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GATESHEAD METROPOLITAN BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MEETING

Wednesday, 31 August 2022

PRESENT: Councillor B Goldsworthy (Chair)

Councillor(s): V Anderson, L Caffrey, S Dickie, A Geddes, M Hall, K McCartney, E McMaster, C Ord, I Patterson, R Waugh, J Green, J Turner, J Mohammed, P Burns and T Graham

APOLOGIES: Councillor(s): D Burnett, L Kirton, K Wood, H Weatherley, L Moir, S Potts and D Welsh

PD727 MINUTES

The minutes of the meeting held on 3 August 2022 were approved as a correct record and signed by the Chair.

PD728 DECLARATIONS OF INTEREST

Councillor A Geddes declared a personal interest in application DC/21/01203/COU and removed himself from the meeting and therefore did not take part in the discussion or subsequent voting.

Councillor I Patterson declared a personal interest in application DC/21/01302/FUL and removed himself from the meeting and therefore did not take part in the discussion or subsequent voting.

PD729 PLANNING APPLICATIONS

- RESOLVED:**
- i) That the full planning applications and outline applications specified in the appendix to these minutes be granted, refused or referred to the Department for Communities and Local Government or deferred as indicated subject to the conditions, if any, as specified therein and to any other appropriate conditions of a routine or standard nature.
 - ii) That the applications granted in accordance with delegated powers be noted.

PD730 ENFORCEMENT TEAM ACTIVITY

The Committee received a report advising them of Enforcement Team Activity between 21/07/2022 and 17/08/2022.

The enforcement team has received 163 new service requests and currently have 635 cases under investigation, with 158 cases resolved and 1 pending prosecution.

RESOLVED – That the information be noted.

PD731 ENFORCEMENT ACTION

Consideration was given to a report that informed of the progress of enforcement action previously authorised by the Committee.

RESOLVED: That the information be noted.

PD732 PLANNING APPEALS

The Committee received a report advising them of new appeals received and to report the decisions of the Secretary of State received during the period.

Since the last Committee there has been one new appeal lodged.

Since the last Committee there has been no new appeal decisions received.

Since the last Committee there has been no appeal cost decisions.

RESOLVED – That the information be noted.

PD733 PLANNING OBLIGATIONS

The Committee received a report advising them of the completion of Planning Obligations which have previously been authorised.

Since the last Committee there has been no new planning obligations.

Since the last Committee there has been no new payments received in respect of planning obligations.

RESOLVED – That the information be noted.

Chair.....

Date of Committee: 31 August 2022

Application Number and Address: DC/19/00821/FUL Former Dunston Hill Community Primary School Dunston Bank Gateshead	Applicant: Mr Christopher Poyzer				
Proposal: Demolition of existing school buildings followed by full redevelopment of the site to provide 35 dwellings, with associated parking and vehicle access onto Dunston Bank (amended plans received 21.04.2021, 06.05.2022, 08.06.2022, 28.07.2022 and 16.08.2022 and description amended to reflect increase in proposed amount of redevelopment and dwellings 12.05.2021 and 10.05.2022) (additional information received 04.08.2021, 13.05.2022, 28.07.2022, 05.08.2022 and 09.08.2022).					
Declarations of Interest: <table border="1"> <thead> <tr> <th data-bbox="97 963 798 1008">Name</th> <th data-bbox="798 963 1519 1008">Nature of Interest</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		Name	Nature of Interest		
Name	Nature of Interest				
List of speakers and details of any additional information submitted: Mr David Hosken spoke in objection to the application. Mr Kevin Turnbull (agent) spoke in favour of the application. <u>Reason for Minor Update</u> <u>Clarification of earliest decision date and condition(s) amended</u> Paragraphs 3.12 and 7.0 of the Officer Report refer to the publicity period ending on 8 September 2022, however, this date is 15 September 2022. No further representations have been received since the Officer Report was published. The description of existing accesses in paragraph 1.4 of the Officer Report should note that in total there is one main vehicular access point on Dunston Bank and two secondary vehicle access points, one on Ellison Road and one on the corner of Dunston Bank. There are also two pedestrian accesses on Dunston Bank and two on Ellison Road. Condition wording is also recommended to be amended as follows: 32					

No dwelling hereby approved shall be occupied until final details of secure and weatherproof cycle parking have been submitted to and approved in writing by the Local Planning Authority.

The details shall include an anchor point within the shed and a locking mechanism for the shed. The shed construction and all equipment should meet Secured By Design criteria.

Reason

To ensure appropriate provision for cycle parking in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

42

No dwelling hereby approved shall be occupied until the following details (relating to off-site highways matters) have been submitted to and approved in writing by the Local Planning Authority:

- a) Making good of all redundant footway crossings on the site frontage along both Ellison Street and Dunston Bank.
- b) Dropped kerb arrangement for cyclists on Ellison Road
- c) Works associated with new accesses (vehicle and pedestrian).
- d) Relocation of the bus shelter on Dunston Bank.
- e) An independent Road Safety Audit.
- f) The removal of infrastructure associated with the previous school use on the site
(ie guard rail, zig zag marking, signage - the guard rail removal being subject to a safety assessment)
- g) Final details of amendments to roadmarkings and relevant legal orders.
- h) Amendments to streetlighting following consultation with the Council's Adoption Engineer and Street Lighting team.
- i) Final details of amendments to or additional external highway drainage as a result of off-site highway works
- j) Final details of signage, further to the detailed highways design, as a minimum in relation to cyclists joining carriageway at Ellison Road, short section of the shared use path, and the 20mph zone.

Reason

In the interests of highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

44

Notwithstanding the approved plans, following demolition, no further development shall commence until final details of footpath gradients and sections of footpaths 1 and 2 as shown on plan '003-01 -G- External Works', which shall include landings at regular intervals and the length of each landing being equal to at least the width of the footpath, has been submitted to and approved in writing by the Local Planning Authority.

Where the details would affect any information provided in the Flood Risk Assessment 'Dunston Hill - FRA - Report rev F', the details submitted in relation to

this condition shall include an updated risk assessment and drainage strategy, with reference to Conditions 46-49.

Reason

To ensure appropriate accessibility at the site to provide users with opportunities to rest whilst moving through the site, and to prevent the increased risk of flooding from any sources and to ensure an appropriate drainage strategy, in accordance with the NPPF and policies CS13, CS17, MSGP15 MSGP29 and MSGP30 of the Local Plan.

45

The details approved under condition 44 shall be implemented in full accordance with the approved scheme prior to first occupation of the development and retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate accessibility at the site to provide users with opportunities to rest whilst moving through the site, and to prevent the increased risk of flooding from any sources and to ensure an appropriate drainage strategy, in accordance with the NPPF and policies CS13, CS17, MSGP15 MSGP29 and MSGP30 of the Local Plan.

46

No dwelling hereby approved shall be occupied until the following details, including reference to the details required under Condition 44, have been submitted to and approved in writing by the Local Planning Authority:

- a) As-built information relating to the principal elements of the final drainage scheme, demonstrating that design intent has been delivered.
- b) Final details of Management and Maintenance, including timescales

Reason

To prevent the increased risk of flooding from any sources and to ensure an appropriate drainage strategy in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan

48

Following demolition, no further development shall commence until a demonstration of a precise review of ground levels around plots 1-4 and final details of a preferential overland flood flow route, including reference to the details required under Condition 44, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To minimise risk of flooding at the north east part of the site, in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan

50

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting, substituting, amending, extending, consolidating replacing or modifying that Order), no enlargements, additions, incidental buildings, within Part 1, Classes A, AA, B and E of Schedule 1 shall be erected/installed on the land, except in the event that a further planning permission is expressly granted for that development.

Reason

To ensure the scheme would not have an unacceptable impact on the highway safety and visual and residential amenity, in accordance with the NPPF and policies CS14, CS15, MSGP15, MSGP17 and MSGP24 of the Local Plan.

Any additional comments on application/decision:

In addition to below, the Committee were minded to grant consent subject to an amendment proposed by Councillor Lynne Caffrey to condition 6, to require that site drainage during the demolition and construction phases was appropriately dealt with to ensure there was no flooding off-site.

Minded to GRANT planning permission, subject to planning conditions and subject to further representations and consultations that may be received before the current publicity/notification period ends (8 September 2022), and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary:

1

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

3957-JDDK-10.100-Location Plan
3957-10-20 revP9 Proposed Site Plan
3957-10-21 revP6 Proposed Block Plan

3957-JDDK-A-2021 revP4 House Type A
3957-JDDK-A-2022 revP4 House Type B
3957-JDDK-A-2023 revP4 House Type C
3957-JDDK-A-2024 revP4 House Types D and E
3997-JDDK-DAS revB Design and Access Statement
3997-JDDK-HS revB Heritage Statement
4070 Dunston Bats R03

003-01 -G- External Works
003-03 - Site Sections
015-01 -B- Impermeable Areas
015-02 -D- Flood Exceedance Plan
015-02 -D- Flood Exceedance Plan 1-1000yrs
005-03 -A- Attenuation Crates Sections
Dunston Hill - FRA - Report rev F
002-01 -A- Long Sections
015-03 -B- Vehicle Tracking Plan

3957-40-01 revP1 Proposed Site Sections
002-02 -A- Footpath Sections

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.

2

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

3

Notwithstanding the approved plans, no new external materials shall be used on site until final details of these have been submitted to an approved in writing by the Local Planning Authority.

4

The details approved under condition 3 shall be implemented in full accordance with the approved details and retained as such for the lifetime of the development.

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 shall be installed prior to occupation of the respective dwellings hereby approved and retained thereafter.

5

All works associated with the development hereby permitted (during both the demolition and construction phases), including the use of any equipment on the site, shall be carried out only between 08:00 hours and 18:00 hours on Mondays to Saturdays and at no time on Sundays or Bank Holidays.

6

No development (including demolition) hereby approved shall commence until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Plan shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) A Demolition and Construction Traffic Management Plan which includes further details of the management of vehicles arriving at and leaving the site during demolition and construction;
- (c) Storage of plant and materials generated by demolition and to be used in constructing the development
- (d) The erection and maintenance of security hoarding
- (e) Wheel washing facilities

(f) Measures to control the emission of dust and dirt during demolition and construction

(g) Measures to control noise and vibration during demolition and construction

(h) A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

Pre-commencement reason

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

7

The development hereby approved shall be implemented wholly in accordance with Demolition and Construction Management Plan measures approved under condition 6 at all times during demolition and construction.

8

The details of the mechanism for securing and delivering the affordable housing provision shall be submitted in writing to the local planning authority for approval. Thereafter, this provision will be implemented prior to the occupation of any of the dwellings approved.

9

No dwelling hereby approved shall be occupied until a plan clearly identifying at least 9 dwellings that are to be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards has been submitted to and approved in writing by the Local Planning Authority.

The identified dwellings shall be constructed as such and retained and maintained as such for the lifetime of the development.

10

No dwelling hereby approved shall be occupied until a statement explaining the outcome of engagement with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development has been submitted to and approved in writing by the Local Planning Authority.

11

No dwelling hereby approved shall be occupied until final details of an informal play area(s) of not less than 53sqm, including and long term maintenance, have been submitted to and approved in writing by the Local Planning Authority.

12

The play area(s) approved under condition 11 shall be implemented in accordance with the approved details before plots 7, 8 and 9 are occupied and maintained as such for the lifetime of the development

13

No groundworks, demolition or development shall commence until a report of the results of a programme of archaeological building recording (in accordance with a specification provided by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority

Reason for pre-commencement condition

To ensure that an adequate record can be made and any remains preserved and recorded before building works commence on site.

14

Following demolition, no further development hereby approved shall commence until a report of intrusive site investigations in relation to coal mining legacy, and where required, measures and timescales for remediation, monitoring, and verification reports has been submitted to and approved in writing by the Local Planning Authority.

15

The remediation and monitoring measures approved under condition 14 shall be implemented in full accordance with the approved timescales and the approved details.

16

Following demolition, no further development hereby approved shall commence until a report of findings arising from further intrusive site investigations and a Phase II Detailed Risk Assessment (to assess potential contamination at the site) and including a Gas 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..

17

Where required, the remediation and monitoring measures (including those for land gas) approved under Condition 16 shall be implemented in accordance with the details and timescales approved and in full accordance with the approved details.

18

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 a Risk Assessment and, if required, remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

19

The remediation and monitoring measures approved under condition 18 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.

20

Where remediation is required (under conditions 14-19), following completion of the approved remediation and monitoring measures, no dwelling hereby approved shall 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.

21

Notwithstanding the submitted information, the development hereby approved, including demolition and site clearance works shall not commence until an Invasive Species Method Statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide details of the measures, a timetable for their implementation and the persons responsible for the control, removal and disposal offsite.

Reason for pre-commencement condition

To avoid the spread of invasive non-native species at all times during demolition works and construction.

22

The development hereby approved shall be implemented in full accordance with the method statement approved under condition 21 at all times during works on site associated with the development and until final completion.

23

The development hereby approved, including demolition and site clearance works, shall be implemented in strict accordance with sections H.2.2 and H.2.3 of the submitted Bat Survey, dated June 2021.

24

Notwithstanding the details submitted, following demolition, no further development hereby approved shall commence until full details of the 5no. tree and/or pole mounted bat boxes, 10 no. integrated (built-in) bat boxes and integrated (built in) priority species bird boxes to be provided on site have been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall confirm the specification and precise location of the bat and bird boxes to be provided on site, along with timescales for installation and details of their maintenance.

25

The details approved under condition 24 shall be implemented in full accordance with the approved details and timescales, and retained and maintained on site for the lifetime of the development.

26

Notwithstanding the submitted information, following demolition, the development hereby approved shall not progress beyond the damp course layer until full details of hard and soft landscaping (including replacement/compensatory tree planting at a minimum ratio of 2:1 (as referenced in section H.2 of 4070 Dunston Bats R03) and comprising the provision of heavy standards) has been submitted to and approved in writing by the Local Planning Authority.

The details shall also include a management plan, annual maintenance programme, monitoring protocol and arrangements to address any defects/issues adversely impacting the value and function of the soft landscaping.

Where it is not possible to provide the required level of acceptable compensatory tree planting on non-private land within the red line boundary of the site, the development hereby approved shall not progress beyond the damp course layer until full details of a scheme for additional tree planting to be delivered on suitable local land has been submitted to and approved in writing by the Local Planning Authority.

27

The details approved under condition 26 shall be implemented in full accordance with the approved details and timescales at all times for the life of the development or a period of no less than 30 years.

28

Notwithstanding the submitted information, no new external lighting associated with individual dwellings hereby approved shall be installed on site until a lighting design strategy to avoid/minimise adverse impacts on biodiversity including light spill onto areas of retained and/or newly created habitat and features (including tree/pole mounted and integrated bats boxes) has been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- a) Lighting contour plan(s)
- b) Number, specification and precise location (including height) of proposed external lighting to be provided on site

29

The external lighting shall be installed and maintained wholly in accordance with the approved details under condition 28 and retained thereafter for the life of the development.

30

No new boundary treatments shall be used on site until full details of the boundary treatments (including detail of the retaining walls) have been submitted to and approved in writing by the local planning authority. The submitted details shall include measures to facilitate the movement of hedgehog within the site including between individual private gardens (where practicable in terms of levels) and the areas of public open space/landscaping.

31

The final boundary treatment/enclosure details approved under condition 30 shall be implemented in accordance with the approved details before the respective

dwelling(s) hereby approved are occupied and retained as such for the lifetime of the development.

32

No dwelling hereby approved shall be occupied until final details of secure and weatherproof cycle parking have been submitted to and approved in writing by the Local Planning Authority.

33

The details approved under condition 32 shall be implemented in accordance with the approved details before each respective dwelling is occupied and the cycle parking provision shall be retained and maintained as such for the lifetime of the development.

34

No dwelling hereby approved shall be occupied until a scheme relating to electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority.

35

The scheme approved under condition 34 shall be implemented in accordance with the approved details before the respective dwelling is occupied and the electric vehicle infrastructure shall be retained and maintained as such for the lifetime of the development.

36

No dwelling hereby approved shall be occupied until the following highways details (including timescales for implementation) have been submitted to and approved in writing by the Local Planning Authority:

- a) Final details of footpath arrangements for pedestrians and cyclists on site (including dropped kerb(s) for cyclists)
- b) Final details of 20mph zone signage and traffic calming features
- c) Final details of appropriate gradient(s) for the footpath link car parking spaces P7 and P6
- d) Final (and complete) details of long sections for roads and footpaths on site
- e) Final details of arrangements for drainage from private parking spaces and areas, and private footpaths to prevent surface water falling onto the public highway
- f) Final details of bin collection points
- g) Formal marking out of all private parking bays, including the unallocated bays in the southern parking area

37

The details approved under condition 36 shall be implemented in full accordance with the approved details and timescales prior to first occupation of the development, and retained and maintained as such for the lifetime of the development.

38

Following demolition, no further development shall commence until full details of achievable visibility splays at the junction of the vehicular access at Dunston Bank have been submitted to and approved in writing by the Local Planning Authority.

39

The details approved under condition 38 shall be implemented in full accordance with the approved scheme prior to first occupation of the development.

40

No dwelling hereby approved shall be occupied until final details of a welcome pack (including timescales for implementation) to be provided to new residents have been submitted to and approved in writing by the Local Planning Authority. The welcome pack shall include details of:

- a) Local public transport information
- b) Cycle parking provision
- c) EV charging provision
- d) Local amenities within walking/cycling distance

41

The details approved under condition 40 shall be implemented in accordance with the approved details and timescales.

42

No dwelling hereby approved shall be occupied until the following details (relating to off-site highways matters) have been submitted to and approved in writing by the Local Planning Authority:

- k) Making good of all redundant footway crossings on the site frontage along both
 - l) Ellison Street and Dunston Bank.
- m) Works associated with new accesses (vehicle and pedestrian).
- n) Relocation of the bus shelter on Dunston Bank.
- o) An independent Road Safety Audit.
- p) The removal of infrastructure associated with the previous school use on the site
(ie guard rail, zig zag marking, signage - the guard rail removal being subject to a safety assessment)
- q) Final details of amendments to roadmarkings and relevant legal orders.
- r) Amendments to streetlighting following consultation with the Council's Adoption Engineer and Street Lighting team.

43

The details approved under condition 42 shall be implemented in full accordance with the approved scheme prior to first occupation of the development.

44

Following demolition, no further development shall commence until final details of footpath gradients and sections of footpaths 1 and 2 as shown on plan '003-01 -G- External Works', which shall include landings at regular intervals and the length of

each landing being equal to at least the width of the ramp, has been submitted to and approved in writing by the Local Planning Authority.

45

The details approved under condition 44 shall be implemented in full accordance with the approved scheme prior to first occupation of the development and retained and maintained as such for the lifetime of the development.

46

No dwelling hereby approved shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:

- c) As-built information relating to the principal elements of the final drainage scheme, demonstrating that design intent has been delivered.
- d) Final details of Management and Maintenance, including timescales

47

The management and maintenance measures approved under condition 46 shall be implemented in accordance with the approved details and timescales and retained and maintained as such for the lifetime of the development.

48

Following demolition, no further development shall commence until a demonstration of a precise review of ground levels around plots 1-4 and final details of a preferential overland flood flow route has been submitted to and approved in writing by the Local Planning Authority.

49

The details approved under condition 48 shall be implemented in full accordance with the approved scheme prior to first occupation of the development and retained and maintained as such for the lifetime of the development.

50

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting, substituting, amending, extending, consolidating replacing or modifying that Order), no enlargements, additions, incidental buildings, within Part 1, Classes A, AA, B and E of Schedule 1 shall be erected/installed on the land, except in the event that a further planning permission is expressly granted for that development.

Date of Committee: 31 August 2022

Application Number and Address: DC/21/01203/COU The Ark Main Road Barmoor Ryton NE40 3UG	Applicant: Mr Omar Jaber
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Proposal:
Change of use from use class F1 to use class E(b) (Sale of food and drink for consumption (mostly) on the premises) and installation of extraction system with external flue to roof level.

Declarations of Interest:

Name	Nature of Interest
Councillor Alex Geddes	Personal Interest

List of speakers and details of any additional information submitted:
Ms Becky Polito spoke in objection to the application.

Reason for Minor Update

Further representations made

A further letter of objection has been received which raises the following matters:

- Residential amenity concerns
- Loss of privacy
- Additional noise
- Health concerns
- Cooking smells and odours
- Disturbance early mornings/late evenings
- Amendments made to proposals would not alleviate concerns relating to noise and odour
- Traffic/highways concerns
- Inadequate car parking which would exacerbate current lack of car parking by resulting in overspill into residential streets
- Increase in traffic would cause a danger to residents and people using roads and footpaths including children
- Potential for vandalism
- Lack of communication with residents about repercussions of drug operation found in the building

Officers are of the opinion that no new material planning issues have been raised within the latest representation received and the objections that have been raised have been addressed within the main officer report.

Matters raised relating to communication with residents in relation to recent activity at the site are not a material planning issue.

Any additional comments on application/decision:

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

1

The development would have an unacceptable detrimental impact on the amenity of existing residents due to the disturbance arising from the operation of the proposed use and intensification of activity at the site, having regards to the predominantly residential character of the area, the substantial floor space proposed in relation to the proposed use and the limited separation distances to the nearest dwellings. Therefore, the proposal would conflict with the aims and objectives of the National Planning Policy Framework, and policies CS14 and MSGP17 of the Local Plan for Gateshead.

2

The proposed use would therefore result in an unacceptable increase in traffic movements and pressure on existing parking provision within the locality to the unacceptable detriment of highway safety, having regard to the hours of operation, as well as the floorspace of the building and associated parking requirements. The application is therefore contrary to the requirements of the National Planning Policy Framework and Policies CS13 and MSGP15 of the Local Plan for Gateshead.

Date of Committee: 31 August 2022

Application Number and Address:

DC/21/01302/FUL
13-15 Glynfellis
Leam Lane
Gateshead
NE10 8RH

Applicant:

Mr Mohammed Saleem

Proposal:

Proposed first floor extension providing storage area and staff facilities (revised application) (amended plans 11.02.2022)

Declarations of Interest:

Name	Nature of Interest
Councillor Ian Patterson	Personal Interest

List of speakers and details of any additional information submitted:

None

Any additional comments on application/decision:

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

1

The proposal would represent inappropriate development as it would lead to increased access to an unhealthy eating outlet and is therefore contrary to the NPPF, policy CS14 of the Local Plan for Gateshead and the Hot Food Takeaway SPD.

2

By virtue of its design and form the proposed first floor extension would represent poor design which would not reflect the character or appearance of the locality. The proposed development is therefore contrary to the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

3

The proposal would have an unacceptable detrimental impact on the amenity of existing residents due to disturbance arising from the increase in activity at the site which would conflict with the established residential use of the locality. The proposed development is therefore contrary to the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

4

Insufficient information has been submitted to allow the Local Planning Authority to consider the proposed development and its impact on highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

Date of Committee: 31 August 2022

Application Number and Address:

DC/21/01368/FUL
Land to the west of Sainsbury's Supermarket
Eleventh Avenue
Gateshead

Applicant:

Location 3 Properties Ltd

Proposal:

Construction of a building for flexible employment based development for either B8 (Storage and Distribution) or as a Builder's Merchant (Sui Generis), with associated hardstanding, parking and landscaping (amended/additional information received 25 May 2022 and 1 August 2022 and amended description 19 August 2022).

Declarations of Interest:

Name

Nature of Interest

None

List of speakers and details of any additional information submitted:

Mr Gary Morris (Agent) spoke in favour of the application.

Reason for Minor Update

Amended Plans

Amended plans were submitted by the applicant on Thursday 25 August seeking to change the red line boundary of the application site to the southern side of proposed pedestrian crossing over the vehicle access. This change is intended to bring the pedestrian visibility splay to this side of the crossing within the applicants control, meaning vegetation could potentially be cut back and attempt to improve sight visibility to users of the crossing.

Given the very late submission of the amended plans there has been insufficient time to consult with the transport officers ahead of the Planning Committee meeting on these revised details, which would usually take up to 21 days. As such officers are unable to comment on whether the visibility splay proposed is adequate and would address the highway safety concerns with respect to this issue in refusal reason 2.

As officers have not had the opportunity to adequately assess the amended plans given their late submission 3 working days before Planning Committee, these have not been added to the planning application file or referred to in the application description.

Late Representations Received

A late representation with respect to the planning application has been received on 26 August 2022 from Sainsbury's who own the application site, raising the following points:

- They have owned the site since 2004, it was retained in case additional car parking for the adjacent supermarket was required. However have sought to find an alternative use since 2017 when they considered the land was no longer needed.
- Previous proposals have been put forward on the site but were withdrawn following advice from the Council that the land should be reserved for employment uses.
- It is noted a Tree Preservation Order (TPO) has been served on all category A and B trees identified in the Tree Quality Assessment submitted in support of the planning application. A letter of objection to the TPO has been submitted by Ground Control, an arboriculturalist acting on behalf of Sainsbury's, which considers the TPO is unfounded, unnecessary and inaccurate.
- Sainsbury's have marketed the site for employment uses and are disappointed the policy compliant application is being recommended for refusal.
- They do not recognise the description of the site in the committee report, which suggests it is an essential part of the setting of a heritage park and garden. Team Valley Trading Estate is a busy employment and retail focussed trading estate. Owing only to light touch maintenance, the site has become overgrown with scrub vegetation and self-seeded trees, but that does not elevate it beyond its true status as a brownfield development site sitting between Kingsway South and our supermarket car park.
- Whilst some of those employed at the builders' merchant might arrive by bicycle, and should be encouraged to do so, no customers are likely to cycle to a builder's merchant. Each week, more than 26,000 customers visit the adjacent Sainsbury's store by car, bicycle and on foot. Complaints have not been received from colleagues or customers that they are unable to access the store easily or safely. As such Sainsbury's cannot accept that such a small additional number of people using the footpath and cycle network to work at a builders' merchant could justify a request from officers to upgrade a 210m stretch of cycleway, or justify the refusal of the application without it.
- When Sainsbury's agree disposal of their sites with potential purchasers, they thoroughly review proposals to ensure that they have a realistic chance of achieving planning permission within a reasonable timescale so that the sale can complete. Of all the schemes they have reviewed over recent years, they considered that the current proposals should have been a low risk in planning terms because of the policy compliant nature of the scheme and, in their view, the good quality design.
- As a significant investor in the local economy, Sainsbury's want to see Gateshead Council promoting development, delivering jobs and supporting communities. The officer's report stands in stark contrast to that and we hope that Members will not follow the officer's recommendation when the application is considered at committee on 31st August.

As mentioned above a further letter has been received from Ground Control (arboriculturalist acting on behalf of Sainsburys) making separate representation with regards the TPO that has recently been served on the trees along the western boundary with Kingsway. They object to the TPO on the following grounds:

- The Order has not been made in accordance with best practice.
- The Order's First Schedule is unenforceable, duplicating one tree as two different species.
- Trees do not merit protection as they have low estimated remaining contributions, based on an assessment of their age, condition and historical management.
- Tree Preservation Orders should not be used to obstruct development.

These comments relate to the separate legal process relating to the serving of a TPO and will be taken into account as part of that process.

Further representation on the TPO will be provided by Ground Control following a site inspection.

Any additional comments on application/decision:

Committee deferred the application for a site visit to take place.

Date of Committee: 31 August 2022

Application Number and Address:

DC/22/00182/FUL
The Runhead
Holburn Lane
Ryton
NE40 3HL

Applicant:

Malhotra Group PLC

Proposal:

Retention of tipi within beer garden, 1no. timber clad container and associated decked area on a permanent basis (previous approval reference DC/21/00069/FUL). (Amended plans and additional information received on 19/07/2022 and 04/08/2022).

Declarations of Interest:

Name

Nature of Interest

None

List of speakers and details of any additional information submitted:

Verbal Update: 8 objections received

Any additional comments on application/decision:

That permission be granted subject to the following condition(s) and that the Strategic Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary:

1

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

- Drawing Number 100 Site Location Plan
- Drawing Number 102/P6 Proposed Site Plan
- Drawing Number 300/P5 Proposed Elevations

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.

2

The consent hereby granted shall be for a limited period only of 1 year from the date of the decision. On the expiration of this period, the use of the tipi and container shall cease. The tipi, container and decking shall be removed and the site returned to its former condition within three months of the date of expiry.

3

The development hereby approved shall be managed in complete accordance with the submitted Noise Management Plan 'Document reference number: NMP01/8673.1F Revision: F', dated: 1 August 2022.

If at any time the Noise Management Plan cannot be complied with, the use of the whole development hereby approved shall cease immediately, and the use shall not

4

The development hereby approved shall not be used by the public between the hours of 22:00 and 08:00.

5

The existing fan heaters used in connection with the operation of the development shall be removed from the site no later than one calendar month from the date of this permission and the method of heating the tipi and container shall be restricted to the internal silent operation patio heaters only as detailed on the approved plan reference 'Drawing Number 102/P6 Proposed Site Plan', and maintained as such for the duration of the development following their installation.

6

The external lighting layout related to the use of the tipi and container, including illumination of the route to and from the tipi and/or container, security and decorative lighting (except for any lights to be installed inside the tipi and container), shall be installed in accordance with the layout as detailed on the approved plan 'Drawing Number 102/P6 Proposed Site Plan', no later than one calendar month from the date of this permission and maintained as such for the duration of the development.

7

No live entertainment, amplified sound system or similar equipment associated with the development hereby approved shall be installed or used within the tipi or container at any time.

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