

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 19 April 2017 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 29 March 2017 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 10)
4i	No.1 - Land at Ellison Terrace, Greenside (Pages 11 - 24)
5	Delegated Decisions (Pages 25 - 30)
6	Enforcement Action (Pages 31 - 40) Report of the Strategic Director, Communities and Environment
7	Planning Appeals (Pages 41 - 46) Report of the Strategic Director, Communities and Environment
8	Planning Obligations (Pages 47 - 50) Report of the Strategic Director, Communities and Environment

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Date: Friday, 7 April 2017

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PLANNING AND DEVELOPMENT
COMMITTEE
19 April 2017

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Paul Dowling, Strategic Director Communities
and Environment

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/16/01182/FUL	Land At Ellison Terrace Greenside	Crawcrook And Greenside

DEVELOPMENT PLAN

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.' 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 15th 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 17th 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)

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

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

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)
B2 (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 1A 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
CSUCP	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

Application No:	DC/16/01182/FUL
Case Officer	Joanne Munton
Date Application Valid	21 November 2016
Applicant	ISM Properties Ltd
Site:	Land At Ellison Terrace Greenside Ryton NE40 4BL
Ward:	Crawcrook And Greenside
Proposal:	Construction of three houses with parking area (amended 16/02/17 and 08/03/17 and description amended 14.03.2017).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 This application was deferred at the meeting of the Planning and Development Committee on 29 March 2017 to allow the Committee to visit the site. Members visited the site on 13 April 2017.

1.2 DESCRIPTION OF THE SITE

The site is located between allotment gardens and Rockwood Hill Road to the north, and between Ivy House and the western end of Ellison Terrace. It directly faces two pairs of 1930s semi-detached houses on the northern side of Rockwood Hill Road in Greenside. These are constructed of red brick and have slate roofs, and sit at a higher level to the application site. Ellison Terrace is also built of red brick and stone. Ivy House is an older property, of stone and slate, and stone boundary walls form a distinctive feature of both the application site and the adjoining area.

1.3 The site is wider at the eastern end, stepping in further west to accommodate a garage to the south, which is not part of the application site. The site had previously contained a stone building/barn, which has now been cleared. There is an existing garage building on site.

1.4 Access is currently via a gate (wide enough for vehicles) at the western end of the site on Rockwood Hill Road, where there is a dropped kerb.

1.5 DESCRIPTION OF THE APPLICATION

The submitted site layout indicates the removal of existing buildings on the site and the construction of three dwellings in terrace form, 2.5 storeys high with rooms in the roof. Plans show dormers to the rear and rooflights to the front to allow more useable space in the roof void.

- 1.6 Each dwelling would have three bedrooms, a separate study, kitchen and dining/family room, and a separate living room. Additionally, there would be garden areas to the rear (south) of the site and an area to the south east of the site for cycle and bin storage. Plans show the scheme to provide one parking space per dwelling and parking provision would be at the western end of the site, and the vehicle access is proposed to be relocated further east.
- 1.7 The dwellings are proposed to be constructed of red brick (Furness 'Weathered Red'), natural slate and with stone cills and heads on principal (north) elevation and both gables.
- 1.8 **RELEVANT PLANNING HISTORY**

DC/14/00186/OUT - Erection of detached dwellinghouse with associated garage (outline with all matters reserved apart from access) (additional info received 28/04/14) - Granted 11.08.2014

DC/10/01193/OUT- Extension of time for implementation of planning permission DC/06/01788/OUT for the erection of detached dwellinghouse with associated garage (use class C3) - Granted 14.01.2011

DC/06/01788/OUT - Erection of detached dwellinghouse with associated garage (use class C3) - Granted 14.01.08

2.0 Consultation Responses:

Coal Authority	Condition recommended
Northumbrian Water	Advice provided

3.0 Representations:

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

Objections were received from Councillor Graham and Councillor Haran and the Councillors also requested that the application be reported to Planning Committee:

- The proposal is too large for the site;
- Impact on traffic movement due to existing on street parking.

Four objections were received from residents:

- Loss of privacy;
- Impact on parking;
- Overdevelopment of the site;
- Insufficient parking provision;

- Impact on off-street parking provision;
- Proposed materials inappropriate;
- Impact on bats and/or barn owls;
- Inappropriate height of proposed dwellings;
- Retained access to boundary fence at Ivy House.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CS10 Delivering New Homes

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

- 5.1 The considerations to be taken into account when assessing this planning application are the principle of the proposal, visual amenity, residential amenity, highway safety and parking, ecology, ground conditions, open space/play and any other matters.
- 5.2 **PRINCIPLE**
Paragraph 14 of the NPPF states that:
- 'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:
- approving development proposals that accord with the development plan without delay, and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or
 - specific policies in this Framework indicate development should be restricted.'
- 5.3 Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.
- 5.4 The site would be considered as a housing windfall site under policy H4 of the UDP. This area is not isolated and it is considered that the location of the proposal is sustainable. It therefore complies with policy H4.
- 5.5 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area is suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms. The scheme proposes three dwellings each with three bedrooms so this requirement is satisfied.
- 5.6 Policy CS11(4) of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents." With regard to this requirement, it should be noted that in March 2015 DCLG published nationally described space standards for new housing. The Council would expect that proposals for new residential development will, as a minimum, seek to achieve nationally described space standards. However, currently the Council cannot insist that these standards are met. More specific policy regarding this issue is expected to be contained within the emerging 'Making Spaces for Growing Places' document. However, notwithstanding this policy position, it is considered that the proposal provides appropriate space internally and externally.

- 5.7 Therefore, it is considered that the principle of the development is acceptable and the proposal does not conflict with saved policies H4 and H5 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.
- 5.8 **VISUAL AMENITY**
The site is widely visible from the public domain and is within an area of important character as identified by the Gateshead Placemaking SPD. It is considered the proposed design approach is appropriate in the context of the street scene, as the dwellings would reflect the existing terrace further east. The proposed materials are considered to be of appropriate quality and would respect the character of the area.
- 5.9 It is recognised that Ivy House to the west is, and the building/barn previously on site was, constructed of stone. However, it is considered that the proposed form of the scheme would be read as a continuation of the brick built terrace further east along Rockwood Hill Road. Therefore, it is considered that, the proposed materials would be appropriate and would respond positively to the local distinctiveness and character.
- 5.10 Additionally it is considered that the stone cills and heads, and windows in the gable ends would bring architectural interest to the scheme that would also make a positive contribution to the established character and identity of the locality.
- 5.11 In terms of layout, it is considered that the proposed shared space for cycle and bin storage would maximise the garden areas to the rear and would be an appropriate way to make use of the space available. It is considered that whilst the site is limited, the proposal would provide sufficient space for the dwellings, gardens and parking. Therefore it is considered that the proposal would not constitute overdevelopment of the site.
- 5.12 It is considered that the height of the proposed new dwellings is appropriate. The proposed dwellings would be 10.1m high, whereas dwellings on Ellison Terrace (19.9m away to the east) are shown on plans to be 8.8m high at the westernmost point/highest ground level and Ivy House (13.4m to the west) is 8.1m high. Whilst it is recognised that the proposed dwellings would be higher than the nearest built form to the east and west, it is considered that the distances away from the existing buildings and the sloping site would lessen the appearance of the difference.
- 5.13 Furthermore, it is recommended that conditions be attached to the permission requiring final details of the northern boundary treatment to be submitted to the Local Planning Authority for consideration.
- 5.14 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the Gateshead Placemaking SPD.
- 5.15 **RESIDENTIAL AMENITY**

Residential neighbours to the site are 13 Ellison Terrace to the east (which would be 19m away from the proposed dwellings), Ivy House to the west (at least 11.4m from the proposed dwellings) and semi detached properties Ryedale, Thurcroft, Oak Dale and Hollycroft on the opposite (north) side of Rockwood Hill Road. Of these, Oak Dale and Hollycroft would be opposite the proposed parking area, and Ryedale and Thurcroft would be opposite proposed dwellings 1 and 2. Dwelling 2 would be at least 13.6m away from Ryedale, and dwelling 1 would be 12.1m away from the ground floor and 14m away from the first floor of Thurcroft.

- 5.16 The ground floor windows on the principal elevations of the proposed dwellings would serve studies, which are not considered to be habitable rooms. The two first floor windows on the principal elevations would serve the living room. Given the distance and the road between the dwellings, it is considered that the proposal would not result in an unacceptable loss of privacy or light at residential properties on the opposite side of Rockwood Hill Road.
- 5.17 The windows in the gable elevations would serve a WC on the ground floor and stairwells on the first and second floors. Plans show the WC window to be obscurely glazed and it is recommended that a condition be imposed requiring this to be an acceptable level of obscurity. The stairwell windows are shown on plans to be non-opening. Given the above, and as these windows would not serve habitable rooms, it is considered that they would not result in an unacceptable loss of privacy.
- 5.18 Furthermore, given the distance between the gable elevations of proposed dwelling 1 and 13 Ellison Terrace, it is considered that the proposal would not have an unacceptable impact on the residential amenity of neighbours at this property.
- 5.19 It is recommended that a condition be imposed restricting construction hours to ensure that the development would not cause an unacceptable level of disturbance.
- 5.20 It is considered that the proposal would not have an unacceptable impact on the residential amenity of neighbours and would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.21 **HIGHWAY SAFETY AND PARKING**
The proposal plans show three parking spaces provided at the western end of the site. The provision of one space per dwelling and visitor parking to be on-street is considered to be adequate. It is also considered that the design and location of the parking bays are appropriate.
- 5.22 Additionally, plans show that the existing boundary wall on the front would be reduced to no more than 1m high, which would provide sufficient visibility within the control of the application site.

- 5.23 It is considered that the proposal would not have an unacceptable impact on highway safety. It is considered that the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.24 **ECOLOGY**
It is understood that there is bat activity in this area and that the site supports several breeding house sparrows (which are a priority species). Proposal plans show the incorporation of potential bat roost features and nesting provision for house sparrow, which are considered to be appropriate.
- 5.25 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policies ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.26 **GROUND CONDITIONS**
The land has been assessed as being potentially contaminated. An adequate Preliminary Risk Assessment has not been provided with the application. In this instance, as potentially contaminated made ground may be on site it is recommended that conditions be imposed requiring site investigations and Phase 2 Risk Assessment be undertaken and remediation implemented where required.
- 5.27 Additionally, the application site falls within the Coal Authority defined development high risk area. A Coal Mining Risk Assessment has been submitted and the Coal Authority agree with the recommendations of the report. Therefore, it is recommended that conditions be imposed requiring site investigations to be undertaken and the submission of a report of those investigations (including the results of any gas monitoring) to the LPA for consideration and the implementation of remediation measures where required.
- 5.28 Therefore, it is considered that the proposal would not pose an unacceptable risk in terms of land contamination or stability and would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.
- 5.29 **OPEN SPACE/PLAY**
The NPPG (Paragraph: 031 Reference ID: 23b-031-20160519) is clear that tariff style contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.
- 5.30 While it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.
- 5.31 **COMMUNITY INFRASTRUCTURE LEVY (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 CIL chargeable development as it is retail or housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

5.32 OTHER MATTERS

Plans show the retention of the boundary treatment with Ivy House. In any event, ownership and/or access to boundary treatment is not a planning matter.

5.33 Additionally, the current situation regarding potential inconsiderate parking by existing residents is not a matter that can be addressed in considering this planning application.

5.34 It is considered that all other matters are addressed in the main body of the report.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and in terms of visual and residential amenity, highway safety and parking, ecology, ground conditions, and open space/play, and would comply with the aims and objectives of the NPPF, the Gateshead Placemaking SPD and the relevant policies of the UDP and the CSUCP.

6.2 It is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

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

1

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

15034OS
15034 P-10 B
15034 P-11
15034 P-12 C

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

Reason

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

2

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

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number 15034 P-12 C, except for bricks, which shall be Furness Weathered Red, and roof tiles, which shall be natural slate, unless otherwise approved in writing by the Local Planning Authority.

Additionally, reveals to openings shall be a minimum of 100mm deep, unless otherwise approved in writing by the Local Planning Authority.

Reason

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

4

All windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass at a level three or greater (in accordance with the levels set by Pilkington). The obscure glazing at dwellings 1 and 3 shall be installed prior to occupation of the respective dwellings hereby approved and retained thereafter.

Reason

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

5

The development hereby approved shall not commence until a report of findings arising from further intrusive site investigations and a Phase II Detailed Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

6

Where required, the remediation and monitoring measures approved under Condition 5 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

7

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

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

Reason

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

8

The amended remediation and monitoring measures approved under condition 7 shall be implemented in accordance with the approved

details prior to any further works (other than those required for remediation) and maintained for the life of the development.

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

Reason

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

9

The development hereby approved shall not commence until a report of intrusive site investigations in relation to coal mining legacy including the results of any gas monitoring and where required, measures and timescales for remediation, monitoring, and verification reports.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

10

The remediation and monitoring measures approved under condition 9 shall be implemented in full accordance with the approved timescales and the approved details.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

11

Where remediation is required (under conditions 5-10), following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14

of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

12

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

Reason

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

13

The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

14

The details approved under Condition 13 shall be implemented before the new dwellings are occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

15

The bat roost features and nesting provision for house sparrow shown on plan no 15034 P-12 C shall be implemented before the dwellings are occupied and retained as such in accordance with the approved details for the lifetime of the development.

Reason

To protect and enhance the conservation status of protected/priority species within the development site in accordance with NPPF and policies DC1, ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

16

No works to the existing northern boundary wall shall commence until final details of the appearance, including materials, of the northern boundary treatment; which shall be no more than 1m high above ground level, have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

17

The details approved under Condition 16 shall be implemented before the new dwellings are occupied and retained as such in accordance with the approved details for the lifetime of the development.

Reason

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



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 19 April 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.

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/16/00722/COU	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.	Skills Academy For Construction , Kingsway South,	Granted;	Lamesley
DC/16/00924/FUL	Erection of 60 no. 2, 3 and 4 bedroom two-storey dwellings with associated works (resubmission) (additional information received 26/10/16 and 03/01/17 and amended plans/documents received 08/12/16, 22/12/16, 03/01/17, 06/01/17 and 27/02/17).	Land At Portobello Road, Birtley,	Granted;	Birtley
DC/16/01174/HHA	Two storey side extension and single storey rear extension. As amended 30.01.17.	22 Oxford Place, Barley Mow,	Granted;	Birtley

DC/16/01170/FUL	Erection of three bedroom dormer bungalow and detached garage in rear garden of existing dwellinghouse.	764 Durham Road, Gateshead,	Granted;	Chowdene
DC/16/01297/HHA	Installation of 2 x pitched roof dormer windows in roof of front elevation, 1 x flat roof dormer window in roof of rear elevation and erection of ground and first floor extensions to rear of terraced house	261 Coatsworth Road, Gateshead,	Granted;	Saltwell
DC/16/01251/HHA	Replace existing side and rear single storey extensions with new single storey extensions. Reinstate vehicular access from Durham Road and closure of a vehicular access from Lindum Road, with associated hard-landscaping improvements. As amended 20.12.16.	The Lindum Club Lindum House , Durham Road,	Granted;	Deckham
DC/17/00039/HHA	Single storey rear extension.	Ashleigh, Kellfield Avenue,	Granted;	Low Fell
DC/16/01311/HHA	Rear extension above existing ground floor structure. As amended 16.02.17.	160 Prince Consort Road, Gateshead,	Granted;	Bridges
DC/16/01321/HHA	3-storey (incl basement) extension and external raised decking to rear of existing property. As amended 13.03.17.	30 Essex Gardens, Low Fell,	Granted;	Deckham

DC/16/01323/HHA	Single storey rear extension. As amended 03.03.17.	95 Whitehall Road, Bensham,	Granted;	Saltwell
DC/17/00015/FUL	Siting of timber clad steel container to be used as a garden store (description amended and amended plans received 20.03.2017)	Land Rear Of 2 Mill Road, Chopwell,	Granted;	Chopwell And Rowlands Gill
DC/17/00053/FUL	Proposed change of use from public house and single residential unit to six self contained flats and alterations to elevations (amended 6 March 2017).	The Queens Head , 82-84 Sheriffs Highway,	Granted;	Low Fell
DC/17/00077/HHA	Single storey rear extension	Orchard House, South Close,	Granted;	Ryton Crookhill And Stella
DC/17/00180/HHA	Two storey rear extension	18 Hartington Street, Gateshead,	Granted;	Bridges
DC/17/00109/FUL	The continued siting of a steel container for the secure storage of tools and equipment	Windy Nook Nature Park, Windy Nook,	Temporary permission granted;	Windy Nook And Whitehills
DC/17/00114/FUL	Alterations to shopfronts including the incorporation of awnings and the installation of railings at first floor level over fascia.	84 And 86 Coatsworth Road And 1 Villa Place, Bensham,	Granted;	Bridges

DC/17/00117/HHA	First floor side extension, single storey rear extension and porch to front with canopy	18 Lindale Avenue, Whickham,	Granted;	Whickham North
DC/17/00133/FUL	Two storey rear extension to existing ground floor shop and flat at first floor level and installation of new shop front (revised application).	626 - 628 Durham Road, Gateshead,	Granted;	Low Fell
DC/17/00131/FUL	Change of use from domestic appliance repairs (use class B1) to pet shop (use class A1)	14 Knowledge Hill, Winlaton,	Granted;	Winlaton And High Spen
DC/17/00130/ADV	Display of three externally illuminated and one non-illuminated fascia signs, size 2500mm x 700mm and reading "COSTCO WHOLESALE" on all elevations of forecourt canopy.	Costco Wholesale , Mandela Way,	Temporary permission granted;	Dunston And Teams
DC/17/00138/TPO	Felling of Sycamore tree in garden of 24 Berkley Avenue.	24 Berkley Avenue, Blaydon,	Granted;	Blaydon
DC/17/00136/ADV	Display of illuminated fascia sign, and projecting sign (on front elevation) with a further sign on the rear elevation, all advertising 'Specsavers', all internally illuminated	Unit 2 Blaydon Park , Chainbridge Road,	Temporary permission granted;	Blaydon

DC/17/00144/TPO	Works to tree in garden of 8 Deer Park Way.	8 Deer Park Way, Blaydon On Tyne,	Granted;	Blaydon
DC/17/00159/AGR	DETERMINATION OF PRIOR APPROVAL: Erection of steel portal framed building with concrete panel walls, yorkshire boarded sides and corrugated roof.	A J Marr _ Son , Old Ravensworth,	Prior Approval not required	Lamesley
DC/17/00160/HHA	Installation of a modular metal mesh access ramp and widening of existing pathway to allow disabled access to and from front door	30 Ullswater Crescent, Winlaton,	Granted;	Winlaton And High Spen
DC/17/00176/HHA	Proposed Modular Steel Disabled Access Ramp	29 Chopwell Gardens, Wrekenton,	Granted;	High Fell
DC/17/00257/CPL	Change of use from retail (Use Class A1) to bureau de change (Use Class A2).	Unit 1-96, Upper Mall,	Granted;	Whickham North

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**PLANNING AND DEVELOPMENT
COMMITTEE
19 April 2017**

TITLE OF REPORT: Enforcement Action

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

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.

Contact: John Bradley extension 3905

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 st September	21 st September	N	N	21 st October 2015	16 th 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 th April 2014	4 th April 2014	N	N	10 th May 2014	10 th 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. A file has been prepared and the matter is being progressed with PACE interviews with those suspected of breaching the Notice	
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 13th 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 th Aug 2014	9 th Aug 2014	N		8 th Sept 2014	7 th 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 15th 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 10th 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>A date to start on site is awaited now the quotes and schedule of works have been agreed.</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 on site is complete on 3 of the 4 play areas and approaching	

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
										completion on the one remaining area.	
9.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unsightly Building	13 th January 2017	14 th February 2017	Y	N	20 th March 2017	15 th May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>Therefore the Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</p>	
10.	Site of Station House, Green Lane, Gateshead	Pelaw and Heworth	Breach of Planning Condition	16 th March 2017	16 th March 2017	Y	N	16 th March 2017	10 th April 2017	<p>Complaints have been received regarding the use of the site which has planning permission to change to a scaffolding yard. The permission was granted subjected to a number of conditions many of which related to highway safety and which required discharge prior to the new use being commenced.</p> <p>The use has commenced without the conditions being discharged. Adjacent to the site a new supermarket is under construction as a result Officers have significant concerns regarding highway</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
										safety. Therefore a Temporary Stop Notice has been issued requiring the use to stop until the conditions are discharged.	



TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

DC/16/00914/COU - Land At Soka Wine Centre, Devon House, Durham Road, Birtley

Change of use of part of existing car park for staff and part of existing side garden for residential flat to hand car-wash and car valet operation with new dropped-kerb exit point, erection and re-alignment of 1.8m high metal and timber fencing and 4x metal 1.5m high storage boxes

This was a committee decision refused on 26 October 2016

Appeal Decisions

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

DC/16/00615/FUL - Rockwood Hill Road, Greenside, Ryton
Erection of a two storey detached dwellinghouse.

This was a committee decision refused on 24 August 2016

Appeal dismissed on 17 March 2017.

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

Appeal Costs

4. There have been no appeal cost decisions.

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



Appeal Decision

Site visit made on 27 February 2017

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th March 2017

Appeal Ref: APP/H4505/W/16/3165316

Land at Rockwood Hill Road, Greenside, Ryton NE40 4AX

Grid Ref Easting: 413705, Grid Ref Northing: 562033

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Mannion against the decision of Gateshead Council.
 - The application Ref DC/16/00615/FUL, dated 22 June 2016, was refused by notice dated 24 August 2016.
 - The development proposed is erection of a two storey, detached dwellinghouse.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the provision of allotment land.

Reasons

3. The appeal site is located south of Rockwood Hill Road. There is no dispute between the parties that the site, together with the adjoining land to the south, is identified as allotment land under saved Policy CFR27 of the Gateshead Unitary Development Plan (UDP) and designated as such on the proposals map.
4. As set out in paragraph 196 of the National Planning Policy Framework (the Framework), the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise¹.
5. Policy CFR27 of the UDP states that the loss of allotments by, among other things, built development, will not be permitted unless an appropriate advance replacement site is made available, or there is a surplus of provision at a particular location. The policy goes on to state that, in the case of surplus provision, the site (either in whole or in part) will be safeguarded against built development if its conversion to recreational public open space would contribute to remedying deficiencies in provision. Despite the age of this policy it remains consistent with the aims of the Framework in respect of promoting healthy communities and as such I have accorded it full weight.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

6. Annex 2 of the Framework defines open space as all open space of public value which offer important opportunities for sport and recreation and can act as a visual amenity. Allotment land is open space of public value and therefore falls within this definition. Paragraph 74 of the Framework makes clear that open space should not be built on unless it is surplus to requirements or would be replaced by equivalent or better provision.
7. The proposed development of a detached dwelling on the appeal site would result in the loss of allotment land. It is not proposed that the allotment land would be replaced by equivalent or better provision in a suitable location, and there is no substantive evidence before me which demonstrates the allotment land is surplus to requirements. Moreover, even if it could be demonstrated that the appeal site was surplus to requirements as allotment land, the Council submits that the site is located within a residential neighbourhood that is deficient in open space. No evidence has been put forward to demonstrate that the site would not be capable of conversion to recreational public open space and thus contribute to remedying deficiencies in provision in the area.
8. I note that the appeal site and land to the south is not shown on the submitted Title Plan or extracts from the Council's Keys to the Past and DEFRA mapping. However, neither this nor the apparent absence of any restrictive covenant alters the development plan land allocation. The private ownership of the appeal site would not prevent it from being used as an allotment. Whilst the site is not currently in use as an allotment and is somewhat overgrown, I see no good reason why the land could not be brought back into allotment use.
9. For the reasons given, I conclude that the appeal proposal would have a harmful effect upon the provision of allotment land. As such, it would be contrary to the aims of UDP Policy CFR27 and paragraph 74 of the Framework which seek to prevent the net loss of open space which is not surplus to requirements in order to promote healthy communities.

Conclusion

10. I have had regard to the benefits of providing an additional dwellinghouse and creating temporary employment during the construction phase. However, the harm I have identified in relation to the main issue outweighs these benefits. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/16/00615/FUL	Rockwood Hill Road Greenside Ryton NE40 4BL	Erection of a two storey detached dwellinghouse.	Written	Appeal Dismissed
DC/15/00804/FUL	Land At Portobello Road Birtley	Erection of 60 x two-storey dwellings with associated works (additional information received 22/09/15, 25/09/15, 26/11/15, 02/12/15, 07/12/15, 15/12/15, and 15/04/16 and 08/03/16 and amended 26/11/15, 02/12/15, 18/02/16, 22/02/16, 06/04/16, 07/04/16 and 18/04/16).	Hearing	Appeal In Progress
DC/16/00914/COU	Land At Soka Wine Centre Devon House Durham Road Birtley	Change of use of part of existing car park for staff and part of existing side garden for residential flat to hand car-wash and car valet operation with new dropped-kerb exit point, erection and re-alignment of 1.8m high metal and timber fencing and 4x metal 1.5m high storage boxes	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 has been two new planning obligations:

DC/16/00924/FUL – Off-site ecological compensatory works

Land At Portobello Road, Birtley

Erection of 60 no. 2, 3 and 4 bedroom two-storey dwellings with associated works (resubmission) (additional information received 26/10/16 and 03/01/17 and amended plans/documents received 08/12/16, 22/12/16, 03/01/17, 06/01/17 and 27/02/17).

DC/16/00722/COU – Sustainable Transport Contribution

Skills Academy For Construction, Kingsway South, Team Valley, Gateshead

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.

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

DC/10/00912/FUL - £2931.09 (paid in instalments) – final payment received in respect of off-site junior play, off-site teen play, off-site toddler play and open space contribution

ARKLE HOUSE , Old Main Street, Ryton

Conversion of dwellinghouse to two single units, installation of new front and rear entrances and new windows in south west and north east gable elevations, and erection of two-storey extension at rear. (Part Retrospective)

DC/13/00018/COU - £848.93 (paid in instalments) – final payment received in respect of off-site junior play and off-site teen play
3 Strothers Road, High Spen
Conversion of office, workshop and storage to dwellinghouse (use class C3) including fenestration changes.

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 19 April 2017.

Recommendations

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

Contact: Emma Lucas Ext: 3747

1. FINANCIAL IMPLICATIONS

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

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Monitoring: Various wards

9. BACKGROUND INFORMATION

The completed Planning Obligations

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