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GATESHEAD METROPOLITAN BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MEETING

Wednesday, 24 April 2019

PRESENT: Councillor B Goldsworthy (Chair)

Councillor(s): M Hood, D Burnett, L Caffrey, S Craig, S Dickie, M Hall, M Henry, L Kirton, J Lee, K McCartney, J McClurey, C McHugh, E McMaster, C Ord, R Oxberry, I Patterson, J Turnbull, N Weatherley, A Wheeler and K Wood

APOLOGIES: Councillor(s): K Ferdinand and A Geddes

PD359 MINUTES

The minutes of the meeting held on 3 April 2019 were approved as a correct record and signed by the Chair.

PD360 DECLARATIONS OF INTEREST

Councillor Jean Lee declared a personal and prejudicial interest in application DC/18/01131/COU and removed herself from the meeting, discussion and subsequent voting.

PD361 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.

PD362 ENFORCEMENT TEAM ACTIVITY

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.

PD363 ENFORCEMENT ACTION

Consideration was given to a report that informed of the progress of enforcement action previously authorised by the Committee. The Committee were asked to consider the removal of items considered to have been dealt with.

RESOLVED - that the information be noted

PD364 PLANNING APPEALS

The Committee were advised that there have been two new appeals lodged since the last Committee. There has been one new appeal decision received since the last Committee and there has been one appeal cost decision.

RESOLVED - That the information be noted.

PD365 PLANNING OBLIGATIONS

The Committee were advised that since the last Committee there have been no new planning obligations. Since the last Committee there have been no new payments received in respect of planning obligations.

RESOLVED - that the information be noted.

Chair.....

Date of Committee: 24 April 2019

Application Number and Address:

DC/18/01131/COU
Owen Pugh Properties Ltd
Factory Road
Blaydon
NE21 5RZ

Applicant:

NWH Waste Services Ltd

Proposal:

Change of use of warehouse and integral offices with hardstanding for vehicle and materials storage and vehicle circulation (use class B8) to waste transfer station including waste recycling, storage of waste materials, storage of products, vehicle parking including vehicle operating licence (sui generis) (amended 22/02/19)

Declarations of Interest:

Name

Nature of Interest

Councillor Jean Lee

Personal and Prejudicial Interest

List of speakers and details of any additional information submitted:

None

Any additional comments on application/decision:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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 –

NWH/036/PLAN/001
NWH/036/PLAN/002
NWH/036/PLAN/003
NWH/036/PLAN/004
NWH/036/PLAN/005
NWH/036/PLAN/006

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. All materials on site shall be stored to a maximum height of four metres (from existing ground level)

4. The use hereby approved shall not commence until a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.

Clearly defined objectives, targets and indicators.

Details of proposed measures

Appointment of a travel plan

Detailed timetable for implementing measures

Proposals for maintaining momentum and publicising success

A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan

Evidence of the implementation of the approved Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

5. The Travel Plan approved under condition 4 shall be wholly implemented in accordance with the approved details for the life of the development.

6. Prior to the commencement of use hereby permitted final details of cycle storage for staff, including details of the locking mechanism and/or anchor point shall be submitted to and approved in writing by the Local Planning Authority.

7. The cycle storage provision approved at condition 6 shall be provided prior to the commencement of the use hereby permitted and retained thereafter.

8. Prior to the commencement of the use hereby permitted full details including the number, specification and precise location of building and tree mounted bat and bird boxes to be installed on site, shall be submitted to and approved in writing by the LPA.

9. The bat and bird box details approved at Condition 8 shall be implemented in full prior to the use hereby approved and retained for the life of the development.

10. The use hereby permitted shall not commence until full details of the drainage scheme have been submitted to and approved in writing by the LPA. The scheme shall include detailed drainage drawings, electronic model, adoption arrangements, timetable for implementation and health and safety assessment in accordance with the Council's SuDS Guidelines.

11. The final drainage scheme shall be carried out in full accordance with the details approved under condition 10 (including timings for implementation)

12. The use hereby approved shall not commence until an emergency flood warning and evacuation plan for the site which includes:

- a. details of the flood warning procedures
- b. details of the emergency flood access and egress routes
- c. identified places that people could be evacuated to
- d. flood response procedures

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

13. The emergency flood warning and flood evacuation measures approved under condition 12 shall be implemented prior to the use hereby approved commencing and retained as such in accordance with the approved details thereafter.

Date of Committee: 24 April 2019

Application Number and Address:

DC/19/00071/FUL
Chopwell Park North of Marx Terrace
Chopwell
Newcastle upon Tyne

Applicant:

Friends of Chopwell Park

Proposal:

Formation of cycle track within existing park (additional information received 04/04/19).

Declarations of Interest:

Name

Nature of Interest

None

List of speakers and details of any additional information submitted:

Reason for Minor Update

Further consultation response received/additional representation received

Consultation Response

Further to Paragraphs 2.0 and 5.10, an updated Coal Authority consultation response has been received. The updated response withdraws the holding objection and states;

"...upon reviewing the proposals further considering the nature and scale of the proposed development whereby 1,4m will be cut from the surface; I believe it would be most proportionate if the risk posed was covered by an informative note within the decision notice should permission be granted."

It is therefore recommended that the recommendation at Paragraph 7.1 be amended to the following; *"That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary;"*

Additional Representation

Councillor Michael McNestry has offered his support for the proposal in writing; no further material planning considerations were raised.

Any additional comments on application/decision:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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-

CHO002_1

CHO001_1

0000181 (A)
CH001_0
CH0003_1

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. No development shall take commence until an intrusive site investigation is undertaken, and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes/trial pits, soil sampling, chemical laboratory testing, to assess potential contamination issues.

The site investigation and Phase 2 Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to the environment, future users of the site and construction workers. Reference should be made to CLR 11 – Model Procedures for the Management of Land Contamination and BS 10175:2011 – Investigation of Potentially Contaminated Sites – Code of Practice.

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

4. The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 3 shall be implemented insofar as it relates to each individual phase prior to commencement of each phase of the development hereby permitted.
5. Prior to commencement of the development hereby permitted, where required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
6. The details of remediation measures approved under condition 5 shall be implemented in full prior to commencement of the development of the development hereby permitted and maintained for the life of the development.
7. Following completion of the remediation measures approved under condition 5 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for written approval of the Local Planning Authority prior to the first use of the development hereby permitted.
8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Date of Committee: 24 April 2019

Application Number and Address:

DC/19/00121/FUL
Former Palmer and Harvey Ltd
Shadon Way
Birtley
DH3 2RN

Applicant:

John F Hunt Group Ltd

Proposal:

Part demolition (of part office and part lorry wash), elevational alterations and new vehicle access from Shadon Way to facilitate site reconfiguration and subdivision into 6 units (description amended 09.04.2019)

Declarations of Interest:

Name	Nature of Interest
None	

List of speakers and details of any additional information submitted:

None

Decision(s) and any conditions attached:

That planning permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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 –

3890_PL01,3890_PL04A and 3890_PL05

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. Prior to occupation of the development details of the proposed cladding material should be submitted to and approved in writing by the Local Planning Authority.

4. Exterior works involving the use of cladding shall be completed using the materials approved under condition 3 and retained as such in accordance with the approved details thereafter.

5. Cycle storage facilities shown on approved plan 3890_PL04A, shall be installed prior to occupation of the development hereby approved and thereafter permanently retained.

6. The parking areas (including the marking out of spaces) shown on approved plan 3890_PL04A shall

be constructed prior to occupation of the development hereby approved and thereafter permanently retained.

7. Prior to occupation of the site a timetable of works detailing the closure of the existing vehicle access as shown in approved plans 3890_PL04A shall be submitted to and approved in writing by the Local Planning Authority.

8. The closure of the existing vehicle access shall be carried out in accordance with the details and timeframe approved under condition 7.

9. Prior to the installation of any boundary treatment, a fully detailed scheme should be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

10. Any boundary treatment shall be implemented wholly in accordance with details approved under condition 9.

Date of Committee: 24 April 2019

Application Number and Address:

DC/19/00150/COU
Storage Land
Forge Road
Gateshead

Applicant:

Mr Satiar Arif

Proposal:

Proposed change of use from amenity land to car wash, erection of canopy, portakabins, screen fencing and underground oil interceptor tank.

Declarations of Interest:

Name

Nature of Interest

None

List of speakers and details of any additional information submitted:

Councillor Brenda Clelland spoke against the application.

Henry Lowrie (Agent) spoke in favour of the application.

Reason for Minor Update

Amended Plans Submitted/Additional Representation Received

Amended Plans

Following the publication of the main agenda report the applicant has elected to submit amended plans; the amended plans change the layout of the site and introduce a one-way system (as was the case with the previously refused application).

The amended plans have subsequently been considered by officers and the amended plans are considered to satisfy the highway safety concerns outlined within the main agenda report (Paragraphs 5.22 - 5.26).

While there is no broad objection to the use of a one-way system (with a single point of access and egress), due to the number of movements which could be expected at a car wash both the access and egress should be constructed with fully kerbed radii with associated crossing points; this is currently not shown on the submitted plans.

Further to the above, the level of visibility which could be achieved at the proposed exit from the site is not clear. On this basis, final details of this site access (including the achievable visibility splay) would need to be submitted and approved by officers, this could be done through an appropriately worded condition.

Forge Road in the vicinity of the site is known to be well used for parking, particularly during the school drop off and collection times due to the proximity to St Philip Neri School. As such to ensure that a suitable level of visibility is retained for drivers emerging from the site it would be necessary for the applicant to fund the installation of double yellow 'no waiting at any time' restrictions on the north side of Forge Road from the roundabout to the western access to the development site.

Sufficient parking is proposed within the site for both staff and customers and the proposed one-way system would allow vehicles to pass through the site in an orderly manner.

It is considered that final details of the site entrances (including visibility splay), parking restrictions and highway signage could be controlled through appropriately worded planning conditions.

Therefore, subject to conditions, it is considered that the proposal would comply with the requirements of the NPPF and policy CS13 of the CSUCP.

It is therefore recommended that refusal reason 3 (Highway Safety) be omitted from the recommendation following consideration of the amended plans submitted by the applicant.

Additional Representation

A single additional objection has been received, no additional material planning considerations were raised.

Decision(s) and any conditions attached:

That permission be REFUSED for the following reason(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the refusal reason as necessary

1. By virtue of its location and design, the proposed development would cause an unacceptable visual impact on the application site and wider area. As a result the development is contrary to the National Planning Policy Framework, policy CS15 of the Core Strategy and Urban Core Plan and saved Policy ENV3 of the Unitary Development Plan.
2. The proposed use is considered to give rise to unacceptable levels of noise which would be detrimental to the amenity of staff and customers utilising the offices associated with Jennings Harley-Davidson (to the north). It is considered that the application would be contrary to the NPPF, saved policy ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan.

Any additional comments on application/decision:

None

Date of Committee: 24 April 2019

Application Number and Address: DC/19/00179/COU 309-311 Old Durham Road Gateshead NE8 3TS	Applicant: Mr Mark Tunney
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Proposal:

Change of use from Dwelling (C3) to Residential Institution (C2)

Declarations of Interest:	
Name	Nature of Interest
None	

List of speakers and details of any additional information submitted:

Mr Sholto Jenkins spoke against the application.

Mr Adrian Smith spoke against the application.

Mr John Wood (Applicant) spoke in favour of the application.

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary with particular attention to condition 3 to ensure that it would also apply to any subsequent operators of the building.

1. The development shall be carried out in complete accordance with the approved plan(s) as detailed below –
Site Location Plan, received 28.02.2019, Existing and Proposed Floor Plans, received 28.02.2019.
Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.
2. Secure and weatherproof cycle parking, capable of storing at least one cycle shall be provided the provisions of which shall be retained on site in perpetuity.
3. Within 1 month of the date of decision details of a management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how the property will be managed, to minimise impact on neighbouring occupiers. Thereafter, the use of the property shall be in accordance with the approved management plan unless otherwise agreed in writing by the Local Planning

Authority.