF and the adopted Core Strategy and Urban Core Plan.



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Committee Report

Application No:	DC/19/00785/FUL
Case Officer	Andrew C Softley
Date Application Valid	28 August 2019
Applicant	Hawks Mill Student Developments Limited
Site:	21 Mill Road Gateshead
Ward:	Bridges
Proposal:	Erection of building up to 20 storeys for hotel (202 rooms - use class C1) and 244 serviced apartments (use class C1), together with commercial units (use classes A1, A2, A3, A4 or B1), parking, landscaping and associated development.
Recommendation:	GRANT
Application Type	Full Application

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

The application site sits on the upper edge of the Tyne Gorge and forms part of a major node, connecting the wider East Gateshead area and Baltic Business Quarter with Gateshead Quays and Gateshead Town Centre. The site is not located within the Baltic Business Quarter as designated in the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne (CSUCP) but is located within the Urban Core. It is also located on the edge of the Tyne Gorge and the River Tyne Wildlife Corridor. The site is bounded by Mill Road and Hawks Road and the Ramada Encore Hotel, however, there is an existing pedestrian walkway that separates the site from the hotel. Gateshead College and the Northern Design Centre are also near the application site. The nearest residential development is to the north in the form of the high-rise Baltic Flats.

1.2 The site is now cleared and hoarded off following the demolition of the three-storey, brick built, office/warehouse buildings.

1.3 DESCRIPTION OF THE APPLICATION

This application proposes the erection of a building up to 20 storeys for a hotel (202 rooms - use class C1) and 244 serviced apartments (use class C1), together with commercial units (use classes A1, A2, A3, A4 or B1), parking, landscaping and associated development.

1.4 The scheme proposes a single building on the corner of Hawks Road and Mill Road. The proposed building is split over three heights in line with the massing of the previously approved schemes. The highest portion of the proposed building is 20 storeys, including the ground floor; the middle portion is 15 storeys and the lower portion is 9 storeys. The proposed development is split

between the two main uses, with the northern section of the building, fronting Mill Road, containing serviced apartments and the southern section containing a hotel use. Additionally, at ground floor there are two commercial units proposed. One on the north eastern part of the site fronting Mill Road and one on the corner of Hawks Road and Mill Road. A summary of the accommodation is shown below:

- 202 hotel rooms
- 244 serviced residential apartments (consisting of 4 x 3 beds, 48 x 2 beds, 169 x 1 beds and 23 studios)
- Two commercial units of 317 square metres and 207 square metres.
- 35 no. car parking spaces, including 2no. disabled bays
- 102 no. cycle spaces
- 3 no. motorcycle spaces

- 1.5 At basement level, a number of ancillary and service functions are proposed to be located. These uses include water tank storage and pumps, store rooms, linen stores, a plant room, cycle parking stores and a sprinkler tank and pump room. Also at lower ground floor level is the proposed parking for the development. Under the basement level, a water geocellular storage tank is proposed to service the development. At ground floor level there are two, separate, dedicated reception and front of house areas for the serviced apartments and hotel uses. It is also proposed to include a taxi drop off and loading bay fronting the main reception areas on Hawks Road and Mill Road.
- 1.6 A total of 35 on site spaces are proposed at basement level. Three of these will be dedicated to the serviced apartment staff and three to the hotel staff, whilst the remainder will be available on a booking service for guests. Within this provision, it is proposed that there will be four disabled spaces and three spaces with electric vehicle charging points (all will be capable of future conversion). There will be 3 no motorcycle parking spaces.
- 1.7 A total of 102 secure cycle parking spaces are proposed at basement level. Of these, 40 will be dedicated to the serviced apartments, including 8 no. hire cycle spaces. 40 spaces are proposed for the hotel use including 8 no. hire cycle spaces. 22 spaces are proposed for the commercial units.
- 1.8 For the proposed hotel use, the main reception and lobby connect to a bar and a larger restaurant space with associated toilets. The back of house services include a luggage store and kitchen. For the proposed serviced apartments, there is a gym proposed for residents of the as well as back of house facilities including a luggage store, office, staff changing facilities and laundry room. Also located at ground floor is a plant room, substation and two water heating rooms. A mezzanine level is proposed to the ground floor which includes a number of functional services to support the proposed uses, which includes linen stores, staff toilets, staff rooms, laundry rooms, a bar store and office facilities.
- 1.9 The scheme includes hard and soft landscaping in and around the perimeter of the site. A roof terrace is proposed on the tallest element of the scheme for the use of those staying within the serviced apartments. At ground floor, the

internal courtyard will provide 'spill out' space for the commercial units, as well as residents and other users of the building.

- 1.10 The external design has been developed and generated using the structural grid of the building, with bands of paving extending from the architecture across the public pavement and the courtyard. The organisation of the space allows accessible routes for access all the entrances in the courtyard and the possibility to have a spill out area at the same level as the restaurant.
- 1.11 The roof terrace is a continuation of the ground floor concept. Paving bands form a distinct ground pattern, which in turn inform the planting, structure and arrangement of spaces. Planting is proposed to help divide the area to create spaces for informal gathering, co-working, exercising or just enjoying the views. Tree planting on the roof terrace will take the form of medium-sized multistem trees that are of a garden scale and appropriate to such an environment. Areas of hardstanding provide multi-functional spaces for use throughout the day.
- 1.12 Green roofs, such as sedum blankets or similar, are proposed to the roofs at levels 09 and 15, as these will be used primarily for external plant for both the hotel and apartments as well as maintenance access. There is also the potential to install photo-voltaic panels on these roofs to assist in utilising sustainable energy for the development.
- 1.13 The proposed ground floor commercial units are of 317 sqm and 207 sqm respectively. Back of house areas are proposed for both units, with street level access.
- 1.14 **PLANNING HISTORY**
DC/18/00396/FUL: Planning permission granted for a mixed use development consisting of 317 Apartments with two ground floor Retail Units (contained within a 20 storey block) and associated parking (amended 03/08/18 and additional information received 04/10/18). Granted on 31.10.2018.
- DC/18/00056/DEM: Prior approval required and approved for demolition of existing three storey office premises and single storey warehouse. Prior approval issued on 14.02.2018.
- DC/17/00634/FUL: Planning permission granted for a mixed use development consisting of 386 residential (60/40 student/open market) units (1,2 and 3 beds) with on-site facilities, café, retail and parking (Amended Plans 06.10.2017, increase in height, 27.10.2017 to re-introduce angled windows to windows on floors 1-6 facing the hotel and 31.10.2017, minor changes to elevation). Granted on 30.05.2018.
- DC/16/00469/FUL - Planning permission granted for the erection of a 15 storey (at highest point and 1 metre higher than previously approved development DC/15/00856/FUL) 326-bed Student Development with parking and communal facilities. (Amended 11/07/2016 and 14/07/16). Granted on 20.11.2015

DC/15/00856/FUL - Planning permission granted for the erection of 14-storey (at highest point) 265-bed student development with parking and communal facilities (Amended 23.10.2015). Granted on 04.08.2016

2.0 Consultation Responses:

Tyne And Wear Fire And Rescue Service	No objections.
Nexus	No objections.
Property Management - Safeguarding Met Office	No objections.
NATS	No objections.
NAIR - Newcastle Airport	No objection, subject to conditions.
Coal Authority	No objection, subject to conditions.
Northumbria Water	No objection, subject to conditions.
Tyne And Wear Archaeology Officer	No objection, subject to conditions.

3.0 Representations:

- 3.1 One letter of support has been received in respect of the application, although no specific reasons have been given.
- 3.2 One letter of objection to the application has been received and raises the following concerns:
- The design of building is not in keeping with the surrounding area.
 - The colour scheme proposed does not fit with the existing area.
 - The height of the building does not fit with the character of the area.
 - The height of the building will lead to a loss of privacy and loss of light to the neighbouring hotel and Baltic Quay Flats.
 - No long-term proposals have been put in place for car parking.
 - This level of development will exacerbate the existing traffic congestion, air pollution and noise issues in the area.
 - The development site is small, which will cause problems during construction because of the limited space to store materials and park vehicles.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

QB1 Quays and Baltic Sub-Area

QB3 Quays and Baltic Dev Opportunity Sites

UC3 Leisure Culture and Tourism

UC5 Primary and Secondary Pedestrian Routes

UC6 Cycling

UC7 Public Transport

UC11 Gateways and Arrival Points

UC12 Urban Design

UC13 Respecting and Managing Views

UC15 Urban Green Infrastructure

UC16 Public Realm

UC17 Public Art

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV46 The Durham Biodiversity Action Plan

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

DC2 Residential Amenity

T1 Transport req for New Developments

T7 Public Transport - Bus Network

MWR28 Prov of Facilities in new Developments

MWR35 Micro-Renewables, Energy Efficiency

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues are considered to be the principle of the proposed development, design, residential amenity highway safety and other material planning considerations.

5.2 PRINCIPLE

The site is located in the Urban Core the Quays and Baltic Sub-Area Policy QB1 of the Core Strategy and Urban Core Plan (CSUCP), as well as forming part of the Millennium Quay/Hawks Road Development Opportunity Site (QB3(1) of the CSUCP).

5.3 It is acknowledged that the site forms part of the Millennium Quay / Hawks Road (East, West, Central) Development Opportunity Site which states the site should encompass a mix of principal uses including Office (B1a) and Assembly and Leisure (D2). Whilst hotel/serviced apartments are not identified as one of the principal uses for this site, in allocating the site for mixed-use development, the policy does not go as far as to prevent other uses, as inappropriate for this location. The potential for non-policy compliant development at the Millennium Quay / Hawks Road (East, West, Central) site was highlighted during consultation on the CSUCP. Although policy QB3(1) maintains that office (B1a) and assembly and leisure (D2) are the preferred uses for this site, the Compliance Statement prepared to support the CSUCP Examination in Public does acknowledge: "other uses could be considered and a planning application will be assessed on its merits".

5.4 In this case, as already highlighted, the CSUCP does not preclude hotels/serviced apartments in this area and it is also considered the development of this site has the potential to facilitate the wider development of the QB3 allocation to incorporate the principal uses listed in policy. Furthermore, active ground floor uses are proposed for Hawks Road and Mill Road, which would not be exclusively for the development and would be for the benefit of the wider Quays and Baltic Quarter Area. This will bring vitality and vibrancy to an area that is in need of development and would enhance and

diversify the commercial/leisure offer in the area, which would accord with policy UC3 of the CSUCP.

- 5.5 It is also considered investment in the area would have added economic benefits. The creation of jobs in the area and improved confidence amongst developers looking to develop in the area, has the potential to increase prosperity and enhance the competitiveness of the urban core and the Baltic and Quays sub area.
- 5.6 The commercial and/or retail units proposed on the ground floor are acceptable non-principal uses on the basis that they are small scale and subservient in function to the overall development.
- 5.7 As such it is considered the benefits delivered through this type of, large scale, landmark development outweighs the conflict it may have with the requirement of policy QB3(1i).
- 5.8 As a result, taking into account all of the above, it is accepted that the proposed development is not strictly in accordance with all the relevant policies in the CSUCP. However, taking account of the flexibility of the policy approach for the area, particularly when considered alongside the NPPF and NPPG, it is considered the development is sustainable and will deliver a number of economic, leisure, cultural and tourism benefits for the area and Gateshead as a whole, which would help to build a strong, competitive and prosperous economy. This objective is in line with the aspirations of the NPPF, as well as policies UC3, QB1 and in part policy QB3 of the CSUCP. Therefore, on balance it is considered the principle of a hotel/serviced apartments development, with retail or other commercial uses on the ground floor, is acceptable in this location, subject to all other material planning considerations being satisfied.
- 5.9 **ARCHAEOLOGY**
The site is immediately adjacent to the former CPS Haulage site, for which a Desk Based Assessment (DBA) was produced which recommended excavation of important post-medieval structures on the site.
- 5.10 Previous excavations in the area have discovered substantial structures from the former Hawk's Ironworks, which was established on the site in 1747, to process scrap iron procured in London into wrought iron for use in the manufacture of a range of objects for both civilian and military markets by the Crowley Iron Works at Winlaton Mill. In 2011, excavations on the former CPS Haulage site, while recording later 18th and early 19th century remains, did not locate any mid eighteenth century structures so these parts of the complex may be encountered during the proposed development.
- 5.11 As a consequence, and in accordance with the NPPF, as well as policies ENV21 and ENV22 of the UDP trial excavations on the site, continuing the work done in 2011 should be undertaken with a programme of trial excavations and a final report submitted accordingly. This can be conditioned (CONDITIONS 5-7).

- 5.12 **CONTAMINATED LAND AND COAL MINING LEGACY**
The site is located on land identified as being potentially contaminated and a Phase 1 land contamination assessment has been submitted which concludes further investigations are required. This can be conditioned in accordance with policy CS14 of the CSUCP and policy ENV54 of the UDP (CONDITIONS 8-10). The Coal Authority has also been consulted and has raised no objection subject to conditions requiring further investigations (CONDITIONS 11-14).
- 5.13 **NEWCASTLE AIRPORT**
Newcastle Airport has not objected to the application, but have requested a crane method statement, to ensure there is no conflict with aircraft which may be flying close by. (CONDITIONS 15 and 16).
- 5.14 **FLOODING AND SUSTAINABLE URBAN DRAINAGE (SuDS)**
The site is located in flood zone 1 and due to the size of the site a flood risk assessment is not required. However, the use of SuDS is a material consideration for major development unless it can be demonstrated to be inappropriate and in accordance with the Core Strategy Policy CS17:4, surface water should be managed following the drainage hierarchy.
- 5.15 A drainage assessment has been submitted and has identified the introduction of green roofs as being a positive, and the use of an underground tank to manage run off at 5 litres per second, however, the assessment fails to cover all the key issues. Therefore, in order to satisfy the requirements of the NPPF, the NPPG and policy CS17 of the CSUCP, a more comprehensive drainage assessment and details of the surface water drainage scheme would be required. This can be conditioned (CONDITONS 17 AND 18). Due to the potential for surface water flooding in the area a flood evacuation plan would also be required (CONDITIONS 19 AND 20).
- 5.16 Therefore, subject to conditions it is considered that the development would be in accordance with policy CS17 of the CSUCP and the NPPF.
- 5.17 **DESIGN**
The importance of good design in new development is recognised in the NPPF. Policy UC12 of the CSUCP seeks to deliver the highest possible quality of urban design within the Central Gateshead area and policy CS15 of the CSUCP aims to ensure development contributes to good place making through the delivery of high quality urban design. Both policies set out other various urban design principles. Policy ENV3 of the UDP also states the importance of design in relation to new development and the established character and identity of its locality.
- 5.18 In addition, the corner of Mill Road and Hawks Road is identified in policy UC11 of the CSUCP as being a gateway site. Gateways are the points where changes in the environment create a sense of moving from one district to another and this includes the requirement for a change in scale, so taller buildings in this area are actively encouraged.

- 5.19 It is acknowledged that the proposed development would be the tallest building in the area and the 2003 Urban Landscape Study of the Tyne Gorge (Tyne Gorge Study) does set out some main principles but it does not discourage tall buildings and there are already examples of tall buildings within the Tyne Gorge i.e. the Sage Gateshead and the Baltic Flats. Primarily, the aim of the Tyne Gorge Study is to ensure strategic views of key heritage assets are not compromised. It is not to safeguard all views and there is a section within the Tyne Gorge Study which advises on the development of tall buildings. The Council's Place Making Supplementary Planning Document also encourages tall buildings where appropriate.
- 5.20 As proposed, it is considered the building would provide the focal point for this Gateway area, located at the head of the main north route into the area and identified as being a gateway site in policy UC11 of the CSUCP. The palette of materials would be crisp and the development would be contemporary in appearance. The design responds to the topography of the land and the height of neighbouring buildings with the height stepped down along both Mill Road and Hawks Road in 3 blocks, to ensure a balanced relationship is maintained. The building would feature a strong vertical emphasis created through the use of a pre-cast concrete grid, with the vertical elements of the grid being most prominent and double height cassette windows that would stretch over two floors. It is considered these design features would deliver a distinctive development that is fully suited to this prominent location.
- 5.21 The applicant has provided detailed floor plans for the building, which demonstrate that all the apartments and hotel rooms would provide adequate space and meets or exceeds industry space requirements for hotel/serviced apartments.
- 5.22 The applicant has provided details with regards to materials and these are considered to be high quality and contemporary. These include Modular pre-cast concrete cladding, bronze colour metal cladding, aluminium frame glazing system and flush jointed glazing system. Final details, can be conditioned (CONDITIONS 21 and 22).
- 5.23 The applicant has provided some landscape details for a proposed courtyard garden at ground floor level and also a roof top terrace at the highest point of the building, which are considered to be positive. Therefore, subject to agreeing the final details, it is considered that the proposed landscape strategy is in accordance with adopted policy (CONDITIONS 23-25).
- 5.24 To enhance the character and local distinctiveness of the development and in accordance with policy UC17 of the CSUCP, the development is expected to include some public art. Details of this can be conditioned (CONDITIONS 26 AND 27).
- 5.25 As a result, this high quality, landmark development is considered to be acceptable in design terms and the proposal would accord with the National Planning Policy Framework as well as policies QB1, QB3, UC11, UC12, UC13, UC15, UC16, UC17 and CS15 of the CSUCP and policy ENV3 of the UDP.

5.26 HIGHWAY SAFETY/PARKING

The site is located within the urban core/town centre where there is less of a reliance on car ownership and there is no requirement in the NPPF or within the CSUCP or the UDP that explicitly requires parking for town centre developments. On the contrary planning policies encourage the use of more sustainable modes of transport rather than private cars.

5.27 There are several pedestrian links into the centre of Gateshead and Newcastle and the route from the corner of Hawks Road and Mill Road is proposed to be improved by this development in accordance with policies CS13, QB1 and QB3 of the CSUCP. In addition, there are already existing bus routes and cycleways within easy access of the site. A final Travel Plan will be required to maximise the use of these links (CONDITIONS 28 AND 29) as would the installation of secure cycle parking for the cycles shown on the plans. Final details can be conditioned (CONDITIONS 30 AND 31). In addition, as per the previous approvals there is a requirement to provide new bus shelters for two of the bus stops on Mill Road and again this can be conditioned (CONDITIONS 32 and 33). The applicant is proposing to install three electric charging points into the development, which is in accordance with policy CS13 and the NPPF and this can be conditioned (CONDITION 34).

5.28 Therefore, taking into account the sites sustainable location, within the Urban Core where access to pedestrian links, cycle routes, the nearby public car parks and public transport is readily available, the level of parking proposed (34 spaces) is considered to be acceptable. A car park management plan will be required and can be conditioned to ensure the car park functions properly, factoring in the mix of uses on the site (CONDITIONS 35 and 36).

5.29 Should any visitors, staff or customers arrive by car and there is no parking available then they would be expected to park in the nearby public car parks. Should any indiscriminate parking take place on the highway that would be subject to separate highway enforcement.

5.30 With regards to the car park access for vehicles, the location of the access ramp on Mill Road is considered acceptable and the introduction of loading/service bays/ taxi drop-off on both Mill Road and Hawks Road would ensure deliveries to the site and bin collections could be undertaken safely. However, the development is mixed use and encompasses two functionally separate commercial/retail units on the ground floor which would themselves also generate a number of deliveries and waste collections. Therefore, it is likely bins would need to be collected at least twice a week and frequent deliveries will take place and thus a servicing and refuse strategy will be required to manage the times the bays are in use and this can be addressed by conditions (CONDITIONS 37 and 38).

5.31 The bin stores for the hotel/serviced apartments have been located to ensure collections take place off Mill Road. Of the two commercial units, the Mill Road one has direct back of house access to the layby on Mill Road, and the unit on the junction of Mill Road/Hawks Road has direct back of house access to the

layby on Hawks Road. The entrance to the basement car park is to defined by a roller shutter, the details of which can be conditioned (CONDITIONS 39 and 40).

- 5.32 In order to facilitate the development certain parts of the highway would need to be stopped up. Final details of all works within the adopted highway that is to remain would be required (CONDITIONS 41 and 42). This includes the laybys, improvements to footway around development (including Hawks Road), street lighting, signs, road markings and waiting restrictions. Any legal orders associated with the laybys would need to be dealt with separately at the cost of the applicant.
- 5.33 As a result, it is considered that due to the site's sustainable location and the measures proposed and/or that can be conditioned, the proposed development would not generate a significant increase in traffic and any parking that is required could be accommodated within the development or the surrounding public car parks. In addition, pedestrian and bus links would be improved, facilities for cycle and motorcycle parking and taxis provided. As a result, it is considered the proposed development would not conflict with the aims and objectives of the NPPF or policies CS13, QB1, QB3, UC5, UC6, UC7, UC12 and UC16 of the CSUCP as well as policies T1 and T7 of the UDP.
- 5.34 **RESIDENTIAL AMENITY**
In response to the potential issues of overlooking it is considered there will be little in the way of direct overlooking between the proposed development and the nearest residential development at Baltic Flats, due to the off-set relationship the two developments would have with each other. Even though the proposed development would be set higher than the Baltic Flats, it is considered the significance of any indirect overlooking would be limited as a result of the separation distances. At the nearest point the separation distance is circa 25 metres, but this increases as the development steps up the hill.
- 5.35 In terms of visual intrusion, it is acknowledged that this is a substantial development and will be prominent from the south facing windows of the Baltic Flats but at the nearest point the proposed development would only be 9 storeys high, compared to the 13 storeys of the Baltic Flats as the height of the development increases up the hill, so does the separation distance. In addition, as mentioned above the development splays away from the Baltic Flats.
- 5.36 With regards to the impact of the development on the amount of daylight and sunlight getting to Baltic Flats (the flats), it is considered the separation distances between the two developments, the stepped nature of this proposal (with the tallest section furthest away from the flats) and the change in orientation between the two developments would ensure there is no significant loss of daylight. The sunlight assessment provided using modelling from the Virtual Newcastle Gateshead (VNG) model that was undertaken during a previous application for this site (DC/17/00634/FUL) demonstrated that there would be little or no loss of sunlight to the flats during the summer months and only short periods of loss/overshadowing during the winter months, on the occasions when the sun is shining. This is not considered to be sufficient

enough to warrant refusal especially, as the surrounding area has been identified for large scale development and where elements of overshadowing etc is expected. The scale, mass and height of this new proposal are ostensibly similar and therefore it is considered that the findings of the previous VNG modelling remain valid.

- 5.37 A 2019 micro-climate study has also been submitted with this application which demonstrates the development, for the most part, would not have any adverse impacts in terms of downdrafts which could have affected the safety of pedestrians on footpaths around the building. However, the report did conclude that in extreme wind conditions the junction of Mill Road and Hawks Road and the northern corner of the building on Mill Road could be affected by higher wind speeds due to the channelling effect of the tall building. The report suggests with the addition of some modest street level landscaping features these extreme wind events can be mitigated against. This can be addressed by condition (CONDITIONS 43 and 44).
- 5.38 With regard to the roof top terrace, it is considered that it would not create any direct overlooking of neighbouring properties or create any significant noise concerns due to the difference in orientation and the difference in height, which should mean that any views would be over the top of the adjacent flats and any noise generation would be modest when considered against existing background noise.
- 5.39 In terms of the impact on the neighbouring hotel, the design and orientation of the proposed building and the internal layout of the proposal is such that only the windows serving the corridors of floors 1-8 of the Hawks Road element would be within 21m (around 5m away) and look directly onto bedroom windows of the neighbouring hotel. Therefore, it is considered that the potential impact upon amenity from these corridor windows is less significant than if they were bedroom windows, however, to preserve amenity it is considered necessary to require that these corridor windows are obscurely glazed. This can be controlled by condition (CONDITION 45).
- 5.40 In respect of the Mill Road element of the proposal, the orientation of this element of the new building, the location of the neighbouring hotel and the position of the bedroom windows on both the proposal and the existing hotel are such that no direct overlooking should be possible and thus amenity in both cases would be preserved.
- 5.41 Therefore, in terms of overlooking, overshadowing and general disturbance it is considered the proposed development is acceptable and would not result in any significant issues for neighbouring residential occupiers, hotel guests or future occupiers of the development.
- 5.42 As set out in policy DC2 of the UDP and policy CS14 of the CSUCP the amenity of future occupants is also a material planning consideration. The application is supported by a noise assessment and builds on previous monitoring and makes a number of recommendations in terms of acoustic measures to the proposed development. Consequently, it is recommended that final

glazing/ventilation details are provided, and this can be conditioned (CONDITIONS 46 and 47).

- 5.43 Final details of any external plant or air conditioning units, notably the noise levels generated, would also be required (CONDITIONS 48 and 49). Other details to be conditioned include external lighting (CONDITIONS 50 and 51) and construction method statement/hours of construction (CONDITIONS 3 and 4). Due to the location and the 24 hour nature of the hotel and serviced apartments, it is not considered necessary to condition opening hours of the commercial/retail premises as any activity associated with them would not be materially significant when compared to background noise levels
- 5.44 Therefore, it is considered the impact of the proposed development on residential amenity is acceptable and in accordance with the NPPF as well as policies CS14 of the CSUCP and policies DC2 and ENV61 of the UDP.
- 5.45 AIR QUALITY
A 2019 Air Quality Assessment for the proposed development has been submitted and officers agree with the conclusions put forward that residents will not be placed in a location where the NO2 air quality objective will be breached, or that the development will cause such a breach.
- 5.46 However, in accordance with policy CS14 of the CSUCP the developers would need to put forward a dust management plan for the construction phases, as sensitive receptors are very close by. This has been included as part of condition 3.
- 5.47 ECOLOGY
The site is located on the edge of the River Tyne Wildlife Corridor. As such in accordance with the principles of the NPPF, new development should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. It should also contribute to the Government's commitment to halt the overall decline in biodiversity, by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.48 The provision of green/brown roofs is a positive feature and in addition to reducing flood risk would provide valuable opportunities for biodiversity. Final details of the roofs can be conditioned to ensure the ecological opportunities are maximised (CONDITIONS 52 AND 53).
- 5.49 As a result, it is considered subject to conditions, the proposed development would not conflict with the aims and objectives of the NPPF, policies CS18 of the CSUCP and policies ENV46 and ENV51 of the UDP.
- 5.50 SUSTAINABILITY
Section 10 of the NPPF seeks to reduce the impact of climate change with policies CS16 of the CSUCP and policy MWR35 of the UDP setting local requirements.

- 5.51 Information submitted in the planning statement identifies measures that could be introduced into the building, including air source heat pumps and PV panels. These measures are considered reasonable but there is an opportunity for the development to connect to the District Energy Centre. Therefore, it is recommended that this option is investigated further and a sustainability statement is submitted demonstrating compliance with policy CS16 of the CSUCP. This can be conditioned (CONDITIONS 54 AND 55).
- 5.52 Subject to this condition it is considered the proposed development does not conflict with the aims and objectives of the NPPF, policy CS16 of the CSUCP and policy MWR35 of the UDP.
- 5.53 **EMPLOYMENT OPPORTUNITIES**
A major priority for the Council is the creation of employment and training opportunities, especially apprenticeships for local people and as such the Council seeks to work with potential developers to bring forward opportunities in construction, landscaping and ancillary trades.
- 5.54 The apprenticeships could be through the developer or their supply chain, contractors, delivery partners or ancillary activities across the length of the build. Any such opportunities would be made available to target groups within the Borough and beyond.
- 5.55 In line with the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016, the apprenticeships would normally be secured through a planning condition (CONDITIONS 56 and 57).
- 5.56 **COMMUNITY INFRASTRUCTURE LEVY**
Gateshead Council is 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 hotel related. However, the development is located within a Charging Zone with a levy of £0 per square metre for this type of development.

6.0 CONCLUSION

- 6.1 Taking all relevant issues into account and that the principle of a high rise hotel/serviced apartments development on the site is acceptable. Therefore, it is recommended that planning permission is granted, subject to conditions, as the principle of development is acceptable, as is the impact on design, highways, amenity, sustainability and other material planning considerations. The proposed development is considered to satisfy the aims and objectives of the NPPF and the NPPG as well as relevant policies in the CSUCP and UDP.

7.0 Recommendation:

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

1

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

Plan refs. To follow as an update.

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

Reason

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

2

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

Reason

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

3

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for the recycling/disposing of waste arising from construction works.

In addition all works and ancillary operations in connection with the remediation of the site and the construction of the new development, including the use of any equipment or deliveries to the site (except for internal works, shall be carried out only between 0800 hours and 1800 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

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan.

Reason for prior to commencement condition

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

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

4

The development shall be carried out in accordance with the Construction Method Statement approved under condition 3.

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan

5

No groundworks or construction of the development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies ENV21 & ENV22 of the saved Unitary Development Plan.

Reason for prior to commencement condition

The programme of archaeological fieldwork must ensure that any archaeological remains on the site can be preserved wherever possible and recorded.

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

6

The development shall not be first occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 5 has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any

archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies ENV21 & ENV22 of the saved Unitary Development Plan.

7

The development shall not be first 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 located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies ENV21 & ENV22 of the saved Unitary Development Plan

8

Construction of the development hereby approved shall not commence until an intrusive land contamination assessment, to assess the nature and extent of any contamination on the site and whether or not it originates on the site has been submitted to and approved in writing of the Local Planning Authority. The report of the findings must include-

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to,

- land stability
- human health,
- property (existing or proposed) including buildings, service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments,

(iii) an appraisal of remedial options, and proposal of the preferred option(s) including a timeline and phasing for the implementation of the remediation scheme.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason

To ensure that risks from land contamination and coal mining legacies to the future users of the land and neighbouring land are minimised, together with those to controlled in accordance with policy CS14 of the Core Strategy and

Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan

9

The remediation and mitigation schemes must be carried out in accordance with the details approved under condition 8. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination and coal mining legacies to the future users of the land and neighbouring land are minimised, together with those to controlled in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

10

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment must be undertaken and where remediation is necessary a revised remediation scheme must be prepared in accordance with the requirements of condition 8; (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9 (Implementation of Approved Remediation Scheme).

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 in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

11

Construction of the development hereby approved shall not commence until a scheme of further intrusive investigations to establish the coal mining legacies

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

Reason

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

12

The intrusive investigations shall be carried out in accordance with the details approved under condition 11 prior to the construction of the development hereby approved commencing.

Reason

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

13

Construction of the development hereby approved shall not commence until a report of findings arising from the intrusive site investigations approved under condition 11, and a scheme of remedial works if necessary, including the phasing of any remedial works, has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

14

Any remediation works approved under condition 13 shall be implemented in accordance with the timetable approved under that condition.

Reason

To ensure that risks from coal mining to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be

carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

15

Construction of the development hereby approved shall not commence until a method statement for crane operation, has been submitted to and approved in writing by the Local Planning Authority, in consultation with Newcastle International Airport.

Reason

In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

16

The development shall be carried out in accordance with the crane method statement approved under condition 15.

Reason

In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

17

Construction of the development hereby approved shall not proceed beyond foundation level until a detailed drainage assessment and SuDS scheme, in accordance with the CIRIA SuDS Manual (C697) and Update has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall consider the DEFRA Non-Technical Standards for SuDS and shall include: infiltration testing, detailed designs of the SuDS components (green roof, soakaways, rainwater harvesting), flow controls; health and safety risk assessment; construction method statement (refer to CIRIA guidance - Construction Method Statements RP992/22)); a maintenance plan (refer to CIRIA guidance on maintenance plan RP992/21), electronic drainage model, evidence to demonstrate that there is adequate foul and surface water public sewerage capacity based on NWL's agreed discharge volumes and rates before connecting to the public sewerage system and a timetable of implementation for the approved SuDS components.

The maintenance plan should include the arrangements to secure the operation of the drainage scheme (including tanks, pumps, flow control, soakaways and green roof) throughout the lifetime of the development.

Reason

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

18

The SuDS scheme shall be implemented in accordance with the details approved under condition 17, prior to the development hereby approved being first occupied and shall be retained as such thereafter.

Reason

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

19

No part of the development shall be occupied until an emergency flood warning and evacuation plan for the development which includes:

- i- details of the flood warning procedures
- ii- details of the emergency flood access and egress routes
- iii- identified places that people could be evacuated to
- iv- flood response procedures

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

Reason

To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF.

20

Any flood evacuation shall be carried out in accordance with the plan approved under condition 19.

Reason

To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF.

21

Construction of the development hereby approved shall not proceed above foundation level until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

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

22

The materials used shall be in accordance with the details approved under condition 21 unless otherwise approved in writing by the Local Planning Authority.

Reason

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

23

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

Reason

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

24

The landscaping scheme approved under condition 23 shall be completed in full accordance with the approved timescales unless otherwise approved in writing by the Local Planning Authority. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

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

25

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

Reason

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

26

No part of the development hereby approved shall be occupied until a scheme for public art has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

27

The public art shall be implemented in accordance with the scheme approved under condition 26, prior to the development hereby approved being first occupied. The approved artwork shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

28

No part of the hotel/serviced apartments development shall be occupied until a Travel Plan for those elements has been submitted to and approved in writing by the Local Planning Authority. None of the commercial/retail units shall be occupied until the submission of a Travel Plan for each occupier(s) and successive occupier(s) has been submitted to and approved in writing by the Local Planning Authority

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

- 1) Reduction in car usage and increased use of public transport, walking and cycling;
- 2) Minimal operational requirements for car parking in accordance with the National Planning Policy Framework and Council Policy CS13;
- 3) More environmentally friendly delivery and freight movements;
- 5) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Reason

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

29

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

Reason

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

30

Notwithstanding the details on the submitted plans, final details of the secure enclosures for the cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority, prior to the development hereby approved being first occupied.

Reason

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

31

The secure cycle parking facilities approved under condition 30 shall be implemented before the first occupation of the development and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

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

32

No part of the development hereby approved shall be occupied until final details of the two new bus shelters to be installed on Mill Road have been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to encourage the hotel/serviced apartments staff and guests and staff and users of the commercial/retail units to engage in sustainable travel, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

33

No part of the development hereby approved shall be occupied until the two new bus shelters have been installed on Mill Road in accordance with the details approved under condition 32 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to encourage the hotel/serviced apartments staff and guests and staff and users of the commercial/retail units to engage in sustainable travel, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

34

A minimum of three charging points for electric vehicles shall be provided within the development, prior to the development being first occupied.

Reason

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

35

Notwithstanding the details on the submitted plans, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the development hereby approved being first occupied.

Reason

In the interests of effective use of the car park and loading bays, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

36

The car parks shall be operated in full accordance with the Car Park Management Plan approved under condition 35 for the life of the development.

Reason

In the interests of effective use of the car park, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

37

Notwithstanding the details on the submitted plans, a Deliveries, Servicing and Refuse Collection Management Plan for each separate use hereby approved, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the development for that use..

Reason

In the interests of safe service and refuse collection, in accordance with policy MWR28 of the Unitary Development Plan and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

38

The respective Deliveries, Serving and Refuse Collection Management Plan shall be implemented in full accordance with the details approved under condition 37 for the life of that use at the development.

Reason

In the interests of safe service and refuse collection, in accordance with policy MWR28 of the Unitary Development Plan and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

39

No part of the basement level hereby approved shall be brought into use until details of the roller shutter to the basement level have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of safe and efficient use of the access ramp and basement level, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

40

The basement level shall not be brought into use until the roller shutter approved under condition 39 has been installed. The approved details shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

41

No part of the development hereby approved shall be occupied until final details of all works within the adopted highway have been submitted to and approved in writing by the Local Planning Authority. This shall include surface materials to be used for the layby and footways around development (including Hawks Road and Mill Road), street lighting, signs, road markings and details of the feature to be constructed at the back of the footpath at the lower end of the development on Mill Road.

Reason

To ensure a satisfactory standard of development, in the interests of visual amenity and highway safety in accordance with policy ENV3 of the Unitary Development Plan and policy, UC12, UC16 and CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

42

No part of the development hereby approved shall be occupied until the off-site highway works have been implemented in accordance with the details approved under condition 41 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory standard of development, in the interests of visual amenity and highway safety in accordance with policy ENV3 of the Unitary Development Plan and policy, UC12, UC16 and CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

43

No part of the development hereby approved shall be occupied until details of street level landscaping features at the junction of Mill Road and Hawks Road and the northern corner of the building on Mill Road have been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of highway uses in extreme wind conditions in accordance with the NPPF and policies CS13 and CS14 of the CSUCP.

44

The street level landscaping features approved under condition 43 shall be implemented before the first occupation of the development and maintained as such thereafter.

Reason

To safeguard the amenities of highway uses in extreme wind conditions in accordance with the NPPF and policies CS13 and CS14 of the CSUCP.

45

The windows serving the hotel corridors of floors 1-8 in the Hawks Road element of the development looking on the Ramada Encore Hotel hereby approved shall be glazed with obscure glass at a level three or greater. The obscure glazing shall be retained as such thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

46

Prior to the installation of any windows serving hotel rooms or the serviced apartments, in accordance with the submitted noise assessment, final details of the glazing and ventilation for the units shall be submitted to and approved in writing by the Local Planning Authority. The details for the glazing and ventilation for the windows in the east elevation facing the hotel shall be informed by an updated noise assessment as specified in the submitted noise assessment.

Reason

To safeguard the amenities of future occupants in accordance with policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of

the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

47

The development shall be carried out in accordance with the glazing and ventilation details approved under condition 46.

Reason

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

48

No plant, machinery or equipment shall be installed on or attached to the exterior of the development until details have first been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and to ensure that any external equipment does not have an adverse effect upon the appearance of the development in accordance with policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

49

Any plant, machinery or equipment installed on or attached to the exterior of the development shall be implemented in accordance with details approved under condition 48 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and to ensure that any external equipment does not have an adverse effect upon the appearance of the development in accordance with policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

50

No part of the development hereby approved shall be occupied until full details of the method of illumination of the external areas of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the amenities of the neighbouring residents in accordance with policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

51

Any external lighting shall be implemented in accordance with the details approved under condition 50 and shall be retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of the amenities of the neighbouring residents in accordance with policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

52

Construction of the green/brown roofs shall not commence until full details of the roofs and the area that they will cover, have been submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable for implementation and a maintenance plan.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the building, as well as providing ecological enhancement and sustainable drainage in accordance with the NPPF, saved policies DC2, ENV3, ENV46 and ENV51 of the Unitary Development Plan and policies UC10, UC12, CS14, CS15, CS17 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

53

The green/brown roofs shall be implemented and maintained in full accordance with the details approved under condition 52.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the building, as well as providing ecological enhancement and sustainable drainage in accordance with the NPPF, saved policies DC2, ENV3, ENV46 and ENV51 of the Unitary Development Plan and policies UC10, UC12, CS14, CS15, CS17 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

54

Construction of the new development hereby approved shall not proceed above foundation level until an updated sustainability statement which demonstrates the sustainable measures that will be implemented in the development and how the development will comply with policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

and a timetable for implementation has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and reduces carbon emissions in accordance with Policy MWR35 in the Unitary Development Plan and policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

55

The sustainable energy measures shall be implemented in accordance with the details and timetable, submitted and approved under condition 54.

Reason:

To ensure that the development is sustainable and reduces carbon emissions in accordance with Policy MWR35 in the Unitary Development Plan and policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

56

Construction of the development hereby approved shall not commence until Training Plan(s) outlining the potential creation of employment and training opportunities, especially apprenticeships for local people during the construction phases and the end operation of the hotel and serviced apartments is submitted to and approved in writing by the Local Planning Authority.

Reason

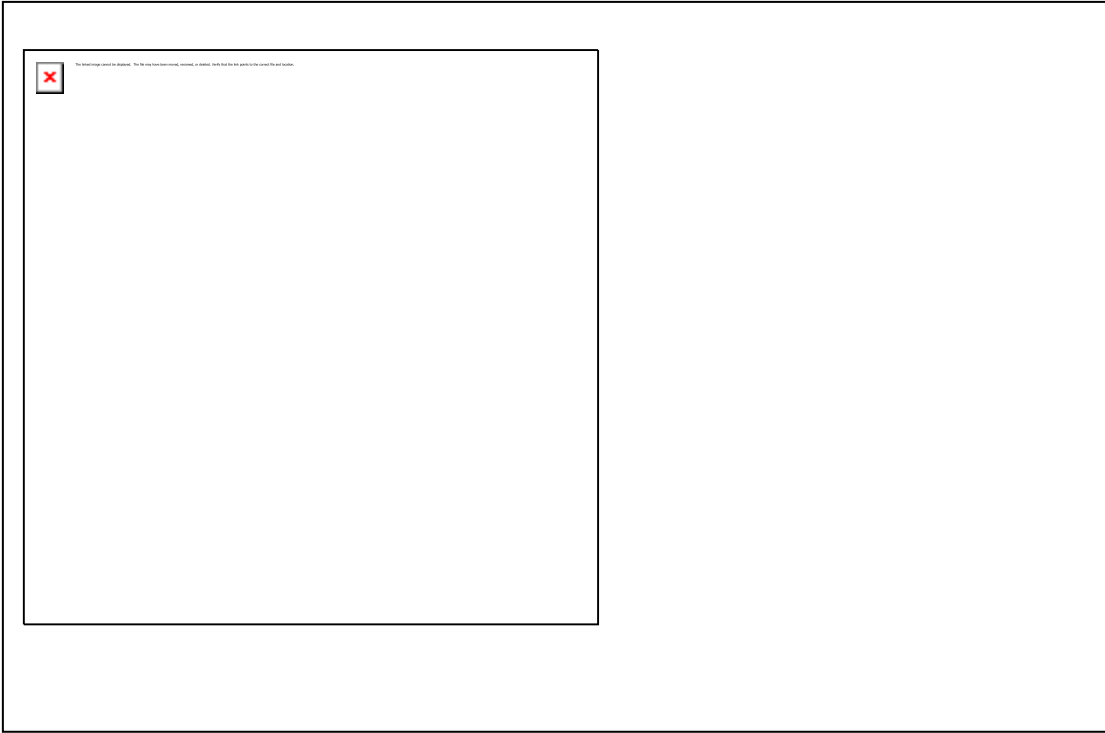
In the interests of providing employment and training opportunities in line with the NPPF and the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016.

57

The Training Plan(s) shall be implemented in accordance with the details and timetable, submitted and approved under condition 56.

Reason:

In the interests of providing employment and training opportunities in line with the NPPF and the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016.



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Committee Report

Application No:	DC/19/00961/HHA
Case Officer	Josh Woollard
Date Application Valid	12 September 2019
Applicant	Mrs Elizabeth Leng
Site:	18 The Cedars Whickham Newcastle Upon Tyne NE16 5TH
Ward:	Whickham South and Sunniside
Proposal:	Resubmission of application DC/19/00307/HHA for erection of single storey rear extension, front porch extension and additional pitched roof to existing flat roof side extension (part-retrospective) (amended plans 07.09.19)
Recommendation:	GRANT
Application Type	Householder Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

1.2 The Cedars is made up of four cul-de-sacs located to the west of the B316 (Sunniside Road). Three of the cul-de-sacs run north to south and sit parallel with one another. The application site is located along the middle of the three cul-de-sacs.

1.3 Properties along The Cedars are two-storey, detached dwellinghouses with dual pitch roofs. Many properties have first floor side extensions with either flat roofs or pitched roofs, whilst many have been extended at the front with extensions varying in size.

1.4 DESCRIPTION OF THE APPLICATION

1.5 The application seeks retrospective planning permission for the following works:

- Single storey front porch extension with pitched roof extending across the entire principal elevation and a stone pillar to support the canopy above the garage
- Single storey rear extension
- Pitched roof above existing flat roof first-floor side extension
- Application of render and brick to the principal elevation at first-floor level

1.6 The single storey front extension projects 1.6m from the principal elevation and is finished in natural stone to the front and brick to the side elevations.

1.7 The single storey rear extension projects 2.5m from the rear elevation and would be finished in brick with a pitched tiled roof.

1.8 The render to the principal elevation is light grey in colour.

1.9 RELEVANT PLANNING HISTORY

- DC/19/00307/HHA - Single storey rear extension, front porch extension and additional pitched roof to existing flat roof side extension (part retrospective) – Granted 09.05.2019

2.0 Consultation Responses

Not Applicable

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 20 letters of representation have been received from 9 different households objecting to the planning application. The objections are summarized as follows:

- The front extension disrupts the established building line
- The pitched roof across the entire front elevation and stone pillar is out of character with the other houses in the street
- The amount of stone used in the front elevation is out of character
- There are no hanging tiles which are out of character
- The front extension and pillar would impact on car parking which would have a detrimental impact on highway safety
- Noise and disturbance resulting from construction works
- Building works took place prior to the application being submitted
- Inaccurate description of the development
- Loss of property value
- Extensions are not in accordance with approved plans
- Loss of outlook
- Contrary to Gateshead Council's Household Alterations and Extensions SPD

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

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

5.2 BACKGROUND

5.3 Whilst planning permission is sought for a number of works, the applicant benefits from extant planning permission (granted under application DC/19/00307/HHA) to construct a single storey rear extension, to replace an existing porch with a larger front porch extension projecting 1.45m from the principal elevation, a pitched roof above the existing flat roof, first-floor side extension, and the application of render to the principal elevation at first-floor level.

5.4 This planning application has been submitted to remedy a number of breaches where the works are not in accordance with the approved plans and to make other minor changes to the plans. The changes are as follows:

- Increase projection of front porch extension from 1.45m to 1.6m in line with what has been built on site
- Extend pitched roof above front porch across the garage and construct a stone pillar to support the roof canopy
- Remove a window within the side elevation of the front porch extension
- Change render finish at first-floor level above the garage to brick
- Clarify the use of natural stone to the entire front elevation of the porch extension

5.5 IMPACT ON STREET SCENE

5.6 Saved Unitary Development Plan (UDP) policy ENV3 along with CSUCP policy CS15 requires that new development must be of a high-quality sustainable design that makes a positive contribution to the established character and identity of the local area. This is echoed by

section twelve of the NPPF which places a strong emphasis on the requirement for good design.

- 5.7 Gateshead Council's HAESPD advises that alterations and extensions should respect the style and appearance of the dwelling, and the character of the locality, particularly in relation to:
- Built form, scale and proportions
 - Roof form and pitch
 - Window and door shape, style and details
 - External materials
 - Gardens and landscaping
 - Boundary walls, gates and piers
- 5.8 There are a number of front extensions along The Cedars and these vary in design, scale, and materials.
- 5.9 Number 20 The Cedars has a front extension with a stone pillar. Within the front elevation of the extension is a single high-level window and as a result, proportionally there is a greater use of stone.
- 5.10 Number 24 The Cedars has a stone-built front extension with a lean-to canopy roof and a dual pitch roof above the porch. Within this porch is a small circular feature window.
- 5.11 Number 25 The Cedars has a stone-built porch with large elements of glazing, canopy roof and a black circular pole to support the canopy.
- 5.12 Number 26 The Cedars has a smaller front extension with a canopy roof and a stone pillar to support the canopy. This extension also has a single high-level window and therefore has a greater use of stone in comparison to some other extensions along The Cedars.
- 5.13 Number 47 The Cedars has an open stone-built structure to the front with timber rafters above.
- 5.14 In terms of this planning application, whilst the overall projection at the front would go beyond the other 3 houses that sit to the east of The Cedars, it is considered that the extension needs to be considered in the context of the wider locality rather than just the stretch of four houses (16-19 The Cedars). As established above, there is little uniformity in the way properties along The Cedars have been extended to the front and it is therefore considered the increased projection of 15cm (over the previously approved scheme) would not have a harmful effect on the street scene, when considering the wider locality.
- 5.15 Moving to the pitched roof extending across the entire principal elevation to form a canopy over the garage and the associated stone-built pillar to support it, numbers 16-19 The Cedars each have a pitched roof which extends across the entire elevation. Whilst it is

acknowledged that they do not project as far, the design feature does exist within the street scene. Further, as highlighted above there are a number of pillars supporting canopies in the area and some of these, at numbers 20 and 26 for example, are constructed from stone. As such, it is considered that the pitched canopy roof and stone pillar is acceptable.

- 5.16 Hanging tiles within the area vary in the scale that they are used and in colour, ranging from light grey, dark grey, cream, turquoise, light green and dark green and vary in terms of the scale. Planning permission has been granted to apply light grey render to the principal elevation. This application seeks to finish the exterior above the garage with brick. This design feature is commonplace and is present at 16-19 The Cedars inclusive. As such, this change is considered to be acceptable.
- 5.17 In terms of the other works, including the pitched roof above the flat roof, first-floor side extension, the rear extension, and the removal of a window within the side elevation of the front porch, these works are considered to be acceptable.
- 5.18 Given the above assessment, it is considered the development would comply with the NPPF, policy CS15 of the CSUCP, Saved policy ENV3 of the UDP, and Gateshead Council's HAESPD.
- 5.19 HIGHWAY IMPACTS
- 5.20 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.21 Representations received raise concerns as to the potential loss of parking as a result of constructing the pillar and the front porch extension.
- 5.22 Within a residential area, on-street parking is often commonplace, and it is not considered that the additional parking demand resulting from one property would warrant refusal of the application. Notwithstanding this, a single useable parking space would be retained on site and this is considered acceptable.
- 5.23 As such, it is not considered that the development would result in an unacceptable impact on highway safety, nor would it have a severe impact on the road network. It is therefore considered that the development would comply with the NPPF and policy CS13 of the CSUCP.
- 5.24 RESIDENTIAL AMENITY

- 5.25 The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CSUCP policy CS14 and saved UDP policy DC2 which seek to ensure that development does not cause any undue disturbance to nearby residents, safeguards the enjoyment of light and privacy for existing residential properties, and ensures an acceptable level of amenity for existing and future residents.
- 5.26 Properties along the Cedars are detached. Number 19 is located to the north and number 17 is located to the south of the application site. Given the separation between the properties and the limited projection of 1.6m, it is considered that this would not result in an unacceptable impact on residential amenity in terms of loss of light, outlook, privacy, or overbearing impact.
- 5.27 As such, it is considered that the development would comply with the NPPF, policy CS14 of the CSUCP, and Saved policy DC2 of the UDP.

5.28 OTHER MATTERS

- 5.29 With regard to the construction works taking place without planning permission, Section 73A of the Town and Country Planning Act 1990 allows for an application to be made to a local planning authority for development carried out without planning permission. Section 54A of the Town and Country Planning Act 1990 provides 'where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'. This applies to all applications for planning permission.
- 5.30 With regard to the inaccurate description of the proposed development, it is considered that the description of the development is accurate and should be read alongside the submitted plans. As such, it is not considered that the ability for residents to submit representations has been prejudiced.
- 5.31 A number of non-material planning considerations have been raised including loss of property value, and noise and disturbance associated with construction works. These have not been afforded any weight in the determination of this planning application.

6.0 CONCLUSION

- 6.1 Taking all the relevant planning policies into account along with all other material planning considerations, it is recommended that retrospective planning permission be granted, subject to conditions.

7.0 Recommendation:

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

1

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

001 Rev D (Oct 2019)

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

Reason

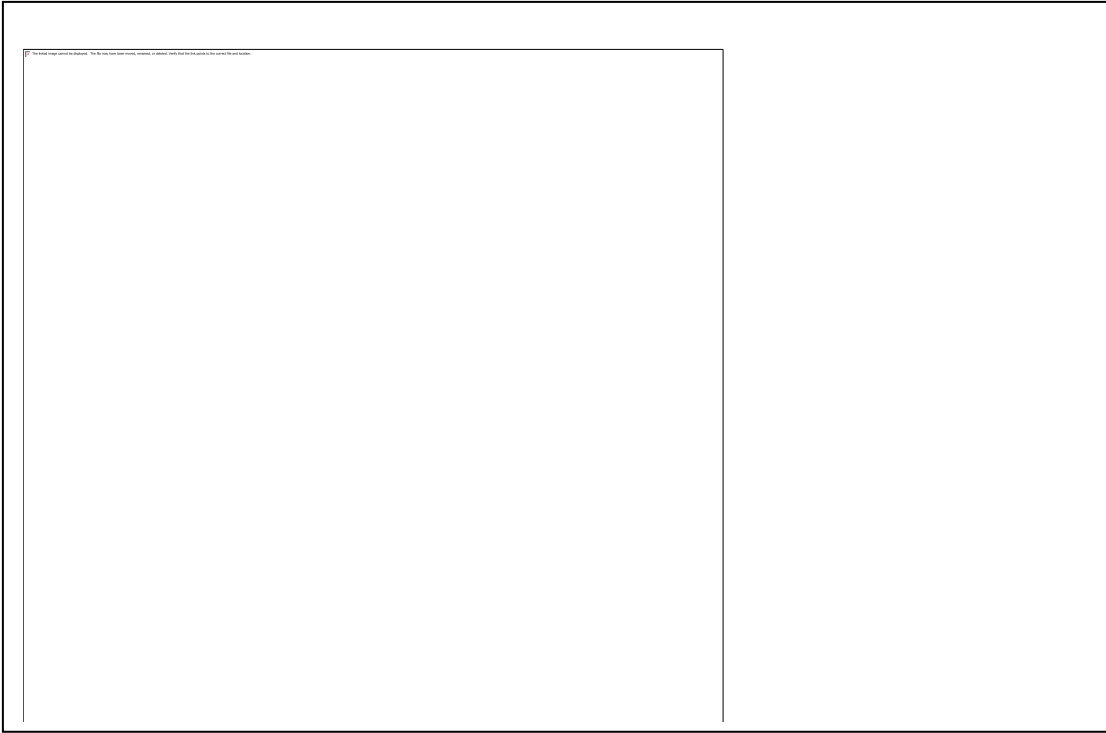
In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number 001 Rev D (Oct 2019)

Reason

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



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Committee Report

Application No:	DC/19/01010/HHA
Case Officer	Richard Smith
Date Application Valid	27 September 2019
Applicant	Mr William Dick
Site:	42 Follingsby Drive Felling Gateshead NE10 8YH
Ward:	Wardley And Leam Lane
Proposal:	Proposed loft conversion including two Dormer windows to front and one Dormer window to rear
Recommendation:	Grant Permission
Application Type	Householder Application

1.0 The Application:

1.1 DESCRIPTION OF SITE.

The application site is a south-east facing semi-detached bungalow set off Follingsby Drive. The street is a mix of semi-detached and detached properties with both 2 storey properties and bungalows.

1.2 The host property adjoins no.41 Follingsby Drive to the west and is adjacent no.43 Follingsby Drive to the north-east. The host property backs onto a public footpath off Montrose Drive.

1.3 The host property has a small grassed area to the front, with a rear garden and a detached garage set back from the road with access via a single vehicle driveway.

1.5 DESCRIPTION OF APPLICATION

The application under consideration seeks a proposed loft conversion to include two dormer windows to front and one dormer window to rear.

1.6 The planning application has been submitted by Councillor Bill Dick and therefore will be heard before the Planning and Development Committee.

1.7 PLANNING HISTORY

No previous planning history

2.0 Consultation Responses:

Not applicable

3.0 Representations:

3.1 REPRESENTATIONS

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

3.2 No representations received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are visual and residential amenity

5.2 VISUAL AMENITY

The Householder Alterations and Extensions SPD (HAESPD) states dormer windows should be positioned and designed to minimise their affect on the character and appearance of the property and street scene. Furthermore, dormer extensions should always appear as a small addition to the roof and their height and length should be kept to a minimum to avoid a 'top heavy' appearance.

5.3 It is considered that the proposed dormers to the front, virtue of their scale and design are considered to be an appropriate and proportionate addition to the existing roof space and are not considered to appear out of keeping with the wider street scene, given the mix of house types within Follingsby Drive.

5.4 Regard is also given to no.21 Follingsby Drive, which also has 2no front dormers of similar design.

5.5 With regards the dormer located to the rear of the property, following a site visit it was noted that given the screening between the host property and Montrose Drive the proposed dormer is unlikely to be prominent from street level.

- 5.6 Regard is also given to Schedule 2, Part 1, Class B of the General Permitted Development Order 2015, which allows an addition to the roof space of the dwellinghouse subject to conditions. In this instance the proposed rear dormer would have a height lower than the existing roof and a cubic content of 15 cubic metres. Therefore, the proposed rear dormer would benefit from permitted development rights.
- 5.7 Given the above, it is considered that the proposed development will not introduce an incongruous element into the street scene and thus the development does not conflict with the aims and objectives of the relevant paragraphs in the NPPF, policy CS15 of the CSUCP or saved policy ENV3 of the UDP.
- 5.8 **RESIDENTIAL AMENITY**
By virtue of their siting it is not considered the proposed dormers will lead to significant loss of privacy or visual intrusion to any neighbouring properties.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is therefore recommended that planning permission be granted, as the development subject to suitable conditions would not cause significant harm to visual and residential amenity. It is considered that the development does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.
- 6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

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

1

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

Reason

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

2

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -
Site Location Plan (1:50)
Existing and Proposed Plans, received 27.09.2019

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

Reason

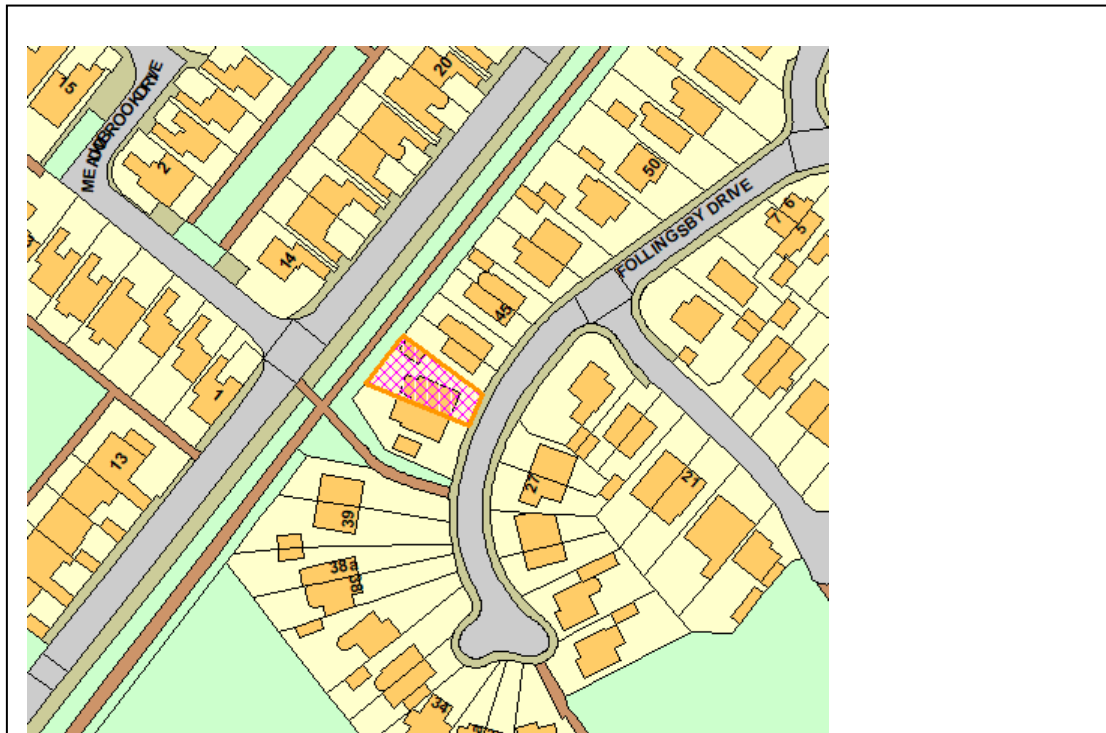
In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3

The development hereby permitted shall be constructed entirely of the materials detailed on the application form and shown on the Existing and Proposed Plans, received 27.09.2019

Reason

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



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 6 NOVEMBER 2019:

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

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/18/00659/FUL	Change of use of land to extension to existing motorhome sales and service facilities (amended and additional information received 07/08/18).	Tyne Valley Motorhomes, Lobley Hill Road,	Granted;	Whickham South And Sunnside
DC/19/00486/OUT	Erection of a detached dwellinghouse (Outline) with some matters reserved (amended plans 28.08.2019)	Redlands , Church Street,	Granted;	Whickham South And Sunnside
DC/19/00678/FUL	Subdivision of the existing premises into three units and change of use from the sale, hire, repair and service of electric powered tools and portable plant and equipment (sui generis) to retail (A1 use) including new shopfronts and installation of ATM (amended 27/09/19 and 01/10/19).	Lord Hire Centres , Sunderland Road,	Granted;	Bridges

DC/19/00679/ADV	Display of one internally illuminated fascia sign on front elevation and one non-illuminated free standing sign board at entrance (amended 27/09/19 and 01/10/19).	Lord Hire Centres , Sunderland Road,	Temporary permission granted;	Bridges
DC/19/00708/HHA	Proposed two storey rear extension and proposed front porch (description amended 11.10.19, amended plans received 30.09.19, additional information received 11.10.19)	9 Axwell Park Road, Axwell Park,	Granted;	Blaydon
DC/19/00715/HHA	Proposed raised decked platform to rear of property. Raised area to have access by stairs from rear garden, and all other exterior edges to have balustrade fitted.	10 Cramond Court, Chowdene,	Granted;	Low Fell
DC/19/00742/HHA	Demolition of existing double garage and construction of a replacement triple garage, including felling of Sycamore Tree (T2) to enable construction of garage.	11A Millfield Road, Whickham,	Refused;	Dunston Hill And Whickham East

DC/19/00743/FUL	Lowering of three window cills to front elevations, erection of cover over rear terrace area, installation of new kitchen extraction unit, render of first floor (additional information/amended 03.09.19, description amended 11.10.19).	The Cannon , 435 Durham Road,	Granted;	Low Fell
DC/19/00804/FUL	Change of use from residential care units (use class C2) to four residential units (use class C3)	15-18 Strothers Road, Rowlands Gill,	Granted;	Winlaton And High Spen
DC/19/00814/HHA	Proposed single storey extension and access ramp to front elevation.	15 Newcastle Bank, Northside,	Refused;	Lamesley
DC/19/00818/HHA	Proposed single storey extension to rear of property to allow for a new kitchen and Sukkah roof.	19 Claremont Place, Bensham,	Granted;	Lobley Hill And Bensham
DC/19/00848/COU	Change of use from Workshop (B2 use) to leisure/indoor golf centre (D2 use)	T251d, Dukesway,	Granted;	Lamesley
DC/19/00831/FUL	Erection of three x three-storey townhouses with associated parking court and carports (renewal of unimplemented permission ref DC/14/01348/COU).	Strothers Road, High Spen Industrial Estate,	Granted;	Winlaton And High Spen

DC/19/00849/COU	Change of use from Bakery (B1 use) to mixed use as bakery with retail counter (B1 and A1 use)	R320I, Mayoral Way,	Granted;	Lamesley
DC/19/00834/FUL	Proposed junior play ground and skate park	Cranberry Plantation, Bobby Shaftoe Caravan Park , Hammer Square Bank,	Granted;	Lamesley
DC/19/00841/FUL	Erection of a 2.4m high mesh fence.	The Sound Room, Redheugh Studios,	Granted;	Lobley Hill And Bensham
DC/19/00844/CPL	CERTIFICATE OF PROPOSED LAWFUL USE: Change of use from dwellinghouse (Use Class C3) to care home for up to three children aged between five and seventeen years old, with care being provided by no more than two support staff at any one time (with shift changes at 07.00) and a Registered Home Manager on site Monday to Friday between 09.00 and 17.00 (Use Class C2) (additional information received 12.09.2019 and description amended 16.09.2019)	272 Saltwell Road, Bensham,	Granted;	Saltwell
DC/19/00845/HHA	Proposed single storey rear extension	80 Holly Avenue, Blaydon On Tyne,	Granted;	Winlaton And High Spen

DC/19/00850/FUL	Change of use from use class B1 (office) to use class D1 to provide a multipurpose community space. Addition of a three storey infill extension to rear, alterations to elevations, replacement of windows and external doors and installation of access ramp to front elevation.	5-6 Boxlaw, Gateshead,	Granted;	High Fell
DC/19/00860/TPO	Works to Sycamore tree in garden of 36 The Pavilion.	36 The Pavilion, Whickham,	Granted;	Whickham North
DC/19/00866/DEM	DETERMINATION OF PRIOR APPROVAL: Demolition of garage block.	Garage Block On West Side, Alderwyk,	Granted;	Wardley And Leam Lane
DC/19/00876/FUL	Alterations to elevations including new customer entrances, signage towers, security bollards, a new storage warehouse in the existing garden centre area and associated alterations to the car parking and service yard areas to facilitate the sub-division of the existing Unit 1 into Unit 1a and Unit 1b (amended 25/09/19 and 17/10/19 and additional information received 18/10/19).	Unit 1, Team Valley Retail Park,	Granted;	Lamesley

DC/19/00904/LBC	Removal of plasterboard from chimney breast followed by installation of wood burning stove	2 Cox Close Cottage, Ravensworth Park Access Road,	Granted;	Whickham South And Sunnyside
DC/19/00880/HHA	Proposed external balcony to rear	Villa Capri , 12 Burn Road,	Granted;	Winlaton And High Spen
DC/19/00882/HHA	Proposed single storey extension and porch extension to south elevation, and proposed raised patio with steps and installation of French doors to west elevation (description amended 15.10.19) (amended plans received 25.09.19, 15.10.19)	5 Hillhead Gardens, Dunston Hill,	Granted;	Dunston Hill And Whickham East
DC/19/00886/FUL	Installation of new roller shutter door.	ATS EUROMASTER, X387,	Granted;	Lobley Hill And Bensham
DC/19/00887/HHA	Single storey rear extension.	5 Prospect Terrace, Eighton Banks,	Granted;	Lamesley
DC/19/00888/ADV	Display of four illuminated fascia signs and one non-illuminated dibond panel on front, rear and side elevations.	Units 12 And 13, Portobello Trade Park,	Temporary permission granted;	Birtley
DC/19/00889/FUL	Installation of a BioMass boiler and associated flue in an existing machinery store (retrospective)	Broomfield Farm , Clayton Terrace Road,	Granted;	Chopwell And Rowlands Gill
DC/19/00895/HHA	Proposed single storey extension to side and accessible footpath to front	13 Burnmoor Gardens, Wrekenton,	Granted;	High Fell

DC/19/00901/FUL	Temporary siting of three storage containers (each 6m x 2.4m x 2.4m) in a part of Saltwell Park Car Park	Saltwell Park Car Park , East Park Road,	Temporary permission granted;	Saltwell
DC/19/00909/HHA	Proposed single storey gable extension and pitched roofs to existing flat roofs (amended plans received 21.10.19)	49 Orchard Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/19/00910/FUL	Re-roofing of unit, installation of new windows in rear elevation, removal of asbestos cladding on south elevation and replacement with plastic coated cladding to match the roof covering, existing asbestos rainwater goods to be replaced with metal plastisol box gutters and down pipes, new fire exit doors and replacement windows and doors in west elevation	Former Reg Vardy Accident Repair Centre, Hepburn Gardens,	Granted;	Felling
DC/19/00946/FUL	NON MATERIAL AMENDMENT of application DC/18/00704/FUL: Mirroring of plots 41,43,45,46,47,56,61,65,68,69, and 87 (to allow access for meter readings) and moving plots 59 and 60 North by 1m (to enable omission of highway retaining wall) and to include a gabion wall	Land West Of Pennyfine Road, Sunnyside,	Granted;	Whickham South And Sunnyside

DC/19/00912/HHA	Proposed single story extension to the rear of the property with overhanging porch, overhanging porch to the front and pitched roof to existing flat roof garage	17 Ingleside, Fellside Park,	Granted;	Whickham North
DC/19/00913/HHA	Proposed single storey flat roof extension with lantern rooflight on the footprint of the existing conservatory to the rear of the property.	4 The Birches, Sunnside,	Granted;	Whickham South And Sunnside
DC/19/00914/CPL	CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT: Proposed demolition of existing conservatory and construction of new rear single storey extension to private dwelling.	43 Bluebell Close, Beacon Lough,	Granted;	High Fell
DC/19/00917/ADV	Display of five digital free-standing signs and one 15" digital booth screen	McDonalds Restaurant, Team Valley Retail Park,	Temporary permission granted;	Lamesley
DC/19/00918/ADV	Display of various illuminated and non-illuminated fascia, lettering menu and hanging signs with associated cowl and led lighting units, on front and side elevations	Ye Olde Cannon , 435 Durham Road,	Temporary permission granted;	Low Fell

DC/19/00928/HHA	Proposed replacement timber windows with UPVC slash sliding windows to front elevation and new UPVC dormer window	14 Saltwell View, Gateshead,	Granted;	Saltwell
DC/19/00919/HHA	Proposed single storey rear and side extension and alterations to front porch (amended description 23.10.2019)	60 Blencathra Way, Winlaton,	Granted;	Blaydon
DC/19/00922/HHA	Demolition of existing conservatory and erection of single storey rear extension	6 Ravenscar Close, Whickham,	Granted;	Whickham South And Sunnyside
DC/19/00920/HHA	Construction of single storey rear extension	Bank House , Lead Road,	Granted;	Crawcrook And Greenside
DC/19/00921/HHA	Proposed rear single storey extension	1 West Lane, Winlaton,	Granted;	Winlaton And High Spen
DC/19/00923/FUL	Change of use from vacant ground floor shop (A1 use) to residential (C3 use) erection of two storey rear extension, alterations to fenestration and application of render	6/8 Chandos Street, Gateshead,	Granted;	Deckham
DC/19/00927/HHA	Proposed single storey rear extension	3 Elsdon Court, Whickham,	Granted;	Whickham North
DC/19/00937/HHA	Proposed single storey extension to front and porch to rear	15 Beech Grove, Blackhall Mill,	Granted;	Chopwell And Rowlands Gill

DC/19/00934/HHA	Proposed single storey rear extension and repositioning of front door with construction of porch to front elevation	15 Highgreen Chase, Whickham,	Granted;	Whickham South And Sunnyside
DC/19/00935/HHA	Proposed extension to rear of existing garage	70 Parkdale Rise, Whickham,	Granted;	Whickham North
DC/19/00941/HHA	Proposed two storey side extension including widening of garage and formation of new utility at ground floor level	6 Hedgelea, Ryton Central,	Granted;	Ryton Crookhill And Stella
DC/19/00960/HHA	Proposed demolition of existing attached garage and construction of two storey side extension and rear single storey extension.	1 Ashfield Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/19/00966/DEM	Demolition of former Council Depot (consisting of open sheds workshop and office block)	Hallgarth Depot , Garth Farm Road,	Granted;	Winlton And High Spen
DC/19/00971/HHA	Proposed 2 storey side extension and single storey rear	71 Whaggs Lane, Whickham,	Granted;	Whickham North
DC/19/00974/HHA	Installation of access ramp to front of property	17 South Lea, Hole In The Wall Estate,	Granted;	Blaydon
DC/19/00977/HHA	Replacement porch to front elevation	24 Cornforth Close, Wardley,	Granted;	Wardley And Leam Lane

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 03.10.19 and ending 22.10.19, the enforcement team has received **106** new service requests:

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	36	15	41	1
HIGHWAYS	28	11	37	0
WASTE	42	24	34	62
TOTALS	106	50	112	63

COURT HEARINGS

The Enforcement Team attended **9** Court Hearings, **3** of which was finalised, resulting in **£160** fines and **£956** costs



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
6th November 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> <p>An appeal has been submitted in relation to the enforcement notice</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
								An appeal has been submitted in relation to the enforcement notice.
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. The notice has come in to force and the homeowner is in constant contact with the Enforcement Officer. Approximately 80 percent of the notice has been complied with, it is anticipated that the full requirements of the notice will be met by the end of the compliance period.
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.

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
06th November 2019**

TITLE OF REPORT: Planning Enforcement Appeals

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

Purpose of the Report

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

New Appeals

2. There have been **two** appeals received since an update was provided to committee.

Blaydon Quarry	Breach of Planning Condition 23 of planning application DC/12/01266/MIWAS	Written	Awaiting Decision
Blaydon Quarry	Breach of Planning Condition 24 of planning application DC/12/01266/MIWAS	Written	Awaiting Decision

Appeal Decisions

3. There have been **no** appeal decisions received since the last Committee.
4. Details of outstanding appeals can be found in **Appendix 2**

Recommendations

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

CONTACT: Elaine Rudman extension 3911

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:
the right of an individual to a fair trial and the right to peaceful enjoyment of property

As far as the first issue is concerned the planning enforcement appeal regime is outside
of the Council's control being administered by the Planning Inspectorate.

WARD IMPLICATIONS –

Crawcrook And Greenside and Saltwell

BACKGROUND INFORMATION

Start Letter

Outstanding Enforcement Appeal Cases

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

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TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

Appeal Decisions

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

Appeal Costs

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 2

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
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/19/00150/COU	Storage Land Forge Road Gateshead	Proposed change of use from amenity land to car wash, erection of canopy, portakabins, screen fencing and underground oil interceptor tank (amended 15/04/17).	Written	Appeal in Progress

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

6 November 2019

TITLE OF REPORT: Planning Obligations

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

Purpose of the Report

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

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee there have been **no** new planning obligations.
4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 6 November 2019.

Recommendations

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

Contact: Emma Lucas Ext: 3747

1. FINANCIAL IMPLICATIONS

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

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Monitoring: Various wards

9. BACKGROUND INFORMATION

The completed Planning Obligations