

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 8 March 2017 at 10.00 am in the Bridges Room - Civic Centre

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held on 15 February 2017 (copy previously circulated).
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
<b>4</b>	<b>Planning Applications (Pages 3 - 10)</b>
4i	<b>No.1 - Skills Academy for Construction, Team Valley (Pages 11 - 22)</b>
4ii	<b>No.2 - 482 Durham Road (Pages 23 - 34)</b>
4iii	<b>No.3 - 2 Moraine Crescent, Blackhall Mill (Pages 35 - 42)</b>
4iv	<b>No.4 - 3 Moraine Crescent, Blackhall Mill (Pages 43 - 50)</b>
4v	<b>No.5 - The One Eyed Stag, 5 The Square, Whickham (Pages 51 - 58)</b>
4vi	<b>No.6 - Opposite The Highwayman, Whickham (Pages 59 - 66)</b>
4vii	<b>No.7 - Land South of Westminster Street (Pages 67 - 76)</b>  <b>Delegated Decisions (Pages 77 - 84)</b>
<b>5</b>	<b>Enforcement Action (Pages 85 - 94)</b>  Report of the Strategic Director, Communities and Environment

Continues...

**6** | **Planning Appeals** (Pages 95 - 98)

Report of the Strategic Director, Communities and Environment

**7** | **Planning Obligations** (Pages 99 - 102)

Report of the Strategic Director, Communities and Environment

Contact: Neil Porteous - Email: [neilporteous@gateshead.gov.uk](mailto:neilporteous@gateshead.gov.uk), Tel: 0191 433 2149  
Date: Tuesday, 28 February 2017

**TITLE OF REPORT:** Planning applications for consideration

**REPORT OF:** Paul Dowling, Strategic Director Communities  
and Environment

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### **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

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/16/00722/COU	Skills Academy For Construction Kingsway South	Lamesley
2. DC/16/01262/FUL	482 Durham Road Gateshead	Low Fell
3. DC/17/00062/TPO	2 Moraine Crescent Blackhall Mill	Chopwell And Rowlands Gill
4. DC/17/00063/TPO	Beech Trees 3 Moraine Crescent	Chopwell And Rowlands Gill
5. DC/17/00067/FUL	The One Eyed Stag 5 The Square	Whickham North
6. DC/17/00072/TDP A	Land Opposite The Highwayman Whickham Highway	Dunston Hill And Whickham East
7. DC/17/00074/FUL	Land South Of Westminster Street	Saltwell

## **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.' In the case of Gateshead the development plan is currently the Core Strategy and Urban Core Plan 2010 – 2030 and the saved policies of the Unitary Development Plan for Gateshead (2007), where they are in conformity with the National Planning Policy Framework.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The NPPF was published on 27 March 2012 by Communities and Local Government (CLG). The National Planning Policy Framework is a material planning consideration, the previous Planning Policy Statements (PPS's), Guidance notes (PPG's) and some Circulars are revoked. Some of the guidance notes that supported the PPS's and PPG's are still extant.

## **REGIONAL SPATIAL STRATEGY (RSS)**

The RSS was revoked on 15<sup>th</sup> April 2013 and is no longer part of the development plan.

## **LOCAL PLAN (Formerly known as Local Development Framework)**

The Council has adopted the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP) jointly with Newcastle City Council. This sets all the Strategic Planning Policies for Gateshead and Newcastle and more detailed policies for the urban core of Gateshead and Newcastle.

In accordance with 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). These are set out in Appendix 1 of the CSUCP.

The Unitary Development Plan for Gateshead was adopted on 17<sup>th</sup> 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.

The Gateshead Place Making Supplementary Planning Document and the Householder Alterations and Extensions Supplementary Planning Document, are now adopted and have weight in decision making, supplementing and providing detail to the development plan policies.

The Council is currently working on new draft detailed policies and land allocations for the new Local Plan. The Development Plan Document will be called Making Spaces for Growing Places (MSGP).

## **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 at the beginning of 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 where persons have indicated their intention to speak in writing, in advance of the meeting, and subsequently confirmed their intention to speak to the Development Information Officer.

For further details of speaking rights at committee contact the Development Information Officer on (0191) 4333150 or please view the leaflet 'Having Your Say' available from the second floor reception at the Civic Centre. You can also view this information on the Planning pages of the Council website under 'Having your Say'

## **SITE PLANS**

The site plans included in each report are for illustrative purposes only. Scale plans are available to view from the file. Key plans and photographs of the site and surroundings are also displayed at committee for information purposes as are other images where necessary including consultation response plans.

## **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 from the application file. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) Order 2010.

## **SITE VISITS**

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. Normally these visits take place on the Thursday morning prior to the following Wednesday committee meeting. 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 no longer 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)

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

**Changes allowed without planning permission**

From	To
A2 (professional and financial services) when premises have a display window at ground level	A1 (shop)
A3 (restaurants and cafes)	A1 or A2
A4 (drinking establishments)	A1 or A2 or A3
A5 (hot food takeaways)	A1 or A2 or A3
B1 (business) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B2 (general industrial)	B1 (business)
B8 (general industrial) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B8 (storage and distribution) (permission limited to change of use relating to not more than 500 square metres of floor space)	B1 (business)
C3 (dwellinghouses)	C4 (houses in multiple occupation)
C4 (houses in multiple occupation)	C3 (dwellinghouses)
Casinos (sui generis)	D2 (assembly and leisure)

**Additional change of use permitted development rights applying from 30 May 2013**

Buildings in use class:	Can change to:
Agricultural buildings under 500 square metres	(A1, A2, A3, B1, B8, C1 and D2).
Agricultural buildings between 150 square metres and 500 square metres	(A1, A2, A3, B1, B8, C1 and D2) but prior approval (covering flooding, highways and transport impacts, and noise) is required
B1, C1, C2, C2A and D2 use classes	State-funded school, subject to prior approval covering highways and transport impacts and noise
B1(a) office use	C3 residential use, subject to prior approval covering flooding, highways and transport issues and contamination.
A1, A2, A3, A4, A5, B1, D1 and D2 uses	change use to A1, A2, A3 and B1 uses for a single period of up to two years

**Additional change of use permitted development rights applying in England from 6 April 2014**

These new permitted development rights will not apply in sites of special scientific interest, safety hazard areas or military explosives storage areas; nor do they apply to scheduled monuments. With the exception of new Class CA the rights will also not apply to listed buildings.



- **retail** to residential - new class IA allows change of use and some associated physical works from a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 150 square metres of retail space will be able to change to residential use. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.\*
- **agricultural** to residential - new class MB allows change of use and some associated physical works from buildings used for agricultural purposes to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 450 square metres of retail space will be able to change to up to three dwellings. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.\*
- **commercial** to childcare nurseries - change of use from offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to nurseries providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.
- **agricultural** to new schools and nurseries - new class MA allows change of use from buildings used for agricultural purposes to a state funded school or nursery providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.

#### Explanation of Abbreviated Terms used in Reports

EVA	Economic Viability Assessment	UDP	Unitary Development Plan
DPD	Development Plan Document	SPD	Supplementary Planning Document
EIA	Environmental Impact Assessment	NPPF	National Planning Policy Framework
TA	Transport Assessment	RIA	Retail Impact Assessment
SHLAA	Strategic Housing Land Availability Assessment	SHMA	Strategic Housing Market Assessment
C-SUCP	Core Strategy and Urban Core Plan		

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched a planning practice guidance web-based resource. This was accompanied by the cancellation of previous planning practice guidance documents. Now planning practice guidance is now available entirely online in a usable and accessible way with links between the National Planning Policy Framework and relevant planning practice guidance, as well as between different categories of guidance. The guidance can be accessed through this link <http://planningguidance.planningportal.gov.uk/>

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## Committee Report

<b>Application No:</b>	<b>DC/16/00722/COU</b>
<b>Case Officer</b>	<b>Graham Stephenson</b>
<b>Date Application Valid</b>	<b>30 September 2016</b>
<b>Applicant</b>	<b>SEVCON Ltd</b>
<b>Site:</b>	<b>Skills Academy For Construction Kingsway South Team Valley Gateshead NE11 0JL</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Change of use from education and training facility (use class D1) to office, workshop and research facility (sui generis) including provision of additional car parking and other associated external works and facilities.</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

### 1.0 The Application:

#### 1.1 DESCRIPTION OF THE APPLICATION SITE

1.2 The 1.1 hectare application site is located on the corner of Eighth Avenue and Princesway, within the Team Valley Trading Estate which is designated as a Primary Employment Area (PEA). It forms part of a wider site that is occupied by Gateshead College as a learning centre. The use as a learning centre was granted planning permission in 2007 DC/07/00167/COU. In 2010 planning permission (DC/10/00290/FUL) was granted and subsequently implemented, for an extension (size 1,790sqm) to the existing learning centre and the erection of a 2-storey teaching and training facility (size 2,832 sqm) (use class D1) with associated car parking and ancillary outdoor recreation space. It is these later additions which are no longer in use by the College and are subject to this planning application.

1.3 The two-storey building forms an L shape which is set back between 7-8 metres from the site boundaries. It measures 50 metres long along Eighth Avenue, 44 metres along Princesway and 18 metres deep by 7.8 metres in height. The materials include metal sheet cladding and aluminium curtain walling with grey tinted double glazing for the walls with polished granite to the main entrance and a single ply polymeric flat roof.

1.4 There is a central landscaped courtyard outside the building, to the north. There is also a Multi Use Games Area (MUGA) within the site. The site also benefits from attractive hard and soft landscaping and screened refuse stores.

1.5 Vehicle access to the site is at the north west corner of the site off Princesway. There is currently parking on site for 34 cars, 6 motorcycles and 24 cycles.

There are two new pedestrian access points. One off Princesway, closer to the junction with Eighth Avenue, and one off Eighth Avenue.

1.6 The site, as expected is surrounded by other commercial uses including offices, manufacturing and warehousing although there is a Giants Den, children's soft play centre to the west.

#### 1.7 DESCRIPTION OF THE APPLICATION

1.8 The application proposes a change of use from education and training facility (use class D1) to office, workshop and research facility (sui generis), including provision of additional car parking and other associated external works and facilities. The additional car parking would be accommodated on the existing MUGA and would take the total number to 96 spaces, an increase in 62. The associated external works include a covered walkway from the existing two-storey building to the workshop.

1.9 The two storey building would provide office and research and development facilities for Sevcon who are planning on relocating from their existing premises on Kingsway South. The business currently employs 97 people and this is predicted to increase to 130 by 2018 as a result of the re-location.

1.10 The workshop would be used to build prototypes for testing by the applicant (Sevcon) who are an electrical engineering company based in Gateshead that designs and markets controls for electrically powered vehicles.

1.11 The following documents have been submitted with the application:

Design and Access Statement  
Flood Risk Assessment  
Transport Assessment

#### 1.12 RELEVANT PLANNING HISTORY

DC/10/00290/FUL - Planning permission approved for the erection of an extension (size 1,790sqm) to existing learning centre (Gateshead College Construction and Vocational Learning Centre) and erection of 2-storey teaching and training facility (size 2,832 sqm) (use class D1) with associated car parking and ancillary outdoor recreation space (amended 22/06/10). 08.07.2010

DC/10/00393/OUT - Outline planning permission approved for a revised outline planning application for the erection of industrial units on the application site for either B2 or B8 uses. 07.07.2010

DC/09/00625/OUT - Outline planning permission withdrawn for a new business unit (use class B2 general industry / B8 storage and distribution). 17.08.2009.

DC/07/00167/COU - Planning permission approved for the conversion of existing office and warehouse to college teaching/training facility. 05.07.2007

## **2.0 Consultation Responses**

None Received

## **3.0 Representations:**

- 3.1 Neighbour notifications, press and site notices 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 made.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS5 Employment-Economic Growth Priorities

CS6 Employment Land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

JE1 Primary Employment Areas

JE4 Sustainable Economic Development

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

## **5.0 Assessment of the Proposal:**

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

### **5.2 PRINCIPLE**

The application site is situated within the Team Valley Primary Employment Area. Saved Policy JE1 of the Council's Unitary Development Plan (UDP) states that to protect and maximise employment uses and development

opportunities, within Primary Employment Areas (PEA), changes of use to B2 (general industry) and B8 (storage and distribution) uses are normally considered to be acceptable. Policy JE1 also states that changes of use to other non-employment uses will not normally be permitted. Therefore on face value, the proposal does not comply with policy JE1 of the Unitary Development Plan.

- 5.3 However policy CS6 of the more recently adopted Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne (CSUCP) does allow for a limited amount of office development on the Team Valley where business needs and office specifications cannot be accommodated within the Urban Core and where economic growth is not compromised by limited site availability.
- 5.4 In this case the submitted information states the business comprises a mix of uses that requires office/desk based research and development space, in close proximity to a workshop and testing facility where prototypes can be built and developed. This requires high spec office/desk based research and development facilities as well as an industrial type building and a site within the Urban Core that has both these elements is understandably hard to come by. In addition although offices (B1a) are a town centre use, it is not the sole use of the development, and a large area of floorspace is provided for research and development use (B1b) and manufacturing and testing (B1(c)). It is also important to note that Sevcon would be re-locating from elsewhere on the Team Valley where they have established key links with other businesses and occupiers, such as Gateshead College Automotive Centre on Kingsway South (50m away) and the change of use would not result in the loss of a primary employment use i.e. a B2 or a B8 use. It would also free up another site on the Team Valley for employment uses. Therefore it is accepted that the requirements of the business cannot be accommodated in the Urban Core and site availability will not be compromised by this development.
- 5.5 On its own merits the proposal will also be an employment generator with over 30 new jobs created. This will bring with it economic benefits for the area which is encouraged by the National Planning Policy Framework (NPPF) and policy JE4 of the UDP. The proposed development would also complement advanced manufacturing and engineering activities at the Team Valley Trading Estate, in accordance with objectives set out in CSUCP policy CS5.
- 5.6 Therefore whilst this proposal is not in strict accordance with the Policy JE1 of the Council's UDP, the economic benefits the development will have for the Team Valley ensures that it does not conflict with the aims and objectives of the NPPF, policies CS5 and CS6 of the CSUCP or policy JE4 of the UDP.
- 5.7 Subsequently subject to all other material planning considerations being satisfied the principle of development is considered acceptable.
- 5.8 **AMENITY**  
The existing building is modern in appearance and the proposed development even with some external additions, would not compromise the visual amenity of

the site or the surrounding area. As such it is considered the proposed development does not conflict with the aims and objectives of the NPPF, policy CS15 of the CSUCP or policy ENV3 of the UDP.

#### 5.9 PARKING AND HIGHWAYS

The proposed development would increase parking on the site from 34 spaces to 96, although this figure includes 4 disabled spaces, 7 visitor spaces and 6 electrical charging points. Analysis of traffic movements has been carried out but given that the business currently employs 97 staff, with expansion to 130 planned by 2018, the number of parking spaces proposed, as well as the on street parking that is available, does appear to suggest the likely scenario is that staff travel to the site by private car as single occupants.

5.10 The submitted Transport Statement does attempt to justify the level of parking proposed by indicating that traffic generated at peak periods, will not be significant. The Statement does not expand on this further but verbal discussions have suggested flexible work patterns and the demographic of where people live in relation to the Team Valley, will account for a more even distribution off traffic.

5.11 These discussions have given officers confidence that there is a reasonable explanation and that impact on the highway network will be acceptable, especially as the application is for a sui-generis use so any change of occupier would require planning permission. However surveys have been requested to confirm the staff travel patterns and these are in the process of being carried out. The results of the surveys and any mitigation measures that are required, for example improvements to the cycle network across the Team Valley, will be presented in an update report. A Travel Plan will also be required, so where practical staff will be encouraged to use more sustainable modes of transport. This can be conditioned (CONDITIONS 10 AND 11).

5.12 The retention of 24 cycle parking spaces are proposed and this is welcomed. The retention of the spaces can be conditioned (CONDITION 9).

5.13 The tracking for the refuse vehicle and cars within the proposed car park are still outstanding and these can be conditioned (CONDITIONS 12 AND 13).

5.14 Therefore it is considered that based on the information that has been submitted and discussed so far, as well as the predicted survey results, the impact the proposed development will have on the highway network is acceptable. Consequently subject to conditions, the proposed development is not considered to conflict with the aims and objectives of the NPPF or policy CS13 of the CSUCP.

#### 5.15 DRAINAGE

Historic sewer flooding has been recorded on Eighth Avenue and the site is also identified to be at high risk of surface water flooding based on the Environment Agency's Updated Flood Map for Surface Water (1 in 30 year and 1 in 100 year events). The site also appears to be at risk of surface water

flooding based on the Environment's Agency's Integrated Team Valley flood model and the sites inclusion in a Critical Drainage Area (CDA).

- 5.16 As a consequence regard is given to Policy CS17:1v of the CSUCP which requires a flood risk assessment for sites over 0.5ha in CDAs. Within a CDA, an increase in the rate of surface water runoff and /or volume from new development may exacerbate the degree of flood risk to areas downstream or to the surrounding area. In this case it is acknowledged that the buildings and hardstanding already exist but the NPPF in paragraphs 100 and 103 is quite clear that opportunities offered by new development to reduce the impact of flooding and any new development should not increase the risk of flooding elsewhere.
- 5.17 Since the existing development was approved, the planning policy context has changed with the adoption of the NPPF as well as the Core Strategy; the knowledge of the flood risk on the Team Valley has changed; the Team Valley Integrated Flood Study has been prepared by the Environment Agency and the Environment Agency's Updated Flood Map for Surface Water has been published which identifies that the site is at high risk of surface water flooding during a 1 in 30 year event.
- 5.18 As a result this application for a change of use which constitutes development is required to look at what measures can be introduced to reduce the impact of flooding as well the impact it could have on flood risk elsewhere, resulting from any increase in surface water runoff from the development. This could be by the replacement of the MUGA with a car parking area. The impact this change from a MUGA to a car park would have on water quality also needs to be taken into consideration as do flood resilience measures and emergency planning that could be introduced into the development in accordance with paragraph 103 of the NPPF.
- 5.19 In response to these requirements a Flood Risk Assessment (FRA) has been submitted and does address most of the issues raised, including a proposal to provide permeable paving in the car park. However final details are still required with regards to the car parking area and how this will be drained as well as any retrofit flood resistance/resilience measures. This additional information can be conditioned (CONDITIONS 4,5,6,7 AND 8) to ensure the development does not conflict with the NPPF and policy CS17 of the CSUCP.
- 5.10 **CONTAMINATED LAND**  
As the site is identified as being potentially contaminated further investigations were carried out as part of application DC/10/00290/FUL and the appropriate remediation carried out. Therefore it is not considered necessary to undertake any further investigations at this stage. However should any new contamination be discovered during ground breaking, a remediation strategy will be required and this can be conditioned (CONDITION 3) in accordance with the NPPF, policy CS14 of the CSUCP and policy ENV54 of the UDP.
- 5.11 **SUSTAINABILITY**



The buildings subject to this application are modern constructions and a number of measures are incorporated to reduce energy consumption including mono-draught sun pipes and wind catchers on the roof to draw more natural light and ventilation into the building, a solar collector on the roof to store energy from the sun which will then be used within the building and a polymeric insulated roofing system. As a result it is considered this development which is a change of use does not conflict with the aims and objectives of policy CS16 of the CSUCP.

#### 5.12 CIL

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related. As such no CIL charge is liable.

### 6.0 CONCLUSION

6.1 Taking all relevant issues into account it is recommended that planning permission is granted, subject to conditions as the impact on the Primary Employment Area and Town Centre as well as the impact on amenity, highways, flood risk and other material planning considerations are considered to be acceptable and in accordance with national and local planning policy.

### 7.0 Recommendation:

That permission be GRANTED subject to the following condition(s):

1

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

200-01 Rev 5, 200-02 Rev 6, 200-03 Rev 6, 200-04 Rev 1, 200-05 Rev 1, 200-06 Rev 2, 200-7 Rev 3,

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

Reason

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

2

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

Reason

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

3

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority prior to works re-commencing on that part of the site.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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 policy CS14 of the Core Strategy and policy ENV54 of the Unitary Development Plan.

4

Prior to the existing Multi Use Games Area being brought into use as a car park, final details of the car park drainage system including cover levels, inverts, pipe sizes, manhole and flow control as well as a maintenance specification and schedule for the car park drainage system and permeable paving surface and a copy of the electronic drainage model shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent increased flood risk in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

The car park drainage details shall be implemented in complete accordance with the details approved under condition 4, prior to the car park being first brought into use.

Reason

To prevent increased flood risk in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

Within 2 months of planning permission being granted final details of any retrofit drainage or flood resistance / resilience measures to be installed on the site, along with a timetable for installation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

The flood resistance and resilience measures shall be implemented in accordance with the details and timescales approved under condition 6.

Reason

To prevent increased flood risk in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

The emergency flood warning and flood evacuation measures as shown on plan reference 200-10 Rev 1, shall be implemented in the event of a flood.

Reason

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

9

The cycle parking already installed on site shall be retained for the life of the development hereby approved.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and the Gateshead Cycling Strategy.

10

Within 3 months of planning permission being granted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

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

1) Reduction in car usage and increased use of public transport, walking and cycling;

- 2) Minimal operational requirements for car parking
- 3) Reduced traffic speeds within the site and improved road safety and personal security for pedestrians and cyclists;
- 4) More environmentally friendly delivery and freight movements;
- 5) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Reason

In order to accord with policy CS13 of the Core Strategy.

11

The development hereby approved shall be operated in accordance with the Travel Plan approved under condition 10.

Reason

In order to accord with policy CS13 of the Core Strategy.

12

Prior to the service yard and the new car parking area being brought into use, accurate autotracking details shall be provided to demonstrate the safe use of the service yard and car park. Any amendments required to these areas will need to be submitted to and approved in writing by the Local Planning Authority prior to them being brought into use.

Reason

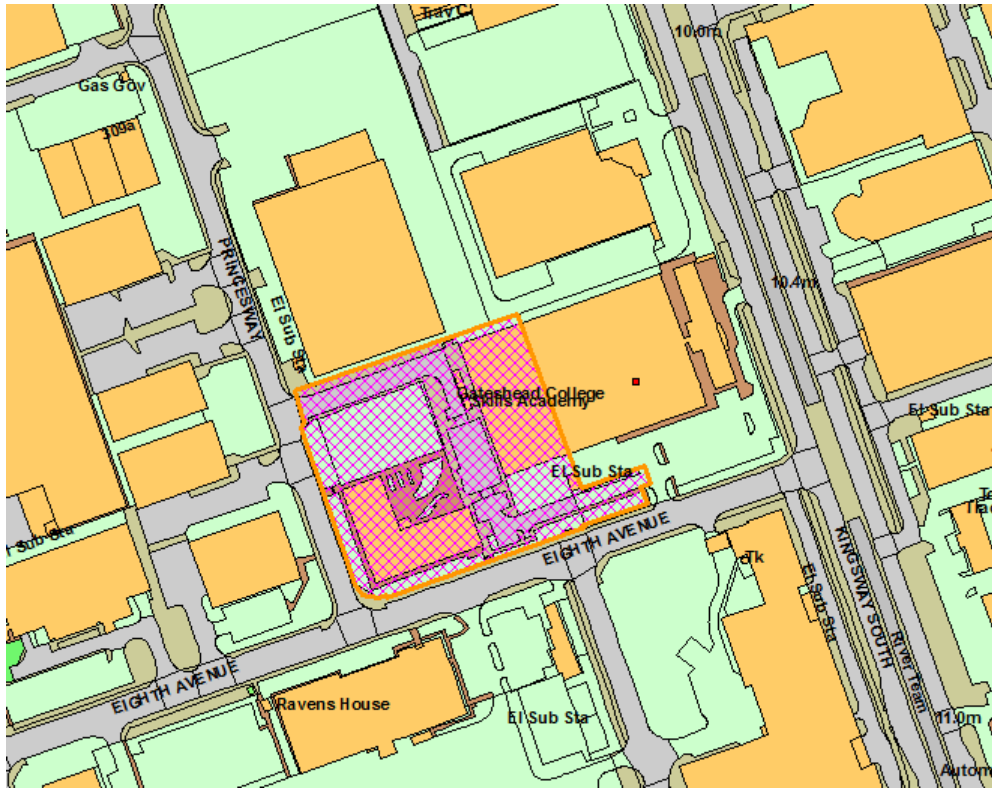
In the interests of highway safety and having regard to the requirements of policy CS13 of the Core Strategy.

13

Any amendments to the service yard and new car parking that are required as a result of condition 12 shall be implemented prior to those areas being brought into use.

Reason

In the interests of highway safety and having regard to the requirements of policy CS13 of the Core Strategy.



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**Committee Report**

<b>Application No:</b>	<b>DC/16/01262/FUL</b>
<b>Case Officer</b>	<b>Lois Lovely</b>
<b>Date Application Valid</b>	<b>25 November 2016</b>
<b>Applicant</b>	<b>Sim Trava Limited</b>
<b>Site:</b>	<b>482 Durham Road Gateshead NE9 6LQ</b>
<b>Ward:</b>	<b>Low Fell</b>
<b>Proposal:</b>	<b>Change of use of the ground and lower ground floors from a Bank (A2 use) to a coffee shop (mixed use) external seating and amended shopfront (amended 06/01/17, 03/02/17 and 20/02/17 and additional information received 06/02/17 and 20/02/17).</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application property is the former Barclays Bank and car park located on a prominent corner at the signalised junction of Belle Vue Bank and Durham Road within the main commercial thoroughfare of Low Fell District Centre.

1.2 To the front of the building is an adopted footpath and stub end of road that provides access to the car park. There is a steep gradient from this road up into the car park. To the south of the property is a rear lane known as Edmund Place that gives vehicular access to the garages and rear gates of the residential properties on Belle Vue Bank and Belle Vue Grove. Bins are collected from this rear lane on bin collection day. There is a bus lane on the northbound of Durham Road and a traffic island near to the entrance to the stub end and Edmund Place.

1.3 The Bank has been vacant since February 2016.

1.4 The building has two storeys. It appears as single storey when viewed from Durham Road with three openings; a door, a full height window and a smaller window between the other two openings. It is constructed in stone and has a flat roof with a decorative parapet. The two storeys are evident when viewed from Belle Vue Bank where the windows to the basement are located in the retaining wall that supports the car park to the north of the building. The rear elevation of the building is constructed in brick. The western elevation has four large windows facing the garden and dwelling 1A/ 3 Belle Vue Bank. This is a residential property, that was two flats, now converted to a single dwelling. The house and garden sit at a lower level than the application property. The dwelling has a first floor gable end window that is at the level of the car park.

There is an external yard area to the west of the building that has a boundary with 1A/3 Belle Vue Bank. It is accessed by a gate and steps down into the yard from Edmund Place.

- 1.5 To the north on the opposite side of Belle Vue Bank are dwellings and a flat above the estate agency located on the opposite corner. To the south and on the opposite side of Durham Road the properties are commercial in use.
- 1.6 The property is also located within Low Fell Conservation Area, designated in March 1999. The core of the Conservation Area is the triangle bounded by Kells Lane, Durham Road, Cross Keys Lane and Belle Vue Bank/Denewell Avenue.
- 1.7 **DESCRIPTION OF THE PROPOSAL**  
The proposal is to change the use of the ground and lower ground floors from a Bank (A2 use) to a coffee shop (a mixed A1 and A3 use) with external seating located on the former car park area and an amended shopfront.
- 1.8 Coffee shops do not operate as a standard cafés, that would trade under the A3 Use Class alone, as they also function as a A1 retail unit for the purchase of hot and cold beverages and cold / warmed food to consume off the premises. The sale of goods such as coffee beans and other coffee paraphernalia adds to the retail part of the business. The A3 element relates to the drinks and food consumed on the premises.
- 1.9 The proposal includes the blocking up of the southernmost window on the front elevation to match the existing polished granite plinth to the height of the middle window and both windows are proposed to be replaced with grey finished timber frames. A new door is also proposed. An extension to the existing stone wall at the entrance to the car park is proposed to reduce the width of the access to the proposed external seating area.
- 1.10 The existing two window frames on the north elevation are proposed to be painted in grey.
- 1.11 The internal proposed layout of the ground floor includes the coffee making area service counter, seating, toilets and a dishwashing area at the rear of the property using two of the existing windows and a mezzanine floor area in the northwest rear part of the building with the two existing windows on the west elevation. Internally 35 seats are indicated.
- 1.12 Externally, a seating area is proposed that indicates 8 tables with 4 seats each, and two umbrellas 2.5m high 4m x 4m, a total of 32 seats.
- 1.13 The proposed layout of the lower ground floor is as staff toilets and a staff room. Four 1100 litre euro bins are indicated in the car park area concealed by a 1.6m high acoustic fence from Durham Road and by tree planters from the adjacent dwelling.
- 1.14 The hours of opening are proposed as 6.30am to 10pm from Monday to Friday, 7am to 10pm on Saturdays and 8am to 6pm on Sundays and Bank Holidays.



- 1.15 Whilst the Applicant has indicated that commercial cooking extract ventilation is not required, toilet extraction is proposed through vents in the existing windows on the west elevation. Air conditioning is required and details have been provided for a unit in the same location as the existing unit on the rear ground floor.
- 1.16 An advertisement consent application has been received that indicates that the premises would trade as a Costa. The advertisement consent application is being considered separately.
- 1.17 This application is accompanied by a planning statement.
- 1.18 **PLANNING HISTORY**  
A separate advertisement consent application DC/16/01263/ADV for Display of one fascia sign, one projecting sign (both advertising 'Costa' and externally illuminated) has been received.

## **2.0 Consultation Responses:**

None

## **3.0 Representations:**

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. A site notice was posted on 9th December 2016 and a notice in the press was published on 14th December 2016.
- 3.2 Five letters of objection have been received, three from the nearest neighbour the proposal would most affect. In addition a request from Councillor Duggan that this application be considered by Committee has been received. Cllr Duggan neither supports nor objects to the application. The issues raised have been summarised below:
- Loss of privacy,
  - overlooking,
  - noise,
  - disturbance,
  - highway safety,
  - impact on local traders,
  - insufficient car parking,
  - concerns about deliveries,
  - concerns about where bins would be stored and how they would be collected, and
  - loss of light.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

RCL5 District and Local Centres

ENV61 New Noise-Generating Developments

#### **5.0 Assessment of the Proposal:**

5.1 The main planning issues to be considered are the principle of the use, the visual impact on the Conservation Area, highway issues and impact upon residential amenities.

##### **5.2 PRINCIPLE**

Saved UDP policy RCL5a seeks to grant permission for retail and other shopping centre uses where it would maintain and enhance the vitality and viability of the centre. The proposed use is in accord with RCL5a. However, RCL5b requires the use to not result in an unacceptable impact on residential amenity, the local highway network or road safety.

5.3 As amended the proposal includes an acoustic fence to protect the residential amenities of the adjacent dwelling. The highways impacts of the development are considered below. RCL5c seeks the proposal to be compatible with the scale and nature of the centre. The scale of the proposal in terms of the centre would accord with RCL5c.

5.4 Policy CS7 of the Core Strategy and Urban Core Plan (CSUCP) also seeks to maintain and enhance the vitality and viability of defined centres by promoting retail and a range of supporting uses. This development is considered to be appropriate, as its mixed use retail/cafe use within the defined centre would enhance its vitality and viability. Therefore, subject to other material planning considerations the principle of the change of use accords with the National Planning Policy Framework (NPPF) and policy CS7 of the CSUCP, however for

the reasons given below, it is considered to be contrary to Saved UDP policy RCL5b.

#### 5.5 CONSERVATION AREA

The external changes to the exterior of the building include the reduction of the full height window on the front elevation to enable internal fixing of the service counter. The proposal is to continue the existing plinth.

- 5.6 Other changes include the new signage (the subject of an Advertisement Consent application), redecoration of windows and doors, and an external seating area and two large umbrellas.
- 5.7 The guidance within IPA 17 the Low Fell Conservation Area Character appraisal states that any alterations, should respect the original building and its materials. New work should relate to the old in texture, quality and colour as well as form and detailed design. There will be a presumption that shop fronts which are original on their host building or which contribute to the special character of the area should be retained and be repaired if necessary. New shop fronts should respect their host building in scale, design and materials.
- 5.8 Saved UDP policy ENV3 requires the design, density and scale of new development to make a positive contribution to the established character and identity of its locality.' Further Saved UDP policy ENV7 requires that development within Conservation Areas must preserve or enhance the area's special architectural or historic character or appearance.
- 5.9 CSUCP policy CS15 reflects NPPF Paragraph 132 and seeks development that will contribute to good place-making through...the conservation and enhancement of the historic environment. This will be achieved by:... respond[ing] positively to local distinctiveness and character.
- 5.10 Two 4m square Costa Red umbrellas are proposed over the external seating area. The valence of the umbrella has the text "COSTA" in white. At 2.5m in height it is considered that they will not harm the appearance of this prominent corner site. If planning permission were to be forthcoming a condition would be necessary to limit the size of the umbrellas to 2.5m in height and 4sqm as the information submitted indicates the umbrellas Costa use vary from 2.5 to 10sqm, and larger umbrellas in this location would be likely to be harmful to the appearance of the conservation area.
- 5.11 The proposal to reduce the existing southern opening on the primary façade and to fill with materials to match the existing plinth is acceptable as the building would previously have had a window at the scale proposed in this application. If planning permission were to be forthcoming, a condition would be recommended to secure details of materials to be checked on site to ensure an appropriate match with the existing.
- 5.12 The proposed acoustic fence that would divide the existing car park is necessary to protect residential amenities but also screens the bin store area. Tree planters are proposed to screen the acoustic fence and soften the impact

upon the street scene and conservation area. If planning permission were to be forthcoming conditions would be recommended to ensure the acoustic fence be installed and retained without any gaps, a self closing gate and to secure details of the tree planters and a maintenance plan to ensure the trees are maintained. A further condition is considered necessary to ensure the area is kept free from litter.

- 5.13 There is a significant difference in level between the proposed outdoor seating area and the footway/carrageway level along Belle Vue Bank on the northern edge of the site. There is an existing low-level fence in place and it is proposed to repair this fence and add a kick rail to prevent items falling through onto the public footpath below.
- 5.14 The re-use of a prominent empty building in the Low Fell Conservation Area is welcomed. In general, the proposals do not damage the quality or setting of the Conservation Area and are considered to lead to less than substantial harm to the significance of a designated heritage asset. In such instances, the test in paragraph 134 of the NPPF that requires that this harm is weighed against the public benefit of the proposal. It is considered that the re-use of this prominent, vacant building in the Conservation Area gives sufficient public benefits to outweigh the less than substantial harm arising from the development.
- 5.15 Given the above, if planning permission were to be forthcoming subject to conditions, the proposals are considered would be in accordance with NPPF paragraph 134, Saved UDP policies ENV3, ENV7 and CSUCP policy CS15.
- 5.16 HIGHWAYS  
The property was formerly a bank with a small car park attached to its northern side primarily used by staff. The access into this area is substandard due to the access ramp having a very steep gradient over a short distance. In icy conditions the use of this access/car park could be prejudicial to pedestrian safety. The proposal in highway terms to convert this area to external seating is acceptable however the vehicular dropped kerb access must be reinstated as full-height footway and if planning permission were to be forthcoming a condition would be recommended to secure the details and ensure the work is undertaken.
- 5.17 Whilst the absence of parking for the proposed cafe is undesirable, it cannot be ignored that this is a District Centre with two public car parks and excellent access to public transport. There are extensive waiting restrictions in the area to deter and enforce indiscriminate parking.
- 5.18 Secure and weatherproof cycle storage should be provided for staff and customers in accordance with the 'Gateshead Cycling Strategy'. Durham Road is a major transport corridor, often used by cyclists, and so the installation of cycling facilities may compliment the business operation. Fully enclosed, compact metal lockers are the preferred storage solution, however, it has not been possible to find a suitable location for lockers or a shed for customers use that would not have a harmful impact upon the conservation area, thus cycle hoops are proposed and should planning permission be forthcoming a

condition would be recommended to ensure they are provided. Staff cycle storage is proposed within the building on the lower ground floor.

- 5.19 The Applicant initially proposed to make deliveries to the property with a 7.5 tonne HGV utilising the stub end road at the front of the premises and a swept path detail was requested.
- 5.20 The Applicant provided a swept path to demonstrate the delivery vehicle could manoeuvre in the stub end and Edmund Place. When the bank was in operation the bus lane was not implemented, however the Applicant has stated that the manoeuvring of the Costa delivery vehicle into the slip road would not change drastically from deliveries to the bank and the delivery driver would exercise the same caution when crossing in front of the bus lane as any other driver intending to drive down Edmund Place. When the delivery vehicle is exiting the site, it will be in a forward gear thus the driver will have full view of Durham Road and the associated traffic.
- 5.21 Officers do not agree with this statement. The bank was likely to have been serviced by a transit-sized armoured security van whereas Costa use a 7.5tonne HGV. There is no issue with the principle of a lorry pulling off Durham Road (or onto it) in forward gear; however, there is a concern that the lorry will not be able to reverse into Edmund Place.
- 5.22 In addition, the swept-path drawing submitted in support of the application does not accurately reflect the as-built kerb layout nor is the position of the traffic island correct. Edmund Place was measured on the ground at 4.1m as you first enter, whereas the drawing indicates 4.6m thus the rear lane is tighter.
- 5.23 Thus an amended swept-path drawing is required to be submitted to take account of these inaccuracies and also to display the more technical elements of the manoeuvre i.e. the tracking lines of the wheels and, separately, the tracking movements of the vehicle body/overhang so that the overall movement of the vehicle can be accurately appraised. In addition the drawing key must display vehicle dimensions, weight, axle configuration etc. If a suitable swept-path can be demonstrated there will be an update report recommending grant of planning permission, as the Applicant will have satisfactorily demonstrated that the relevant sized delivery vehicle would not be required to reverse onto Durham Road and therefore that highway safety would not be compromised at this busy junction.
- 5.24 Alternatively, if a suitable swept path cannot be demonstrated, the Applicant has suggested that instead of the manoeuvre proposed, the deliveries could be from Durham Road itself. However, any proposal to load/unload via Durham Road is not acceptable due to the presence of the bus lane and proximity of the traffic signals. The nearest loading bay is to the opposite side of the road and 80m further south (outside the Co-operative foodstore) and then it is only available for loading purposes for one hour in the morning and one hour in the late afternoon. In practice, the Costa lorry driver will be tempted to park indiscriminately near to the property or park in Edmund Place and reverse out onto Durham Road, both of which would be unacceptable. The other nearby

units are mostly banks and estate agents that have few delivery requirements other than a bank armoured vehicle (these are typically transit vans that are able to deliver from in front of the proposed Costa shop and which are small enough to reverse into Edmund Place, and then enter Durham Road in forward gear).

- 5.25 Officers consider the main supplier/distributor for Costa will not want to deliver via a loading bay that is some 80m from the building, across a busy A-classified road.
- 5.26 Officers have previously been advised by distributors in similar circumstances that it would go against their health and safety policy to have large and potentially heavy metal roller cages and trolleys wheeled long distances and/or across a main road, up and down tactile paving, dropped kerbs etc.
- 5.27 For the use of the loading bay outside the Co-operative supermarket to be a viable and safe option, written confirmation has been requested from Costa's distributor that the delivery procedure has been audited, particularly in respect of:
- o Size and type of vehicle to be used.
  - o How goods are packaged and distributed (for example, are large metal roller cages used between the lorry and the shop or is everything carried by hand)?
  - o That they are aware of the need to hand-deliver or wheel goods approximately 80m to the shop along the public footway (including crossing a busy A-classified road); that they have safety audited this for both their staff and members of the public and that they are satisfied that no significant risks exist.
  - o Confirmation that they will not deliver immediately in front of the premises or in the side lane of Edmund Place, nor contravene any other highway restrictions in the area.
  - o Acknowledgement that the loading bay is only operational between 7am and 8am and 4pm and 5pm.
- 5.28 However, as submitted insufficient information has been provided to enable consideration of the proposal in terms of how deliveries would be made without being to the detriment of highway safety and therefore it is recommended that planning permission be refused as the development cannot be shown to be in accordance with saved UDP policy RCL5b and CSUCP policy CS13.
- 5.29 The bin storage as proposed is on the existing car park and the 1100 litre euro bins would be brought onto the stub road for collection. Other businesses store bins in the rear lane. To avoid the bins being left in the rear lane and causing an obstruction to access for the residents and businesses who use the lane, if planning permission were to be forthcoming a condition would be recommended to ensure the bins are returned to the storage area following collection. This would ensure there is no detriment to residential amenity contrary to Saved UDP policy DC2 and in accordance with CSUCP policies CS13 and CS14.

- 5.30 Given the above, whilst the proposal is acceptable in all other transport and highway respects (subject to appropriate conditions), the Applicant has failed to provide sufficient information to allow Officers to assess and confirm that the proposed deliveries would not be detrimental to highway safety, as it has not been possible to demonstrate that the development is in accordance with saved UDP policy RCL5b and CSUCP policy CS13.
- 5.31 **RESIDENTIAL AMENITY**  
The trading hours proposed are from 6.30am to 10pm Monday to Friday (and from 7am on Saturday) and 8am to 6pm on Sundays (these could be secured by condition if planning permission was to be granted).
- 5.32 The Applicant has indicated that the nature of this style of coffee shop is such that no primary cooking facilities would be installed as the only food items served within the premises are pre manufactured off site. The only food to be warmed would be paninis on a panini grill behind the servers, that does not require any extraction or ventilation. If planning permission were to be forthcoming a condition would be recommended to restrict the installation of mechanical ventilation and extraction to prevent the installation of cooking facilities that would be likely to give rise to harm to residential amenities through noise and odours.
- 5.33 The external seating area proposed on the existing car park is screened from the nearest residential property by a 1.6m high acoustic fence that would prevent overlooking into the dwelling and its garden and prevent disturbance to residents from any noise that may result thus protecting residential amenity. The Applicant proposes that the external seating area should be available for customers for the same hours that the coffee shop is open. However, it is considered that if planning permission were to be forthcoming a condition restricting the use of the external seating area to 8am to 6pm Monday to Saturday and 9am to 4pm on Sundays and Public Holidays would be recommended to avoid noise and disturbance into the evening. Furthermore a condition would be recommended to ensure the seats are removed from the external seating area and stored.
- 5.34 The four existing rear windows (western elevation) are large and opening. It is proposed to plaster board two of the windows internally where the WC's and dishwashing area are proposed. However the other two windows to the mezzanine seating area could result in noise nuisance from the windows as the top of the windows open, and give the opportunity for overlooking as the windows currently have a low density obscure glazing. If planning permission were to be forthcoming a condition to prevent the opening of these windows and to apply a more dense opaque vinyl to the four windows on the western elevation would be recommended. The details of the air conditioning unit have been provided, however the noise levels provided do not specify the distance at which the levels were measured and as such if planning permission were to be forthcoming a condition is to ensure officers are satisfied that the noise levels of the unit will not be harmful to residential amenities would be recommended.

5.35 If planning permission were to be forthcoming a number of conditions would be recommended to Members relating to

- Restricting bin collection and deliveries to between 7am to 6pm Monday to Friday and 8am to 4pm at weekends to ensure there is no disturbance to residential amenity.
- A restriction on amplified music being played in the external seating area.
- No open storage on the area of former car park, that will be screened by the acoustic barrier, to protect residential amenities of the adjacent property.
- Hours of construction would be recommended to be restricted to between 8am to 5pm on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

5.36 It is considered that, subject to the conditions described above, the proposal would not have a detrimental impact upon the residential amenities of the area in accordance with Saved UDP policies DC2 and ENV61 and CSUCP policy CS14.

#### 5.37 OTHER MATERIAL CONSIDERATIONS

Objectors have referred to existing locally owned businesses that will go out of business due to the introduction of a national franchise.

5.38 The proposal is in accordance with NPPF paragraph 23 that states Local Planning Authorities should promote competitive town centres that provide customer choice and a diverse retail offer.

#### 5.39 COMMUNITY INFRASTRUCTURE LEVY

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

## 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is considered the proposed mixed use is an appropriate use in this District Centre as it would maintain and enhance the vitality and viability of the centre and, subject to appropriate conditions, the development would have an acceptable impact on the Conservation Area and residential amenity.

6.2 However, insufficient information has been received to enable officers to assess the proposal against saved UDP policy RCL5b and CSUCP policy CS13 in terms of the impact of the development on road safety. It is not



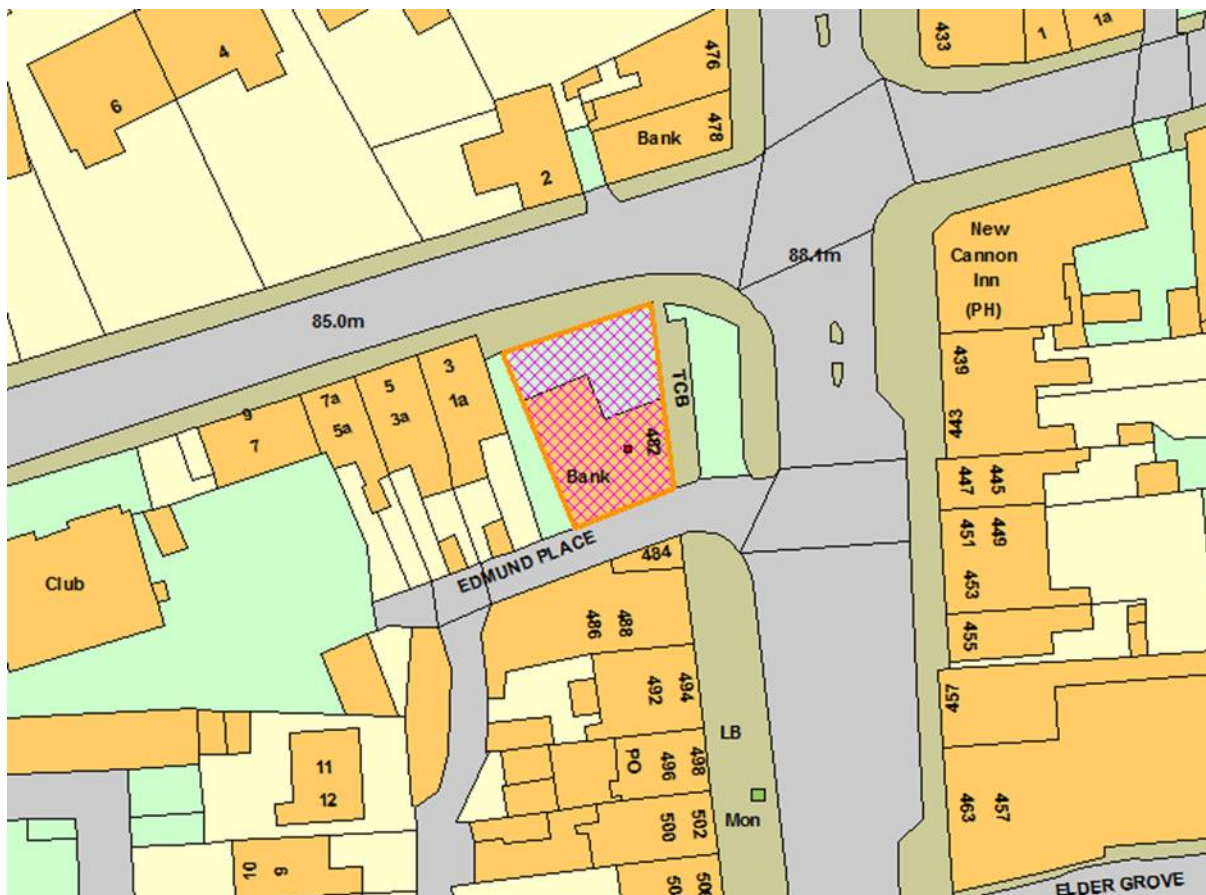
considered that the potential harm to the safety of pedestrians and highway users is outweighed by other material planning considerations and therefore it is recommended that planning permission be refused. Nevertheless, should further information be provided by the Applicant, that then allows officers to properly assess the impact on highway safety, Members will be advised of this in an Update Report where, potentially, a recommendation to grant planning permission may be able to be forthcoming.

## 7.0 Recommendation:

That permission be REFUSED for the following reason(s):

1

The application does not contain adequate information in relation to the safe accommodation and operation of deliveries to the premises, to enable the Local Planning Authority to properly consider the impact of deliveries to this site on highway safety. The proposal would be contrary to saved Unitary Development Plan Policy RCL5b and Core Strategy and Urban Core Plan Policy CS13 in that there is inadequate information available regarding the impacts on the development to demonstrate compliance with these policies.



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**Committee Report**

<b>Application No:</b>	<b>DC/17/00062/TPO</b>
<b>Case Officer</b>	<b>Chris Redfern</b>
<b>Date Application Valid</b>	<b>11 January 2017</b>
<b>Applicant</b>	<b>Mr And Mrs Pettitt</b>
<b>Site:</b>	<b>2 Moraine Crescent Blackhall Mill NE17 7DX</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Proposal:</b>	<b>Removal of 2 Beech trees in rear garden of 2 Moraine Crescent.</b>
<b>Recommendation:</b>	<b>Split decision</b>
<b>Application Type</b>	<b>Tree Preservation Order Application</b>

**1.0 The Application:**

1.1 There is a row of 7 mature Beech trees to the rear of Moraine Crescent which are highly prominent and make a significant contribution to the amenity of the wider area. The trees are situated very close to the properties and have all previously been pruned to alleviate the degree of overhang over the property roofs. Moraine Crescent is a row of 3 detached bungalows that backs onto an area of informal open space that appears to have been an agricultural field.

1.2 The trees are protected by Tree Preservation Order ref 74

1.3 DESCRIPTION OF THE APPLICATION

1.4 The applicant proposes to fell Beech Trees T1 and T2 which are located in the rear garden of 2 Moraine Crescent. The reason for the proposal is that the applicant has concerns that trees are in a hazardous condition based on their growth characteristics, their location and the species characteristics of Beech trees. The applicant has submitted an Arboricultural report which has been written by Tyne Valley Woodlands Consultancy in support of their application.

1.5 RELEVANT PLANNING HISTORY

00426/98 - Pruning of roots of one Beech tree in rear garden of dwelling house within TPO 74 approved  
 DC/04/01757/TPO - Pruning of two beech trees protected by TPO No 74 approved  
 DC/07/01576/TPO - Pruning of 1 beech tree protected by TPO No.74 approved  
 DC/09/01329/HHA - Erection of conservatory at rear of dwelling house. Refused

DC/12/01315/TPO - Pruning works to Beech trees located to rear of 2 Moraine Crescent approved (works not carried out)

## **2.0 Consultation Responses**

None Received

## **3.0 Representations:**

Neighbour notifications were issued and site notices were posted. In response, 11 objections have been received together with one petition containing 41 signatures in support of the application.

The main reasons for objection are summarized below:

- The trees are an asset to the area in terms of their aesthetic amenity value and their environmental amenity value.
- The trees act as a screen to the bungalows
- They are the last remaining trees that provide the inspiration for the naming of Beech Grove.
- The trees contribute to the quality of the air and their water uptake will be a loss particularly as the area is prone to flooding
- The trees were there before the bungalows
- The trees are healthy and therefore pose no risk and must stay
- The trees were protected after a campaign led by residents in 1994.
- The trees contribute to positive mental health
- If there is disease will it spread?
- Assuming there are irregularities in structural terms do they necessitate the removal of the trees?
- Is it appropriate for a family member to submit the Arboricultural report in support of the removal of the trees?
- Do not agree with the arguments put forward by the applicants Arborist
- 3 separate Arborists should be commissioned to review the application
- Trees should only be removed if it can be proved beyond reasonable doubt that they are unsafe
- The application does not indicate that the trees are diseased only that they are poorly managed
- Gateshead Councils Trees and Woodland Strategy states that veteran trees should be retained
- It is frustrating that the trees have been accepted by previous residents and just because a new resident comes along and attempts to have them removed without considering the views of the community

The petition in support of the application has the following heading;

“This petition is with regards to the felling of the beech trees in the gardens of No’s 2 and 3 Moraine Crescent. If you are in agreement with our application to the Council it would be appreciated if you would sign below so as to show the Council and the objectors how many of us would prefer them cut down.”

#### **4.0 Policies:**

NPPF National Planning Policy Framework

CS18 Green Infrastructure/Natural Environment

ENV44 Wood/Tree/Hedge Protection/Enhancement

#### **5.0 Assessment of the Proposal:**

5.1 When considering applications for works to protected trees the assessment is made on the basis of the amenity value of the trees and the likely impact of the proposal on the amenity of the area. In the light of this assessment it is then necessary to consider whether or not the proposal is justified, having regard to the reasons put forward in support of the works by the applicant. In general terms the higher the amenity values of the trees and the greater the impact of the application on the amenity of the area, the stronger the reasons need to be for consent to be granted.

5.2 In this instance the amenity value of the trees are high, therefore the reasons must be justified, or the works must not have a long term detrimental effect to the health or amenity provided by the trees.

5.3 The works to each tree will be considered in turn:

5.4 TREE 1

Fell Beech tree to ground level.

5.5 REASON FOR THE PROPOSAL

The tree has significant inclusions in its lower trunk which result in weak branch attachments for large co dominant stems

5.6 APPRAISAL OF THE PROPOSED WORKS

T1 Beech Tree

5.7 The tree is a significant specimen that is between 18 and 20 metres in height with a significant diameter. There are significant inclusions at 4m, each of which has a high potential of for failure. *Note - Included bark is where you have bark to bark contact at a branch union. As a result the strength of the structure can be seriously compromised. A*

*very high proportion of branch failures are as a result of unions that contain included bark. The proportion is even higher for Beech trees.* There are also visible signs of decay in and around this area the extent of which is unclear but is nevertheless a serious concern considering the location of the tree in close proximity to the dwelling and patio area which is likely to be occupied for extended periods of time. It is therefore concluded that in its current state the tree is a hazard to person and property.

5.8 It would be possible to reduce the size of the canopy in order to reduce the potential hazard of the tree however the level of reduction necessary would be so extreme that the tree would be unable to recover. This is based on the Councils Arboricultural officer's experience of the species and the industry standard recommendations in the British Standard for Tree Works 2010.

#### 5.9 TREE 2

Fell Beech tree to ground level.

#### 5.10 REASON FOR THE PROPOSAL

The tree will be exposed by the loss of nearby trees and could potentially fail as a result of this exposure to high winds.

#### 5.11 APPRAISAL OF THE PROPOSED WORKS

T2 Beech Tree

5.12 This tree is again a significant specimen that is close to 20m in height with a significant diameter. The tree divides at 6m to form a co dominant stem with included bark. However the included bark is not acute and the fork is predominantly upright and should therefore exert a lesser force on the union compared to a more spreading canopy.

5.13 There does not appear to be any signs of disease or significant decay and the tree appears to be in reasonable health. However it is in very close proximity to the property and therefore any defects should be considered very carefully as failure of the tree is likely to be catastrophic. If the neighbouring tree was to be removed it is likely that there would be a greater risk of failure as the tree would be more exposed to strong winds. However this could be mitigated by the reduction and re balancing of the canopy in order to reduce the wind sail effect of the canopy. The extent of the reduction would be much less than T1 and it is therefore far more likely that the tree could recover from the pruning works.

## 5.14 OTHER MATTERS

- 5.15 11 Objections have been received regarding the proposal and most have been considered in the main body of the report the following provides some clarity on the elements that have not been covered in the main body of the report;
- 5.16 The trees are the remnants of the trees that provided the name to the street Beech Grove - the council has no evidence to connect the trees to the naming of this street however, it will be possible to attach a condition to a potential approval to provide replacement Beech trees in order to retain the connection
- 5.17 They act as screen to the bungalows and they contribute to positive mental wellbeing, this is not in dispute however some of the trees are considered hazardous to persons and property and it would be unreasonable to retain hazardous trees that could serious damage to property or worse.
- 5.18 The application does not indicate the trees are diseased only that they have been poorly managed. Unfortunately it is in the formative years when the structure of a tree can be influenced. The recent management has been directed towards retaining the trees, it was the formative works in the trees early years that caused the structural problems that need to be addressed now.
- 5.19 Veteran trees should be retained according to Gateshead Councils Draft Tree and Woodland Strategy. This is not in dispute however some of the trees are considered hazardous to persons and property and it would be unreasonable to retain hazardous trees that could serious damage to property or worse.
- 5.20 3 separate independent Arborists should be commissioned to review the application - the applicants Arborist has over 25 years professional experience in the field and the Councils Arboricultural Officer has in excess of 17 years' experience in Arboriculture and is qualified to an advanced level in the assessment of hazardous trees. Both have a professional duty to provide unbiased and factual reports. It would be unreasonable to expect the applicant to provide additional information when the basic facts of the application are not in dispute between the industry experts.

## 6.0 CONCLUSION

- 6.1 It is clear that the trees are a valuable and well-loved feature within the community. Their amenity value is not in question however the trees can only be retained providing that the Council can be reasonably sure that the trees do not present a hazard to persons and property. It is considered that the tree T1 is a hazard to persons and property and cannot be reasonably retained. Further there is no safe remedial

works, restraint or support system that would allow the trees to be reasonably retained therefore on balance taking all of the relevant issues into account above it is recommended that the application to fell the Beech tree T1 should be approved.

- 6.2 The application to fell the Beech tree T2 is recommended to be refused. The Beech tree T2 is in reasonably good health and should be able to be retained if sympathetic pruning is carried out in order to reduce the wind sail effect to the canopy.

## **7.0 Recommendation:**

A Split permission where Beech tree T1 is recommended for approval and Beech tree T2 is recommended for refusal given that the tree is healthy and following some remedial works would be able to be retained safely.

### Conditions for works to T1

1

The tree work hereby approved shall be completed within 2 years from the date of this consent.

#### Reason

To enable the work proposals to be reviewed in light of any future changes in the condition of the tree(s) concerned in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and policy CS18 of the CSUCP

2

The tree work hereby approved shall not exceed the following limits;

Beech tree T1 fell to ground level only

#### Reason

In order to maintain the health and visual amenity of the tree(s) concerned in the interests of the visual amenity of the area and in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and policy CS18 of the CSUCP

3

1 replacement Beech tree (Standard size, with a clear stem of 1.8m and a circumference of at least 10 to 12 cm 1meter above ground level) must be planted no later than the end of the first planting season following the removal of the abovementioned tree. The species choice and location must be first approved in writing by the Local Authority before the works can take place. If



the replacement tree is removed, damaged, becomes diseased or dies, it must be replaced no later than the end of the next available planting season.

#### Reason

In order to provide continued tree cover, in the interests of the visual amenity of the area and in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and CS18 - Green Infrastructure/Natural Environment

#### Reason for refusal for works to T2

1

The tree forms an important and prominent role within the landscape of the area and its loss would result in a substantial loss of visual amenity to the neighbourhood.

The Beech tree does not have any serious defects or health concerns that could not be addressed by reasonable remedial works and no supporting information has been submitted that demonstrates that the tree could not be retained safely if sympathetic remedial works were to be carried out. Therefore there is no justification for the removal of the tree. The proposal is therefore contrary to policy ENV44 of Gateshead Council's Unitary Development Plan, CS18 – Green Infrastructure/Natural Environment and the National Planning Policy Framework which seeks to protect tree cover.



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**Committee Report**

<b>Application No:</b>	<b>DC/17/00063/TPO</b>
<b>Case Officer</b>	<b>Chris Redfern</b>
<b>Date Application Valid</b>	<b>11 January 2017</b>
<b>Applicant</b>	<b>Mr John Brough</b>
<b>Site:</b>	<b>Beech Trees 3 Moraine Crescent Blackhall Mill NE17 7DX</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Proposal:</b>	<b>Removal of 3 Beech trees in rear garden of 3 Moraine Crescent.</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Tree Preservation Order Application</b>

**1.0 The Application:**

1.1 There is a row of 7 mature Beech trees to the rear of Moraine Crescent which are highly prominent and make a significant contribution to the amenity of the wider area. The trees are situated very close to the properties and have all previously been pruned to alleviate the degree of overhang over the property roofs. Moraine Crescent is a row of 3 detached bungalows that backs onto an area of informal open space that appears to have been an agricultural field.

1.2 The trees are protected by Tree Preservation Order ref 74

**1.3 DESCRIPTION OF THE APPLICATION**

1.4 The applicant proposes to fell Beech Trees T1, T2 and T3 which are located in the rear garden of 3 Moraine Crescent. The reason for the proposal is that the applicant has concerns that the trees are in a hazardous condition based on their growth characteristics, their location and the species characteristics of Beech trees. The applicant has submitted an Arboricultural report which has been written by Tyne Valley Woodlands Consultancy in support of their application.

**1.5 RELEVANT PLANNING HISTORY**

DC/04/01785/TPO - Pruning of 2 x Beech trees and felling of 1 x Beech tree within TPO No.74. Split decision

DC/05/00195/TPO - Pruning of 1 beech tree protected by TPO No 74. Approved

DC/11/01449/TPO - Proposed tree works that include the reduction of the canopies of 3 Beech trees by 5 metres at 3 Moraine Crescent Blackhall Mill. Approved

## 2.0 Consultation Responses

None

## 3.0 Representations:

Neighbour notifications were issued and site notices were posted. In response, 10 objections have been received together with one petition containing 41 signatures in support of the application.

The main reasons for objection are summarised below:

- The trees are an asset to the area in terms of their aesthetic amenity value and their environmental amenity value
- The trees act as a screen to the bungalows
- They are the last remaining trees that provide the inspiration for the naming of Beech Grove
- The trees contribute to the quality of the air and their water uptake will be a loss particularly as the area is prone to flooding
- The trees were there before the bungalows
- The trees are healthy and therefore pose no risk and must stay
- The trees were protected after a campaign led by residents in 1994
- The trees contribute to positive mental health
- If there is disease will it spread?
- Assuming there are irregularities in structural terms do they necessitate the removal of the trees?
- Is it appropriate for a family member to submit the Arboricultural report in support of the removal of the trees?
- Do not agree with the arguments put forward by the applicants Arborist
- 3 separate Arborists should be commissioned to review the application
- Trees should only be removed if it can be proved beyond reasonable doubt that they are unsafe
- The application does not indicate that the trees are diseased only that they are poorly managed
- Gateshead Councils Trees and Woodland Strategy states that veteran trees should be retained
- It is frustrating that the trees have been accepted by previous residents and just because a new resident comes along and attempts to have them removed without considering the views of the community

The petition in support of the application has the following heading;

“This petition is with regards to the felling of the beech trees in the gardens of No’s 2 and 3 Moraine Crescent. In you are in agreement with our application to the Council it would be appreciated if you would

sign below so as to show the Council and the objectors how many of us would prefer them cut down.”

#### **4.0 Policies:**

NPPF National Planning Policy Framework

CS18 Green Infrastructure/Natural Environment

ENV44 Wood/Tree/Hedge Protection/Enhancement

#### **5.0 Assessment of the Proposal:**

5.1 When considering the applications for works to protected trees the assessment is made on the basis of the amenity value of the trees and the likely impact of the proposal on the amenity of the area. In the light of this assessment it is then necessary to consider whether or not the proposal is justified, having regard to the reasons put forward in support of the works by the applicant. In general terms the higher the amenity values of the trees and the greater the impact of the application on the amenity of the area, the stronger the reasons need to be for consent to be granted.

5.2 In this instance the amenity value of the trees are high, therefore the reasons must be justified, or the works must not have a long term detrimental effect to the health or amenity provided by the trees.

5.3 The works to each tree will be considered in turn:

5.4 TREE 1

Fell Beech tree to ground level.

5.5 REASON FOR THE PROPOSAL

The tree will be exposed following the removal of T2 and T3

5.6 APPRAISAL OF THE PROPOSED WORKS

This tree is the smallest of the 3 trees in the garden and has pronounced lean to the east. It appears to be in reasonably good health but has been overshadowed by the larger more dominant specimens T2 and T3. This probably explains the heavy lean to the east in search of light. The lower stem is covered in Ivy which restricts detailed examination of the condition of the stem. However in amenity terms this tree is considered to exhibit poor form and is a poor specimen. If Trees T2 and T3 are removed this tree will be exposed to the prevailing wind. As the tree has benefited from the shelter of the larger more dominant trees for all of its life, it will not have developed a strong root structure that could have adapted to withstand strong

winds. It is therefore likely that as a result of this exposure that it will be extremely prone to wind throw.

#### 5.7 TREE 2

Fell Beech tree to ground level.

#### 5.8 REASON FOR THE PROPOSAL

The tree has a number of major inclusions that are considered to be hazardous to persons and property

#### 5.9 APPRAISAL OF THE PROPOSED WORKS

5.10 The tree is a significant specimen that is between 15 and 18 metres in height with a significant diameter. There are significant inclusions at between 2 and 4m from the ground, each of which has a high potential for catastrophic limb failure. *Note -Included bark is where you have bark to bark contact at a branch union. As a result the strength of the structure can be seriously compromised. A very high proportion of branch failures are as a result of unions that contain included bark.* The proportion is even higher for the species Beech. This is a serious concern considering the location of the tree is in close proximity to the dwelling and patio area which is likely to be occupied for extended periods of time. It is therefore concluded that in its current state the tree is a hazard to person and property.

5.11 It would be possible to reduce the size of the canopy in order to reduce the potential hazard of the tree however the level of reduction necessary would be so extreme that the tree would be unable to recover. This is based on the Councils Arboricultural officer's experience of the species and the industry standard recommendations in the British Standard for Tree Works 2010.

#### 5.12 TREE 3

Fell Beech tree to ground level.

#### 5.13 REASON FOR THE PROPOSAL

The tree has a number of major inclusions that are considered to be hazardous to persons and property

#### 5.14 APPRAISAL OF THE PROPOSED WORKS

5.15 The tree is a significant specimen that is between 15 and 18 metres in height with a significant diameter. The tree divides into 4 major stems at low level, each of the stems has major inclusions, each of which has a high potential of for catastrophic limb failure. This is a serious concern considering the location of the tree is in close proximity to the

dwelling and patio area which is likely to be occupied for extended periods of time. It is therefore concluded that in its current state the tree is a hazard to person and property.

- 5.16 It would be possible to reduce the size of the canopy in order to reduce the potential hazard of the tree however the level of reduction necessary would be so extreme that the tree would be unable to recover. This is based on the Councils Arboricultural officer's experience of the species and the industry standard recommendations in the British Standard for Tree Works 2010.
- 5.17 OTHER MATTERS
- 5.18 10 Objections have been received regarding the proposal and most have been considered in the main body of the report, the following provides some clarity on the elements that have not been covered in the main body of the report;
- 5.19 The trees are the remnants of the trees that provided the name to the street Beech Grove - the council has no evidence to connect the trees to the naming of this street however it will be possible to attach a condition to a potential approval to provide replacement Beech trees in order to retain the connection
- 5.20 They act as screen to the bungalows and they contribute to positive mental wellbeing, this is not in dispute however some of the trees are considered hazardous to persons and property and it would be unreasonable to retain hazardous trees that could serious damage to property or worse.
- 5.21 The application does not indicate the trees are diseased only that they have been poorly managed- unfortunately it is in the formative years when the structure of a tree can be influenced. The recent management has been directed towards retaining the trees, it was the formative works in the trees early years that caused the structural problems that need to be addressed now.
- 5.22 Veteran trees should be retained according to Gateshead Councils Draft Tree and Woodland Strategy - this is not in dispute however some of the trees are considered hazardous to persons and property and it would be unreasonable to retain hazardous trees that could serious damage to property or worse.
- 5.23 3 separate independent Arborists should be commissioned to review the application - the applicants Arborist has over 25 years professional experience in the field and the Councils Arboricultural Officer has in excess of 17 years' experience in Arboriculture and is qualified to an advanced level in the assessment of hazardous trees. Both have a professional duty to provide unbiased and factual reports. It would be unreasonable to expect the applicant to provide additional information

when the basic facts of the application are not in dispute between the industry experts.

## **6.0 CONCLUSION**

6.1 It is clear that the trees are a valuable and well-loved feature within the community. Their amenity value is not in question however the trees can only be retained providing that the Council can be reasonably sure that the trees do not present a hazard to persons and property. It is considered that the trees T2 and T3 are a hazard to persons and property and it follows that if they are removed T1 must be removed as a consequence of this action. Further there is no safe remedial works, restraint or support system that would allow the trees to be reasonably retained. Therefore on balance and taking all of the relevant issues into account above it is recommended that the application to fell the Beech trees should be approved subject to a condition to provide replacement tree planting.

## **7.0 Recommendation:**

GRANT consent, subject to the following conditions:

1

The tree work hereby approved shall be completed within 2 years from the date of this consent.

Reason

To enable the work proposals to be reviewed in light of any future changes in the condition of the tree(s) concerned in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and policy CS18 of the CSUCP

2

The tree work hereby approved shall not exceed the following limits ;.

Beech trees T1, T2 and T3 fell to ground level only

Reason

In order to maintain the health and visual amenity of the tree(s) concerned in the interests of the visual amenity of the area and in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and policy CS18 of the CSUCP

3

3 replacement Beech trees (Standard size, with a clear stem of 1.8m and a circumference of at least 10 to 12 cm 1meter above ground level) must be planted no later than the end of the first



planting season following the removal of the abovementioned tree. The species choice and location must be first approved in writing by the Local Authority before the works can take place. If the replacement tree is removed, damaged, becomes diseased or dies, it must be replaced no later than the end of the next available planting season.

**Reason**

In order to provide continued tree cover, in the interests of the visual amenity of the area and in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and CS18 - Green Infrastructure/Natural Environment



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**Committee Report**

<b>Application No:</b>	<b>DC/17/00067/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>26 January 2017</b>
<b>Applicant</b>	<b>Mr Paul Walker</b>
<b>Site:</b>	<b>The One Eyed Stag 5 The Square Whickham Newcastle Upon Tyne NE16 4JB</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Proposal:</b>	<b>Variation of Condition 3 (Hours of Operation) of permission DC/16/00728/COU, to allow operation between the hours of 0900 and 2330 Monday to Saturday and between 1000 and 2230 on Sundays and Public Holidays and at no other times (unless otherwise approved in writing) (currently restricted to between the hours of 1130 and 2330 Monday to Thursday, 1100 and 2300 Friday and Saturday and 1200 and 2200 on Sundays and Public Holidays and at no other times).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application site is located within The Square, Whickham. The application site is a single storey flat roofed unit; the previous use was as a Post Office (Use Class A1). Consent was granted in September 2016 (DC/16/00728/COU) for the change of use of the premises to a drinking establishment (Use Class A4), works have since commenced. The other units which make up The Square comprise a hot food takeaway (A5), a restaurant (A3), a bookmakers (A2), a funeral directors (A1) and an estate agent (A2).

1.2 The front elevation of the unit faces onto Front Street to the south. Back Row rises to the west and bends round the rear of the site. There is an open area at the rear of the site which can be accessed from Back Row, this area is used as a communal loading area and as an access for the commercial garage to the rear.

1.3 Residential properties are situated on the opposite side of Front Street and 1-5 Jasmine Villas (also residential dwellings) are located between The Square and The Bridle Path Public House, to the west of the application site. There is a public car parking area adjacent to the south of the site which extends across

The Square, access to which is gained from Front Street. Land levels on the site drop relatively steeply from north to south.

1.4 The application site is located within Whickham Conservation Area and within Whickham Main District Centre.

1.5 DESCRIPTION OF THE APPLICATION

The principle of using the building as a drinking establishment has been established through the granting of planning application DC/16/00728/COU. The approval, which has been commenced, considered issues of principle, visual amenity, heritage assets, residential amenity and highway safety. The development, subject to conditions, was considered acceptable in all regards.

1.6 The application seeks to vary Condition 3 to allow operation between the hours of 0900 and 2330 Monday to Saturday and between 1000 and 2230 on Sundays and Public Holidays and at no other times (unless otherwise approved in writing).

1.7 The currently approved operating hours and proposed hours are set out in further detail below;

<b>Day</b>	<b>Approved Hours</b>	<b>Proposed Amended Hours</b>
<i>Monday</i>	1130 - 2230	0900 - 2330
<i>Tuesday</i>	1130 - 2230	0900 - 2330
<i>Wednesday</i>	1130 - 2230	0900 - 2330
<i>Thursday</i>	1130 - 2230	0900 - 2330
<i>Friday</i>	1100 - 2300	0900 - 2330
<i>Saturday</i>	1100 - 2300	0900 - 2330
<i>Sunday (and Bank Holidays)</i>	1200 - 2200	1000 - 2230

1.8 RELEVANT PLANNING HISTORY

The planning history relevant to the current planning application is summarised as follows;

- DC/16/00729/ADV; Advertisement consent granted for for 'Display of externally illuminated static sign (700mm x 6700mm) onto existing fascia reading "The One Eyed Stag".' Date; 06 September 2016.
- DC/16/00729/ADV; Advertisement consent granted for 'Display of externally illuminated static sign (700mm x 6700mm) onto existing fascia reading "The One Eyed Stag".' Date; 06 September 2016.
- DC/16/00728/COU; Planning permission granted for 'Change of use of the property from A1 (retail) to A4 (drinking establishment).' Date; 15 September 2016.

**2.0 Consultation Responses:**

None

### **3.0 Representations:**

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of ten objections from local residents have been received, the objections are summarised as follows;
- The development would not ‘... *aid in the promotion of the licencing objectives...*’
  - The proposal would result in a negative impact on amenity.
  - The development would impact on Whickham Conservation Area.
  - The development would lead to further parking issues.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV61 New Noise-Generating Developments

RCL1 Retail Hierachy

RCL5 District and Local Centres

RCL6 Food and Drink Uses

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

GPGSPD Gateshead Placemaking Guide SPG

### **5.0 Assessment:**

- 5.1 As the principle of a drinking establishment has been approved previously, 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 condition since this decision was made.

## 5.2 POLICY BACKGROUND

The principle of the proposed development has already been considered to be acceptable through the approval of DC/16/00728/COU and there is an extant consent in place on the application site.

5.3 The previous application was considered under the NPPF and was considered to be acceptable. National planning policy has not altered following the determination of the original planning application.

5.4 Further, local planning policy has not changed following the grant of the previous approval. The Unitary Development Plan for Gateshead was adopted in 2007 and the remaining saved policies together with the CSUCP (adopted in 2015) represent a current up-to-date development plan.

## 5.5 CONDITION 3 (HOURS OF OPERATION)

The key issue to be assessed is the impact the amendment to Condition 3 would have on the residential amenity of the adjacent occupiers, in terms of noise and disturbance.

5.6 The National Planning Policy Framework states that planning decisions should *"avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development"* and that decisions should *"mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions"*.

5.7 As a reflection of the national planning policies and specific guidance of noise generating development, saved UDP policy ENV61 (new noise-generating development) states that new noise generating development will not be permitted if it causes an unacceptable increase in noise levels.

5.8 The application therefore proposes to allow longer opening. It is considered that the amendment to the opening hours would inevitably lead to some impact from associated comings and goings.

5.9 However, it is considered that the proposal must be considered in its context. The application site is a former retail unit located within a main district centre.

5.10 In assessing the original change of use application Officers concluded;  
*"It is considered that the proposed hours of operation and the number of patrons is comparable with other premises within the immediate vicinity e.g. the Jamdani restaurant. As such, it is considered that the general operation of the proposed micro-pub would be unlikely to have any significant amenity impact, subject to the conditioning of the proposed opening hours."*

5.11 Therefore, the applicant has provided additional information in support of the proposed development by expressing the importance of 'drinking up' time;  
*"... if we don't have this [drinking up time] our evening customers will all leave at the same 'drop dead' closing time. Allowing people to leave*

*spread across a 30 minute period will ease the flow of customers away from the property, which will minimise noise from conversation, however a drop dead time will increase this. It will also ease the flow of taxis and car noise for those wishing to travel using that mode across a 30 minute period and it will ease the number of customers standing in the bus stand waiting for public transport after closing."*

- 5.12 The applicant has also provided additional information on other licenced premises within the wider area (The Bridal Path and The Crown), which operate to later in the evening with time given over for 'drinking up' time.
- 5.13 Further, the applicant has indicated that they do not intend to sell alcohol during the morning operating hours and this time is intend to allow the premises to '... trade as a coffee shop each morning providing a facility for locals...'
- 5.14 Based on the above, it is considered that the proposed variation of condition is appropriate in this instance. The amendment would result in some additional activity in the mornings; however this impact would be akin to that of a retail shop or similar premises which would operate at the same time. Further, it is considered that the amendment to the even operating times allow for patrons to leave the premises over a period of time.
- 5.15 Based on these factors it is considered that the proposal would not be so significant as to result in a level of impact which would give rise to significant adverse impacts on health and quality of life and on that basis the variation of Condition 3 is considered to be acceptable in accordance with the NPPF, UDP Policies ENV3 and ENV61 and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).
- 5.16 **CONDITIONS**  
The current application, given that it would grant a new planning consent, presents an opportunity to re-consider the conditions attached to permission DC/16/00728/COU.
- 5.17 Given the conditions attached to the original application were compliance conditions and remain relevant, it is considered necessary to reattach all other planning conditions.
- 5.17 **OTHER MATTERS**  
It is considered that the proposed development would not lead to a significant highway impact given the level of traffic generated by patrons.
- 5.18 It is considered that the development would not lead to any impact on Whickham Conservation Area; the application proposes no physical alterations to the external appearance of the premises (other than signage which has been approved).
- 5.19 Issues raised in regard to licencing are not material to the planning decision, these matters can be considered (where appropriate) through licencing consent.

5.20 It is considered that all other issues raised by the objectors have been addressed within the main body of the report.

## **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 development should be granted planning permission subject to conditions.

## **7.0 Recommendation:**

7.1 That permission be GRANTED subject to the following condition(s):

1

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

Location Plan

Site Plan

16-006-01 - Existing Plan Layout

16-006-02 - Proposed Floor Layout

16-006-03 - Existing Sections

16-006-04 - Proposed Sections

16-006-05 - Existing and Proposed Shopfront

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

Reason

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

2

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

Reason

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

3

The use hereby approved shall be restricted to between the hours of 0900 and 2330 Monday to Saturday, 1000 and 2230 on Sundays and



Public Holidays and at no other times (unless otherwise approved, in advance, in writing by the Local Planning Authority).

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

4

No deliveries and/or refuse disposal (servicing) shall take place between the hours of 2000 and 0800.

Reason

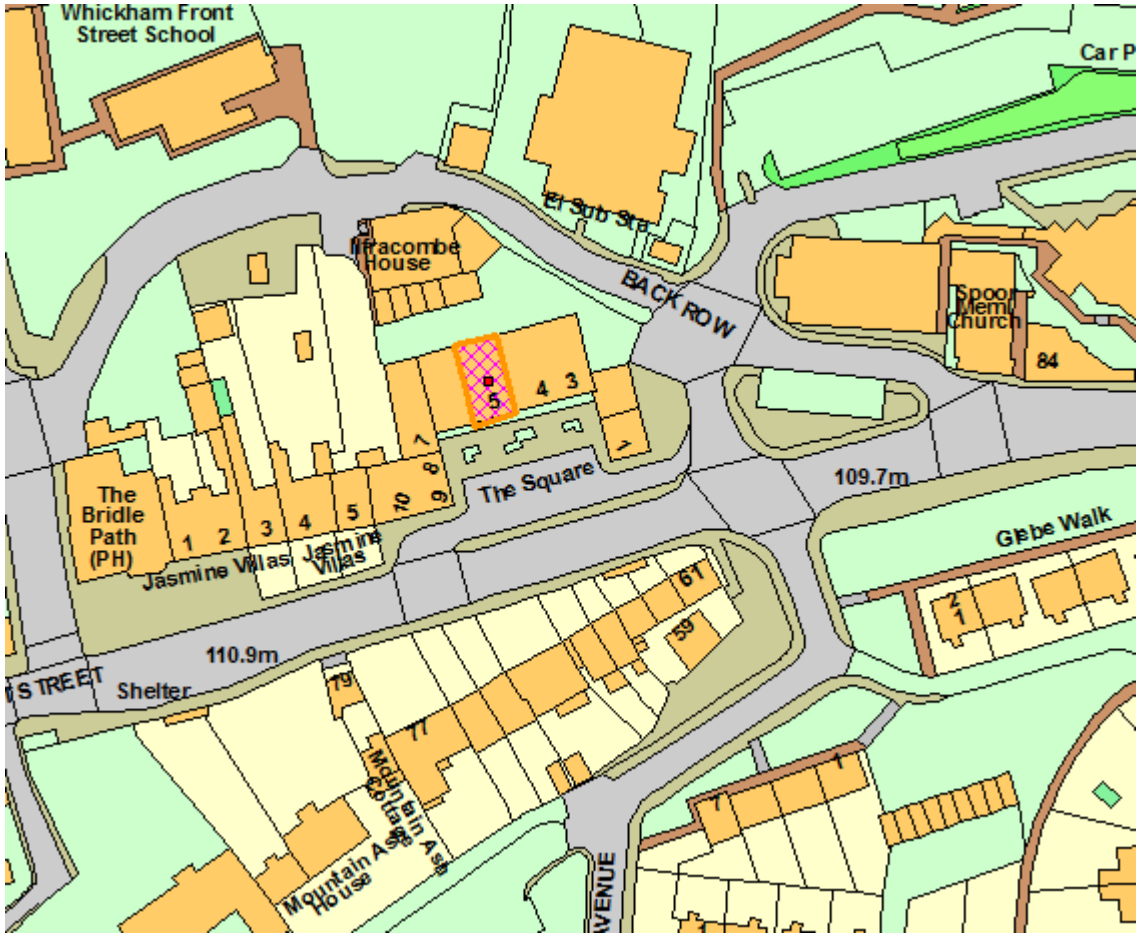
To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

5

No amplified sound system or similar equipment shall be installed or used on the premises at any time unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable noise levels at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.



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REPORT NO 6

**Committee Report**

<b>Application No:</b>	<b>DC/17/00072/TDPA</b>
<b>Case Officer:</b>	<b>David Morton</b>
<b>Applicant:</b>	<b>Cornerstone Telecommunications Infrastructure Ltd</b>
<b>Site:</b>	<b>Land Opposite The Highwayman Whickham Highway Whickham NE11 9QJ</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Proposal:</b>	<b>Installation of a new 12.5m streetworks column with ancillary works including three antennae and two equipment cabinets</b>
<b>Recommendation:</b>	<b>PRIOR APPROVAL IS REQUIRED AND APPROVED</b>
<b>Application Type</b>	<b>Telecommunications DPA</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

The application relates to land located to the south of Whickham Highway, Whickham. The Highwayman Public House is located to the north of the site, as are a number of residential properties. There is a property (The Mount) located to the north west of the site and a number of properties located to the south east.

1.2 The application site is set against an area of tree planting lining the highway with agricultural land further to the south. The area to the south is allocated as a neighbourhood growth area (Policy GN1); the Green Belt boundary is located to the south of this allocation. There is a residential area located to the north beyond Whickham Highway.

**1.3 DESCRIPTION OF PROPOSAL**

The application seeks determination of prior approval for a new telecommunications installation. The installation consists of 12.5 metre high 'streetworks' column which would accommodate both Vodafone and Telefonica UK equipment.

1.4 The application proposes the provision of two equipment cabinets. Minor forms of development that meet the criteria defined within the GPDO, are classed as permitted development. This includes development such as the installation of additional antennas on existing masts and equipment cabinets with a volume of less than 2.5 cubic metres. Therefore, the proposed cabinets would not require the benefit of consent subject to the submission of a notification to the LPA.

- 1.5 The proposed mast would have an overall height of 12.5 metres. The diameter of the pole is 400mm and the antennae shroud measures 3.5 metres in height and 600mm in diameter.
- 1.6 The application is supported by the following documentation:
- ICNIRP Certificate;
  - Supplementary Information and;
  - General Background Information.
- 1.7 **PLANNING HISTORY**  
The planning history associated with the application site is summarised as follows;
- DC/04/01174/TDPA; Planning application for 'Installation of 15m high slimline telecommunications mast with associated cabinet at base' withdrawn. Date; 08 September 2004.

## **2.0 Consultation Responses:**

None

## **3.0 Representations:**

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 A total of six individual objections including an objection from a Ward Councillor (Councillor Peter Maughan) in addition to a petition of 106 signatures have been received. The individual letters are summarised as follows;
- The development is unacceptable in terms of siting and appearance.
  - This is the third time there has been an application to erect a mast in this location.
  - The mast will cause health issues.
  - The development should be sited away from housing.
  - The surrounding street furniture and foliage would not mask the proposal especially in winter.
  - The development would result in an impact on residential amenity.
  - The applicant's alternative site search is insufficient.
- 3.3 The petition states *'We, the undersigned, express our strongest opposition to the proposed 12.5m steelwork column (Phone Mast) on the land opposite The Highwayman (Application No: DC/17/00072/TDPA).'*

## **4.0 Policies:**

GPGSPD Gateshead Placemaking Guide SPG

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

## **5.0 Assessment:**

5.1 This application is to determine whether the prior approval of the Local Planning Authority (LPA) is required for the siting and appearance of the proposed development. The only planning issues to be considered are the siting and appearance of the proposal.

### **5.2 PROCEDURAL MATTERS**

Telecommunications code system operators are generally entitled to planning permission under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) as amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016.

5.3 This allows an operator to carry out development permitted by Class A of Part 16, subject to the exclusions in paragraph A.1 and the conditions in paragraph A.2 and A.3, without having to submit a full planning application to the LPA.

5.4 However, under paragraph A.3 (3 and 4) certain development permitted under Part 16 is conditional upon the operator making a prior approval application to the LPA.

5.5 In light of this, due to the specifications of the proposal it can be confirmed that prior approval is required for this development, given its siting and design would impact on the visual amenity of the area. As a result, the Council is only permitted to consider siting and appearance and not the principle of development.

### **5.6 National Planning Policy Framework**

The NPPF (at Paragraph 44) advises local planning authorities to plan favourably for advancements in telecommunications and recognises this to be a factor in achieving sustainable economic growth. The NPPF's guidance encourages mast sharing and the use of existing buildings and structures. The NPPF advises telecommunication operators to demonstrate that equipment will not cause significant and

irremediable interference with other electronic equipment, air traffic services or instrumentation operated in the national interest; operators have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.

5.7 The NPPF advises that telecommunications applications should be supported by evidence to justify that the applicant has explored using and sharing other buildings.

#### 5.8 SUPPORTING INFORMATION

The accompanying supporting statement explains that the proposed installation is required to achieve a site sharing solution, providing additional coverage and capacity for both Vodafone and Telefonica UK. The proposed equipment is necessary to improve 3G and provide 4G capacity as well as general coverage for mobile phone calls.

5.9 The level of coverage is dependent upon a number of factors including the topography of the land, height and nature of surrounding trees which can obstruct, absorb and reflect the radio signals.

5.10 Thus in order that the radio signal can be transmitted successfully the antennae must be clear of any close obstructions that will cause blocking or clipping of the radio signal. Due to the physical features of the target area the applicant considers the minimum height requirement for the proposed development is 12.5 metres.

5.11 The NPPF (at Paragraph 45) encourages a sequential approach to the siting of telecommunications installations, looking first at existing masts, structures or buildings in the area before new telecommunication sites are proposed. This proposal provides for mast sharing as both Vodafone and Telefonica UK would share the same structure, which is also encouraged by the NPPF.

5.12 The applicant has investigated a number of alternative sites as part of the application process;

- Shared Access, Kingsmeadow Community Comp;
- Former Dunston Hill Hospital;
- Land adj Former Dunston Hill Hospital;
- Wishingwell Farm;
- Allotment Gardens, Wishingwell Lane;
- Land south of Whickham Dunston Hill and;
- Gateshead Central Nursery.

5.13 The sites have been have been discounted for technical and/or operational reasons and by the lack of availability of the sites. Based on the information submitted Officers are in agreement that the site selected is the most appropriate location for the siting of telecommunications equipment.

#### 5.14 HEALTH AND SAFETY ISSUES

The NPPF at Paragraph 45, offers guidance on matters pertaining to health and safety considerations in relation to mobile phone masts. The NPPF was drawn up following publication of the Stewart Report, an independent report on mobile phones and health, commissioned by the Government. The report concluded that the balance of evidence indicated that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines.

5.15 Therefore the NPPF states that applications should be submitted with a *'statement that self-certifies that, when operational, International Commission guidelines will be met.'* These guidelines are designed to protect the general population from a known adverse health effect of radio waves, (i.e. heating). The guidelines are formulated to protect people of all ages, in all states of health and for continuous exposure. Public concern about the effects of radio wave emissions may be a material planning consideration. Any submission should address this by including supporting evidence that 'no demonstrable harm' would arise from the proposal. The application submission includes the ICNIRP Certificate confirming the proposed facility to be compliant with guidelines.

5.16 In accordance with the above requirements a signed ICNIRP certificate has been submitted detailing that the specification of the equipment is in accordance with current health and safety guidelines.

#### 5.17 SITING AND APPEARANCE

A balance must be struck between the protection of amenity in both town and country and the need for this technology. The visual intrusion of development should be minimised by sympathetic design and camouflage, including screening and planting, particularly in high-quality landscapes and urban areas of high visual quality or historic character, in order that the apparatus blends into the environment.

5.18 Policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) and saved policy ENV3 of the Unitary Development Plan (UDP) requires the design, scale and density of new development to make a positive contribution to the identity and character of its locality with regard to factors such as scale, massing, height, views and vistas. Policy CS13 of the CSUCP looks to safeguard highway safety through promoting sustainable and sympathetic developments.

5.19 It is therefore important that telecommunications development is carried out in a way, which keeps environmental, residential and visual intrusion to a minimum. The overall aim is to protect both the visual and residential amenity of the area with the use of sympathetic design to minimise the impact of development on the environment.

- 5.20 The application site falls within an area, which is predominantly residential in character, however there is a significant area of open space located to the south of the application site.
- 5.21 The closest residential property (21 Deneside) is located to the north of the site at approximately 40 metres away. The proposed column would have a maximum height of 12.5 metres, at approximately same land level as the houses.
- 5.22 The proposed column and associated equipment would be viewed in a grass verge against 6 metre high hedges and adjacent to 14 metre high trees. The proposed column would also be viewed in the street scene along Whickham Highway in context with other vertical street furniture including, street lighting (around 8 metres high), traffic signs and a bus stop.
- 5.23 The proposed telecoms mast is to be painted brown and the proposed equipment cabinets are to be painted dark green to help them blend in with their surroundings. The colours are considered appropriate as the brown and green colours would blend into the trees, while offering a softer appearance than galvanised steel.
- 5.24 It is therefore considered by Officers that the proposed telecommunications equipment in terms of its siting and appearance would have a limited impact on adjacent residents and would not be out of character with the streetscene. It is therefore considered that the siting and design of the proposed telecommunications equipment is appropriate in the context of the application site, the streetscene and surrounding area.
- 5.25 In addition it is considered that the mast would not have a detrimental impact on highway safety, given that Officers are of the opinion that the proposal would not harm the visibility of highway users or form a distraction to motorists.
- 5.26 Given the above, it is considered that the siting and appearance of the proposed telecommunications equipment accords with the aims and objectives of the NPPF, saved policy DC2 and EV3 of the Council's Unitary Development Plan and policies CS13, CS14, CS15 and CS19 of the Council's Core Strategy and Urban Core Plan.
- 5.27 **OTHER MATTERS**  
It is consider that all material considerations including siting, design, site selection and health issues have been addressed within the main body of the report.
- 6.0 **CONCLUSION**
- 6.1 It is considered that the proposed siting and design of the proposed telecommunications equipment is acceptable and accords with both



national and local planning policies - as it provides improved telecommunications coverage whilst minimising visual impact. It is therefore recommended that prior approval is required and granted.

## 7.0 Recommendation:

That Prior Approval is required and APPROVED.



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**Committee Report**

<b>Application No:</b>	<b>DC/17/00074/FUL</b>
<b>Case Officer</b>	<b>Graham Stephenson</b>
<b>Date Application Valid</b>	<b>02 February 2016</b>
<b>Applicant</b>	<b>Gateshead Regeneration Partnership</b>
<b>Site:</b>	<b>Land South Of Westminster Street Gateshead</b>
<b>Ward:</b>	<b>Saltwell</b>
<b>Proposal:</b>	<b>Erection of electricity substation.</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

1.2 The application relates to a part of Phase 2, one of the three individual sites referred to by the Gateshead Regeneration Partnership as Saltwell Road West (Phase 1), Kelvin Grove (Phase 2) and Hyde Park (Phase 3) that were referred to in the hybrid planning application DC/14/00906/FUL that has been implemented by the demolitions on the 3 phases and construction of houses on Phase 1. The reserved matters application for Phase 2 has been submitted (DC/17/00172/REM) and is in the process of being validated.

1.3 The proposed siting of the sub-station is to the rear of the properties on Rawling Road, separated by a rear lane.

**1.4 DESCRIPTION OF THE APPLICATION**

1.5 This application is a resubmission of an application that was previously refused planning permission (DC/16/01032/FUL). This application was refused for the following reason:

1.6 The construction of the electricity substation would result in a visually prominent and incongruous structure, that would be out of keeping with the surrounding area as it currently exists; furthermore in the absence of information relating to the potential future development of the land surrounding the site, including the timescale for development, the Local Planning Authority is unable to fully assess the visual impact of the substation in the longer term. Consequently, the proposed electricity substation is considered to be harmful to the visual amenity of the surrounding area, contrary to policy ENV3 of the Unitary Development Plan, policy CS15 of the Core Strategy Urban Core Plan for Gateshead and Newcastle upon Tyne and the NPPF.

- 1.7 The proposal is to erect an electricity substation 2.95m x 4.05m and 2.4m to eaves level from red brick. The substation is proposed to have a glass reinforced plastic (GRP) black slate effect, removable roof that is slightly pitched with a central ridge. Black GRP double doors would face onto the rear lane. The substation is proposed to be set back from the edge of the rear lane by 6.0m. Two parking spaces are proposed to the front, perpendicular to the rear lane. The dimensions on the site plan indicate a two metre gap to the rear and to both sides of the substation for maintenance access. The substation would be open onto Rawling Road's rear lane. Although no boundary fence is proposed, the applicant has stated that the substation will be surrounded on three sides by garden fences. The reserved matters application confirms this.
- 1.8 The differences between the refused application and the current application is that further details have been provided with regards to the surrounding development and an application for that development (DC/17/00172/REM) has been submitted. This is to demonstrate how the sub-station would sit within the streetscene once the site is fully developed.
- 1.9 The substation is necessary to export the electricity generated by the photovoltaic roof panels on Phase 1 of the Saltwell Bensham Gateshead Regeneration Partnership development. The electricity generated is to be exported to the grid for use within the network. Existing substations are not designed to cope with the additional electricity being fed back into the network and therefore need to be upgraded or new substations constructed to accommodate this.
- 1.10 In addition, as construction of Phase 1 continues the applicant has stated that the existing infrastructure will not cope with the amount of electricity generated hence a new substation is required to accommodate the scheme as approved for Phase 1 and those proposed to be built at Kelvin Grove and Hyde Park (Phases 2 and 3).
- 1.11 The location for the substation has been considered by NEDL and the applicant who consider this to be the best location to ensure the substation is efficient and can serve existing properties in the area and future phases of the Gateshead Regeneration Partnership scheme.
- 1.12 The substation must be provided with vehicular access for maintenance and is therefore proposed to be located adjacent to the adopted highway.

1.13 PLANNING HISTORY

DC/13/00424/OUT Retrospective demolition of 115 dwellings, 3 retail units, and 14 garages with temporary site restoration in Phase 1 (known as Saltwell Road West) and proposed phase demolition of a further 291 dwellings and 4 commercial premises with temporary site restoration across Phases 2 (known as Kelvin Grove) and 3 (known as Hyde Park); with a hybrid application for redevelopment of all three phases of housing, with associated car parking and landscaping, consisting of 103 dwelling houses in phase 1 (Saltwell Road West) and outline consent (with all matters reserved) for residential

development across Phases 2 (Kelvin Grove) and 3 (Hyde Park). Planning Permission Granted on 24th September 2013.

DC/14/00906/FUL Hybrid application for redevelopment of three phases for housing, with associated car parking and landscaping, consisting of detailed consent for 99 dwellinghouses, site compound and temporary sales cabin in Phase 1 (Saltwell Road West - land bounded by Trevethick St, Macadam St, East Coast Rail Line, Saltwell Rd and rear of nos 162-220 (inc) Saltwell Rd) and outline consent (with all matters reserved) for residential development across Phase 2 (Kelvin Grove - land bounded by Westminster St, Kelvin Gr, rear of 167-201 (inc) Rawling Rd, rear of Stirling House PH and rear of 170-194, Church of Christ Rawling Rd and to the side 68-70 Dunsmuir Grove) and Phase 3 (Hyde Park - land bounded by Hyde Park Street, Rectory Rd, rear of nos 128-150 Dunsmuir Gr, rear of sub-station and Brighton Road) (additional info received 13/10/14, 29/10/14, 31/10/14, 03/11/14 and 06/11/14 and amended 29/10/14, 03/11/14, 04/11/14 and 17/11/14). Granted 24th November 2014

DC/15/00732/NMA Proposed non-material amendment of application DC/14/00906/FUL to allow relocation of Block 1 by 450mm to the south, replacement of perforated brickwork to house types T02 and T02A with contrast brick headers, updating of site roof layout to a modify location and number of bird boxes and addition of bat boxes and adjustment to roof form. Withdrawn 17.08.2015

DC/15/01082/NMA NON MATERIAL AMENDMENT: of Condition 1 (approved plans) of application DC/14/00906/FUL to allow relocation of Block 1 by 450mm to the south, replacement of perforated brickwork to house types T02 and T02A with contrasting brick headers, updating of site roof layout to a modify location and number of bird boxes and addition of bat boxes and adjustment to roof form (amended 17/03/16 and 22/03/16), and to amend condition 7 ( verification report), condition 14 (offsite highway works) and condition 17 (sample panels of materials prior to construction above damp proof course). GRANT 31.03.2016

DC/16/00214/FUL Erection of electric substation and fenced enclosure. Withdrawn 05.05.2016

DC/16/01032/FUL - Erection of electricity substation. Refused 22.11.2016

DC/17/00172/REM – Reserved matters application submitted and being considered for all reserved matters (Access, Appearance, Landscaping, Layout & Scale) for phase 2 of the development, consisting of 52 dwellinghouses, with associated car parking and landscaping.

## **2.0 CONSULTATIONS**

2.1 None Received

### **3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. This included all the properties on Rawling Road which back onto the application site.

- Two letters of objection and an 8 name petition have been received. The concerns relate to:
- Anti social behaviour- haven for vandals and hooligans, especially at the rear of the proposed building which is enclosed and an open invitation for drugs and alcohol abuse not to mention fly tipping.
- Wooden fence (fire hazard)
- Security and /or policing of the structure. Residents left "holding the baby" after the security is withdrawn on completion of development
- It is stated on the planning proposal that the building will be lit by streetlights. Does this include the erection of street lighting in the back lane? or do they intend to erect security lights? If so what impact will these additional lights have on the resident's invasion privacy? Light shining in through windows all night?
- The substation would be a standalone structure that could be there on its own for months
- Insufficient neighbours notified
- Disruption of access to homes
- An alternative location would be better
- No information as to where the cables will run
- Potential of disruption and damage to existing services/amenities
- Potential for constant humming from the substation
- What are the present Electro Magnetic Field?
- Will the proposed change again?
- When will the substation be erected?
- When will the development of the houses be built?
- Detrimental impact on residential access if or when maintenance is required

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

ENV27 Greening the Urban Area

ENV61 New Noise-Generating Developments

CS18 Green Infrastructure/Natural Environment

## **5.0 Assessment of the Proposal:**

5.1 The main planning issues in this case are considered to be the impact on visual and residential amenity and highway safety.

### **5.2 EIA SCREENING**

5.3 The planning application (DC/13/00424/OUT) for the regeneration of this site was accompanied by an Environmental Statement as the development was considered to be a Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The subsequent variation of that permission (DC/14/00906/FUL) was accompanied by an updated Environmental Statement.

5.4 Under Part 3, Article 8 of the 2011 Regulations where a subsequent application is made where environmental information was previously provided and where it appears to the Local Planning Authority (LPA) that the environmental information already before them is adequate to assess the environmental effects of the development, the LPA shall take that information into consideration in its decision for subsequent consent.

5.5 Thus it is not considered that an updated Environmental Statement is required as the LPA has environmental information adequate to assess the environmental effects of the development and this environmental information has been taken into consideration.

### **5.6 VISUAL AMENITY**

5.7 Based on the information that has now been submitted, in terms of how the sub-station would sit in the context of the wider development, it is considered the impact on the visual amenity of the area is acceptable. It is accepted that there may be a period where the substation is the only structure on the site but this would only be until the rest of the site is developed. It is not possible to give exact time scales but it is understood the intention, subject to the reserved matters application (DC/17/00172/REM) is for development to commence on the new houses by the end of this year.

5.8 Red brick and concrete tiles are considered to be acceptable materials and the final approval can be conditioned (CONDITIONS 3 AND 4).

5.9 As no information with regard to service/cable runs has been provided, a condition is recommended to secure these details (CONDITION 7) as this information is critical to the location and provision of soft landscaping that would affect the layout and appearance of Phase 2.

- 5.10 Therefore it is considered on its own merits and in the context of the future development that is proposed, the development would not have a detrimental impact on the visual amenity of the streetscene. As a result it is considered the development does not conflict with the aims and objectives of the NPPF, policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) or policy ENV3 of the Unitary Development Plan.
- 5.11 RESIDENTIAL AMENITY
- 5.12 The main concerns raised with regards to residential amenity is anti-social behaviour and crime. Initially the substation will be open and the advice from the Police Architectural Liaison Officer is that this is the sensible option. It is acknowledged that once the surrounding development is completed there will be fencing on three sides of the sub-station. However by that time natural surveillance will be provided by the houses and lighting in the area will likely be improved by additional street lighting that is required for the new houses.
- 5.13 Given the above, it is considered the concerns of objectors relating to anti-social are not sufficient to justify refusal.
- 5.14 Concern has been raised by the objectors that the operation of the substation will cause noise disturbance and they refer to the potential for it to generate a humming noise. Advice from Environmental Health is that typically there is no problem with noise from substations
- 5.15 In addition, there should be no unacceptable noise levels generated either during the construction or operation of the substation, construction hours can be conditioned (CONDITION 9) and it is therefore in accordance with Saved UDP policy DC2 and CSUCP policy CS14.
- 5.16 HIGHWAYS
- 5.17 Two 4.8m long parking bays are proposed to the front of the substation to accommodate maintenance vehicles.
- 5.18 These parking bays are not long enough to accommodate a maintenance van that would typically be 7m long. Furthermore, the back lane at 4m wide would mean that a van would not be able to turn in or out of the spaces and would end up parking at an angle across the two bays and would still overhang the rear lane. This would be unacceptable.
- 5.19 Officers suggested that a single bay is created that is parallel to the rear lane as this would work and would also overcome the visibility issues that may have arisen as a result of the van reversing into the back lane when the housing layout is considered. A condition is recommended to secure the detail of parking (CONDITIONS 5 and 6) and to ensure a larger servicing vehicle can be accommodated.



5.20 Given the above, subject to the recommended condition the proposal does not result in harm to highway safety and is therefore in accord with CSUCP policy CS13.

#### 5.21 OTHER MATTERS

5.22 With regards to the issue of an electromagnetic field certificate, this is not a requirement for the planning application.

5.23 Should planning permission be granted the applicant would have 3 years to implement the permission but due to the need for the substation it is understood the intention is to implement the permission immediately. It is also understood that should the reserved matters application be granted for the wider site DC/17/00172/REM, development will commence by the end of the year.

### 6.0 CONCLUSION

6.1 Taking all of the relevant issues into account, the proposal accords with policies CS13, CS14 and CS15 of the CSUCP and saved policies DC2 and ENV3 of the UDP. It is therefore recommended that planning permission be granted.

### 7.0 Recommendation:

That permission be GRANTED subject to the following condition(s)

1

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

Proposed site plan 1:500 and plans and elevations 1:50

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

Reason

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

2

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

Reason

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

3

Development shall not 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 surrounding area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

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

Reason

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

5

Prior to commencement of the development hereby permitted, full details of the parking provisions for 7m long vehicle orientated parallel to the rear lane, shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

In the interests of highway safety and in order to accord with policy CS13 of the CSUCP.

6

The parking details for a 7m long vehicle approved under condition 5 shall be implemented in full prior to the commencement of the use of the substation.

Reason

In the interests of highway safety and in order to accord with policy CS13 of the CSUCP.

7

No development or other operations shall commence on site until a detailed services and cable layout that extends 10 metres beyond the

site boundary and a construction methodology has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the layout does not prevent satisfactory landscaping of the adjacent housing scheme in accordance with saved policies ENV3 and ENV27 of the Unitary Development Plan and policies CS15 and CS18 of the CSUCP.

8

The services and cable layout as well as the construction methodology approved under condition 7 shall be implemented in full prior to the commencement of the use of the substation.

Reason

To ensure the layout does not prevent satisfactory landscaping of the adjacent housing scheme in accordance with saved policies ENV3 and ENV27 of the Unitary Development Plan and policies CS15 and CS18 of the CSUCP.

9

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 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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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 8 March 2017

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.

<b>Application ref.</b>	<b>Nature of proposed development</b>	<b>Location of proposed development</b>	<b>Decision</b>	<b>Ward</b>
DC/15/01040/FUL	Erection of two storey rear extension to existing nursery, wall off existing vehicle access to Rose Cottage to provide 5 additional car parking spaces, creation of a new vehicle access to Rose Cottage including removal of one tree and the erection of retaining walls, and extension of play area to the north (additional information received 25.07.16, 17.10.16) (description amended 21.09.2016 and 19.01.2017) (amended plan received 26/01/17).	Day Nursery Rose Villa, Church Chare,	Granted;	Whickham North
DC/16/00591/FUL	Erection of outdoor classroom	Dunston Hill Community Primary School, Market Lane,	Granted;	Dunston Hill And Whickham East

DC/16/00748/HHA	Two storey rear extension at basement and ground level, and two storey rear extension at ground and first floor level. As amended 12.01.17.	257 Coatsworth Road, Gateshead,	Granted;	Saltwell
DC/16/01181/HHA	Creation of first floor accommodation to existing bungalow (variation of planning application DC/12/01245/HHA)	9 Riversdale Close, Blackhall Mill,	Granted;	Chopwell And Rowlands Gill
DC/16/01187/HHA	Development of first floor with side and rear extension. Demolish and rebuild detached garage. As amended 09.02.17.	30 Western Way, Axwell Park,	Granted;	Blaydon
DC/16/01196/HHA	Alterations to outbuilding	42 Middle Row, Stargate Lane,	Granted;	Ryton Crookhill And Stella
DC/16/01216/FUL	Alteration and extension to existing sales building including new shop front.	BP Swallow Service Station, Old Durham Road,	Granted;	Bridges
DC/16/01211/HHA	Two storey side extension with part single storey rear extension	51 Coldwell Park Drive, Felling,	Granted;	Felling
DC/16/01249/HHA	Erection of sun room at the principal elevation. First floor extension above ground floor at rear.	14 West Street, Rowlands Gill,	Granted;	Winlaton And High Spen

DC/16/01258/COU	Change of use from car showroom to brewery shop and provision of brewery tours.	DUNSTON AUTOS, Unit 5,	Granted;	Dunston And Teams
DC/16/01292/REM	Application for approval of reserved matters pursuant to permission DC/13/01381/OUT dealing with appearance, scale, layout and landscaping.	Lockhaugh Lodge, 43 Glamis Crescent,	Granted;	Winlaton And High Spen
DC/16/01273/HHA	Conversion of garage, installation of brick panel and window to front elevation	Brentwood, 1 Dipwood Way,	Granted;	Chopwell And Rowlands Gill
DC/16/01275/FUL	Proposed external cold room	120 Lobley Hill Road, Gateshead,	Granted;	Lobley Hill And Bensham
DC/16/01277/FUL	Change of use from office (use class B1) to place of worship, community facility with ancillary offices (sui generis).	Unit 2 BMC Building, Swan Street,	Granted;	Bridges
DC/16/01281/HHA	Demolition of existing garage, outbuilding and steps. Creation of new two storey side extension with single storey garage and workshop to rear. Resubmission of previous extant permission DC/16/00684/HHA.	70 Church Road, Low Fell,	Granted;	High Fell

DC/16/01286/HHA	Rear single storey extension (as amended 25.01.2017)	125 King Oswald Drive, Stella,	Granted;	Ryton Crookhill And Stella
DC/16/01309/FUL	Proposed siting of cash for clothes portacabin in car park opposite 2 Sands Road (amended/additional information 02/01/17 and 06/01/17).	Sands Industrial Estate, (Vision Health And Fitness Club),	Granted;	Whickham North
DC/16/01316/HHA	Two storey side extension	14 Leam Gardens, Wardley,	Refused;	Wardley And Leam Lane
DC/16/01328/TPO	Tree works at 59 The Crescent, High Spen.	59 The Crescent, Rowlands Gill,	Granted;	Winlaton And High Spen
DC/17/00014/ADV	Display of two non-illuminated signs advertising 'Best hand car wash', one at entrance, one above rear boundary wall	Site Of Forge Filling Station, High Street,	Temporary permission granted;	High Fell
DC/16/01337/ADV	Display of of two, 8m high, internally illuminated (replacement) totem signs at site boundaries.	Allison Court, Marconi Way,	Temporary permission granted;	Whickham North



DC/17/00017/COU	Conversion of existing ground floor cafe into a self contained apartment, including addition of rear conservatory and additional side entrance and formation of parking area to rear	31 - 33 Belle Vue Bank, Gateshead,	Granted;	Low Fell
DC/16/01343/HHA	Single storey rear extension	72 Durham Road, Gateshead,	Granted;	Saltwell
DC/16/01344/FUL	Re-arrangement of existing builders merchant yard including additional racking and storage areas up to 5m high (additional plan received 15.02.2017).	Travis Perkins , Factory Road,	Granted;	Blaydon
DC/17/00078/HHA	New build garage together with rear extension and link block to provide accessible living to lower ground floor of existing semi detached house (being a re-submission of DC/16/00290/HHA granted on 14.06.2016)	3 Elm Avenue, Whickham,	Granted;	Dunston Hill And Whickham East
DC/16/01348/COU	Conversion of shop (A1 authorised use) to private physiotherapy clinic (D1 authorised use) and erection of porch extension to rear and gate in existing boundary wall (amended 13/02/17).	65 Kells Lane, Low Fell,	Granted;	Low Fell

DC/16/01350/HHA	Conversion of existing garage with pitched roof to replace existing flat roof and decking to rear	Felmar , 61 Main Road,	Granted;	Ryton Crookhill And Stella
DC/16/01351/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from rear	16A Ridgeway, Felling,	Granted;	Wardley And Leam Lane
DC/16/01352/HHA	Installation of a modular metal mesh access ramp to allow disabled access too and from front door	2 Home Avenue, Gateshead,	Granted;	Low Fell
DC/16/01354/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front of property	46 Southend Road, Gateshead,	Granted;	High Fell
DC/17/00008/HHA	Two storey rear extension and two single storey side extensions (Amended 20 February 2017).	Red Gables , Woodside Lane,	Granted;	Ryton Crookhill And Stella
DC/17/00018/FUL	Erection of agricultural building	Greenhead Farm , Greenhead Road,	Granted;	Chopwell And Rowlands Gill

DC/17/00026/HHA	Side two storey extension over garage and rear single storey garden room	55A Whaggs Lane, Whickham,	Granted;	Whickham North
DC/17/00045/HHA	Single storey side and rear extension (as amended 18.01.2017)	10 Gibside View, Winlaton,	Granted;	Winlaton And High Spen

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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE  
8 March 2017**

**TITLE OF REPORT: Enforcement Action**

**REPORT OF: Paul Dowling, Strategic Director, Communities and  
Environment**

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**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.

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Contact: John Bradley extension 3905

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**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**

Bridges, Blaydon, Pelaw & Heworth, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, 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	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlton 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	N	N	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. A visit to obtain quotes is being arranged in order to look at the costs of carrying out work in default.	
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	N	N	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 the course of investigations it was established that a building had been erected without	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>consent.</p> <p>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.</p> <p>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</p>	
3.	Land at Litchfield Lane, Winlaton Gateshead	Winlaton and High Spen	Unsightly Land	25 September 2013	25 September 2013	N	N	31 October 2013	31 December 2013	<p>Complaints have been received regarding the condition of the land which has planning permission for a residential development that has not yet commenced. Despite attempts to resolve the matter amicably a notice has now been issued requiring a scheme of remedial works within a specified timescale. The majority of the steps required by notice were complied with following the issue of Summons'.</p>	
			Unsightly Land	21 <sup>st</sup> September	21 <sup>st</sup> September	N	N	21 <sup>st</sup> October 2015	16 <sup>th</sup> December	<p>A planning application is expected to be submitted soon.</p>	



Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
				2015	r 2015				2015	However, a further Section 215 notice has been served requiring a hoarding to be erected around the site.  Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing.	
				3 January 2017	4 January 2017			8 February 2017	8 April 2017, 8 May 2017 and 8 June 2017	A further notice has now been issued requiring the site to be tidied and a hoarding erected.	
4.	40 Whitemere Gardens Wardley	Wardley and Leam Lane	Unauthorised Change of Use of residential land	4 <sup>th</sup> April 2014	4 <sup>th</sup> April 2014	N	N	10 <sup>th</sup> May 2014	10 <sup>th</sup> July 2014	The notice has been served as the land in question is being used as a mixed use of dwelling house and vehicle repair and servicing, storage of vehicles and vehicle repair parts and equipment and vehicle recovery.  <b>A file has been prepared and the matter is being progressed with PACE interviews with those suspected of breaching the Notice</b>	
5.	21 Saltwell View	Saltwell	Unauthorised alteration to property	16 July 2014	16 July 2014	N		20 August 2014	13 September 2016	The unauthorised installation of UPVC windows without consent, -fronting the highway in an area subject to a Direction under Article 4 of the Town and Country Planning (General Permitted	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>Development) Order 1995. Contrary to contrary to Policy ENV7 of the Unitary Development Plan.</p> <p>Enforcement Notice has been served which requires the replacement of the windows with white painted timber sliding sash windows identical to the windows which were in place when the Article 4 Direction was applied</p> <p>Decision issued, notice upheld as varied. Notice to be complied with by the 13<sup>th</sup> September 2016</p> <p>A planning application has been received to retain an amended version of the windows.</p>	
6.	14 Gunn Street	Dunston Hill and Whickham East	Unightly property	8 <sup>th</sup> Aug 2014	9 <sup>th</sup> Aug 2014	N		8 <sup>th</sup> Sept 2014	7 <sup>th</sup> Nov 2014	<p>Complaints have been received regarding an unsightly property. Despite attempts to resolve the matter amicably no substantive improvement was made in the condition of the property. A notice has been served requiring the owner to carry out works to remedy the condition.</p> <p>The notice has not been complied with.</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>An initial prosecution case went to Court on 15<sup>th</sup> January 2015. The District Judge granted an absolute discharge and advised the Council would need to take further action in 3 months in the event of further non-compliance.</p> <p>In the absence of compliance a second Court date has been was for the 10<sup>th</sup> September when the Owner received a £200 fine with £200 costs and £25 victim surcharge.</p> <p>The notice has still not been complied with.</p> <p><b>A date to start on site is awaited now the quotes and schedule of works have been agreed.</b></p>	
7.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One)	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	11 January 2016	12 January 2016	N	N	15 February 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.	
	(Known as South West Farm Site Two)	Swalwell	Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
	(Known as South West Farm Site Three)	Swalwell	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	N	N	15 February 2016	14 March and 4 July 2016	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.  The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency.  The associated legal action is to be heard at Newcastle Crown Court in May 2017	
8.	Site of former Stella South Power Station, Stella Riverside	Ryton, Crookhill and Stella	Failure to comply with a condition attached to the planning permission in relation to play areas	18 January 2016	18 January 2016	Y	N	18 January 2016	14 March 2016 (stage 1)  9 May 2016 (stage 2)	Complaints have been received that a condition attached to the planning application for the site has not been complied with in respect of the provision of play equipment. Despite protracted negotiation the work to comply with the condition had not commenced on site. As such a notice was served requiring compliance within a specified timescale.  Work is well underway on site to comply with the notice following the notice of intended	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										prosecution.	
9.	The Former Metz Experience,	Dunston and Teams	Unsightly Building	29 <sup>th</sup> February 2016	29 <sup>th</sup> February 2016	N	N	3 <sup>rd</sup> April 2016	21 <sup>st</sup> August 2016	<p>The building, which was extensively fire damaged some time ago has continued to deteriorate.</p> <p>Despite attempt to secure an improvement in its condition voluntarily no progress has been made.</p> <p>Therefore a notice has been issued requiring the building to be repaired or demolished within a specified timescale.</p> <p><b>The Notice has been fully complied with.</b></p>	
10.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unsightly Building	13 <sup>th</sup> January 2017	14 <sup>th</sup> February 2017	Y	N	20 <sup>th</sup> March 2017	15 <sup>th</sup> May 2017	<p><b>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</b></p> <p><b>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</b></p> <p><b>Therefore the Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</b></p>	





**TITLE OF REPORT:** Planning Appeals

**REPORT OF:** Paul Dowling, Strategic Director, Communities and Environment

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**Purpose of the Report**

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

**New Appeals**

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

**Appeal Decisions**

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

**Appeal Costs**

4. There have been no appeal cost decisions.

**Outstanding Appeals**

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

**Recommendation**

6. It is recommended that the Committee note the report

**Contact: Emma Lucas Ext: 3747**

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

**WARD IMPLICATIONS**

Various wards have decisions affecting them in Appendix 2

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate



**APPENDIX 2****OUTSTANDING APPEALS**

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
DC/16/00615/FUL	Rockwood Hill Road Greenside Ryton NE40 4BL	Erection of a two storey detached dwellinghouse.	Written	Appeal In Progress

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**TITLE OF REPORT:**           **Planning Obligations**

**REPORT OF:**                 Paul Dowling, Strategic Director, Communities and  
Environment

## **Purpose of the Report**

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

## **Background**

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee meeting there have been three new planning obligations.

DC/16/01151/OUT – Occupation to be Aldi Stores only.  
Chainbridge Industrial Estate, Blaydon

Outline application (all matters reserved excluding access) for mixed use retail/leisure development comprising of a discount foodstore (1936 sqm GFA), DIY bulky goods store (4755 sqm GFA), bulky goods unit (632 sqm GFA), pub/restaurant (600 sqm GFA) and a drive-thru restaurant (230 sqm GFA) (resubmission) (additional information received 15/11/16 and 30/11/16 and amended 30/11/16).

14/04160/FUL – Northumberland County Council – Improvements to roundabouts and Highway Agreement.

Land relating to the Former Prudhoe Hospital, Prudhoe, Northumberland

The demolition of non-listed buildings, erection of 392 dwellings, conversion of Prudhoe Hall and associated buildings to provide 12 dwellings, improvement works to walled garden and associated access, landscape and infrastructure

DC/15/01004/FUL – Education instalments, maintenance contribution, junction improvements and biodiversity

Land North of A695, Crawcrook

Residential development for 169 dwellings with associated access, car parking and landscaping including diversion of public rights of way and provision of signalised junction onto A695 (additional and amended documents received 26/10/15 and additional information and amended plans received 28/01/16, 29/01/16, 10/02/16, 16/02/16 and 15/03/16).

4. Since the last Committee there have been two new payments received in respect of planning obligations.

DC/13/01333/OUT - £105,000.00 paid in respect of affordable housing.  
Former Winlaton Care Village, Garesfield Lane, Winlaton

Redevelopment to provide up to 33 dwellings (Use Class C3) with associated landscaping, access and infrastructure (amended 2/12/13, 21/01/14, 24/01/14 and 30/01/14, 3/02/14, 4/02/14, 10/02/14 and additional information received 10/1/14).

DC/15/01004/FUL – Part payment of £10,000 received in respect of biodiversity

Land North of A695, Crawcrook

Residential development for 169 dwellings with associated access, car parking and landscaping including diversion of public rights of way and provision of signalised junction onto A695 (additional and amended documents received 26/10/15 and additional information and amended plans received 28/01/16, 29/01/16, 10/02/16, 16/02/16 and 15/03/16).

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 8 March 2017.

### **Recommendations**

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

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Contact: Emma Lucas Ext: 3747

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**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

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