

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 27 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 on 6 November 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 - Ostlers Lodge, The Green, Kibblesworth, Gateshead NE11 0YN (Pages 9 - 20)
4ii	No. 2 - Land on north side of Lead Road (Penny Hill) (Pages 21 - 32)
5	Delegated Decisions (Pages 33 - 42) Report of the Strategic Director, Communities and Environment
6	Enforcement Team Activity (Pages 43 - 44) Report of the Strategic Director, Communities and Environment
7	Enforcement Action (Pages 45 - 52) Report of the Strategic Director, Communities and Environment
8	Planning Appeals (Pages 53 - 62) Report of the Strategic Director, Communities and Environment

9 | **Planning Obligations** (Pages 63 - 64)

Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
27 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/19/00986/FUL	Ostlers Lodge The Green	Lamesley
2. DC/19/00997/FUL	Land On North Side Of Lead Road (Penny Hill)	Crawcrook And Greenside

DEVELOPMENT PLAN

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

LOCAL PLAN

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

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

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

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

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

UPDATES

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

SPEAKING AT COMMITTEE

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

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

SITE PLANS

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

PUBLICITY/CONSULTATIONS

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

SITE VISITS

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

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

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

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Committee Report

Application No:	DC/19/00986/FUL
Case Officer	Richard Smith
Date Application Valid	16 September 2019
Applicant	Mrs Janet McPherson And Mr Gary A Steel
Site:	Ostlers Lodge The Green Kibblesworth Gateshead NE11 0YN
Ward:	Lamesley
Proposal:	Variation of condition 1 of DC/16/00787/FUL (approved plans) to reposition dwelling towards the western end of the application site.
Recommendation:	Grant Permission
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE.

The application site is an area of open undeveloped land within the central part of Kibblesworth village that is landlocked on three sides by the carpark of "The Plough" public house to the north, the residential garden of "The Furrow" to the south and the residential garden of "Fairfax" to the west.

1.2 There was an existing single, detached flat roofed, brick-built garage on the site that faced east and was accessed from a minor road (West View) that serves the rear of the pub, The Furrow, the application site and several other residential properties, however this has now been demolished. The land is rectangular in shape, with dimensions of 27m long by 3.95m wide. The land is defined by a number of tall conifer trees that have formed a hedge along the northern boundary, the western and southern boundaries are defined by fencing.

1.3 The character of the immediate street scene is predominantly residential, with the pub and the nearby Kibblesworth Academy the only exceptions.

1.4 DESCRIPTION OF APPLICATION

This section 73 application for a variation of condition 1 of planning approval DC/16/00787/FUL by repositioning the dwelling towards the western end of the application site (towards Fairfax) by 3.5 metres. There are no proposed changes to the design or dimensions of the dwelling itself.

1.5 PLANNING HISTORY

Planning permission was granted under application DC/16/00787/FUL the demolition of the existing garage followed by erection of a two storey, two-bedroom dwelling house, which was approved 09.12.2016.

2.0 Consultation Responses:

Northumbria Water	No comments to make
Coal Authority	No objections

3.0 Representations:

3.1 REPRESENTATIONS

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

3.2 1 no representation was received from the owner of Fairfax raising the concerns:

- Overlooking
- Loss of Privacy
- Loss of property value

3.3 The first points raised shall be addressed within the report, however it should be noted that the final point is not a material planning consideration and therefore will not be take into consideration.

3.4 Cllr Gallagher has requested that the application is determined by the and Development Committee so that the relationship between the application site and Fairfax can be explored.

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

CS14 Wellbeing and Health

MWR28 Prov of Facilities in new Developments

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV61 New Noise-Generating Developments

H4 Windfall and Small Housing Sites

CS11 Providing a range and choice of housing

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

- 5.1 The principle of the development has been established through the previous planning approval (DC/16/00787/FUL). The impact upon visual amenity, trees and contamination/coal mining was also considered acceptable. None of these considerations listed are changed as a result of this application.
- 5.2 As the application is to vary the original permission (DC/16/00787/FUL); in so far as the dwelling's location within the plot is different; the key considerations to be taken into account when assessing this planning application are residential amenity and highway safety.
- 5.3 **RESIDENTIAL AMENITY**
It is considered that the impact upon The Furrow, Fairfax and Holly House is of most importance. The Furrow and Fairfax share a boundary with the application site to the south and west respectively and the rear elevation of Holly House faces directly onto the application site.
- 5.4 With regard to The Furrow, it is not considered the proposed development would cause a significant loss of residential amenity, due to the preserved land levels between The Furrow and the application site being similar. Furthermore, there are no windows proposed in the southern elevation, which faces The Furrow.
- 5.5 The proposed dwelling is positioned north of The Furrow, and given the long garden of the neighbouring property, coupled with the main outlook from The Furrow considered to be west and south facing. Given the above, it is considered that in this instance the proposed dwelling through careful design will not significantly impact upon the residential amenity of The Furrow.

- 5.6 Furthermore, it is considered that the proposal can represent a betterment to the residential amenity of The Furrow, as it would tidy up this otherwise vacant strip of land that is adjacent to the pub car park and would help to screen The Furrow from any noise and disturbance associated with the pub, would give added shelter to their garden and potentially create a sun trap during summer months.
- 5.7 Regard is also given to the recently approved planning application to The Furrow (DC/19/00185/HHA) for the erection of a two-storey rear extension which was granted planning permission in April 2019.
- 5.8 Therefore, on balance, it is considered that despite the close proximity of the proposal to the rear garden of The Furrow the proposal should not unduly affect their residential amenity.
- 5.9 With regards Fairfax, the proposed dwelling is located to the south east of this property. Given the location of the proposed dwelling, any potential for overlooking would be to the most southern part of the garden of Fairfax. Coupled with the internal layout of the proposed house, which has a setback of 1.5 metres from the window, to the first-floor level and a distance of 7 metres to the boundary, it is considered on balance that the proposed development would not have a significant loss of privacy, overlooking or visual intrusion.
- 5.10 With an overall height of 5.3 metres, the proposed dwelling has been sympathetically designed as to not appear overbearing in relation to the neighbouring properties. In reference to Fairfax, given the slight change in site levels with Fairfax sited higher than the application site, it is not considered the proposed height of the dwelling will lead to an unacceptable loss out outlook or loss of light.
- 5.11 In terms of sunlight, given the location of the proposed dwelling and the orientation between that and Fairfax, it is considered any loss of sunlight will be limited to early morning and therefore on balance is not considered significant enough to warrant a refusal of planning permission.
- 5.12 With regard to Holly House, the separation distance of 19.5m (based on the submitted plans) between the first-floor windows of bedroom 2 of the proposal and the first-floor rear windows of Holly House is below the Council's "rule of thumb" of 21m between first-floor habitable room windows. That said, this is based on windows being directly in line and this case the windows are off-set from each other, with the direct line of sight of the proposal being down the rear lane and Holly House is to the right of this. Nonetheless, this change in orientation is less than 45 degrees and ground levels are similar. Therefore, it is considered that the potential for overlooking and loss of privacy is possible and would be a mutual arrangement. Therefore, to help address this issue, the applicant proposes two long and slim windows, only 350mm wide, and

the window closest to Holly House is to be obscurely glazed to prevent any direct outlook, whilst maintaining the aesthetic balance and to provide light in to the room (condition 10). The other window would remain clear glazed to provide outlook and being further away from Holly House would create a more oblique angle that should help to safeguard residential amenity. This arrangement of the windows and the separation distance from Holly House has not been changed and is exactly the same as the approved application.

5.13 Given the above, it is considered proposed development will not lead to an unacceptable impact on the residential amenity of the neighbouring properties 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 DC2 of the UDP.

5.14 HIGHWAY SAFETY

The provision of a 5m long driveway and an adequate garage means that the proposal would provide safe off-street parking for 2 vehicles. That said, it is recommended that a condition be imposed to require that a roller shutter type garage door be fitted to ensure that a vehicle parked on the driveway does not have to overhang the public highway when the door is being opened or closed (condition 8). Subject to the condition it is considered that the proposal does not raise any highway safety concerns.

5.15 With regard to secure cycle storage provision, it is considered that the internal width of the garage at 3.5m would provide adequate space for cycle storage alongside a parked car.

5.16 The site already has level access to the public highway and therefore a dropped kerb does not need to be installed for the driveway.

5.17 Subject to the above the proposal is considered to be acceptable and thus accords with the NPPF and policy CS13 in that regard.

5.18 CONDITIONS

The current application, given it would effectively grant a new planning consent, allows an opportunity to re-consider the conditions attached to permission DC/16/00787/FUL.

It is considered necessary to reattach the following conditions.

- Condition 4 - Materials to be approved
- Condition 5 - Materials Implemented
- Condition 7 - Unexpected Contamination
- Condition 8 - Garage Door Type
- Condition 10 - Obscure Glazing
- Condition 11 - Hours of construction

With regards to Condition 3 - landscaping details, an amendment to the original condition will be made, in the event that an amended plan is not received prior to Committee, this condition will seek the submission of the landscaping details prior to site occupation.

With regards to Condition 6 - boundary treatments, an amendment to the original condition will be made, in the event that an amended plan is not received prior to Committee, this condition will seek the submission of the boundary treatment details prior to site occupation.

With regards to Condition 9 - implementation of bin storage, an amendment to the original condition will be made, in the event that an amended plan is not received prior to Committee, this condition will seek the submission of the bin store details prior to site occupation.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is therefore recommended that planning permission be granted, as the development has been able to demonstrate, subject to suitable conditions would not cause significant harm to 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 Strategic 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 9th December 2016 (by 9th December 2019), the date of permission DC/16/00787/FUL.

Reason

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

2

The development shall be carried out in complete accordance with the approved plan(s) as detailed below - Location Plan (1:1250), received 16.09.2019

Existing Site Plan Sheet 2 (1.200), received 16.09.2019
Proposed Site Plan, Sheet 4 (1.200), received 16.09.2019

Previously approved plans under reference DC/16/00787/FUL

4b, 5b, 6b

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

Notwithstanding the details hereby approved, hard and soft landscaping details shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling.

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 DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The landscaping details approved under condition 3 shall be implemented wholly in accordance with the approved details prior to first occupation of the dwelling and retained for the life of the development.

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 DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

No development above damp-proof course shall commence 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 DC1 and ENV3 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

The development shall be completed using the materials approved under Condition 5 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 DC1 and ENV3 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

Notwithstanding the details hereby approved, boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling. The details shall include the heights, designs, locations and materials of all proposed boundary treatments

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area, in accordance with the NPPF, saved policies DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

The boundary treatment details approved under condition 7 shall be implemented wholly in accordance with the approved details prior to first occupation of the dwelling and retained for the life of the development.

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 DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core

Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

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

Reason

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

10

The garage door of the development hereby approved shall be a roller shutter type door or an up and over retractable door of a type which does not project forward of the building line whilst opening or closing. Such a non-projecting garage door shall be retained thereafter.

Reason

To provide a satisfactory standard of layout in the interests of highway safety and in accordance with the National Planning Policy Framework and policy CS13 of the Core Strategy and Urban Core Plan.

11

Notwithstanding the plans hereby approved, the bin storage location and collection facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development on site.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, residential amenity and the

appearance and design of the development and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan and policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

The bin storage and collection details approved under condition 11 shall be implemented wholly in accordance with the approved details prior to first occupation of the dwelling and retained for the life of the development.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, residential amenity and the appearance and design of the development and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan and policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

13

The "bedroom" window closest to Holly House, as shown on approved plan 5b, shall be glazed with obscure glass at a level three or greater and also be non-opening. The obscure glazing shall be retained thereafter.

Reason

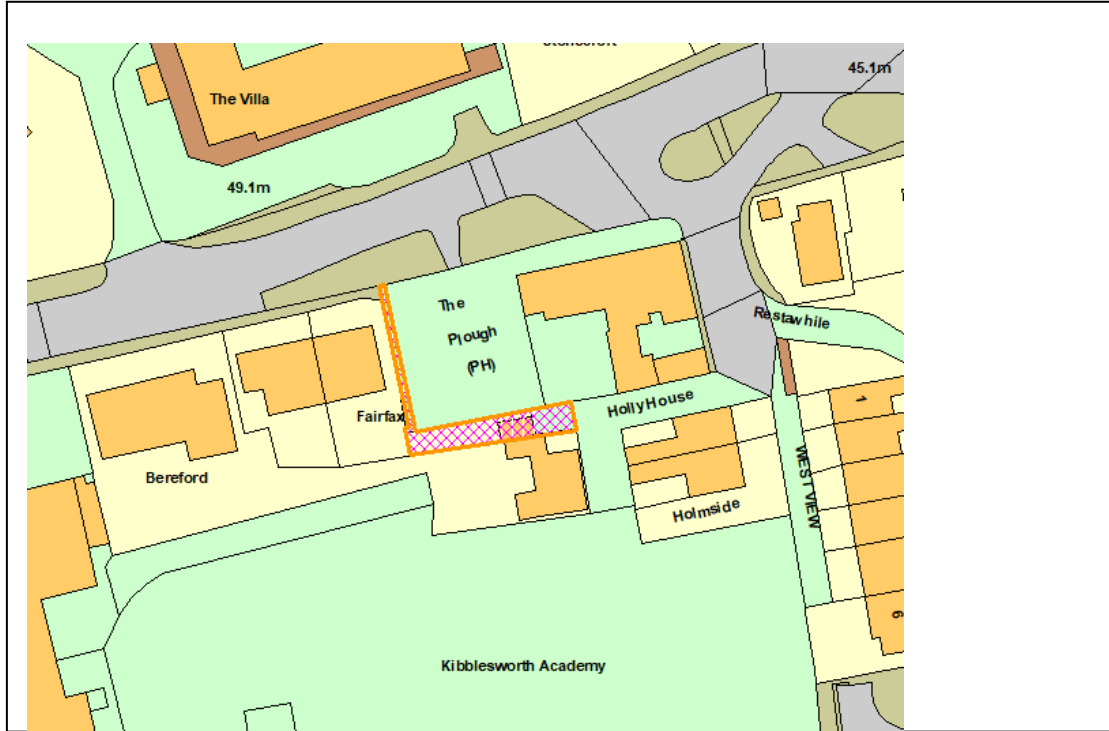
To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with National Planning Policy Framework, policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and saved policies DC2 and ENV3 of the Unitary Development Plan.

14

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

Reason

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



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Committee Report

Application No:	DC/19/00997/FUL
Case Officer	Joanne Munton
Date Application Valid	24 September 2019
Applicant Site:	Arlington Energy Infrastructure Land On North Side Of Lead Road (Penny Hill)
Ward:	Crawcrook And Greenside
Proposal:	Variation of conditions 8 (approved plans) and 10 (noise) of application DC/18/01009/FUL (amended and additional details received 15.11.2019).
Recommendation:	MINDED TO GRANT TEMPORARY PERMISSION
Application Type	Full Application

1.0 The Application:**1.1 BACKGROUND**

The principle of the proposed development has been established through the granting of planning application DC/18/01009/FUL for a temporary period of 25 years. The approval considered issues of Green Belt, visual amenity, residential amenity, air quality, highway safety and parking, ecology and ground conditions.

1.2 Through the consideration of very special circumstances and the imposition of conditions, the development was considered acceptable in all regards and the temporary permission was granted following a referral response from the Secretary of State confirming that they did not wish to call in the application.

1.3 The latest planning application seeks the variation of Conditions 8 (approved plans) and 10 (noise level) of DC/18/01009/FUL. In terms of condition 8, this would be to allow amendments to the proposed layout and elevations, as listed below and shown on submitted plans:

- Removal of the acoustic fence;
- Removal of the CCTV Columns;
- Reduction from 40no. gas generator units to 16no.;
- Reduction from 10no. transformer units to 1no. auxiliary transformer;
- Reduction of the Distribution Network Operator's (DNO) compound;
- Amendment to control room adjacent to 66kV compound to meet DNO requirements;
- Amendment to switchgear building to meet DNO requirements;
- Amendment to welfare cabin to include generator control room and LV room;
- Amendment to the gas governor specifications to meet DNO requirements;
- Inclusion of 2no. neutral earthing resistor (NER) units; and

- Inclusion of 1 no. lighting columns to meet DNO requirements within the DNO compound.

1.4 In terms of condition 10, the amended wording would take into account the proposed amendments to the location and number of plant on site, removal of the acoustic fence, the updated British Standards, and clarification of the requirements during night time hours.

1.5 Based on the above, it is considered necessary to consider the application in regard to changes in site circumstance, planning policy and any implication with regard to the amendment of the planning conditions.

1.6 PLANNING HISTORY

DC/18/01009/FUL - Construction of gas powered standby generation plant (as amended 11.01.2019) – Granted Temporary Permission (25 years) - 07.03.2019

2.0 Consultation Responses:

Coal Authority	No objection
Northern Electric Distribution Ltd	No response received (at the time of writing)
Campaign To Protect Rural England	No response received (at the time of writing)
Environment Agency	No response received (at the time of writing)
National Grid Property Holding Ltd	No response received (at the time of writing)
Northern Gas Networks	No objection
Tyne And Wear Fire And Rescue Service	No response received (at the time of writing)
CE Electric UK	No response received (at the time of writing)

3.0 Representations:

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

No representations have been received.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CS1 Spatial Strategy for Sustainable Growth

CS13 Transport

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

DC1C Landform, landscape and after-use

DC1D Protected Species

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

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

5.0 Assessment of the Proposal:

5.1 POLICY BACKGROUND/SITE CIRCUMSTANCES

There have been no significant changes to National or Local policy or site circumstances following the granting of application DC/18/01009/FUL in March.

5.2 The applicant has confirmed that the amended scheme would have the same capacity as that currently approved (40MW).

5.3 In terms of the proposed amendments to site layout and elevations, whilst the amended scheme would result in elements higher above ground level (eg. from previously approved generators at approximately 4.5m high to proposed approximately 6.5m high), overall the site would be more compact/less spread out. It is considered that the proposal in this regard would not affect the conclusions of the original assessment.

5.4 The applicant has also submitted an updated Air Quality Assessment; officers concur with the methodology used and the conclusions of the assessment, and the proposed amendments to the plant are considered to be acceptable in this regard.

5.5 Further, condition 10 of temporary permission DC/18/01009/FUL requires the following:

The noise rating level from the operation of the plant hereby approved shall not exceed the daytime background noise level, as measured at the façade of any noise sensitive receptor identified in section 5.4 of the Acoustic Report Rev D dated 19.09.2018. The measurements and assessment shall be made in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

Reason

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

5.6 The applicant has proposed the following amended wording:

The noise rating level from the operation of the plant hereby approved shall not exceed the typical daytime background noise level, as measured at the façade of any noise-sensitive receptor, existing at the time of the granting of planning permission, when assessed in accordance with the methodology set out in BS 4142:2014:+A1:2019 Methods for rating and assessing industrial and commercial sound. Night time operation (23:00 - 07:00) of the facility will be limited to emergency situations as defined by the National Grid.

Reason

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

- 5.7 Whilst this is considered to be generally acceptable, for clarity, it is recommended that the condition wording be amended to the following:

The noise rating level from the operation of the plant hereby approved shall not exceed the typical daytime background noise level, as measured at the façade of any noise-sensitive receptor, existing at the time of the granting of planning permission (identified in section 4 of the Noise Assessment ref 19-132 dated 12.09.2019), when assessed in accordance with the methodology set out in BS 4142:2014:+A1:2019 Methods for rating and assessing industrial and commercial sound. Night time operation (23:00 - 07:00) of the facility will be limited to emergency situations as defined by the National Grid.

Reason

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

- 5.8 Although the acoustic fence is proposed to be removed, this condition would still require the development to not exceed typical daytime background noise levels at noise sensitive receptors in any event. Additionally, the condition would clarify when night time operation could take place, thus ensuring noise at night time would be kept to a minimum. It is also noted that the British Standard has been updated since the granting of the original permission; however, the update does not include significant changes that would affect the assessment of the noise levels.

5.9 CONDITIONS

The current application, given it would grant a new planning consent, allows an opportunity to re-consider the conditions and obligations attached to permission DC/18/01009/FUL.

- 5.10 The applicant has submitted further details relating to Condition 1 (Construction Method Statement), Condition 3 (material finishes) and Condition 5 (lighting details).

- 5.11 Condition 1 of permission DC/18/01009/FUL requires:

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:

- 1. The parking of vehicles of site operatives and visitors;*
- 2. A Construction Traffic Management Plan which includes further details of the management of vehicles arriving at and leaving the site during construction;*
- 3. Storage of plant and materials used in constructing the development;*
- 4. The erection and maintenance of security hoarding;*
- 5. Wheel washing facilities;*
- 6. Measures to control the emission of dust and dirt during construction; and*
- 7. A scheme for recycling/disposing of waste resulting from construction works.*

Reason

To safeguard the amenities of nearby sensitive receptors and to safeguard highway safety and in accordance with policies CS13 and CS14 of the Core Strategy and Urban Core Plan and saved policies DC1, DC2 and ENV61 of the Unitary Development Plan.

Pre-commencement reason

To ensure that construction details can be approved prior to on-site works thereby avoiding any abortive work and preventing harm to nearby sensitive receptors due to uncontrolled construction and harm to highway safety which could otherwise occur.

- 5.12 A Construction Method Statement has been submitted with this current application, and it is considered that the points in the condition above have been addressed and are acceptable.
- 5.13 It is recommended that an additional condition (condition 2) be imposed requiring that at the end of the construction period, the construction compound is removed and the relevant land restored to its previous condition.
- 5.14 Additionally, the condition relating to construction hours (condition 7) is recommended to be amended to better reflect the hours in the submitted Construction Method Statement.
- 5.15 In terms of Condition 3, details of materials have been submitted with this application and it is considered that these are acceptable. It is recommended that the condition wording be amended to require compliance with the approved details.
- 5.16 Condition 5 of permission DC/18/01009/FUL requires:

Prior to the development hereby approved being brought into use for the first time, details of any external lighting shall be submitted to and approved in writing by the local planning authority.

Reason

In order to safeguard the character and appearance of the countryside, in the interest of the residential amenity of surrounding residents and to prevent harm to local wildlife in accordance with policies CS14, CS15 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, DC2 and ENV46 of the Unitary Development Plan

- 5.17 Lighting details have been submitted with this application. There would be one lighting column approximately 6m high located at the eastern end of the application site, which would be manually operated and only on during service and fault conditions (expected not to exceed 5 days per year). There would also be lighting mounted above doorways with Passive Infrared Sensors (PIR) (ie. activated by motion sensors), which could also be manually operated if required during maintenance or emergency situations. The lighting details are considered to be acceptable and it is recommended that a condition be imposed (condition 4) requiring compliance with the approved scheme.
- 5.18 All remaining conditions (ie. other than those recommended to be amended above and their respective compliance conditions where required) should be reattached to the new consent without modification.
- 5.19 REFERRAL TO SECRETARY OF STATE
The Town and Country Planning (Consultation) (England) Direction 2009 sets out the applicable criteria and arrangements that must be followed for consulting the Secretary of State once the local planning authority has resolved to grant planning permission for certain types of development that are set out in paragraphs 3-8 of the Direction.
- 5.20 The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to 'call in' an application under section 77 of the Town and Country Planning Act 1990. The use of the call-in power requires that the decision be taken by the Secretary of State rather than the local planning authority.
- 5.21 Paragraph 4 of the Direction states that "Green Belt development" means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan of development plan document and which consists of or includes:
- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
- 5.22 Paragraph 11 of the Direction stipulates that where a Local Planning authority is required to consult the Secretary of State, it shall not grant planning

permission on the application until the expiry of a 21-day period after the Secretary of State acknowledges receipt of the referral.

- 5.23 Granting this application would result in a new permission and it is therefore recommended that the application be referred to the Secretary of State, in accordance with the requirements of The Town and Country Planning (Consultation) (England) Direction 2009 on the basis that the proposal would have a significant impact on the openness of the Green Belt.

6.0 CONCLUSION

- 6.1 Following full consideration of policies contained in the Council's Unitary Development Plan, the CSUSP, national planning policy and all other material planning considerations it is considered that the proposed amendments to the relevant conditions would be acceptable and it is recommended that the development should be granted planning permission for a temporary period of 25 years, subject to conditions.

7.0 Recommendation:

Minded to GRANT a temporary planning permission (for 25 years from the date of this permission), subject to confirmation of no objections from outstanding external consultees, planning conditions and referral of the application to the Secretary of State, and that the Service Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

The approved Construction Method Statement (ref 1898-R001 dated September 2019 and including plans 21330B-0206 rev P6, 21330B-0205 rev P6, 21330B-0204 rev P6) shall be adhered to throughout the construction period for the development.

For the avoidance of doubt, HGVs and LGVs shall turn in the main construction compound only, as shown on plans 21330B-0207 rev P1 and 21330B-0206 rev P6.

Reason

To safeguard the amenities of nearby sensitive receptors and to safeguard highway safety and in accordance with policies CS13 and CS14 of the Core Strategy and Urban Core Plan and saved policies DC1, DC2 and ENV61 of the Unitary Development Plan.

2

Within 6 months of the end of the construction period, all items, structures, hardcore and any underground apparatus or concrete shall be removed from the temporary compound (as identified on plans 21330B-0204 P6, 21330B-0205 P6 and 21330B-0206 P6 within the Construction Method Statement (ref 1898-R001 dated September

2019) and the relevant land shall be subsequently restored to its undeveloped state.

Reason

To ensure that upon the end of the construction phase the harm to the Green Belt ceases and the visual amenity of the countryside is restored in accordance with the NPPF, policies CS15 and CS19 of the Core Strategy and Urban Core Plan and saved policy ENV3 of the Unitary Development Plan.

3

The materials used in relation to the development shall be in full accordance with the approved materials, as detailed in Schedule 2 of the covering letter ref 5148/kl dated 24.09.2019.

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

4

The illumination of the external areas shall be in full accordance with the details approved in 'Lighting Details (November 2019)' received 15.11.2019, at all times for the lifetime of the development.

Reason

In order to safeguard the character and appearance of the countryside, in the interest of the residential amenity of surrounding residents and to prevent harm to local wildlife in accordance with policies CS14, CS15 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, DC2 and ENV46 of the Unitary Development Plan.

5

The development to which this permission relates must be commenced not later than 3 years from the date that the original temporary planning permission DC/18/01009/FUL, which was granted on 07.03.2019.

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.

6

The development shall be carried out in complete accordance with the approved plans and documents as detailed below -

911-PL-01 Rev 3 dated 10.07.2018

21330B-0201 P8
911-PL-04 Rev 7 dated 10.07.2018
21330B-0301 P7
21330B-0405 P3
21330-0400 P2
21330-0402 P1
21330-0403 P1
21330-0406 P1
21330-0407 P1
21330-0409 P1
21330-0411 P1
21330-0413 P1
21330-0414 P2
21330-0415 P1
CRM.349.008.L.D.001 dated 31.08.2018
CRM.349.008.L.D.002 dated 17.12.2018
CRM.349.008.L.D.003 dated 17.12.2018
CRM.349.008.L.D.004 dated 17.12.2018
J3822/A/1/F4 dated 11.09.2019
CRM.349.008.EC.R.001 dated 05.09.2018
CRM.349.008.GE. R.006.A dated April 2018
Noise Assessment (19-132) Rev 5 dated 12.09.2019

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.

7

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 08:00 and 18:00 Monday to Friday and 08:00 to 17:00 on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

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

8

The noise rating level from the operation of the plant hereby approved shall not exceed the typical daytime background noise level, as measured at the façade of any noise-sensitive receptor, existing at the time of the granting of planning permission (identified in section 4 of the Noise Assessment ref 19-132 dated 12.09.2019), when assessed in accordance with the methodology set out in BS 4142:2014:+A1:2019 Methods for rating and assessing industrial and commercial sound. Night time operation (23:00 - 07:00) of the facility will be limited to emergency situations as defined by the National Grid.

Reason

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

9

The implementation of the approved landscaping details (shown on plans CRM.349.008.L.D.001 dated 31.08.2018, CRM.349.008.L.D.002 dated 17.12.2018, CRM.349.008.L.D.003 dated 17.12.2018, CRM.349.008.L.D.004 dated 17.12.2018) shall be carried out in the first planting and seeding season (October to March) following the completion of the development, and any trees, shrubs or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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 CS15 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1 and ENV3 of the Unitary Development Plan.

10

The ecological mitigation measures in Section 5.2 of Ecological Appraisal report CRM.349.008.EC.R.001 dated 05.09.2018 shall be adhered to and carried out in full during any site preparation works and the construction of the development hereby approved.

Reason

In order to avoid harm to breeding birds and reptiles in accordance with policy CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV44, ENV46, ENV47 and ENV51 of the Unitary Development Plan.

11

Within 25 years of the date of this permission or 6 months of the end of the operational life of the standby generation plant hereby approved

(whichever is soonest) the plant shall be decommissioned, all items, structures, hardcore and any underground apparatus or concrete shall be removed from the site within the red line application site identified on drawing 911-PL-04 Rev 7 dated 10.07.2018 and the land shall be subsequently restored to its undeveloped state in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that upon the end of the operational life of the development the harm to the Green Belt ceases and the visual amenity of the countryside is restored in accordance with the NPPF, policies CS15 and CS19 of the Core Strategy and Urban Core Plan and saved policy ENV3 of the Unitary Development Plan.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 27 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/18/01144/ADV	Display of post-mounted, non-illuminated 'V' board sign advertising Gleeson Homes	Land To The West Of Moorland View/Valley Dene, Chopwell (Moorland Green),	Temporary permission granted;	Chopwell And Rowlands Gill
DC/18/01303/HHA	Demolition of single storey extension and proposed two-storey extension and landscaping works to form two new parking bays (amended plans received 06.08.19, additional information received 21.06.19, 20.08.19, 18.09.19)	North Lodge, , Sled Lane,,	Refused;	Crawcrook And Greenside
DC/19/00610/ADV	Display of painted mural on the front (north elevation) and side (east elevation) of building (retrospective).	Adjacent The Bugle , Meresyde,	Temporary permission granted;	Wardley And Leam Lane
DC/19/00705/FUL	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).	Former Bling Bling Car Wash , Durham Road,	Granted;	Birtley

DC/19/00744/HHA	Proposed change from flat felt roof to a mono-pitched tiled roof over garage and front porch.	31 Glenluce, Portobello,	Granted;	Birtley
DC/19/00773/FUL	Demolition of existing retail unit and erection of new retail unit, extension of existing service yard and other associated works	Unit 6, Cameron Retail Park,	Granted;	Whickham North
DC/19/00777/HHA	Erection of brick wall with pillars and wrought iron panels (part-retrospective).	86 Celandine Way, Gateshead,	Granted;	Windy Nook And Whitehills
DC/19/00785/FUL	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 (amended and additional information received 01.11.2019).	21 Mill Road, Gateshead,	Granted;	Bridges
DC/19/00811/COU	Change of use from boarding school (use class C2) to guest house (use class C1) and alteration to front elevation to form entrance door.	37 Gladstone Terrace West, Gateshead,	Granted;	Bridges

DC/19/00802/HHA	Proposed side extension to provide garage with pitched roof, part demolition of existing rear flat roofed extension and new rear single storey extensions with pitched roof	Brompton , Stargate Lane,	Granted;	Ryton Crookhill And Stella
DC/19/00825/HHA	Proposed single storey side extension with raised decking area, single storey rear extension, and the removal and reconstruction of the existing roof to create new living accommodation at first-floor level (description amended 30.10.19)	Brackenrigg , High Horse Close Wood,	Granted;	Winlaton And High Spen
DC/19/00830/HHA	Proposed driveway to the front of the property including a dropped curb and re-surfacing the existing grass verge to allow vehicle access. Partial removal of front boundary wall to allow vehicle access to driveway (plan amended 17.10.2019).	12 Long Bank, Eighton Banks,	Granted;	Lamesley
DC/19/00854/COU	Conversion of single dwelling into two dwellings and construction of rear dormer window (amended 01/10/19 and 25/10/19)	Rose And Crown House, Lead Road,	Granted;	Crawcrook And Greenside

DC/19/00864/LBC	Construction of double garage with associated gravel parking area including enclosure of property by steel gates and railings (amended and additional information 09/10/19).	Whickham Park House, Whickham Park,	Granted;	Dunston Hill And Whickham East
DC/19/00865/FUL	Construction of double garage with associated gravel parking area including enclosure of property by steel gates and railings (amended and additional information 09/10/19).	Whickham Park House, Whickham Park,	Granted;	Dunston Hill And Whickham East
DC/19/00874/ADV	Installation of internally illuminated digital advert display (display area 8m by 4m) replacing existing 96 and 48 advert sheet displays.	Advertisement Hoarding Titan Advert 5107 At Junction Of Cross Lane And, Scotswood View,	Temporary permission granted;	Whickham North
DC/19/00896/COU	Change of use from snooker hall (Use Class D2) to public bar (ground floor) and function room (first floor) (Use Class A4) (description amended 23.10.19)	8 Coldwell Street, Felling,	Granted;	Felling
DC/19/00879/COU	Change of use from Use Class B2 to self-storage in use Class B8 including amendments to the yard and parking and the construction of external lock-up units	Meridian House , Kingsway North,	Granted;	Lobley Hill And Bensham

DC/19/00884/FUL	Construction of four sets of timber exercise equipment in West Wood and replacement play equipment south of the walled garden (retrospective) (description amended 06.09.2019)	THE NATIONAL TRUST, Hillhead Lane,	Granted;	Whickham South And Sunnyside
DC/19/00916/ADV	Display of non illuminated fascia sign on gable end (retrospective)	Derma Graphics Tattoo, 109 Southend Road,	Temporary permission granted;	High Fell
DC/19/00905/HHA	Proposed part two-storey part single storey extension to rear of the property.	11 Fife Terrace, Blackhall Mill,	Granted;	Chopwell And Rowlands Gill
DC/19/00908/COU	Change of use from shop (A1 use) to non-residential institution (D1 use) and installation of metal escape steps to rear.	18 Brinkburn Avenue, Bensham,	Granted;	Saltwell
DC/19/00933/CPE	CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION: Construction of decking to front entrance (south) and side (west) of property	54 Dykes Way, High Heworth,	Granted;	Windy Nook And Whitehills
DC/19/00936/FUL	Erection of warehouse/storage facility (Use Class B8) (description amended 23.10.19)	Atlas Works, A M Graham Fabrications , West View Terrace,	Granted;	Dunston And Teams

DC/19/00942/ADV	Removal of the eastern billboard and replacement of the western billboard with 48 sheet freestanding digital advert	Ellis Signs, Dunston Road,	Temporary permission granted;	Dunston And Teams
DC/19/00948/HHA	Proposed two-storey side extension and single-storey rear extension.	51 Follingsby Drive, Wardley,	Granted;	Wardley And Leam Lane
DC/19/00956/HHA	Proposed single storey rear extension	317 Durham Road, Gateshead,	Granted;	Low Fell
DC/19/00951/HHA	Conversion of attached garage to habitable room with pitched roof.	26 Larne Crescent, Sheriff Hill,	Granted;	High Fell
DC/19/00954/COU	Change of use from retail (Class A1) and mall space (Sui Generis) to leisure use (Class D2)	Intu Metrocentre , The Forum ,	Granted;	Whickham North
DC/19/00961/HHA	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)	18 The Cedars, Whickham,	Granted;	Whickham South And Sunnside
DC/19/00980/TPO	Pruning of two sycamore trees protected by TPO 5	15 Elm Court, Whickham,	Granted;	Whickham South And Sunnside

DC/19/00962/TELF UL	Replacement of existing 14.7m high telecommunications monopole with a 20m high monopole with wraparound cabinet at base and associated works (amended 04/11/19).	Mobile Mast , Kingsway South,	Granted;	Lamesley
DC/19/00970/FUL	Change of use from garden to vehicle parking space	Darren Brown Motors, Ryton Service Garage,	Granted;	Ryton Crookhill And Stella
DC/19/00976/COU	Proposed subdivision of existing mixed use unit (Use Class A1 and A5) resulting in the creation of one retail unit (Use Class A1) and one mixed use unit (Use Class A1 and A5) and physical works including a single storey rear extension and the removal of one side access in the west elevation (description amended 10.10.19, amended plans received 09.11.19)	1 Fewster Square, Leam Lane Estate,	Granted;	Wardley And Leam Lane
DC/19/00999/COU	Change of use from General Industrial (B2 use) to cross training gym (D2 Assembly and Leisure use)	N270a, Queensway,	Granted;	Lamesley
DC/19/00987/DEM	DETERMINATION OF PRIOR APPROVAL: Demolition of building.	Teams Family Centre , Northumberland Street,	Granted;	Dunston And Teams

DC/19/01001/HHA	Proposed single storey rear extension	18 Southfield Green, Whickham,	Granted;	Dunston Hill And Whickham East
DC/19/00990/HHA	Proposed removal of existing garage and erection of two storey side extension, front porch extension, and retaining wall to form parking space (description amended 10.10.19)	7 Sunnidale, Fellside Park,	Granted;	Whickham South And Sunnside
DC/19/00995/HHA	Demolition of existing two storey side extension and construction of two storey side extension with attached garage - revised application	1 Edington Cottages, Clara Vale,	Granted;	Crawcrook And Greenside
DC/19/01028/HHA	Proposed single storey rear extension	21 Broadbank, Felling,	Granted;	Pelaw And Heworth
DC/19/01002/HHA	Proposed single storey extension to rear, conversion of covered car port to habitable room and new front porch	27 Glanville Close, Festival Park,	Granted;	Lobley Hill And Bensham
DC/19/01003/HHA	Single storey rear extension	28 Windermere Street, Bensham,	Granted;	Saltwell
DC/19/01004/ADV	Display of fascia and projecting sign on front elevation	Summer Opticians, 407 Durham Road,	Temporary permission granted;	Low Fell

DC/19/01010/HHA	Proposed loft conversion including two Dormer windows to front and one Dormer window to rear	42 Follingsby Drive, Felling,	Granted;	Wardley And Leam Lane
DC/19/01011/HHA	Proposed change from flat roof dormer window to a tiled pitched roof dormer window	100 Beacon Lough Road, Gateshead,	Granted;	Low Fell
DC/19/01012/HHA	Proposed front bay window to ground and first floor (resubmission of DC/19/00670/HHA)	185 Whitehall Road, Gateshead,	Granted;	Saltwell
DC/19/01033/HHA	Proposed single storey extension to rear to replace existing	53 Bewicke View, Birtley,	Granted;	Lamesley
DC/19/01036/ADV	Display of three internally illuminated fascia signs and two sets of face applied window graphics.	Toby Carvery, Units 2-3,	Temporary permission granted;	Whickham North
DC/19/01056/HHA	Proposed single storey rear extension (resubmission of DC/19/00698/HHA)	15 Chepstow Gardens, Gateshead,	Granted;	Lobley Hill And Bensham

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TITLE OF REPORT: Enforcement Team Activity

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

Purpose of the Report

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

Background

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

Recommendations

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

Within the date range commencing 22.10.19 and ending 27.11.19, the enforcement team has received **111** new service requests:

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	36	12	30	1
HIGHWAYS	34	14	47	0
WASTE	41	25	26	64
TOTALS	111	51	103	63

COURT HEARINGS

The Enforcement Team attended **17** Court Hearings, **4** of which were finalised, resulting in **£3762** fines and **£1419** costs



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
27th 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 Rolwands Gill	Unauthorised change of use	12 th January 2018	12 th January 2018	16 th February 2018	16 th March 2018	<p>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.</p> <p>The notice has now been complied in full and the open space reinstated. Permission is sought from committee to remove this item from the report.</p>
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	<p>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.</p> <p>A site visit was undertaken on the 20th 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.</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
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	<p>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.</p> <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. 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 recommence, 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>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
9.	321 And 323 Rectory Road Bensham Gateshead NE8 4RS	Saltwell	Unauthorised change of use	7 th November 2018	7 th November 2018	11 th December 2018	8 th January 2019	<p>Complaints have been received regarding the use of a dwelling as a House of Multiple Occupation (HMO). A previous planning application was refused for the change of use and the subsequent appeal dismissed; therefore, an Enforcement Notice has been issued requiring the use of the property as an HMO to cease.</p> <p>An appeal has been received but no start date has been given yet.</p> <p>A hearing date has been scheduled for the 24th September 2019.</p> <p>The hearing date has been rescheduled to the 8th October 2019</p>
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>

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
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	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. A discharge of condition application has been submitted in relation to condition 24 for the Council to assess. 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. An appeal has been made to the magistrates. The hearing date has been listed for the 27th April 2020.

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
17.	16 Holly Avenue, Winlaton Mill NE21 6SL	Winlaton And High Spen	Untidy Land	16 th September 2019	16 th September 2019	17 th October 2019	17 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 the waste be removed from the front garden.
18.	36 Holly Avenue, Winlaton Mill NE21 6SL	Winlaton And High Spen	Untidy Land	16 th September 2019	16 th September 2019	17 th October 2019	17 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 the waste be removed from the front garden.



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 **six** new appeals lodged since the last committee:

DC/19/00001/FUL - Land Adj Meynell House, Dipwood Road, Rowlands Gill
Demolition of existing detached garage and shed buildings followed by erection of 5-bedroom detached house in garden of dwellinghouse with new vehicular and pedestrian access.

This application was a committee decision refused on 4 April 2019

DC/19/00048/FUL - 98-104 William Hill Organisation Ltd, High Street, Felling
Erection of second floor extension and mansard roof to accommodate six additional rooms, relocation of existing rooftop air conditioning units, new external access including entrance door and canopy (amended 25/04/19).

This application was a delegated decision refused on 8 May 2019

DC/19/00322/COU - 160 Brighton Road, Gateshead
Partial change of use from dwelling (Use class C3) to retail on ground floor, new shop front, managers flat on first floor and two storey rear extension

This application was a delegated decision refused on 11 July 2019

DC/19/00634/OUT - Former Monkridge Gardens Residents Association
And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens
Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwellinghouses, with new shared-surface, new vehicular and pedestrian access, demolition of 23 Monkridge Gardens and formation of new blank supporting gable wall to 25 Monkridge Gardens.

This application was a committee decision refused on 4 September 2019

DC/19/00686/FUL - 1-5 Reay Street, Felling
Erection of two dormer bungalows and extension to No. 5 Reay Street

This application was a committee decision refused on 7 August 2019

DC/19/00750/COU - 15 Glendale Avenue, Whickham
Change of use of land between 15 and 17 Glendale Avenue from grassed area to private garden and erection of fence (amended 16.08.2019)

This application was a delegated decision refused on 20 September 2019

Appeal Decisions

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

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).

This application was a committee decision refused on 26 April 2019
Appeal dismissed 24 October 2019

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

Appeal Costs

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2019

by **William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/H4505/W/19/3227523

Storage Land, Forge Road, Gateshead NE8 2QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S. Arif on behalf of 5 Star Car Wash against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/19/00150/COU dated 22 February 2019, was refused by notice dated 26 April 2019.
 - The development proposed is the change of use from amenity land to car wash, erection of canopy, portacabins, screen fencing and underground oil interceptor tank.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have amended the description of the proposed development from that given on the planning application to provide a more complete picture of what is planned.

Main Issues

3. The two main issues relevant to this appeal are the effect of the scheme on:
 - the character and appearance of the area; and
 - the working conditions of staff at the adjacent Jennings Harley-Davidson showroom.

Reasons

Character and Appearance

4. The appeal site known as the 'storage land' is a relatively narrow strip of overgrown land measuring 0.06 hectares located around 20 metres southwest off a roundabout forming the intersection of the A1114 Derwentwater Road, Forge Road, Ellison Road and the A1114 Clockmill Road on the edge of Dunston, Gateshead. Adjacent to the site is the Jennings Harley-Davidson showroom. I understand from the appellant's statement that the storage land was previously developed 30 or more years ago. It is not allocated for development within the development plan.

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

5. Overall, the locality within the vicinity of the roundabout is one of mixed uses although there is no doubting that those linked to the auto-industry are dominant. The area also includes many trees, in particular along the former railway embankment to the south of the site, and other elements of soft landscaping. I would say that the appeal site, by virtue of its landscaped quality, contributes very positively to the character and appearance of the area.
6. The proposed development is for the establishment of a car wash. It comprises two portacabins and spaces for two staff vehicles on the southwestern side of the site, a canopy large enough to accommodate around 6 cars for washing in the centre of the site and parking for 3 client cars at the northeastern side of the site. Access and egress would be via two separate entrances onto Forge Road. The site would be secured by a steel palisade fence complete with screening.
7. Because of its location just a few metres from the roundabout the site is clearly visible to drivers and passengers entering Dunston from the A1114 Derwentwater Road. The adjacent Jennings Harley-Davidson dealership occupies a highly attractive dark coloured building constructed of glass, brick and steel set back from Ellison Road against the backdrop of a heavily wooded former railway embankment along which now runs the Teams Cycleway. Just beyond this embankment, further along Forge Road in the direction of the A1 Newcastle Western Bypass, is the entrance to a small new residential estate centred on Thornhill Close.
8. To the east of the site is a car dealership located just off the A1114 Derwentwater Road. Opposite this dealership is a residential care development called the Ropery Paramount Care ('the Ropery'). Sandwiched on a relatively narrow strip of land between Ellison Road and the A1114 Clockmill Road are two warehouse buildings (around the same size as the Jennings Harley-Davidson showroom) occupied by firms in auto-industry.
9. Notwithstanding the nature of some of the land uses, the entrance to Dunston from the east, taking one past the high sign displaying the iconic orange Harley-Davidson logo, is certainly very striking and, due to the high quality of the Jennings' premises, rather attractive.
10. I acknowledge that an area of waist-high hedging between the site and the roundabout would provide partial screening of the proposed carwash. Nevertheless, I find that what is currently an attractive verdant area of land would be replaced by an expanse of tarmac accommodating a canopy, portacabins and parked cars which would all be evident to one degree or another.
11. Consequently, I do not believe that the proposed carwash would contribute towards good place making or respond positively to local distinctiveness and character as required by Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle-upon-Tyne 2010-2030 (2015) (CS). For the same reason, I find that the proposal would be inconsistent with Policy ENV3 of the Unitary Development Plan (UDP) which also requires new development to make a positive contribution to the established character and identity of the locality. For these reasons I conclude that the proposed development would seriously harm the character and appearance of the area.

Working Conditions

12. Despite being located just off a roundabout the immediate area around the premises of the Jennings Harley-Davidson dealership struck me as being generally rather quiet. Inside the showroom, other than some gentle piped orchestral music, all that could be heard was the conversation between staff and customers. I noted that the offices within the showroom, where I assume important business is transacted, are located on the side adjacent to the appeal site. These offices would be separated from the car wash by around 1-1.5 metres.
13. The operation of the carwash will involve cars being driven on and off the forecourt together with the operation of jet washes and other apparatus. The appellant's noise report uses a similar facility in Newbiggin-by-the-Sea, Northumberland as a comparator to facilitate assessment of the likely impact of the scheme on its surroundings. However, as is noted at paragraph 5.15 of the Council planning officer's report, whilst the appellant has assessed the impact of the scheme on residents living in the Ropery some 100m or so from the appeal site it has failed to consider the impact on the working conditions of staff within the adjacent Jennings Harley-Davidson showroom.
14. Helpfully, however, the report does include a noise contour map in the appendix ('Figure 1: Daytime LAeq, 1hr (4m receptor height)'). This shows that the daytime noise levels along a section of the exterior of the Jennings Harley-Davidson showroom will be 65-70db. Existing average noise levels as measured at a point within a few metres of the Jennings showroom, expressed through the LA90 reading, are 50db (paragraph 3.3.2 of the appellant's noise report).
15. I am sure that the showroom's walls and windows will provide reasonably effective mitigation against the noise associated with the operation of the carwash. However, I note from the planning officer's report that the staff will have to open the windows in warm weather for ventilation. Thus, in such conditions the increase in noise levels would be greater than 10db which is inconsistent with what is permitted under UDP Policy ENV61. I do not accept, however, that the proposal would be contrary to CS Policy CS14 which aims to protect the environments of elderly people. Nevertheless, this notwithstanding, I conclude that the proposed carwash would cause unacceptable harm to the working conditions of the Jennings Harley-Davidson staff.

Other Matters

16. The appellant referred me to another hand carwash business within 0.5 miles of the site as an example of how such a facility can be satisfactorily accommodated within an urban area. I was not directed to its location and therefore did not visit it. Nevertheless, all applications and appeals are determined on their own merits according to the circumstances and relevant policies prevailing at the time. Consequently, other schemes do not set precedents binding upon the determination of the current appeal.

Conclusions

17. With the above points in mind and having had regard to all of the documents submitted to me I conclude that this planning appeal be dismissed.

William Walton

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/18/00290/HHA	59A Derwent Water Drive Blaydon On Tyne NE21 4FJ	Creating a driveway for vehicular access, off road parking.	Written	Appeal in Progress
DC/18/00807/FUL	Team Valley Retail World Gateshead	Erection of food and drink unit (Use Class A3/A5) (additional information received 20/08/18).	Written	Appeal in Progress
DC/19/00001/FUL	Land Adj Meynell House Dipwood Road Rowlands Gill NE39 1DA	Demolition of existing detached garage and shed buildings followed by erection of 5-bedroom detached house in garden of dwellinghouse with new vehicular and pedestrian access.	Written	Appeal in Progress
DC/19/00048/FUL	98-104 William Hill Organisation Ltd High Street Felling	Erection of second floor extension and mansard roof to accommodate six additional rooms, relocation of existing rooftop air conditioning units, new external access including entrance door and canopy (amended 25/04/19).	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 Dismissed
DC/19/00322/COU	160 Brighton	Partial change of use	Written	Appeal in

	Road Gateshead NE8 1QA	from dwelling (Use class C3) to retail on ground floor, new shop front, managers flat on first floor and two storey rear extension		Progress
DC/19/00634/OUT	Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens	Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwellinghouses, with new shared-surface, new vehicular and pedestrian access, demolition of 23 Monkridge Gardens and formation of new blank supporting gable wall to 25 Monkridge Gardens.	Written	Appeal in Progress
DC/19/00686/FUL	1-5 Reay Street Felling	Erection of two dormer bungalows and extension to No. 5 Reay Street	Written	Appeal in Progress
DC/19/00750/COU	15 Glendale Avenue Whickham NE16 5JA	Change of use of land between 15 and 17 Glendale Avenue from grassed area to private garden and erection of fence (amended 16.08.2019)	Written	Appeal in Progress

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

27 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 27 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