

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 15 May 2019 at 10.00 am in the Council Chamber- Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on 24 April 2019 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 8) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Former Blaydon House Club, Garden Street, Blaydon NE21 4AG (Pages 9 - 30)
5	Delegated Decisions (Pages 31 - 42) Report of the Strategic Director, Communities and Environment
6	Enforcement Team Activity (Pages 43 - 44) Report of the Strategic Director, Communities and Environment
7	Enforcement Action (Pages 45 - 50) Report of the Strategic Director, Communities and Environment
8	Planning Appeals (Pages 51 - 58) Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
15 May 2019

TITLE OF REPORT: Planning applications for consideration

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

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/18/00863/FUL	Former Blaydon House Club Garden Street	Blaydon

DEVELOPMENT PLAN

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

LOCAL PLAN

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

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

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

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

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

UPDATES

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

SPEAKING AT COMMITTEE

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

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

SITE PLANS

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

PUBLICITY/CONSULTATIONS

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

SITE VISITS

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

A1 Shops	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	C1 Hotels	Hotels, boarding and guest houses
A2 Financial and Professional Services	Banks, building societies, estate and employment agencies, professional and financial services.	C2 Residential Institutions	Residential schools and colleges convalescent homes/nursing homes
A3 Restaurants and Cafes	Restaurants, snack bars, cafes.	C2A Secure Residential Institutions	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
A4 Drinking Establishments	Public Houses and Wine bars etc	C3 Dwellinghouses	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared dwellinghouses occupied by between 3 and 6 unrelated individuals who share 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.

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Committee Report

Application No:	DC/18/00863/FUL
Applicant	Mr Gill
Date Application Valid	13 September 2018
Site:	Former Blaydon House Club Garden Street Blaydon NE21 4AG
Ward:	Blaydon
Proposal:	Demolition of all existing buildings (excluding Blaydon House), followed by erection of 25 dwellings and associated works (amended 19/12/18 and 09/04/19).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is located close to Blaydon District Centre and is situated in an elevated position above Blaydon Roundabout within Blaydon Conservation Area.

1.2 The application site is currently occupied by two buildings both of which were last used as Social Clubs. One of the buildings is purpose built (Blaydon and District Social Club) and the other was a converted and extended stone-built property (Blaydon House), which is locally listed.

1.3 The application slopes downwards from south-east to north-west. There is a significant change in levels to the north-east of the application site towards Blaydon Roundabout.

1.4 The application site is located within Blaydon Conservation Area and is not allocated for any purpose within the Local Plan.

1.5 DESCRIPTION OF THE PROPOSAL

The application seeks full planning permission for the demolition of Blaydon and District Social Club and extensions to Blaydon House. Following the demolition the application proposes the creation of 25 residential units. Three of the proposed units would be accommodated within the shell of Blaydon House and the remaining units would be new build properties.

1.6 The housing proposed on site is broken down as follows;

- 8 x 4 bed, 3 storey terraced houses;
- 4 x 4 bed, 2 storey terraced houses;
- 3 x 4 bed, 2 storey houses within shell of Blaydon House;

- 7 x 2 bed flats within two blocks, one four storey one three storey; and
- 3 x 2 bed mews houses in part garage blocks.

1.7 The application proposes setting the buildings back in terraced form roughly along the south east/north west axis, aligned and stepped back from the retained Garden House. This results in the main, or prominent, frontage facing onto Blaydon Roundabout at the same time as creating a quiet, shielded area to the rear.

1.8 The proposed houses all have private gardens, ground floor flats have patio access and upper floor flats all have balconies.

1.9 The application is accompanied by the following documents:

- Affordable Housing Statement;
- Contaminated Land Preliminary Risk Assessment;
- Design and Access Statement;
- Flood Risk and Drainage Assessment.
- Heritage Statement;
- Noise Impact Assessment; and
- Planning Statement.

1.10 PLANNING HISTORY

The planning history relevant to the current application is set out below;

- 249/90; Planning permission granted for 'Conversion of club to 16 bedroom hotel with bar and restaurant/function room. (Amended 21/3/90.)' Date; 26 April 1990.
- 64/91; Temporary planning permission granted for 'Change of use of first floor of vacant club premises (use class D2) to taxi office.' Date; 05 March 1991.
- 122/97; Planning permission granted for 'Conversion/change of use from sale and storage of furniture and taxi office to dwellinghouse (use class C3).' Date; 07 April 1997.

1.11 The relevant planning history associated with the adjacent site (to the east) is set out as follows;

- DC/03/01391/FUL; Planning permission granted for 'Erection of 3/4 storey carehome with office facilities (amended 8/4/04, 10/6/04 and 25/6/04).' Date; 01 November 2004.
- DC/03/01471/CON; Conservation area consent granted for 'The demolition of former cinema (amended 8/4/04, 10/6/04 and 25/6/04).' Date; 01 November 2004.

2.0 Consultation Responses:

Northumbria Water No objection subject to conditions.

Coal Authority No objection subject conditions.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV8 Demolition within Conservation Areas

ENV9 Setting of Conservation Areas

ENV18 Locally Listed Buildings

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV61 New Noise-Generating Developments

H4 Windfall and Small Housing Sites

H5 Housing Choice

H9 Lifetime Homes

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

DC1D Protected Species

DC1P Contamination, derelict land, stability

CFR20 Local Open Space

CFR23 Protecting and Imp Existing Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The detailed planning considerations are the principle of the proposed development, the impact on heritage assets, design, residential amenity, flood risk, drainage, land contamination, highway safety, contamination, ecology, open space and play area provision and CIL.

5.2 PRINCIPLE

As the application site is not specifically allocated for housing in the UDP, proposals for housing need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.

5.3 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result, the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.

5.4 Housing Mix

Core Strategy and Urban Core Plan (CSUCP) policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms).

5.5 The plans show the proposal is for the development of 25 dwellings, comprising 10 x 2 bedroom and 15 x 4 bedroom. That equates to 60% of the dwellings being of three or more bedrooms.

5.6 It is considered that the proposed mix provides a range, choice of accommodation and provides family homes in accordance with policy CS11 of the CSUCP and saved UDP policy H5.

5.7 Affordable Housing

Policy CS11 requires that where there is evidence of a need for affordable housing, the Council will seek the provision of a proportion of affordable

housing on all housing developments on sites of 0.5 hectares or more in size (subject to development viability).

- 5.8 In this instance it is considered that Vacant Building Credit (VBC) applies to the proposed development. The Government has introduced the VBC, in order to incentivise the development of brownfield sites including the reuse or redevelopment of empty and redundant buildings. Essentially, Vacant Building Credit is given where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building. Vacant Building Credit means the developer is offered a financial credit equivalent to the existing gross floor space of the vacant building when the LPA calculates any affordable housing contribution (units or financial sum) required.
- 5.9 Based on the proposed floorspace of the vacant buildings to be redevelopment/brought back into use the application would be entitled to an 86% reduction on the 15% affordable homes requirement; this equates to 0.525 units. There would therefore be an expectation for a single affordable unit to be provided on site or a financial contribution be made in lieu of the single unit (either method would need to be secured via a S106 agreement).
- 5.10 Residential space standards
Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered based upon the submitted information that the application meets this requirement providing adequate space both internally and externally.
- 5.11 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5 and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.
- 5.12 HERITAGE ASSETS
The application site is located within Blaydon Conservation Area and is currently occupied by a locally listed building (Blaydon House) and a non-designated heritage asset (Blaydon and District Club).
- 5.13 The Conservation Area is centred on a dramatic townscape of stone and slate terraces developed between Blaydon Bank and Shibdon Dene in the late nineteenth and early twentieth centuries. It also includes what remains of the old town centre's commercial and institutional buildings, including an impressive group of churches and schools. Most of the area is located on a steep hill, the terraces predominantly built parallel to the slope, which affords spectacular views of the area from the north and out of the area over the River Tyne.
- 5.14 It is considered that both Blaydon House and to a lesser degree Blaydon and District Club are considered to have a positive impact on Blaydon Conservation Area, while also being of heritage value in their own right. However, it is noted that the buildings are in considerable disrepair after years of vacancy.

- 5.15 Heritage specific policies are contained within the NPPF at paragraphs 184 and 202. The objective of the policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances its significance. That significance is the value of a heritage asset to this and future generation because of its heritage interest, which may be archaeological, architectural, artistic or historic. This significance may derive not only from its physical presence but also from its setting.
- 5.16 In order to make a sound decision a planning authority needs to understand from the applicant the significance of any heritage asset affected (paragraph 189).
- 5.17 Blaydon Conservation Area and Blaydon House by definition of their designation as a conservation area and a locally listed building are considered to have a at least local significance in heritage terms. In addition, given the age and architectural merit of Blaydon and District Social Club, it is considered to be a non-designated heritage asset of limited significance. To this end, the applicant has provided a Heritage Statement and a Design and Access Statement outlining the design process and the impact of the proposed development upon the aforementioned heritage assets.
- 5.18 Designated heritage assets are subject to specific policies within the NPPF, including Paragraph 196, which states:
"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 5.19 Non-designated heritage assets are addressed by Paragraph 197, which states;
"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- 5.20 The above requirements are amplified by Saved UDP Policies ENV7 (Development within Conservation Areas), ENV8 (Demolition within Conservation Areas), ENV9 (Setting of Conservation Areas) and ENV18 (Locally Listed Buildings).
- 5.21 In regard to the proposed built development, the applicant has elected a modern design approach. The proposed development has undergone a number of alterations since conception including the simplification of elements e.g. window detailing and a reduction in the number of different materials and styles being employed.
- 5.22 The simplified windows, which are now without formal cills and lintels are a strengthened element. As are the windows that break through into dormers in

the roof lines. These elements are particularly good in demonstrating a more contemporary approach.

- 5.23 The variation in massing that is achieved through the gable fronted larger elements is welcomed. This helps to remove potential monotony and adds to the strengthen frontage on this prominent plot.
- 5.24 The partial demolition, alteration and conversion of Blaydon House is considered to be positive and represents a sensitive well-designed scheme. The set back of the newer elements from this building respecting it's setting and ensuring the new development does not overcrowd or diminish its status. The massing of the new development retains a strong frontage onto the roundabout, which fits well in its context of the more commercial/public buildings of Shibdon Road/Garden Street.
- 5.25 It is considered that the loss of the Blaydon and District Social Club would have a limited negative impact on Blaydon Conservation Area.
- 5.26 It is considered by officers that the harm caused (both to Blaydon Conservation Area and as a direct loss of Blaydon and District Social Club) would be to be less than substantial. This harm should be weighed against the public benefits of the proposal (which might include economic, social and environmental gains), including securing housing and the viable use of a locally listed building.
- 5.27 It is considered by officers that the proposed development brings the following public benefits;
- Local Economy - the proposed development would result in the creation of construction jobs during the construction of the proposed development, new homes bonus and council tax receipts.
 - Retention of Heritage Assets - the proposed development would secure the long-term retention and viable use of Blaydon House for residential purposes.
 - Security - while the proposal would result in minimal harm (in heritage terms) the proposed development would lead to the securing of the application site; the development and occupation of the proposed development would result in a reduction in anti-social behaviour.
- 5.28 It is considered that the following conditions should be attached to any approval to ensure that the highest quality of materials are used;
- Samples of all proposed materials to be submitted for approval prior to their use (Conditions 3 and 4); and
 - Samples of all proposed boundary to be submitted for approval prior to their use (Conditions 5 and 6).
- 5.29 On the basis of the above, it is considered that the proposal would result in harm to the significance of Blaydon Conservation Area. However, the application would introduce a development of high design quality into a currently vacant site. Together with the other benefits that the development will bring (e.g. economic benefits, long-term security of a heritage asset and security) are considered to significantly outweigh the harm to the heritage

asset. The development is therefore considered to comply with the requirements of the NPPF, saved UDP Policies ENV7, ENV8, ENV9 and ENV18 and Policy CS15 of the CSUCP.

5.30 DESIGN ISSUES

The NPPF at Paragraph 124 makes it clear that *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.'* It goes on to make clear that *'good design is a key aspect of sustainable development...'*

5.31 Further, Paragraph 130 states that;

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

5.32 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.

5.33 The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result. As set out above, it is considered that the proposed development would represent a high-quality design solution.

5.34 It is considered that the proposed development has successfully demonstrated that it has achieved a good standard of design that will contribute to the site and its surrounding context. The scheme is acceptable from a design point of view and subject to the recommended conditions (in regard to materials) accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.

5.35 RESIDENTIAL AMENITY ISSUES

Given the distances between the existing carehome and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.

5.36 It is considered that the internal separation distances within the site strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. On this basis, the internal layout is considered to be acceptable and would not cause any significant harm to the living conditions of the future occupiers of the proposed houses in terms of loss of light, overshadowing or visual intrusion.

- 5.37 It is considered that noise from Blaydon Roundabout has the potential to impact on amenity levels for future occupiers. The applicant within their Assessment of Noise Levels and Noise Amelioration Measures has set out a number of mitigation measures to limit impact; it is considered the installation of these measures, which include insulation and sound proof windows, should be secured by condition (Condition 7).
- 5.38 Construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 8 and 9).
- 5.39 Based on the above, it is considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.40 **TRANSPORT ISSUES**
The principle of residential development on this site is considered to be acceptable and subject to the following paragraphs there is no objection to the scheme on transport and highways grounds.
- 5.41 The proposed development would lead to increased traffic movements on the highway network, however it is considered these movements can be accommodated as sufficient capacity exists. It is considered any impact of the proposal on the wider highway network would be minimal.
- 5.42 The application is located within a sustainable location with good links to the wider highway network (both vehicular and pedestrian) while also having good links to public transport.
- 5.43 The layout of the scheme is considered to be acceptable in highways terms offering a legible layout; it is considered that the hard landscaping will be secured through planning conditions (Conditions 10 and 11).
- 5.44 The application site provides for an appropriate level of both resident and visitor parking within the application site. Further, secure and weatherproof cycle parking is to be provided and will be secured through conditions (Condition 12 and 13).
- 5.45 It is therefore considered that subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.
- 5.46 **FLOOD RISK/DRAINAGE**
A drainage assessment has been submitted and it has been demonstrated that a greenfield runoff rate is achievable. The scheme comprises permeable

paving within parking areas. Given the small scale of the site and the risk, the proposed approach is proportionate.

- 5.47 It is accepted that the proposed drainage system offers a broadly workable solution to dealing with the drainage associated with the site. However, officers consider additional information is required and should be secured by conditions. It is considered necessary to condition the following:
- a detailed drainage scheme including detailed drainage drawings, electronic model, adoption arrangements and health and safety assessment in accordance with the Council's SuDS Guidelines (Conditions 14 and 15);
 - SuDS and landscape management plans to be agreed and implemented for lifetime of development (Conditions 16 and 17) and;
 - construction management plan to be agreed and implemented for lifetime of development (Conditions 18 and 19).
- 5.48 Subject to these planning conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.
- 5.49 **LAND CONTAMINATION**
A Contaminated Land Risk Assessment has been submitted in support of the application. The submitted report concludes that the site is developable, however it is considered that further investigation is required prior to the commencement of work on site.
- 5.50 It is therefore considered necessary to condition further investigative works in the form of a phase 2 risk assessment (Conditions 20 to 25).
- 5.51 Subject to the above conditions, the proposal would comply with the aims and requirements of saved policy DC1 of the UDP and policy CS14 of the CSUCP.
- 5.52 **LAND STABILITY**
The application site falls within the defined Development High Risk Area and therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. As a result, the applicant has submitted a Coal Mining Risk Assessment, which has been assessed by the Coal Authority.
- 5.53 The Coal Authority is satisfied with the broad conclusions of the report, informed by the site investigation works; however it is considered necessary to condition that an intrusive investigation is undertaken to identify any potential remedial works required. Subject to appropriate conditions (Conditions 31 and 32), The Coal Authority does not object to the proposed application.
- 5.54 The development is, therefore, considered to comply with policy CS15 of the CSUCP and saved policy ENV54 of the UDP.

5.55 ECOLOGY

The planning application is supported by a bat survey, the report indicates that the site has a moderate suitability for roosting bats. Based on the information provided, it is considered that the application site can be developed without impacting on ecology, subject to conditions. It is considered necessary to condition the submission of an ecology method statement and final details of landscaping (Conditions 26 to 30).

5.56 Therefore, subject to the recommended conditions above, it is considered that the proposal would be acceptable in terms of impact on ecology and is in accordance with the aims and requirements of saved policies DC1(d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

5.57 OPEN SPACE

The site is located within a residential neighbourhood that is not deficient in open space provision. Further, the proposed layout includes the provision of some level of amenity space within the application site. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

5.58 PLAY SPACE

Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.

5.59 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Therefore, whilst the proposal is considered to be unacceptable in terms of on-site open space and play space provision and does not accord with saved UDP policies CFR28, CFR29 and CFR30, it is also not possible to require any contribution for either play or open space provision in this case, based on the above assessment.

5.60 COMMUNITY INFRASTRUCTURE LEVY

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

6.0 CONCLUSION

6.1 It is considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the Local Plan. The development would also have economic benefits from construction jobs and the bringing back into use a heritage asset.

6.2 Taking all other relevant issues into account, it is considered that the proposed development is acceptable; the proposal (subject to planning conditions) is considered to accord with the aims and objectives of both national and local planning policies.

6.3 Given the above, it is recommended that planning permission be granted subject to the planning conditions and obligations set out below.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

- To provide onsite affordable housing or a proportionate offsite contribution.

2) That the Strategic Director of Corporate Services and Governance be authorised to conclude the agreement.

3) That the Service Director of Development, Transport and Public Protection be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include;

1

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

- 1402 CL(0-)01 Site as existing
- 1402 CL(0-)02d Site as proposed
- 1402 CL(0-)03 Block plan and environs
- 1402 CL(0-)04 old building elevations
- 1402 CL(2-)01b Houses 1-6 Ground floor
- 1402 CL(2-)02b Houses 1-6 First floor
- 1402 CL(2-)03c Houses 1-6 Second loft floor
- 1402 CL(2-)04-1d Houses 1-16 Elevations
- 1402 CL(2-)04-2c Houses 1-16 Elevations
- 1402 CL(2-)05b Flats 7-10 Ground floor
- 1402 CL(2-)06b Flats 7-10 First floor
- 1402 CL(2-)07c Flats 7-10 Second floor
- 1402 CL(2-)08c Flats 7-10 Third floor
- 1402 CL(2-)10b Houses 11-16 Ground floor
- 1402 CL(2-)11b Houses 11-16 First floor
- 1402 CL(2-)12c Houses 11-16 Second-loft floor
- 1402 CL(2-)14 Houses 17-19 Ground floor
- 1402 CL(2-)15a Houses 17-19 First floor
- 1402 CL(2-)16 Houses 17-19 Loft floor
- 1402 CL(2-)17a Houses 17-19 Elevations
- 1402 CL(2-)18a Flats 20-22 Ground floor
- 1402 CL(2-)19c Flats 20-22 First floor

1402 CL(2-)20c Flats 20-22 Second floor
1402 CL(2-)21c Flats 20-22 Elevations
1402 CL(2-)22a Mews 23-25 Ground floor
1402 CL(2-)23a Mews 23-25 First floor
1402 CL(2-)24b Mews 23-25 Elevation
1402 CL(2-)25c Roundabout elevation
1402 CL(27)01b Houses 1-6 Roof
1402 CL(27)02ab Flats 7-10 Roof
1402 CL(27)03b Houses 11-16 Roof
1402 CL(27)04 Houses 17-19 Roof
1402 CL(27)05 Flats 20-22 Roof
1402 CL(27)06 Mews 23-25 Roof

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

No individual external materials shall be installed on site until a sample of the material to be used has been made available for inspection on site and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development hereby approved shall be undertaken in accordance with the materials schedule approved at condition 3.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

No boundary treatments shall be provided on site until a fully detailed scheme for the boundary treatment of and within the site (including a timescale for implementation) has been 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.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

The development shall be implemented wholly in accordance with the approved boundary treatment details approved under condition 5 in accordance with the approved timescale.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

No individual dwellinghouse hereby approved shall be occupied until the noise amelioration measures specified within the Assessment of Noise Levels and Noise Amelioration Measures report (LA Environmental Consultants, August 2017) have been fully installed. Thereafter, the amelioration measures shall be retained for the lifetime of the development.

Reason

To safeguard the living conditions of the future occupiers in accordance with the NPPF, policy DC2 of the Council's Unitary development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

8

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

The CMP shall include:

- a dust management plan
- a noise management plan
- contractor parking
- details of delivery arrangements

All 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, unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

9

The development shall be implemented in accordance with Construction Management Plan (CMP) measures approved at condition 8.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

10

No individual hard landscaping material shall be used on site until a detailed hard landscaping plan (including a timescale of implementation) has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

All hard landscaping shall be completed in full accordance with the details approved under Condition 10 (including timescales for implementation), and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan

and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved final details of cycle storage for each dwelling to include details of the locking mechanism and anchor point to be located in each garage or shed to Secure by Design standards shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy.

13

The cycle storage provision approved at condition 12 shall be provided for each dwelling prior to each dwelling being occupied.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy.

14

No development (excluding demolition) shall commence on the site drainage until full details of the drainage scheme have been submitted 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

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

The final drainage scheme shall be carried out in full accordance with the details approved under condition 14 (including timings for implementation).

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

No development in relation to any proposed drainage features shall take place until a long-term management plan for the drainage scheme approved under condition 14 has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

17

The drainage scheme approved under condition 14 shall be managed in full accordance with the management plan approved under condition 16 for the lifetime of the development.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

18

No work in relation to any proposed drainage features shall take place until a construction management plan for the drainage scheme approved under condition 14 has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

The drainage scheme approved under condition 14 shall be constructed in full accordance with the construction management plan approved under condition 16.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

No development (other than demolition) shall 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 Risk 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 redevelopment.

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

21

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 20 shall be implemented insofar as it relates to each individual phase prior to commencement of each phase of the development hereby permitted.

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

22

Prior to commencement of the development hereby permitted (other than demolition), 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.

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 the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

23

The details of remediation measures approved under condition 22 shall be implemented in full prior to commencement of the development hereby permitted and maintained for the life of the development.

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 the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

24

Following completion of the remediation measures approved under condition 20 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

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 the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

25

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.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

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.

Reason

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

26

Notwithstanding the information submitted, no works shall commence on site until an Ecological Method Statement containing details of the mitigation measures to be implemented during the site clearance/demolition, construction and operational phases of the development has been submitted to and agreed in writing by the LPA.

Reason

To avoid adverse impacts on statutorily protected and priority species including bats, breeding birds and hedgehog; and to avoid the spread of non-native invasive species in accordance with the NPPF, policy CS18 of the CSUCP and Saved UDP Policies DC1(d), ENV46 & ENV47.

27

The Ecological Method Statement approved at Condition 26 shall be implemented in full and retained thereafter for the life of the development.

Reason

To avoid adverse impacts on statutorily protected and priority species including bats, breeding birds and hedgehog; and to avoid the spread of non-native invasive cotoneaster species in accordance with the NPPF, policy CS18 of the CSUCP and Saved UDP Policies DC1(d), ENV46 & ENV47.

28

Notwithstanding the submitted plans, no unit hereby approved shall be occupied until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a fully detailed landscaping scheme (ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting), proposed timings for implementation and a scheme and maintenance of the landscaping (for a period of 5 years following planting).

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

29

The landscaping details approved under Condition 28 shall be implemented in accordance with the timings approved under Condition 28.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies 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.

30

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 28.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and 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.

31

No development (other than demolition) hereby approved shall be commenced until an intrusive site investigation works has been undertaken in order to establish coal mining legacy issues on site. The findings of the intrusive site investigations works in relation to coal mining legacy issues along with details of any remedial works (and timescales) required shall be submitted and approved by the LPA prior to the commencement of the development (excluding demolition) hereby approved.

Reason

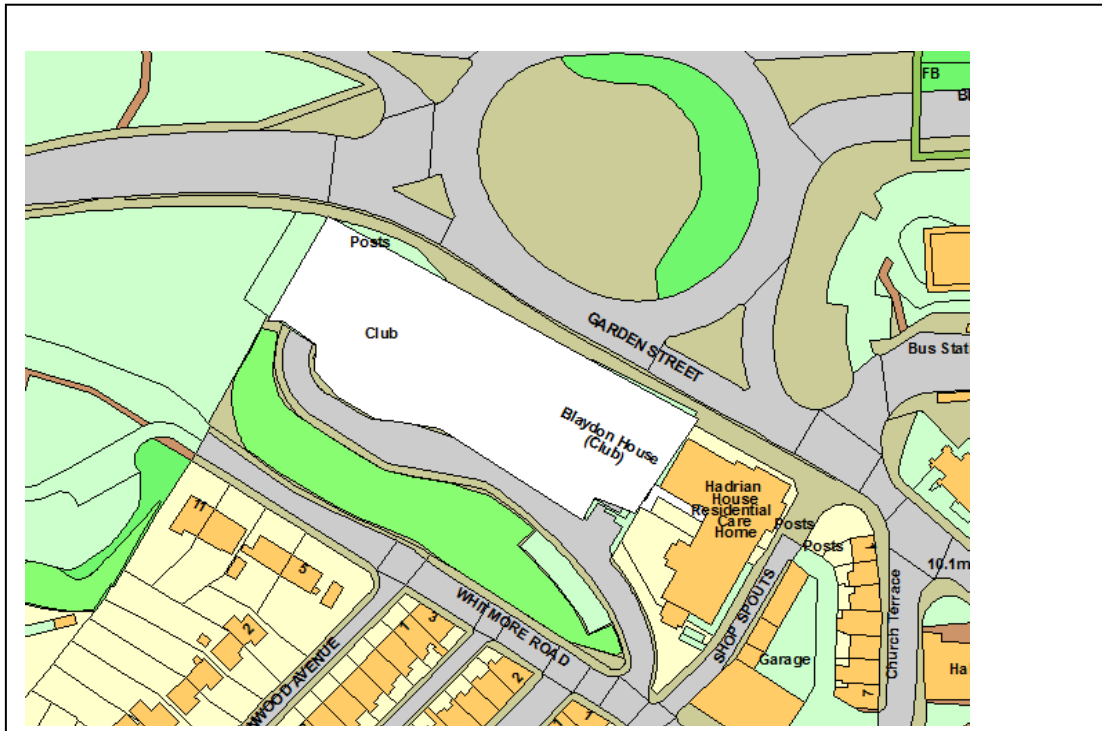
To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1 of the Unitary Development Plan.

32

Any remedial works identified under Condition 31 shall be implemented in accordance with the timescale set out in the approved findings.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1 of the Unitary Development Plan.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 15 MAY 2019:

PART TWO: THE FOLLOWING APPLICATIONS, DETERMINED SINCE THE LAST COMMITTEE MEETING IN ACCORDANCE WITH THE POWERS DELEGATED UNDER PART 3, SCHEDULE 2 (DELEGATIONS TO MANAGERS) OF THE COUNCIL CONSTITUTION, ARE LISTED FOR INFORMATION ONLY.

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/18/00877/HHA	Two storey side extension, conservatory and box dormer window to rear (amended 18.04.19)	8 Thirlmere Crescent, Winlaton,	Granted;	Winlaton And High Spen
DC/18/00994/FUL	Erection of Commercial Vehicle Centre (Mixed B1,B2 and B8 use) (amended and additional information received 11/03/19).	ALLIED BAKERIES GATESHEAD, F28,	Refused;	Lobley Hill And Bensham
DC/18/01046/HHA	Single story flat roof extension to the side of the property.	Etherley , 17 Marlboro Avenue,	Refused;	Whickham North
DC/18/01087/TPO	Works to Poplar tree in garden of The Croft.	The Croft , Kellfield Avenue,	Granted;	Low Fell
DC/18/01178/HHA	Two storey side extension (amended 05.04.19)	1 Grassbanks, Leam Lane Estate,	Granted;	Wardley And Leam Lane
DC/19/00033/HHA	Proposed two storey side and single storey side and rear extension and partial re-roofing of existing house.	Wyncliffe , Gateshead Road,	Granted;	Whickham South And Sunniside

DC/19/00117/FUL	Replacement of 5 existing full elevation windows on west elevation (metal) with 5 metal replacements matching detail on north elevation.	Central Library, Prince Consort Road,	Granted;	Saltwell
DC/19/00124/HHA	To erect a detached garage in the west corner of the rear garden	173 Dorset Avenue, Birtley,	Granted;	Birtley
DC/19/00120/FUL	Provision of temporary infrastructure to be erected as and when required in relation to events to be held on Baltic Square over a period of 5 years (events held in this space likely to be very varied in nature but would require similar infrastructure such as but not limited to Tipi tents, Marquees, Pop Up furniture e.g. mini marquees, food and drink vehicles, outdoor furniture, fencing, bin and storage containers, generators, lighting, crowd control, staging and concert infrastructure, sporting infrastructure such as start and finish lines, running tracks, floor coverings, temporary seating and racking).	Baltic Square , South Shore Road,	Temporary permission granted;	Bridges
DC/19/00145/HHA	Two storey side extension and new 1.8m tall boundary wall to front of property	1 Comma Court, Gateshead,	Refused;	Lobley Hill And Bensham

DC/19/00172/HHA	Removal of trees to increase size of driveway at front of property with the addition of new landscaping (Resubmission of DC/18/01132/HHA)	Three Gables, Barmoor Lane,	Granted;	Ryton Crookhill And Stella
DC/19/00148/FUL	Replacement of non-fire rated external cladding panels to the Emergency Care Centre with equivalent fire rated cladding panels.	Queen Elizabeth Hospital, Queen Elizabeth Avenue,	Granted;	High Fell
DC/19/00160/AGR	DETERMINATION OF PRIOR APPROVAL: Erection of barn for storage of farm machinery, hay, straw and corn etc.	Hollinhill Lane, Rowlands Gill,	Refused;	Winlaton And High Spen
DC/19/00157/HHA	Single storey side and rear extension	5 Marplet Court, Festival Park,	Granted;	Lobley Hill And Bensham
DC/19/00162/HHA	Modular metal mesh access ramp to and from front door	7 Angus Road, Teams,	Granted;	Dunston And Teams
DC/19/00165/COU	Conversion of two existing railway arches into general storage in connection with Sage Gateshead activity and programme.	The Sage Gateshead , St Marys Square,	Granted;	Bridges

DC/19/00167/HHA	<p>The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property.</p> <p>The removal and disposal of the low brick planter to allow for proposed access ramp flight.</p> <p>The lowering of the low brick surround and lowering of the inspection chamber to allow modular landing to sit level.</p> <p>The laying of new paving to widen existing pathway</p>	33 Washington Gardens, Wrekenton,	Granted;	High Fell
DC/19/00188/HHA	Proposed single storey extensions to front and rear.	Birchwood, 13 High Horse Close,	Granted;	Winlaton And High Spen
DC/19/00206/HHA	Proposed side and rear extension	6 Saltwell View, Gateshead,	Granted;	Saltwell
DC/19/00173/HHA	<p>Replacement of flat roof areas to an existing bungalow with new gabled pitched roof elements. New Bay window to front. Full Render coverage to existing property.</p> <p>Creation of new rooms within the subfloor void beneath existing house (cut into hillside).</p>	11 Frome Gardens, Chowdene,	Granted;	Chowdene

DC/19/00170/HHA	New Pitched roof over existing flat roof shared porch and single storey front and rear extensions to number 67 only	65 & 67 Hertford, Gateshead,	Granted;	Chowdene
DC/19/00176/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The supply and installation of a new low access uPVC inner doorway. The supply and installation of "Excellent System Tiles" to raise porch floor.	15 Hanover Drive, Winlaton,	Granted;	Winlaton And High Spen
DC/19/00180/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The laying of new concrete to widen existing pathway The setting of 2No independent handrails to guard drop off points either side of pathway.	106 Kendal Crescent, Beacon Lough,	Granted;	High Fell
DC/19/00183/HHA	Demolition of existing conservatory & construction of single storey rear extension	20 Festival Park Drive, Festival Park,	Granted;	Lobley Hill And Bensham

DC/19/00215/HHA	Part first floor extension and part ground floor extension with succah to rear elevation, dormer window to rear main roof and 2 velux rooflights to front roof (amended 17.04.2019).	25 Lincoln Street, Gateshead,	Granted;	Bridges
DC/19/00184/HHA	Construction of garden sun room	23 Lyndhurst Crescent, Lyndhurst,	Granted;	Chowdene
DC/19/00185/HHA	Two storey rear extension	The Furrow , West View,	Granted;	Lamesley
DC/19/00186/HHA	Proposed demolition of single storey rear outbuilding and erection of single storey rear extension and porch to front of property (amended plans 24.04.2019 and 25.04.2019)	24 Iris Close, Blaydon Burn,	Granted;	Blaydon
DC/19/00187/HHA	To raise the roof height of the house to create an additional floor, to demolish existing extension to the north and to create a new double driveway (amended plan 09.04.2019, 23.04.2019 and 25.04.2019)	Victoria Hall, School Street,	Granted;	Whickham North
DC/19/00189/HHA	The supply and installation of an access ramp to allow disabled access to and from rear door of domestic residence.	99 Millbrook, High Heworth,	Granted;	Windy Nook And Whitehills

DC/19/00216/HHA	Proposed single storey side extension (amended plans received 11.04.19)	2 Orchard Dene, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/19/00191/FUL	Removal of condition 6 of permission 156/91 to allow removal of agricultural occupancy restriction (description amended 15.03.2019)	Dunkirk Farm, Valley View , North Side,	Refused;	Lamesley
DC/19/00219/HHA	Erection of a single storey rear extension to 222 Alexandra Road to facilitate the conversion of 220 and 222 into a single dwelling house	220 And 222 Alexandra Road, Gateshead,	Granted;	Bridges
DC/19/00221/HHA	Single storey rear extension	25 North View, Ryton,	Granted;	Crawcrook And Greenside
DC/19/00193/HHA	Two storey side extension, part two storey/part single storey rear extension and single storey extension to front of property.	23A Popplewell Gardens, Lyndhurst,	Refused;	Low Fell
DC/19/00226/HHA	Rear kitchen extension, side garage & utility room with dormer bedroom over & front bay window	Braeside, 7 West High Horse Close,	Granted;	Winlaton And High Spen
DC/19/00198/HHA	Proposed single storey extension to rear elevation	4 Celandine Way, Gateshead,	Granted;	Windy Nook And Whitehills

DC/19/00240/HHA	Single storey rear extension with flat roof and sukkah roof lantern (description amended 23.04.2019).	7A Denmark Street, Gateshead,	Granted;	Bridges
DC/19/00199/HHA	New single storey pitched roof extension to replace demolition of single storey flat roofed garage to side of dwelling. Pitched roof to replace flat roof canopy over door and front window bay	1 Brunton Way, Bill Quay,	Granted;	Pelaw And Heworth
DC/19/00200/HHA	Front shower room extension	34 Ashfield Park, Whickham,	Granted;	Dunston Hill And Whickham East
DC/19/00201/HHA	Single storey extension to rear and installation of obscurely glazed window on side elevation (description amended 23.04.2019).	16 Ascot Crescent, Gateshead,	Granted;	Lobley Hill And Bensham
DC/19/00204/HHA	Side extension to provide extended dining space, utility room, shower room, demolish existing garage and provide hard standing area and outdoor storage area.	8 Earls Dene, Low Fell,	Granted;	Low Fell
DC/19/00207/HHA	Proposed single storey rear extension	36 Klondyke Walk, Blaydon,	Granted;	Ryton Crookhill And Stella

DC/19/00208/FUL	Removal of existing window to South West elevation and installation of a new doorset to match existing style	4 Staiths , The Watermark,	Granted;	Dunston And Teams
DC/19/00209/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from rear door of domestic property. The laying of new paving to marry access ramp in with existing pathway. The laying of new paving to replace damaged/uneven paving adjacent to rear elevation.	17 Chambers Crescent, Eighton Banks,	Granted;	Lamesley
DC/19/00225/FUL	Erection of five detached houses including formation of private estate road on existing field and improvements to service /access road linking to Strothers Road	Land At High Spen Industrial Estate, Front Street,	Granted;	Winlaton And High Spen
DC/19/00211/CPE	CERTIFICATE OF LAWFULNESS FOR AN EXISITING USE: domestic dwelling (use class C3)	The Kings House , 29 Keppel Street,	Granted;	Dunston And Teams
DC/19/00260/HHA	Proposed 2 storey side extension and single storey rear	15 Percy Gardens, Gateshead,	Granted;	Dunston Hill And Whickham East

DC/19/00230/COU	Change of use of ground floor from retail bakery (A1 use class) to Bar (A4 use class) (amended 17/04/19).	413 Durham Road, Gateshead,	Granted;	Low Fell
DC/19/00231/LBC	Installation of lighting and supply cable to churchyard/Old Rectory wall adjacent to drive and parking area (additional information 05/04/19 and amended 08/04/19).	Holy Cross Church , Ryton Village,	Granted;	Ryton Crookhill And Stella
DC/19/00232/FUL	Proposed change of use from guest house (use class C1) to children's home (use class C2) and the retention of existing conservatory on north elevation of building.	Longside House, Black Lane,	Granted;	Blaydon
DC/19/00261/HHA	Proposed single storey rear extension with succah (amended 04.04.2019).	19 Oswald Terrace, Gateshead,	Granted;	Lobley Hill And Bensham
DC/19/00245/HHA	New pitched roof over existing bungalow with two dormer windows to front and juliette balcony to rear (amended plans 26.04.2019 and 01.05.2019 and amended description)	5 North Close, Ryton Central,	Granted;	Ryton Crookhill And Stella
DC/19/00285/HHA	Resubmission of DC/18/00634/HHA for a single storey side and rear extension	91 Garden House Estate, Ryton,	Granted;	Crawcrook And Greenside

DC/19/00303/HHA	Proposed two storey side and rear extension and single storey rear extension (Resubmission of DC/18/01293/HHA)	15 Ambleside Gardens, Gateshead,	Granted;	Low Fell
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TITLE OF REPORT: Enforcement Team Activity

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

Purpose of the Report

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

Background

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

Recommendations

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

Within the date range commencing 11.04.19 and ending 01.05.19, the enforcement team has received **98** new service requests:

Type of complaint	Cases under investigation	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	388	25	14	30	1
HIGHWAYS	217	14	3	17	0
WASTE	546	59	40	27	56
TOTALS	1151	98	57	74	57

COURT HEARINGS

The Enforcement Team attended **no** Court Hearings, **none** of which were finalised, resulting is **£0** fines and **£0** costs

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
15th May 2019

TITLE OF REPORT: Enforcement Action

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

Purpose of the Report

1. To advise the Committee of the progress of enforcement action previously authorised by the Committee.

Background

2. The properties, which are the subject of enforcement action and their current status, are set out in Appendix 2.

Recommendations

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

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

8. WARD IMPLICATIONS

Birtley, Bridges, Blaydon, Pelaw & Heworth, Chowdene, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Windy Nook And Whitehills, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the land owner to reach a satisfactory conclusion no sustained improvement was secured. Therefore, an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect.
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigations, it was established that a building had been erected without consent. The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building No appeal has been received and the notice has taken effect. The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future A site visit has been arranged for the week commencing the 29 th October to look at the costs of carrying out work in default.
3.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One) Known as South West Farm Site Two)	Swalwell Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed	11 January 2016 11 January 2016	12 January 2016 12 January 2016	15 February 2016 15 February 2016	14 March and 4 July 2016 14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development. As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. Both defendants pleaded guilty at Newcastle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months. The site has recently been revisited and it is likely further action will be required.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
	(Known as South West Farm Site Three)	Swalwell	use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste. Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016 29 th Sep 2018	A site visit was undertaken in October where it was evident that the land has not been cleared and additional scrap had been brought on to the site. A further prosecution file is currently with the Council's legal department. A court date has been issued for the 26 th April 2019 at Gateshead Magistrates Court. The court date has been re issued for the 10th June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.
4.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 th November 2017	29 th November 2017	29 th November 2017	26 th December 2017	Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site. Conditions have now been submitted and discharged. The Council are awaiting confirmation from the Developer to confirm when they are due to recommence works on site. A site visit was undertaken on the 26 th September to see if work had recommenced on site. Although there were no builders on site at the time of the visit, it appears that development has recommenced since the Temporary Stop Notice was served as the most recent unit constructed has now had its roof erected. A letter has been sent to the developer, from the Council's Legal Department asking them to consider erecting a secure hoarding to prevent continued visual impact on the amenity of the area and to protect the site from unauthorised access. A written response dated 22 nd November 2018 has been received from Gleesons.
5.A	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 th January 2018	12 th January 2018	16 th February 2018	16 th March 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. An enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. The notice has not been fully complied with. Prosecution files are now being prepared.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
6.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter or leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays. A site visit was undertaken on the 20 th June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.
7.	25 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10 th August 2018	10 th August 2018	14 th September 2018	12 th October 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. An appeal start date has been received
8.	27 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10th August 2018	10 th August 2018	14 th September 2018	12 th October 2018	Complaints have been received regarding the erection of fencing enclosing public open space. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. An appeal start date has been received
9.	Blaydon and District Club and Institute, Garden Street	Blaydon	Untidy Land	03 rd September 2018	03 rd September 2018	5 th October 2018	30th November 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished Given the potential bat roost, Natural England will not issue a licence for the roost to be destroyed until after the hibernation period which is November to March. Planning application intended to be taken to the 15th May Committee, once a decision made, the Enforcement Officer is to pursue demolition following consent from Natural England.
10.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05th September 2018	05 th September 2018	5 th October 2018	30 th November 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and a hoarding erected. The owner has been in contact and will submit a scope of works with timescales to make this building safe and in part to be brought back into use, rather than demolish property. Following a site visit on the 19 th November, a scope of works should be submitted by the developer no later than the 30 th November. Quotes however are being sought for the demolition of the property in preparation that the information is not forthcoming.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
								<p>Scaffolding has been erected and works are commencing to bring the building back into use. The windows have been inserted in the rear part of the building and works have commenced on the roof.</p> <p>Officers are visiting the site on the 21.03.19 to confirm that the proposed roof tiles are appropriate, once this is agreed works will re commence, it is anticipated that the works to the roof will take approximately 6-8 weeks.</p> <p>Roof tiles have now been agreed, works to the roof are to recommence imminently.</p>
11.	321 And 323 Rectory Road Bensham Gateshead NE8 4RS	Saltwell	Unauthorised change of use	7 th November 2018	7 th November 2018	11 th December 2018	8 th January 2019	<p>Complaints have been received regarding the use of a dwelling as a House of Multiple Occupation (HMO). A previous planning application was refused for the change of use and the subsequent appeal dismissed; therefore, an Enforcement Notice has been issued requiring the use of the property as an HMO to cease.</p> <p>An appeal has been received but no start date has been given yet.</p>
12.	2 Wythburn Place Gateshead NE9 6YT	High Fell	Unauthorised development	12 th February 2019	12 th February 2019	19 th March 2019	19 th July 2019	<p>Complaints had been received regarding the erection of an extension to the property, the extension has a detrimental impact on the visual amenity of the area and thus an enforcement notice has been served seeking the extension be demolished and remove in its entirety.</p>
13.	Brockburn 32A Barlow Lane Winlaton Blaydon On Tyne	Winlaton and High Spen	Unauthorised change of use	06 th March 2019	06 th March 2019	10 th April 2019	5 th June 2019	<p>Complaints have been received regarding the unauthorised use of a dwelling to a mixed-use house and dog boarding business. Retrospective planning permission was submitted and subsequently refused as the use resulted in harm to the living conditions of the neighbouring residents. An enforcement notice has been served requiring the mixed use of the property cease.</p>



TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

DC/18/01153/HHA - Park House, Strathmore Road, Rowlands Gill
Demolition of existing detached garage and rear conservatory. Two storey side and rear extension with internal alteration. Amendments to front entrance porch (amended plans received 15.01.19)
This application was a delegated decision refused on 6 March 2019

Appeal Decisions

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

DC/18/00486/FUL - Site At Rear Of Garage And Substation Adj Meadow View, Woodside, Ryton
Erection of two bedroom dormer sustainable eco home
This application was a delegated decision refused on 10 July 2018
Appeal dismissed 17 April 2019

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

Appeal Costs

4. There have been no appeal cost decisions

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 25 March 2019

by **Graeme Robbie BA(Hons) BPI MRTPI**

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

Decision date: 17 April 2019

Appeal Ref: APP/H4505/W/19/3220001
site to rear of garage and substation adjacent to Meadow View, Woodside, Ryton

- 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 Colin Johnston against the decision of Gateshead Council.
- The application Ref DC/18/00486/FUL, dated 15 May 2018, was refused by notice dated 10 July 2018.
- The development proposed is erection of 2 bedroom dormer bedroom sustainable eco home.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council made its decision, but prior to the submission of this appeal, a revised version of the National Planning Policy Framework (the revised Framework) was published. Both parties have had the opportunity in their submissions to comment upon the revised Framework in relation to their respective cases but continue to refer to the paragraph numbers of the previous iteration of the Framework. However, I am satisfied that the revised Framework's approach to development in the Green Belt is sufficiently consistent with that of the previous version. I have determined the appeal accordingly and on the basis of the revised Framework.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework¹ and any relevant development plan policies;
 - Whether the appeal site is an appropriate location for housing, having regard to the Framework and any relevant development plan policies;
 - The effect of the proposed development on highway safety; and
 - If it is inappropriate development, whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

¹ Published February 2019

Reasons

Whether inappropriate

4. Policy CS19 of the Core Strategy and Urban Core Plan (CSUCP) states that the Green Belt² will be protected in accordance with national policy to prevent the merging of settlements, noting amongst other scenarios, the merging of villages with each other, to safeguard the countryside from encroachment and to check unrestricted urban sprawl. I am satisfied that the provisions of CSUCP policy CS19 are consistent with the revised Framework's approach to development within the Green Belt in terms of the five stated purposes of Green Belts³.
5. The Framework goes on to state⁴ that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt. Such proposals should not be approved except in very special circumstances and substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist *'unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*⁵.
6. The construction of new buildings within the Green Belt should be regarded as inappropriate unless they fall within one of the exceptions set out at paragraph 145 of the revised Framework. Although both parties refer to, and quote from, various paragraphs of the previous version of the Framework, I am satisfied that the provisions set out therein are sufficiently consistent with those of the revised Framework.
7. The appellant does not directly refute the Council's statement that the proposal would not satisfy any of the exceptions set out within paragraphs 89 or 90 of the previous version of the Framework. The exception, previously set out as the 6th bullet point of paragraph 89 regarding limited infilling or the partial or complete redevelopment of previously developed sites, is highlighted in bold within the appellant's Grounds of Appeal (GoFA). The equivalent provision is set out at paragraph 145(g) of the revised Framework and is broadly consistent with the previous version in terms of its approach to limited infilling or partial or complete redevelopment of previously developed land.
8. The appeal site is an area of open space, laid to closely cut and maintained lawn, with a detached single garage located in a prominent position at the corner of Bank Top and Gingler Lane. The garage itself is a modest single storey structure with a dual-pitched roof. It is one of a small number of modestly-sized detached buildings grouped close to each other on the inside of this junction. Although the buildings have different functions they are, however, modest structures of a domestic scale.
9. The site, with a mix of low timber paling fence and hedges as boundaries to the north and east, rises gradually towards the gardens of a short terrace of residential properties on Meadow View and shares the domestic character and appearance of those gardens, although it is not clear whether this area of lawn is associated with any of those dwellings; the appellant describes the site as a

² Tyne and Wear Green Belt

³ Paragraph 134

⁴ Paragraph 144

⁵ Paragraph 145

'lawn without a house'. That seems to me to be a reasonably accurate description of the character and appearance of the appeal site.

10. It has been argued that the site previously accommodated houses, as part of a former farmstead, and garages, with a map extract⁶ purporting to show buildings within the appeal site and its immediate environs. Whilst that may well have been the case, other than the existing detached garage that is presently within the site, there were no other indications or evidence of buildings being present within the appeal site.
11. The proposed dwelling would, despite suggestions to the contrary, be a considerably larger building than the existing detached garage in all quantifiable measures. The proposal would entail the removal of the existing garage and so it would constitute the redevelopment of previously developed land. However, I am not persuaded that in doing so the proposed dwelling would not have a greater impact on the openness of the Green Belt.
12. Although the proposed dwelling would be sited away from the existing garage's prominent position on the inside of the open junction of Bank Top and Gingler Lane, it would not be any less prominent. Moreover, its siting would close the currently open gap between the existing small cluster of buildings adjacent to Gingler Lane and the appeal site boundary on the far side of the plot. Thus, the incongruous form and scale of the proposed dwelling, and its positioning within the plot closing off a significant proportion of the gap across a narrow part of the site, would have a significantly greater, and thus harmful, impact on the openness of the site than the existing building does.
13. It has not been argued that the proposal would benefit from any other exception provided by paragraphs 145 or 146 of the revised Framework⁷. I agree and, as such, conclude that the proposed development would constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.
14. The revised Framework sets out the five purposes of Green Belts which remain unchanged from the previous Framework. The appellant questions the value of the Green Belt designation at Ryton Woodside, but it is not the purpose of a s78 appeal to reassess the value or purpose of designated Green Belt. The proposal would introduce a larger built structure in a location not entirely occupied by an existing, smaller structure. The extensive footprint area, siting and positioning of the dwelling and its relationship with Bank Top and Gingler Lane would have a significant urbanising effect on the rural character and appearance of the site and the surrounding area. It would also close off a visual gap provided by the existing open, lawned area, thus rendering it 'not free from development', a point acknowledged by the appellant. This would give rise to a significant physical and visual incursion into the open countryside that would inevitably and harmfully lead to a loss of openness.
15. The proposal would thus also be inconsistent with the fundamental purposes of the Green Belt in that it would encroach into the countryside. The proposal would also reduce the degree of separation between the loose, sporadic cluster of buildings around the appeal site from the terraces on Woodside Lane. This would also be inconsistent with the purpose of preventing sprawl and merging

⁶ Figure 7 – Appellant's Grounds of Appeal

⁷ Or the corresponding paragraphs 89 or 90 of the previous Framework

of settlements. For the reasons set out therefore, the proposed dwelling would be inappropriate development in the Green Belt which, by definition, would be harmful to the Green Belt. The proposal would be contrary to the Green Belt protection aims of CSUCP policy CS19 and the revised Framework.

Location

16. The appeal site lies clearly detached from the terraces and clusters of built development along Woodside Lane. It is typical of the immediately surrounding area where there are small sporadic clusters of buildings lying in a rural setting. They are surrounded by open countryside where rolling open fields separates them from other in both physical and visual terms, from other similar such small clusters of buildings and dwellings.
17. The site is not an isolated one however, despite being beyond any defined settlement extent. The short terrace of houses at Meadow View and the detached bungalow opposite are situated close to the appeal site, whilst it is only a very short walk to Woodside Lane and the terrace of properties on the western side of the road opposite the junction with Bank Top. I observed during my visit to the site that busses regularly passed the junction with Bank Top, and I also saw that the pavement alongside Woodside Lane provided a good basis for walking the albeit lengthy routes to services and facilities in Greenside and Ryton.
18. Neither of the policies referred to in the second of the Council's reasons, CSSUCP policy CS15 or ENV3, specifically refer to the location of development. However, whilst I do not consider the proposed dwelling to be particularly isolated, it does not lie within or form part of a clearly defined settlement and instead lies in a rural, open countryside setting. It would not, I conclude, benefit from the support afforded by paragraph 79 of the revised Framework.

Highway safety

19. The appellant contends that matters relating to the demonstration of an appropriate visibility could be appropriately dealt with by way of condition. Whilst I agree that that might be appropriate in certain circumstances, I concur with the Council's view that to do so in this instance would not. The proposed point of access from Bank Top would be located immediately adjacent to the site's side boundary. The roadside verge is narrow and neighbouring land immediately adjoins the appeal site and it has not been demonstrated that the appellant has any control over the boundary treatment beyond this corner of the site. I cannot therefore be satisfied that the proposal could secure an appropriate or safe connection to the local highway network as required by CSUCP policy CS13(3)(iii).
20. I accept, as do the Council, that the proposal would not be a significant generator of traffic. However, I am not persuaded that that alone is sufficient to persuade me that the failure to adequately demonstrate satisfactory visibility splays at the proposed new entrance would not cause harm to highway safety.

Other considerations

21. It is stated that the proposed dwelling would incorporate 'sustainability' features such as sustainable construction methods and materials to Passivhaus standards, a green roof and solar and p.v. panels for hot water and the generation of electricity. This is commendable and carries some weight.

However, it would not alter or alleviate the adverse effects of the proposal on the Green Belt.

22. The proposal would deliver an additional dwelling and make a very limited contribution to the supply of new homes, and also in terms of economic and social benefits. I have also noted the appellant's personal aspirations and family history regarding residency in the area for a number of generations. The latter factor does not carry any planning weight in support of the appeal, whilst I can only afford the former limited weight.
23. The appellant's Grounds of Appeal refers to a number of previous 'nearby developments' in addition to Green Belt deletions in and around nearby Ryton to facilitate the development of a large number of dwellings. I do not however have any further details before me of these examples, nor is it clear where they are in relation to the appeal proposal. I cannot be certain therefore of whether they provide a direct comparison to the appeal proposal but, on the evidence, I give these factors little weight.
24. The Council do not object to the proposal in terms of its design or effect on the living conditions of either existing occupiers of nearby residential properties, or future occupiers of the proposed dwelling. The appellant concludes by stating that the removal of the existing garage and the development of the site would improve the streetscene. I disagree. I find no visual harm arising from the existing structure, which is entirely consistent with the informal, rural nature of the existing cluster of buildings. This, together with an absence of harm in these other respects does not weigh in support of the proposal.

Conclusion

25. I have concluded that the proposal would be inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt. Central to the conclusion regarding inappropriate development is that the proposal would also result in a loss of openness. The proposal would also be inconsistent with the aims of the Green Belt, particularly safeguarding the countryside from encroachment and the merging of settlements. Furthermore, it has not been adequately demonstrated that the proposal could secure a safe connection to the local highway network.
26. As I am required to do so by paragraph 144 of the revised Framework, I give substantial weight to the harm to the Green Belt. Paragraph 144 goes on to state that the 'very special circumstances' required to approve inappropriate development will not exist unless the potential harm to the Green Belt by reason or inappropriateness, and any other harm, is clearly outweighed by other considerations. For the reasons I have set out, these other considerations do not outweigh the Green Belt harm, and other harm, and as a consequence very special circumstances do not exist. The proposal development would be contrary to the Green Belt and highway safety aims of CSUCP policies CS19 and CS13 and the revised Framework.
27. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/18/00440/TPO	9 Axwell Park Road Axwell Park Blaydon NE21 5NR	Felling of one Sycamore tree in garden of 9 Axwell Park Road.	Written	Appeal in Progress
DC/18/00486/FUL	Site At Rear Of Garage And Substation Adj Meadow View, Woodside, Ryton	Erection of two bedroom dormer sustainable eco home	Written	Appeal Dismissed
DC/18/00727/OUT	Grazing Land At Beda Hills West Of Woodside Walk Rowlands Gill	Erection of four bedroom house	Written	Appeal in Progress
DC/18/00822/FUL	The Dairy South Farm NE11 0ET	Erection of animal shelter (revised application).	Written	Appeal in Progress
DC/18/00958/TPO	Woodlands Derwent Avenue Rowlands Gill NE39 1BZ	Tree works at Woodlands, Derwent Avenue, Rowlands Gill	Written	Appeal in Progress
DC/18/01153/HHA	Park House Strathmore Road Rowlands Gill	Demolition of existing detached garage and rear conservatory. Two storey side and rear extension with internal alteration. Amendments to front entrance porch (amended plans received 15.01.19)	Written	Appeal in Progress



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

15 May 2019

TITLE OF REPORT: Planning Obligations

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

Purpose of the Report

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

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.

3. Since the last Committee meeting there have been **two** new planning obligations:

DC/18/00574/FUL - No development to take place unless commencement of development in respect of the adjoining property takes place at the same time or has already taken place. No occupation of any buildings on the property prior to completion of the Green Infrastructure works. Not to carry out adjoining property development and/or the development and/or the alternative development so as to create more than 6 of the approved accesses.

Follingsby Park South, Follingsby Lane, Gateshead NE10 8YA

Variation of condition 1 (approved drawings) of planning permission

DC/18/00237/OUT to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the green infrastructure and built development zones further west and removing access 1 and repositioning accesses 2 -5 and the associated bus stops and crossing along Follingsby Lane (Submitted with a Supplementary Environmental Statement).

DC/18/00575/FUL - No development to take place unless commencement of development in respect of the adjoining property takes place at the same time or has already taken place. No occupation of any buildings on the property prior to completion of the Green Infrastructure works. Not to carry out adjoining property development and/or the development and/or the alternative development so as to create more than 6 of the approved accesses.

Follingsby Park South, Follingsby Lane, Gateshead NE10 8YA

Variation of condition 1 (approved drawings) of planning permission

DC/18/00111/REM to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the

green infrastructure and built development zones further west (Submitted with a Supplementary Environmental Statement).

4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 15 May 2019.

Recommendations

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

Contact: Emma Lucas Ext: 3747

1. FINANCIAL IMPLICATIONS

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

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Monitoring: Various wards

9. BACKGROUND INFORMATION

The completed Planning Obligations

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