

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 18 December 2019 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 27 November 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 - Axwell Hall, Axwell Park, Blaydon NE21 6RN (Pages 9 - 26)
4ii	No. 2 - Dunston West Farm Livery Stables, Whickham Highway, Whickam NE16 4EP (Pages 27 - 42)
4iii	No. 3 - Felstead, 17 North Side, Birtley, DH3 1RD (Pages 43 - 56)
4iv	No. 4 - Blaydon Bank Works, Blaydon Bank, Blaydon, NE21 4AU (Pages 57 - 66)
4v	No. 5 - Bretts Wharf, Pipewellgate, Gateshead NE8 2BN (Pages 67 - 120)
5	Delegated Decisions (Pages 121 - 130) Report of the Strategic Director, Communities and Environment
6	DC/15/01098/FUL - Deed of Variation of Section 106 - Affordable Housing Provision - Land East of Crawcrook Lane, Crawcrook (Pages 131 - 132)
7	Enforcement Team Activity (Pages 133 - 134) Report of the Strategic Director, Communities and Environment

8	Enforcement Action (Pages 135 - 142) Report of the Strategic Director, Communities and Environment
9	Planning Enforcement Appeals (Pages 143 - 154) Report of the Strategic Director, Communities and Environment
10	Planning Appeals (Pages 155 - 158) Report of the Strategic Director, Communities and Environment
11	Planning Obligations (Pages 159 - 160) Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
18 December 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/17/00666/FUL	Axwell Hall Axwell Park	Blaydon
2. DC/18/00970/FUL	Dunston West Farm Livery Stables Whickham Highway	Dunston Hill And Whickham East
3. DC/19/00723/FUL	Felstead 17 North Side	Lamesley
4. DC/19/00833/COU	Blaydon Bank Works Blaydon Bank	Blaydon
5. DC/19/00943/FUL	Bretts Wharf Pipewellgate	Bridges

AGENDA ITEM 6

DC/15/01098/FUL	Land East of Crawcrook Lane Crawcrook	Crawcrook and Greenside
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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/17/00666/FUL
Case Officer	Tracy Long
Date Application Valid	9 June 2017
Applicant	c/o Agent
Site:	Axwell Hall Axwell Park Blaydon NE21 6RN
Ward:	Blaydon
Proposal:	VARIATION OF CONDITION 1 (approved plans) of permission: DC/10/01303/FUL to introduce residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.
Recommendation:	GRANT subject to S106 agreement
Application Type	Full Application

1.0 BACKGROUND

- 1.1 This planning application was considered at the Planning and Development Committee meeting on 19th September 2018 where Members resolved to grant planning permission, subject to a S106 legal agreement and a number of planning conditions.
- 1.2 Discussions have been taking place between the Council and the applicant since this time on the wording of the conditions and the content of the S106 legal agreement. Given the length of time since the previous resolution it was considered appropriate to report this application back to Planning and Development committee for an updated resolution before the S106 agreement is signed and the decision notice issued.

1.3 THE APPLICATION

- 1.4 **DESCRIPTION OF THE SITE**
Axwell Hall is a Grade II* Listed Building located within the Axwell Park Estate and Conservation Area. The site is accessed via a private estate road from the A694 located to the south of the site.
- 1.5 The Hall was designed by the renowned Palladian architect James Paine in 1758. In 1920 the Hall was home to the Newcastle Ragged and Industrial School which closed in 1984. The Hall has since remained empty and has been the subject to theft, vandalism and weather damage. However, despite this, the Hall as it stands today, remains an impressive Grade II* Listed Building of historical and architectural significance.
- 1.6 The balustrade and steps to the southern elevation attached to the Hall are also Grade II* listed under the same listing as The Hall. The retaining wall,

balustrade, piers and steps to the terrace south of the Hall are Grade II Listed, listed under a separate listing. Further, the late C18 / early C19 bridge, located 280m south of Axwell Park is also Grade II Listed, under a separate listing.

1.7 To the north of the Hall, lies a vacant area of land, beyond which car parking bays and an access road which provides residents access to the Axwell Gardens. To the eastern boundary lies the residential dwelling of Richmond House and its residential curtilage. To the west lies the residential Courtyard development. Both the Axwell Courtyard and the Axwell Gardens development (both now occupied) comprised enabling development to enable the restoration and conversion of The Hall into 23 residential apartments.

1.8 DESCRIPTION OF THE APPLICATION

This application proposes alterations to Axwell Hall in the form of conversion of the eastern proportion of the Hall to create a super apartment, resulting in a reduction in the number of apartments within the Hall from 23 to 11 apartments. The super apartment would have 7 / 8 bedrooms. A table detailing the mix of apartments proposed, against the previously approved and implemented 2010 permission can be found in the table below:

	1 bed	2 bed	3 bed	7 / 8 bed	Total
Approved and implemented DC/10/01303/FUL	8	15			23
Proposed DC/17/00666/FUL	2	7	1	1	11

1.9 The application also proposes to create a granny annex within the previously approved garage block located directly north of the Hall. The garage block would convert four of the garages on the north-western side of the block into residential and would retain four garages on the north-eastern side of the block. The residential annex would provide two bedrooms, with an open-plan living and kitchen area, with a separate bathroom, study and dining room.

1.10 The scheme also proposes the provision of a new bin store which will be located between the garage block and the Hall. The store would measure 6.6m wide by 3.1m deep and 3.9m high.

1.11 This application represents a significant opportunity to bring the Axwell Hall back into a sustainable residential use, which will secure the long-term future of this Grade II* Listed Building.

1.12 PLANNING HISTORY

The application site has a rich history of relevant planning and listed building applications as detailed below:

DC/05/00301/COU Conversion of hall to 23 apartments and erection of new-build enabling development comprising of one coach apartment and terraced blocks of 18 dwellinghouses and 9 apartments with associated garage blocks, parking and landscaping. Granted on 9.09.2005 subject to S106

agreement.

DC/05/00302/LBC Restoration and conversion of hall including demolition of rear annexe and renovation of balustrade and terrace. Granted on 12.08.2005 subject to S106 agreement.

DC/05/00303/FUL Erection of 18 three storey houses in three blocks with associated parking including restoration of walled garden and historic parkland. Granted on 9.09.2005 subject to S106 agreement.

DC/06/00349/LBC Variation of condition 8 of Listed Building Consent DC/05/00302/LBC relating to the requirement for single glazed windows. Granted on 27.06.2008.

DC/07/00407/FUL Variation of condition 1 (approved plans) of permission DC/05/00303/FUL to alter the layout of the 18 dwellings within the site and re-siting of the access into the rear of the dwellings. Granted on 22.11.2007 subject to S106 agreement.

DC/08/00349/FUL Variation of condition on DC/05/00301/COU - adaptation of first floor of garage/coach house to form two self-contained dwellings. Granted on 15.05.2008 subject to S106 agreement.

DC/08/00612/LBC Internal alterations on basement, ground floor and second floors to rationalise rooms and thereby reduce number of units from 23 (as approved under DC/05/00302/LBC) to 20. Granted on 30.07.2008

DC/10/01303/FUL Variation of condition 1 of DC/05/00301/COU to allow revision to approved scheme involving reduction of number of units to 27 and alterations to elevations and roofscape with creation of additional courtyard car parking. Granted 14.04.2011 subject to S106 agreement.

DC/17/01080/NMA NON-MATERIAL AMENDMENT: to planning permission DC/10/01303/FUL to allow condition 1 (approved plans) to list the approved drawings relating to Axwell Hall as well as the Courtyard element of the development. Granted on 30.05.2018.

DC/17/00667/LBC Listed building consent to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units. Granted on 16.08.2019.

DC/17/00668/FUL Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access and partial reinstatement of the historic landscape. Granted on 30.08.2019.

DC/17/00669/LBC Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access and partial reinstatement of the historic landscape. Granted on 16.08.2019.

1.13 BACKGROUND SUMMARY

The planning history above relates to The Hall, Courtyard and Axwell Gardens. The planning history in so far as it relates to The Hall is summarised as follows:

- 1.14 In 2005, planning permission and listed building consent was granted for the conversion of The Hall to 23 apartments and the erection of new-build enabling development comprising of the dwellings at Axwell Gardens and the dwellings at The Courtyard with associated garage blocks, parking and landscaping.
- 1.15 Later in 2008, a listed building application was granted for internal alterations to the Hall to reduce the number of units from 23 to 20. However this consent was not implemented and has since expired.
- 1.16 In 2010, a variation of condition application was granted which permitted alterations to the courtyard development consented in the 2005 application. This application was implemented and therefore constitutes the current consent for the alterations to The Hall.
- 1.17 As the 2010 decision only referenced the revised courtyard drawing numbers in the decision notice, a Non-Material Amendment application (DC/17/01080/NMA) was submitted in 2017 to attach the 2005 consented drawings for The Hall to the approved plans condition. This Non-Material Amendment application was granted on 30 May 2018.
- 1.18 On 16 August 2019 listed building consent (DC/17/00667/LBC) was granted for the works proposed as part of this current planning application DC/17/00666/FUL.

2.0 Consultation Responses

Archaeology Officer There are no archaeology issues to address.

Historic England Do not wish to offer any comments.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. This included the Council sending letters to 71 properties surrounding the site, site notices being displayed at the site as well as a notice appearing in the Newcastle Journal.

3.2 A number of objection letters have been received from 11 surrounding properties. These are from local residents at The Gardens and The Courtyard. The issues raised are summarised below :

- This application excludes the road from the red line.

- Lack of consultation
- The bin store will be visible to adjacent residents at The Courtyard
- Will prejudice the current availability of parking spaces immediately outside The Courtyard
- No vehicle tracking provided to ensure access to The Gardens is not obstructed
- Highways safety
- Already insufficient space for two cars to pass
- There is insufficient space to carry out the works
- Ensure rights of access to The Gardens is maintained
- The access road to The Gardens was required to be upgraded to tarmac but was never completed.
- All outstanding planning conditions in the previous planning applications should be included on the new development.
- The repair works to the bridge should be covered
- The S106 agreement should be extended to relate to the current proposals

4.0 Policies:

- 4.1 Since this application was previously considered at the Planning and Development Committee meeting on 19th September 2018, national planning policy (the NPPF) was updated and revised in February 2019. Council officers are of the opinion that the revised NPPF includes no significant or material changes which affect the consideration of this current planning application.

NATIONAL POLICY

NPPF: National Planning Policy Framework
 NPPG: National Planning Policy Guidance

CORE STRATEGY

CS10: Delivering New Homes
 CS11: Providing a Range and Choice of Housing
 CS13: Transport
 CS14: Wellbeing and Health
 CS15: Place Making
 CS18: Green Infrastructure and the Natural Environment
 CS19: Green Belt

UDP

DC1: Environment
 DC2: Residential Amenity
 H3: Sites for New Housing
 H4: Windfall and Small Housing Sites
 H12: Density
 ENV3: Character and Design
 ENV7: Development in Conservation Areas

ENV9:	Setting of Conservation Areas
ENV11:	Listed Buildings
ENV17:	Axwell Park
ENV21:	Sites and Areas of Archaeological Importance
ENV22:	Sites and areas of Archaeological Importance
ENV44:	Woodland, Trees and Hedgerows
ENV46:	Durham Biodiversity Action Plan
ENV47:	Wildlife Habitats
ENV51:	Wildlife Corridors
ENV54:	Land Affected by Contamination

5.0 Assessment of the Proposal:

- 5.1 This is a Section 73 application for the variation of the approved plans on the original planning permission (DC/10/01303/FUL), which has commenced and works to The Hall have been significantly implemented. This application is not for the examination of the whole principle of the scheme again, but is instead matters for consideration in the determination of this application relate to the assessment of the amended parts of the scheme. The proposed amendments relate to the creation of a new super-apartment on the eastern side of the Hall and amendments to the internal configuration to create ten apartments on the western side of the Hall, the creation of a granny annex within the garage block and a new bin store.
- 5.2 This application represents a significant opportunity to deliver housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future.
- 5.3 The main planning issues to be considered are the impact of the proposal on the overall design of the approved scheme, the impact upon the heritage assets and the historic setting, and on the visual amenity of the area, along with considerations relating to highway safety, residential amenity and ecology.
- 5.4 **IMPACT ON HERITAGE ASSETS**
Planning Legislation / Policy Position
 There are a number of designated heritage assets at this site including the listed Hall, the associated listed structures including the retaining wall, balustrades, piers and steps to the south of the Hall, the listed bridge on the access road to the south and Axwell Park Conservation Area.
- 5.5 The LPA have a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area. This is reinforced within both national and local planning policies.

- 5.6 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets conservation. Paragraph 194 of the NPPF goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 5.7 Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm (or total loss of significance) of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 5.8 Paragraph 196 of the NPPF explains that 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.
- 5.9 Saved Policies ENV7, ENV9, ENV11 and ENV17 of the Council's Unitary Development Plan (UDP) state that development within Conservation Areas, relating to Listed Buildings and relating to Axwell Park should preserve or enhance the special architectural or historic character and appearance of the Conservation Area, including the setting of the Conservation Area, the Listed Building and that the historic value of Axwell Park should be protected and enhanced.
- 5.10 Policy CS15 of the Council's Core Strategy and Urban Core Plan (CSUCP) also seeks the conservation and enhancement of the historic environment / heritage assets.
- 5.11 The main issue in considering the proposed changes to the previous approved scheme is therefore the effect of the proposed changes on the significance of the designated heritage assets .
- 5.12 A Heritage Statement has been submitted to accompany this application which assesses the significance of the heritage assets and the effect of the proposed changes on the significance of these assets.
- 5.13 The Hall is currently empty and has been the subject to theft, vandalism and weather damage. However, despite this, The Hall as it stands today, remains an impressive Grade II* Listed Building of historical and architectural significance.
- 5.14 Proposed Subdivision of Hall
The principle of subdividing The Hall has already been established under the previous planning applications that were approved. The previous scheme allowed for 23 units. The proposed changes submitted as part of this current application will provide an improved layout of 11 units which is overall less intrusive than the previously approved scheme.
- 5.15 Bin Store and Residential Annex

Two new buildings, the residential annex and bin store are proposed adjacent to the listed Hall and structures, within the Conservation Area. The proposed position of the residential annex is in the same location of an originally intended garage block which was approved as part of a previous planning approval. The two buildings are small in relation to the overall Hall and adjacent Courtyard development and will remain subservient to The Hall.

5.16 Heritage Summary

The proposed changes will alter the designated heritage assets and their setting. It is however considered that the harm to the heritage assets is outweighed by delivering housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future.

5.17 ARCHAEOLOGY

There are no archaeological constraints regarding the variation of condition 1 of DC/10/01303/FUL. No objections are raised in respect of saved Policies ENV21 and ENV22 of the UDP or policy CS15 of the CSUCP.

5.18 HOUSING

As set out above, the principle of housing has already been established through the previous consented applications.

5.19 Reduction in Units

Compared to the 2005 approved scheme, due to the creation of the super-apartment the proposed development would result in the loss of 12 apartments within the Hall. There is no planning policy which would guard against this and therefore no objection on this basis is raised.

5.20 Family Homes

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). This application proposes amendments to the previously approved scheme for the conversion of Axwell Hall which comprised of 23 one and two-bedroom apartments. The proposed amendments result in the introduction of one x 3 bedroom flat and one x 7 / 8 bedroom flat. The creation of two family sized units would assist the Council in achieving the aims of Policy CS11 of the Core Strategy and would provide a betterment in the mix of unit sizes in comparison to the 2005 approved scheme.

5.21 Suitable accommodation for the elderly

The annex is intended to function as a temporary dwelling during the restoration phase of Axwell Hall, and following completion of the restoration, will be used to house an elderly relative in conjunction with occupation of apartment 1 of the Hall.

5.22 RESIDENTIAL AMENITY

Residents Living Conditions

The proposed amendments are considered to be acceptable from a residential amenity point of view in terms of the living conditions of both the future occupiers of The Hall and granny annex as well as the existing residents in the adjacent Courtyard element of the development.

5.23 Residential Space Standards

The proposal should be required to satisfy Policy CS11(4) which requires that new residential development provides “adequate space inside and outside of the home to meet the needs of residents”. With regard to this requirement in March 2015 the DCLG published nationally described space standards for new housing. The proposed super-apartment together with the other 10 flats (as previously approved and partially converted) would exceed the minimum requirements for internal space.

5.24 HIGHWAYS SAFETY

There are no objections to the proposal from a highway safety point of view. Access to The Hall would be gained from the existing private estate road, from the south. It is considered that the formation of an additional site access and the traffic associated with an additional property would not result in any significant impact on the surrounding highway network.

5.25 The proposed amendments to the previous consented scheme will result in less apartments in The Hall reducing the number of units from 23 to 11 so is unlikely to prejudice the availability of car parking spaces. Notwithstanding this planning application DC/17/00668/FUL proposes additional car parking provision to the front of The Hall.

5.26 REFUSE STORAGE /WASTE

From a waste servicing perspective there are no objections. The enclosed bin store would be sufficient for the number of apartments within the complex and there is space within the site to be able to turn the HGV without reversing.

5.27 ECOLOGY

An updated Bat Survey has been submitted as part of this planning application which confirms that bats currently use The Hall through a number of access routes in the building including through the windows and roof. The previous planning application (reference : DC/10/01303/FUL) accepted the restoration of the Hall, saving the listed structure and converting it into flats with bat mitigation being provided through bat boxes and bat lofts.

5.28 It is therefore considered that the proposed changes are acceptable from an ecology point of view subject to planning conditions which require the final details of bat mitigation measures to be approved and their implementation. Subject to such planning conditions the proposal is considered to accord with the ecology aims and objectives of the NPPF, saved policies DC1 (d), ENV46 and ENV51 of the UDP and policy CS18 of the CSUCP.

- 5.29 The applicant also intends to apply to Natural England for a licence for the proposed works.
- 5.30 **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, whilst the development is housing related and the development is located within Residential Charging Zone A, no new floor space is created and therefore no CIL payment would be required for this development.
- 5.31 **OTHER ISSUES**
Site Location Plan
Council officers consider that an appropriate site location plan has been submitted.
- 5.32 **Previous Planning Conditions / S106 Agreement**
The planning conditions on the previous planning application DC/10/01303/FUL have been reviewed by Council officers and where appropriate reattached to this current planning application. When this application was previously considered at the Planning and Development Committee meeting on 19th September 2018 a list of conditions headings were presented. Council officers and the applicant have been working on the planning conditions and the recommendation this time includes the full wording of all of the recommended planning conditions.
- 5.33 The previous S106 agreements related to a number of issues for the Axwell site including undertaking works to the Hall, undertaking landscaping works, maintenance of the landscaping, repairs to the listed bridge and carrying out off site highway works. The S106 agreement for the development will therefore be varied to relate to this current application. A number of the works have already been undertaken. Some of the outstanding works including works to and around the Hall will be carried out as part of this current planning application. Council officers are therefore of the opinion that the S106 agreement linked to this current application should include landscape maintenance of the Axwell grounds and repairs to the listed bridge
- 5.33 **Space to Carry Out Works / Access to Axwell Gardens**
It is the developer's responsibility to ensure that the proposed works are carried out in a way that still allows access to adjacent residents in The Courtyard and The Garden elements of the development. Any restriction to this access is a civil matter to be resolved between the relevant parties.
- 5.34 **Access Road to Axwell Gardens**
This road has been resurfaced with tarmac.

6.0 CONCLUSION

- 6.1 This application represents a significant opportunity to deliver housing on a partly implemented, but stalled site; bringing a Grade II* Listed Building back into use, safeguarding its future.
- 6.2 Taking all the relevant issues into account, those made by local residents, it is considered that the proposed amendments to the previous consented scheme are acceptable, subject to a number of planning conditions and a variation to the previous S106 legal agreement.
- 6.3 It is therefore recommended that planning permission be granted.

7.0 Recommendation

GRANT SUBJECT TO A SECTION 106 AGREEMENT

- 1) The agreement shall include obligations relating to landscape maintenance and repairs to the listed bridge.
- 2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.
- 3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend planning conditions as necessary.
- 4) And that the conditions shall include :

1. List of approved plans

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

K838 P1 10A	Site Location Plan
APE 102	Hall and Courtyard Existing Site Plan
APE 116	Hall Demolitions
K838 P1 09A	Proposed Site Plan
APE 108	Hall Existing South and East Elevations
APE 109	Hall Existing North and West Elevations
K838 P1 05	Hall Proposed North, East, South Elevations
APE 226	Hall Proposed West Elevation
K838 P1 07	Hall Proposed Annex
K838 P1 08	Hall Proposed Bin Store
THD 18 003 25A	Hall Proposed Basement and Ground Floor Plans
THD 18 003 30B	Hall Proposed Mezzanine and First Floor Plans
THD 18 003 35A	Hall Proposed Second Floor and Roof Plans
K838 P1 06	Hall Stair Details
APE 230	Hall Details (Central Hall and Upper Floor Doors)
APE 231	Hall Details (Major Internal Doors)
APE 232	Hall Details (Outer and Inner Porch Doors)
APE 233	Hall Details (New Rear Door)

APE 234	Hall Details (Hall Arch)
APE 235	Hall Details (Sash Window)
APE 236	Hall Details (External Railing and Staircase)
APE 237	Hall Details (Fireplaces)
APE 238	Hall Details (Ceiling Panels and Cornices)
APE 239	Hall Details (Cornice, Skirting and Coffered)
K665 19A	Courtyard Ground Floor Plan
K665 20A	Courtyard First Floor Plan
K665 21B	Courtyard Second Floor Plan
K665 22B	Courtyard South and East Elevations
K665 23B	Courtyard North and West Elevations
K665 24C	Courtyard Elevations Independent Block and Main Block
K665 26C	Courtyard External Works
K665 27A	Courtyard Elevation Independent Block
APE 130	Courtyard Proposed Elevations Garage Block 1
APE 111	Hall Access Road Improvements

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. Phasing

No development shall commence on site until a phasing plan which include details of what elements of the development are included in each phase (which should identify but not be limited to The Hall) and the order of the phases has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason

To protect the heritage asset and in the interest of good design to ensure a comprehensive, phased and co-ordinated approach to the site development in accordance with the NPPF, saved policy ENV11 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

Reason For Pre Commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the development is carried out in a comprehensive and co-ordinated manner. This information is fundamental to the development and requires approval prior to development starting on the site.

3. Construction control measures

No development shall commence on each phase of the development until a Construction Management Plan (CMP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

The CMP shall include :

- a) a dust management plan
- b) a noise management plan
- c) details of delivery arrangements
- d) details of the location of the compound area
- e) the hours of construction for non audible works

All works and ancillary operations in connection with the construction of the development, including deliveries to the site and audible works shall be carried out only between 0800 hours and 1800 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 Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

Reason For Pre Commencement Condition

This information is fundamental to the development and requires approval prior to development starting on each phase of the site as the commencement of construction works and the manner in which they are undertaken could affect adjacent occupiers.

4. Bat mitigation Axwell Hall

No further works shall be undertaken inside The Hall until details of the bat mitigation measures for The Hall and a timetable for their implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason

To protect any bats that may be inside The Hall in accordance with the NPPF, saved policies DC1 and ENV47 of the Council's Unitary Development Plan and policy CS18 of the Council's Core Strategy and Urban Core Plan.

5. External materials

Notwithstanding the submitted drawings, no external materials shall be used on any phase of the development hereby approved until samples of the materials, colours and finishes to be used on that element of the external surface of the development have been made available for inspection and are subsequently approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason

In the interest of good design and to protect the setting of the listed buildings/ structures and Conservation Area in accordance with the NPPF, saved policies ENV3, ENV7, ENV11, and ENV17 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

6. Landscaping scheme (Axwell Hall and annex)

Notwithstanding the submitted details, prior to the residential annex being occupied or the first residential unit in the Hall being occupied, final details of a landscaping scheme for the residential annex and/or The Hall shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting and a timetable for implementation. The development shall then be carried out in accordance with the approved details.

Reason

To ensure a well laid out planting scheme in the interest of visual amenity in accordance with the NPPF, saved policy ENV3 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

7. Landscape maintenance (Axwell Hall and annex)

The landscaping scheme(s) approved under condition 6 shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion for each phase and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

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 policy ENV3 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

8 Cycle parking

Prior to the first occupation of any residential unit in The Hall and the residential annex hereby approved details of the secure, weatherproof cycle storage for each residential unit in The Hall and for the residential annex shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. The cycle storage provision shall be provided for each residential unit prior to each residential unit being occupied.

Reason

In the interests of sustainable development and in order to accord with the NPPF, policy CS13 of the Council's Core Strategy and Urban Core Plan and the Gateshead Cycling Strategy.

9 Footway along estate road

Notwithstanding the submitted details, prior to the occupation of any of the residential units in The Hall or the residential annex, the final details of the footway which is proposed to run alongside the estate road with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason

In the interest of pedestrian and highway safety and to accord with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan

10 Bin store provision

The bin store as shown on drawing K838-P1-08 shall be provided prior to any of the residential units in The Hall being occupied.

Reason

In the interest of good design and to ensure the satisfactory appearance of the development upon completion in accordance with the NPPF, saved policies ENV3, ENV7, ENV11, and ENV17 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

11 External vents and flues

Notwithstanding the submitted drawings, prior to any external vents, flues and/or extract grilles being installed on each phase of the development a methodology for the most sensitive approach for the need to include vents, flues and extract grilles and scale elevations indicating their detailed appearance and location on the buildings shall be submitted to and approved in writing by the Local Planning Authority. The methodology shall include an assessment of the best means to minimise the physical and visual impact of these elements on the buildings. The development shall then be carried out in accordance with the approved details.

Reason

In the interest of good design and to protect the setting of the listed buildings/ structures and Conservation Area in accordance with the NPPF, saved policies ENV3, ENV7, ENV11, and ENV17 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

12 Rainwater goods

Notwithstanding the submitted drawings, prior to the external rainwater goods being installed on each phase of the development the details, material, their method of fixing, colour and location shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason

In the interest of good design and to protect the setting of the listed buildings/ structures and Conservation Area in accordance with the NPPF, saved policies

ENV3, ENV7, ENV11, and ENV17 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

13. External lighting

Prior to any external lighting being installed on each phase of the development details of the external lighting including location, design, dimensions and level of illumination shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason

In the interest of good design and to protect the setting of the listed buildings/ structures and Conservation Area in accordance with the NPPF, saved policies ENV3, ENV7, ENV11, and ENV17 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

14. Fire detection / security systems

Prior to any external emergency lighting, fire detection, cameras and security systems being installed on each phase of the development details of these external features including any associated cables, sensors and alarms shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason

In the interest of good design and to protect the setting of the listed buildings/ structures and Conservation Area in accordance with the NPPF, saved policies ENV3, ENV7, ENV11, and ENV17 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

15. Aerials and satellite dishes

No external aerials or satellite dishes shall be installed on the buildings or within the grounds of the site until details of these features have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason

In the interest of good design and to protect the setting of the listed buildings/ structures and Conservation Area in accordance with the NPPF, saved policies ENV3, ENV7, ENV11, and ENV17 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

16. Boundary treatments

Notwithstanding the submitted drawings, no boundary treatments, balustrades, gates or external stairs shall be installed on each phase of the development until details of the boundary treatments, balustrades, gates and stairs have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason

In the interest of good design and to protect the setting of the listed buildings/ structures and Conservation Area in accordance with the NPPF, saved policies ENV3, ENV7, ENV11, and ENV17 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan. The development shall then be carried out in accordance with the approved details.

17. New services

Notwithstanding the submitted drawings, all new services to The Hall and to the new buildings shall be run underground, unless otherwise approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interest of good design and to protect the setting of the listed buildings/ structures and Conservation Area in accordance with the NPPF, saved policies ENV3, ENV7, ENV11, and ENV17 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

18. Removal of permitted development rights

Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 and Classes A, B, C, F of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)(or any order revoking and re-enacting that order with or without modification), the permitted development rights of the development hereby approved are removed.

Part 1

Class A	enlargement/improvement/alteration of house
Class B	additions to the roof
Class C	any alteration to the roof
Class D	porches
Class E	building incidental to enjoyment of house
Class F	hard surfaces
Class G	chimneys/flues
Class H	antennae

Part 2

Class A	gates/fences/walls
Class C	external painting
Class F	closed circuit cameras

Reason

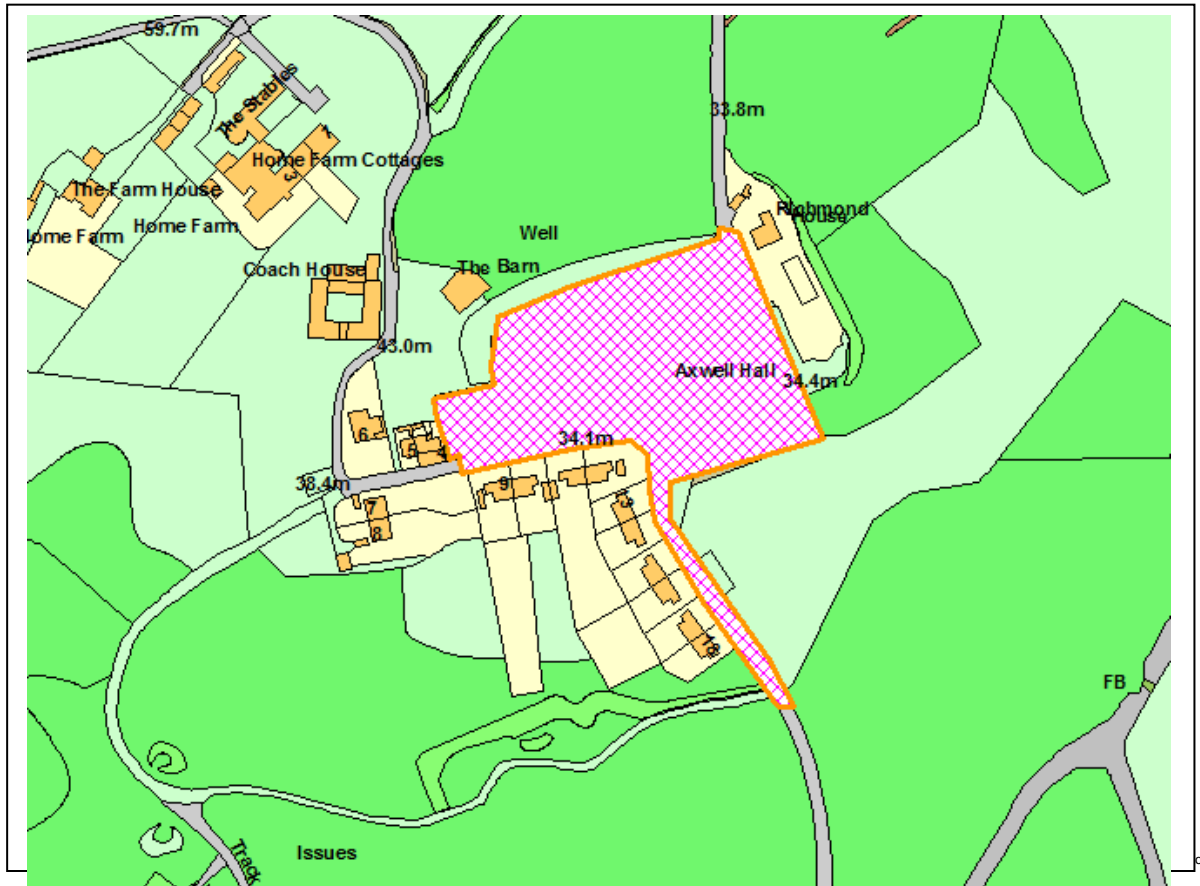
To prevent harm to the setting of the listed buildings/ structures and Conservation Area which may result by developments which would otherwise be permitted development in accordance with the NPPF, saved policies ENV3, ENV7, ENV11, and ENV17 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.

19. Windows / rooflights and door details

Notwithstanding the submitted drawings, no windows, rooflights or doors shall be installed on each phase of the development until details of the windows, rooflights and doors for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason

In the interest of good design and to protect the setting of the listed buildings/ structures and Conservation Area in accordance with the NPPF, saved policies ENV3, ENV7, ENV11, and ENV17 of the Council's Unitary Development Plan and policy CS15 of the Council's Core Strategy and Urban Core Plan.



REPORT NO 2

Committee Report

Application No:	DC/18/00970/FUL
Case Officer	David Morton
Date Application Valid	19 September 2018
Applicant	Mr & Mrs M Tate
Site:	Dunston West Farm Livery Stables Whickham Highway Whickham NE16 4EP
Ward:	Dunston Hill And Whickham East
Proposal:	Demolition of stables, erection of two single storey dwellings with access and gardens, new access to field (amended and additional information received 09/11/18).
Recommendation:	Grant Permission
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site comprises land occupied currently by two linear brick stables. They are both arranged parallel to Whickham Highway facing an inner service yard. They are accessed via an existing private access onto Whickham Highway which serves existing dwellings within the former farmstead.

1.2 The site lies within Whickham Conservation Area. West Farm House and adjacent buildings located to the west of the application site are Grade II listed and the application site also lies in the Green Belt.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the demolition of the existing stable blocks and erection of two new dwellings. The dwellings would be constructed out of brickwork with slate roofs. The proposed dwellings would utilise the existing site access, and a new access would be created to the east of the site to serve the remaining agricultural buildings and allowing access to agricultural fields.

1.4 The application was accompanied by the following information;

- Design and Access Statement
- Heritage Statement
- Protected Species Risk Assessment
- A Contaminated Land Preliminary Risk Assessment

1.5 PLANNING HISTORY

Planning permission was granted in 2010 for the erection of a dwelling on land to the north west of the site (DC/09/01098/FUL). This dwelling shares an access with the stables to which this application relates.

Permission was also given for the conversion of the former farm buildings west of the application site to three dwellings (references DC/10/00779/FUL, DC/10/00780/LBC and DC/15/00536/FUL).

2.0 Consultation Responses:

Coal Authority	No objection subject to condition(s).
Northumbrian Water	No objection.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A single letter of objection has been received from a Ward Councillor (Councillor Peter Maughan). The objection is as follows;

- The proposed development will result into incursion into the Green Belt; and
- The proposal represents 'ribbon development'.

4.0 Policies:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
DC1P Contamination, derelict land, stability
DC1D Protected Species
DC2 Residential Amenity
H4 Windfall and Small Housing Sites
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
ENV54 Dev on Land Affected by Contamination

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS19 Green Belt

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The main planning considerations are the principle of residential development on the site, Green Belt, design, residential amenity, highways, contaminated land, protected species, open space and play provision.
- 5.2 PRINCIPLE OF THE DEVELOPMENT
- 5.3 Housing demand and policy
As the application site is not specifically allocated for housing in the UDP, proposals for housing would 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.
- 5.4 The site forms a windfall site. The NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development."
- 5.5 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location, 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.
- 5.6 Housing choice

Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. Taking into consideration the above, the application proposed one family home and one two bedroomed property. When considered in a borough wide context it is considered that the development is appropriate in the context of the NPPF, saved policy H4 of the UDP and policies CS10 and CS11 of the CSUCP.

5.7 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 the above requirements, providing an acceptable level of internal and external space for the proposed properties.

5.8 GREEN BELT

In terms of the control of new development in the Green Belt, the relevant national policy is contained in paragraphs 143 to 147 of the NPPF and states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt (inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances). Paragraph 145 (g) of the NPPF sets out the following exception to the above;

*"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
not have a greater impact on the openness of the Green Belt than the existing development..."*

5.9 Policy CS19 of the Core Strategy is in compliance with the NPPF and also sets out purposes for including land in the Green Belt in Gateshead.

5.10 Previously developed land is defined at Annex 2 of the NPPF and can be summed up as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. However, this expressly excludes (amongst other things) land that is or has been occupied by agricultural or temporary buildings.

5.11 The application site is, therefore, considered to be previously developed land, the development of which need not be inappropriate development in the Green Belt provided it *"not have a greater impact on the openness of the Green Belt than the existing development..."*

- 5.12 The applicant, through their submitted material, has sought to demonstrate that the proposed development would not have a greater impact on openness than the existing development. It is clear from the submitted plans that the proposed development would be located almost entirely on the footprint of the existing stable, however the application proposes two modest additions to the northernmost building. As a result, the footprint of the proposed dwellings would provide an increase of 13.5 metres squared when compared to the original buildings. Further, the height of the proposed buildings would not exceed those of the existing stables.
- 5.13 It is considered by Officers that the proposed form including its low height and its massing would assist in limiting the developments impact on the Green Belt. While some increase in footprint would occur, this would take the form of two small extensions which would be read against the bulk of the overall development. The dwellings would be comparative to the original buildings, in terms of their height and bulk.
- 5.14 The curtilage of the proposed dwellings would be tightly drawn around the properties and as such would not result in any greater impact of the Green Belt over and above that of the existing development. The area at present is covered by large areas of hardstanding which could be softened by landscaping.
- 5.15 In summary, it is considered that the proposed redevelopment of the site would *"not have a greater impact on the openness of the Green Belt than the existing development..."*
- 5.16 It is considered that the development complies with the NPPF and policy CS19 of the CSUCP.
- 5.17 Therefore, the proposed development would not have a greater impact on the openness of the Green Belt than the existing development and would not constitute inappropriate development in the Green Belt.
- 5.18 HERITAGE
Dunston West Farm is a grade II listed building within Whickham Conservation Area, and within the Dunston Hill Estate which is included on the Local List.
- 5.19 The two outbuildings affected by this proposal should be considered as non-designated heritage assets based on their quality, architecture or history. It is possible that the front, longer building dates from the 1910-20s as a similar footprint appears on the 3rd edition OS, and both footprints appear on the 4th edition (1930-40's). These buildings are not considered to relate to the historic development of Dunston West Farm given their age.
- 5.20 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.

- 5.21 In order to make a sound decision a planning authority needs to understand from the applicant the significance of any heritage asset affected (NPPF, paragraph 189).
- 5.22 Whickham Conservation Area, Dunston West Farm and Dunston Hill Estate given their designations are considered to have a national or local significance in heritage terms. 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.
- 5.23 The above requirements of the NPPF are amplified by Saved UDP Policies ENV7 (Development within Conservation Areas), ENV8 (Demolition within Conservation Areas), ENV9 (Setting of Conservation Areas), ENV11 (Listed Buildings) and ENV19 (Locally Listed Parks and Gardens).
- 5.24 The proposed development would result in the loss of two buildings which are not considered to have significant heritage value in their own right, or when considered in the context of the Conservation Area or Dunston Hill Estate. It is considered that the replacement of these buildings with two dwellinghouses of a ruralistic appearance (akin to those within the farmstead) would have a positive impact on the designated heritage assets.
- 5.25 In regard to the listed Dunston Hill Farm it is considered that the development would not have any significant impact on the Farm nor its setting; this view is formed taking into consideration the separation distance between the existing buildings and the development and also the proposed form of the replacement buildings.
- 5.26 It is considered to impose planning conditions in regard to the following matters; final materials (Conditions 3 and 4), final landscaping details (Conditions 5, 6 and 7) and implementation of boundary treatments (Condition 8).
- 5.27 Subject to the condition set out above, 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.
- 5.28 DESIGN

It is considered that the proposed development offers an appropriate design solution and the proposal represents a scheme of good architectural quality. A simple form is proposed to each building reflecting the vernacular of an agricultural barn/stable and the proposed simple palette of materials is entirely appropriate in the context of the site and surrounding area. The materials to be used on the dwellings would need to be approved, this could be secured through appropriate planning conditions (Conditions 3 and 4).

5.29 It is considered that the proposed development would be bespoke, well executed and subject to high standards of workmanship has the potential to be a positive example of residential design in Gateshead. The proposal would comply with the aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the CSUCP.

5.30 IMPACT ON RESIDENTIAL AMENITY

Given the distances between the existing adjacent houses and the proposed development, the proposed window locations and having regard to the existing buildings on site it is considered that the proposed development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion. However, it is considered necessary to impose a condition requiring a demolition and construction method statement to be submitted to and approved in writing by the Local Planning Authority (Conditions 9 and 10).

5.31 It is therefore 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.

5.32 TRAFFIC, ACCESS AND PARKING

It is considered that the development will be unlikely to lead to an increase in traffic movements, based on the existing use. Therefore, it is considered that the proposed development would not have any severe impact(s) on the wider highway network.

5.33 The application proposes that the dwellings would utilise an existing site access and an amended site access would be created for the retained agricultural properties to the east. As such, it is considered that the proposed development would result in a reduction in the number of vehicles using the existing site access. In regard to the proposed access, it is considered that the proposed design is acceptable from a highway safety perspective achieving an appropriate level of visibility for access and egress.

5.34 It is therefore considered that 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.

5.35 CONTAMINATED LAND AND COAL MINING

5.36 Contaminated Land

The application site has been assessed and inspected under the Council's Contaminated Land strategy and has not been classified as "contaminated land". However, the site is considered to be situated on 'potentially contaminated land' based on previous historic development uses. On this basis, a preliminary risk assessment (PRA) has been submitted with the application. The submitted report suggests further intrusive investigations be undertaken prior to the commencement of works associated with the development; officers agree with the report's recommendation and consider that additional works could be secured via planning conditions (Condition 11 to 15).

5.37 Coal Mining

The site is located in a Development High Risk Area and an area of probable shallow coal mine workings and as such a Coal Mining Risk Assessment (CMRA) has been submitted in support of the proposal. The Coal Authority have reviewed the CMRA submitted by the applicant and it is considered an appropriate level of information has been provided in regard to coal mining legacy issues, subject to appropriate planning conditions (Conditions 16 and 17).

5.38 Based on the above, it is considered that the development complies with NPPF, saved policy DC1(p) of the Council's UDP and policy CS14 of the CSUCP.

5.39 ECOLOGY

The application is supported by a bat survey and roosting bird survey, the report relates to the demolition of the existing buildings on the application site.

5.40 Survey work submitted concludes;

"The buildings that are due to be demolished have minimal conservation significance for bats as a roost site at present."

5.41 And the survey also concludes that the proposed development would not have any unacceptable impact on breeding birds, subject to the provision of appropriate mitigation.

5.42 Officers agree with the conclusion of the report, and subject to the undertaking of the works in accordance with the working method statement (Condition 18) and subject to the provision of on-site ecological mitigation (Conditions 19 and 20).

5.43 Subject to the above conditions, the application is considered to be comply with the NPPF, Policy CS18 of the CSUCP and saved UDP Policies DC1, ENV46 and ENV47.

5.44 PLAY AND OPEN SPACE

With regards to the open space and play provision contributions, the legislation has recently changed to mean that the pooling restriction has now been lifted and therefore, in theory, we could seek either on or off-site play provision and open space provision. However, it is unlikely that it would be possible to deliver this on site given the size of the application site. Further, no offsite open space and/or play locations/schemes have been identified within in the distances prescribed by local policy; as such it is considered unreasonable to secure any commuted sum via a planning obligation.

5.45 While it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for either play or open space provision at this stage, based on the above assessment.

5.46 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 £60 per square metre for this type of development.

5.47 OTHER MATTERS

Given the proposed development proposes the replacement of existing development, it is considered that the proposed development could not be considered as ribbon development.

5.48 All material planning considerations raised by the objector have been addressed within the main body of the report.

6.0 CONCLUSION

6.1 In conclusion, it is considered that the proposed development is acceptable in principle in terms of windfall housing policy and would accord with National and Local Green Belt policy. Further, it is considered that the residential development would comply with heritage planning policies, wouldn't impact to any unacceptable degree on neighbouring occupiers and would incorporate satisfactory parking for cars. It is considered that the proposed development would represent a good level of design and would be appropriate in the context of the application site and wider area.

6.2 Given the above, it is recommended that planning permission is granted subject to the conditions as set out.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

Site Location Plan
Proposed Plans and Elevations
Existing Site Plan
Site Plan & Boundary Details

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 used on site until a sample of the relevant material to be used 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.

4

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

Reason

To safeguard the visual amenities of the area 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

Neither dwellinghouse hereby permitted 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 details and proposed timing of ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting and shall include a timescale for implementation.

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 Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

The landscaping details approved under Condition 5 shall be implemented in accordance with the approved timescales.

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.

7

The approved landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

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.

8

All boundary treatments on the site shall be installed in accordance with the following approved boundary details (Site & Boundary Details, PR02 Rev A). The boundary treatments associated with each individual dwelling shall be provided prior to the occupation of the first occupation of each dwelling hereby permitted, thereafter the boundary treatments shall be retained and maintained in accordance with the approved details.

Reason

To ensure the satisfactory appearance of the development upon completion 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.

9

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

The DCMP 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.

10

The development shall be implemented in accordance with the DCMP measures approved for that phase of the development at condition 9.

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.

11

No development other than demolition shall be commenced until a site investigation is undertaken and a Phase II Risk Assessment report of the findings submitted to the Council for approval. The site investigation will consist of a series of boreholes and trial pits, in situ testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

The site investigation and Phase II 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 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 safety of site operatives and to ensure that the land is suitable for its 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.

12

Following completion of the site investigation and Phase II Risk assessment site investigation works (condition 11), and following approval by the Council, if the findings of the Phase II investigation require remediation works to be undertaken then a 'Remediation Strategy' statement document is required to be produced and submitted to the Council for approval. The

'Remediation Strategy' (including timescales) must detail objectives, methodology and procedures of the proposed remediation works. This must be submitted to the Council, for approval, before any remediation works commence.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its 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.

13

The remediation works detailed in the 'Remediation Strategy' submitted and approved by the Council in respect of Condition 12, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its 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.

14

Upon completion of the remediation works detailed in the approved Remediation statement and prior to the occupation of any dwellinghouse hereby permitted, under condition 12 and/or condition 15, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy Statement and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its 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.

15

During development works, any undesirable material observed during excavation of the existing ground should be screened

and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. An amended risk assessment of the development (including a timescale for implementation) should then be undertaken, to determine whether remedial works are necessary.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its 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.

16

No development other than demolition and site clearance shall be commenced until intrusive site investigation works have 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 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.

17

The remedial works approved under Condition 16 shall be implemented in accordance with the approved details and timescales.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and GV4 of the Core Strategy and Urban Core Plan.

18

All works shall be undertaken in accordance with Section 2 of the submitted bat survey (West Farm, Whickham Highway, Whickham, Proposed Development, Bat and Barn Owl Report - Summer 2018).

Reason

To ensure that a satisfactory balance is achieved between development of the site and the protection of nature conservation in accordance with policies DC1 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

Prior to the occupation of any dwellinghouse hereby permitted details of a breeding bird mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason

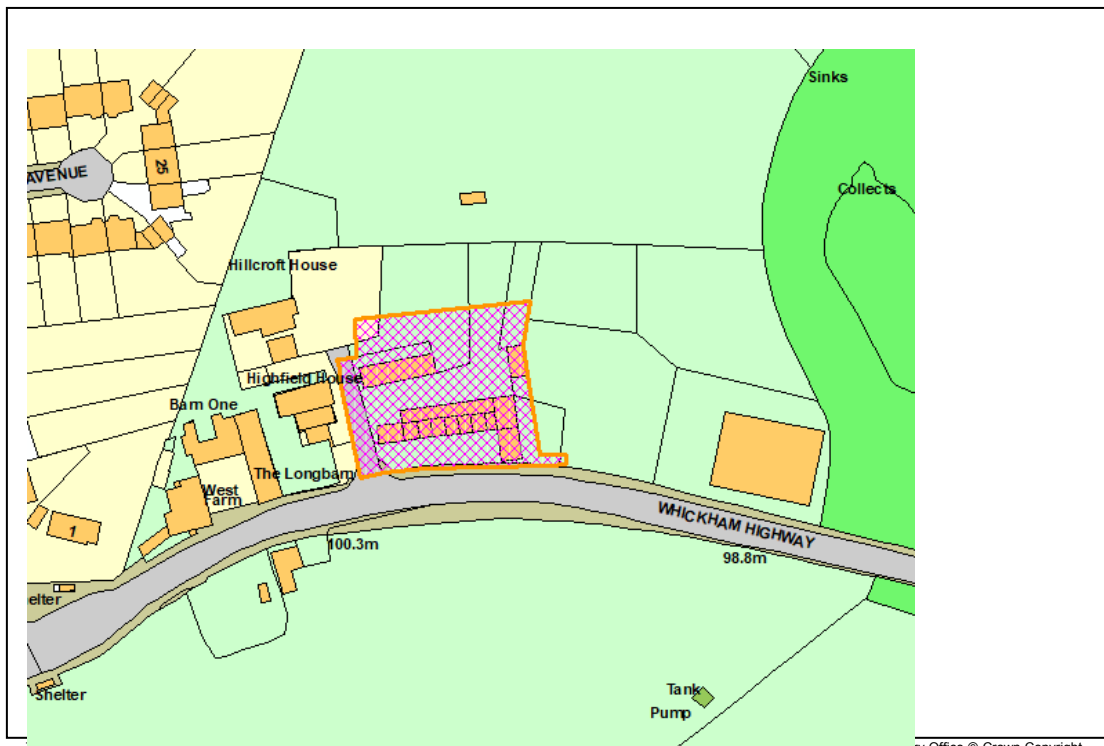
To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF and Saved UDP policies CS18, DC1(d) and ENV46.

20

The detailed mitigation approved at Condition 19 shall be implemented in full prior to the occupation of any dwellinghouse hereby permitted and retained for the life of the development.

Reason

To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF and Saved UDP policies CS18, DC1(d) and ENV46.



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Committee Report

Application No:	DC/19/00723/FUL
Case Officer	Richard Smith
Date Application Valid	1 August 2019
Applicant	Mr Elderbrant
Site:	Felstead 17 North Side North Side Birtley DH3 1RD
Ward:	Lamesley
Proposal:	Demolition of existing bungalow and garage. Construction of new 4 bedroom house, new outbuilding and standalone garage. (Amended 6/11/19)
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site is a large east facing plot which currently houses a detached bungalow with an overall site area of 1119 sqm. The grounds of the site include a large front garden with a number of mature trees and a smaller rear garden. The site has a large number of trees along the boundary to the north, west and south, which serve to screen the site from the neighbouring properties.

1.2 The site takes access from North Side to the east of the site and has a single vehicle driveway which is served by a gated entrance.

1.3 The application site shares a boundary with West View, 16 North Side to the north and Glenview, 19 North Side to the south. Whilst no.32, 34, 36 and 38 Leafield Close are situated to the west. It is noted that the properties at Leafield Close are set down considerably in terms of land levels from the host property.

1.4 DESCRIPTION OF APPLICATION

Planning permission is sought for the demolition of the existing bungalow and garage and the erection of a 4no bedroom two storey dwelling house, single storey outbuilding and detached garage.

1.5 Amended plans were received on 6 November 2019 that have brought a hipped roof design to southern elevation and recessed window at first floor level.

1.6 PLANNING HISTORY

Planning Permission was granted in 1989 for the erection of detached double garage in front garden of dwellinghouse (937/89)

2.0 Consultation Responses:

Northumbria Water No objection

Coal Authority Objection withdrawn subject to suitable conditions

3.0 Representations:

3.1 Representations:

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

3.3 5no letters of objection were received to the original scheme proposed, following the submission of amended plans a further 4no objections were received raising concern with regards

- Loss of natural light
- Loss of privacy
- Loss of trees
- Out of character within the street scene
- Overbearing
- Noise
- Concerns over the structural stability of the retaining wall
- Noise and dust from the construction
- Disturbance early mornings/late evenings
- Loss of property value

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

ENV44 Wood/Tree/Hedge Protection/Enhancement

H4 Windfall and Small Housing Sites

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

ENV54 Dev on Land Affected by Contamination

CS10 Delivering New Homes

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

5.1 ASSESSMENT OF THE PROPOSAL:

The main planning considerations are the principle of the development, visual and residential amenity, highway safety, coal mining legacy and play and open space.

5.2 PRINCIPLE OF DEVELOPMENT

The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. As such the principle of developing this site for housing should be assessed against saved local plan policy H4 in the Council's Unitary Development Plan (UDP), which relates to windfall housing sites. It is considered that the principle of developing this site for housing, which is within an existing residential area, is acceptable subject to all other material planning considerations being satisfied.

5.3 The proposed dwelling would be a windfall site as defined within Policy H4 of the UDP. The National Planning Policy Framework (NPPF) 2019 states that to promote the development of a good mix of sites, planning authorities should "support the development of windfall sites through their policies and decisions, giving weight to the benefits of using suitable sites within existing settlements for homes."

5.4 There is currently scope for a number of windfall sites within the borough given the number of demolitions and the lack of sites coming forward for development and as a result the principle of developing this site for a residential use is considered acceptable should all other material planning considerations be satisfied.

5.5 Policy CS10 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 (CSUCP) states that 11,000 new homes (excluding purpose-built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.

- 5.6 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 that the proposed development exceeds the 11.5 m² space required for bedrooms, whilst exceeding the required internal floor space requirement. The proposed development also provides a large area of outdoor amenity space.
- 5.7 On this basis, the proposed development of a four bedroomed family house is considered to contribute modestly to housing stock in the Borough. It is considered that the proposal accords with saved policies H4 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.
- 5.8 VISUAL AMENITY/DESIGN
The design of the proposed house should have regard to saved UDP policy ENV3 which promotes new development that would have a design, scale and layout proportionate to the local area and make a positive contribution to the established local character/identity whilst safeguarding residential amenity, whilst policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character
- 5.9 Furthermore, Paragraph 124 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities and paragraph 130 states that planning 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.
- 5.10 In this regard, whilst the existing bungalow sits within a block of 5 bungalows along North Side, there is no standard uniformity in terms of size, design and location between the bungalows. Furthermore, a number of two storey properties have been erected directly opposite the application site since the bungalows were constructed, giving the immediate area a variety of dwelling sizes and architectural styles.
- 5.11 Regard is also given to the location of the proposed dwelling which is to be sited on the footprint of the existing bungalow and is located approximately 42 metres from the main road. Furthermore, a number of trees are to be retained along the boundary to the north, south and east.
- 5.12 In terms of the design, as mentioned above, amendments were received (06.11.2019) to the original proposal following concerns raised by Officers. The amended plans have brought a hipped roof design to southern elevation and recessed window at first floor level.
- 5.13 The dwelling house proposes materials similar to those used within the wider street scene and given the current neglected bungalow it is considered the proposed dwelling, outbuilding and detached garage will lead to a more

aesthetically pleasing form of development which will contribute to the wider street scene.

- 5.14 Therefore, in terms of design and its visual impact, the proposal is considered acceptable in accordance with saved UDP policy ENV3, CSUCP policy CS15 and the NPPF.
- 5.15 **RESIDENTIAL AMENITY**
Saved policy DC2 of the UDP states that planning permission will be granted for new development, where it does not have an adverse impact on amenity or the character of an area and does not cause undue disturbance to nearby residents or conflict with other adjoining uses. Whilst CSUCP policy CS14 1 (iii) seeks to prevent negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
- 5.16 Paragraph 127 of the NPPF meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users.
- 5.17 In terms of Glenview located to the south of application site, concerns were raised around the overbearing nature of the of the proposed dwelling. Given the proposed dwelling is set off the boundary by 4 metres, plus the changes to the roof sloop it is considered the amended scheme has satisfied the concerns raised in regard to the overbearing nature of the proposed dwelling.
- 5.18 With regards to outlook from the windows which serve the living room and bedroom located on the west elevation of Glenview, given their respective positions along the elevation, and its position in relation to the proposed dwelling, it is considered that an acceptable level of outlook will be retained as a result of the proposed development. Furthermore, regard is given to the existing hedgerow and trees located within Glenview, which are within the neighbours control and will further add to a screening effect.
- 5.19 Given the only windows located into the side elevation of the proposed house that would face Glenview serve a bathroom and will therefore be recommended to be conditioned to be obscurely glazed, it is not considered the proposed development will impact on the privacy of that neighbouring property, nor will it lead an unacceptable level of visual intrusion.
- 5.20 Whilst the proposed outbuilding is situated just 1 metre from the common boundary, given the only window located upon the north elevation of Glenview serves a bathroom, and is itself obscurely glazed, coupled with the existing hedgerow along the southern boundary, it is not considered the outbuilding will impact upon the amenity of the neighbouring property. Furthermore, any noise generated from the outbuilding would be expected to be general domestic noise.

- 5.21 With regards West View, located to the north of the application site, the amended plans included a residential amenity diagram, that has demonstrated that any outlook from the first-floor bedroom window located on the west elevation of the proposed house could only be towards the very western end of the garden area of West View and therefore on balance it is not considered the proposed dwelling will lead to an unacceptable loss of privacy or visual intrusion. Furthermore, the 2no windows located on the proposed northern elevation are recommended to be obscurely glazed (condition 4).
- 5.22 The northern elevation of the proposed dwelling is set off the common boundary with West View by 2.5 metres and has a separation distance of approximately 11.5 metres between the gable elevation and the side elevation of West View which serves a habitable room. The separation distance of 13 metres proposed is considered to be appropriate, coupled with the existing arrangement of the properties which includes a retaining wall and a high level of tree coverage it is considered, on balance, that whilst the proposed dwelling may lead to a small loss of outlook, it is not considered to be sufficient enough to warrant a refusal of planning permission.
- 5.23 No.32 Leaffield Close is set significantly lower than the application site with a large retaining wall separating the properties on North Side with those on Leaffield Close. The proposed new dwelling will be located over 13 metres away from the neighbouring property, the separation distances proposed in this instance is considered to be appropriate, furthermore, given the offset orientation of the two properties, it is not considered there will be no direct overlooking into no.32 Leaffield Close.
- 5.24 Regard is also given to a number of trees which abut the boundary, which will be retained as part of the proposed development, this will be added as a condition (condition 9).
- 5.25 Concerns were raised by the occupier of no.32 Leaffield Close with regards to the structural stability of the retaining wall. The applicant has indicated a structural engineer will be appointed and the appropriate Building Regulations approvals will need to be obtained in respect of the retaining wall between application site and the properties on Leaffield Close.
- 5.26 No.34 Leaffield Close is located in excess of 25 metres from the rear elevation of the proposed dwelling and therefore the separation distances proposed are considered to be appropriate. Given the orientation of the proposed dwelling in relation to no.34 Leaffield Close it is not considered there would be a level of visual intrusion, coupled with the number of trees to be retained as part of the landscaping of the site it is not considered the proposed dwelling will allow for an unacceptable level of overlooking.
- 5.27 No.36 Leaffield Close is located in excess of 25 metres from the rear elevation of the proposed dwelling and therefore the separation distances proposed are considered to be appropriate. Following a site visit it is not considered the proposed dwelling lead to any significant loss of amenity to the neighbouring property.

- 5.28 No.38 Leaffield Close is located directly to the rear of the proposed dwelling, however there is a separation distance of approximately 19 metres, the separation distances proposed are considered to be appropriate given the existing relationship between the neighbouring property and the bungalow coupled with the boundary treatments and trees located along the boundary, plus the difference in land levels it is not considered the proposed dwelling will lead to an unacceptable level of visual intrusion, to the detriment of residential amenity.
- 5.29 Given the location of the proposed dwelling and its relationship with the neighbouring properties referred to above it is not considered any significant loss of light, sunlight or any significant overshadowing will occur as a result of the proposed dwelling.
- 5.30 Therefore, it is considered the proposed dwellings will comply with the requirements of saved policy DC2, CSUCP policy CS14 1 (iii) and the NPPF.
- 5.31 HIGHWAY SAFETY
Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links.
- 5.32 There are no objections to the proposed development from a highway safety point of view. There is sufficient off-street parking available within the site and given the garage dimensions there is adequate space for cycle storage.
- 5.33 It is considered that the proposal would comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP.
- 5.34 COAL MINING
The Coal Authority initially objected to the proposed development due to a substantive concern, with regards to mitigation measures. This has been overcome following the submission of an updated Coal Risk Mining Assessment conditions are recommended (condition 5) requiring an intrusive site investigation with a Phase II Detailed Risk Assessment, and if required standard conditions for remediation, Monitoring and Verification Reports are recommended.
- 5.35 PLAY AND OPEN SPACE
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.37 Therefore while it cannot be concluded that the appeal proposal would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for either off site open space or play provision in this case based on the above assessment.

5.38 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 qualifying housing related. The site is within Residential CIL Zone C, which has a charge of £0 per sqm.

6.0 CONCLUSION

6.1 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.

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

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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.

2

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

Location Plan, (1.1250)

DR-A-10 002-S3-PO3, received 06.11.2019

DR-A-10 003-S3-PO1, received 06.11.2019

DR-A-30 002-S3-PO3, received 06.11.2019

DR-A-30 003-S3-PO3, received 06.11.2019

DR-A-30 004-S3-PO3, received 06.11.2019

DR-A-31 003-S3-PO3, received 06.11.2019

DR-A-31 004-S3-PO3, received 06.11.2019

DR-A-31 005-S3-PO3, received 06.11.2019

DR-A-30 005-S3-PO1, received 11.07.2019

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing

by the Local Planning Authority prior to any non-material change being made.

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.

3

No development above damp proof course shall commence until samples of all materials, colours and finishes to be used on all external surfaces, have been submitted or made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC1 and ENV3 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The 2no windows on the north elevation, as shown on approved plan DR-A-31 003-S3-PO3, received 06.11.2019 and the window on the south elevation, as shown on approved plan DR-A-31 004-S3-PO3, received 06.11.2019, shall be glazed with obscure glass at Pilkington level three or greater (or equivalent). The obscure glazing shall be retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with National Planning Policy Framework, policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and saved policies DC2 and ENV3 of the Unitary Development Plan.

5

Prior to commencement of the development hereby permitted (except for the erection of the site security hoardings, demolition of the existing buildings) additional Phase II intrusive site investigation works shall be undertaken, in order to ascertain the ground conditions and to establish the presence or otherwise of shallow mine workings and a Phase II Risk Assessment report shall be completed and the findings submitted for the written approval of the Local Planning Authority.

Reason for condition

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 DC1p of the Unitary Development Plan and CS21 of the CSUCP.

Reason for prior to commencement condition

The mitigation works to address shallow unrecorded mine workings must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

6

Prior to the commencement of the development hereby permitted, details of remediation measures to remove risks associated with coal mining legacy in the development area shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition

To ensure the ground stability of the development and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1 of the Unitary Development Plan.

Reason for pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

7

The remediation measures approved under condition 6 shall be implemented wholly in accordance with the approved scheme prior to the commencement of the development hereby permitted.

Reason for condition

To ensure the ground stability of the development and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1 of the Unitary Development Plan.

Reason for Pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

8

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority.

Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local 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.

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.

9

All trees indicated on plan DR-A-10 002-S3-PO3, received 06.11.2019 shall be retained for the life of the development, unless submitted to and approved in writing by the Local Planning Authority

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity and visual amenity, in accordance with National Planning Policy Framework, policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and saved policies DC2 and ENV3 of the Unitary Development Plan.

10

No development or any other operations shall commence on site until a scheme for the protection of the existing trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies DC1 and ENV44 of the Unitary Development Plan and CSUCP policy CS18.

Reason for prior to commencement condition

To ensure there can be no damage to the retained trees indicated on plan DR-A-10 002-S3-PO3, received 06.11.2019 during the construction of the development hereby permitted.

11

The protective fencing approved under condition 9 must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies DC1 and ENV44 of the Unitary Development Plan and CSUCP policy CS18.

Reason for prior to commencement condition

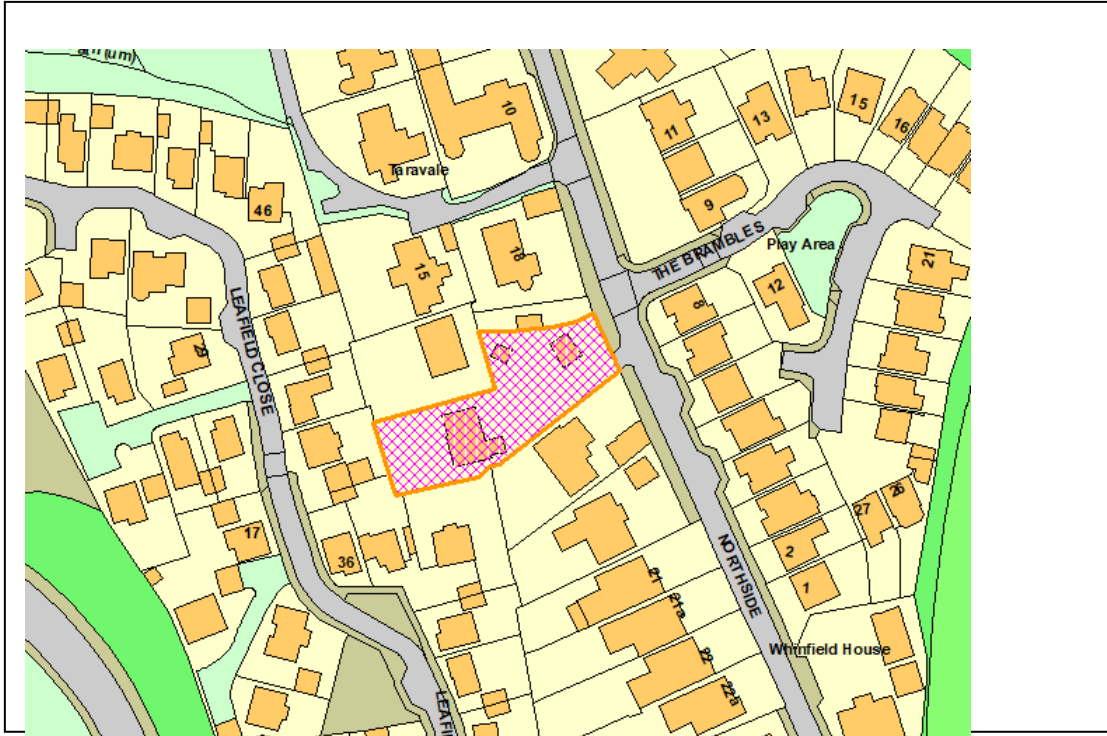
To ensure there can be no damage to the retained trees indicated on plan DR-A-10 002-S3-PO3, received 06.11.2019 during the construction of the development hereby permitted.

12

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

Reason

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



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Committee Report

Application No:	DC/19/00833/COU
Case Officer	Rebecca Adams
Date Application Valid	21 August 2019
Applicant	Ms Naheed Akram
Site:	Blaydon Bank Works Blaydon Bank Blaydon NE21 4AU
Ward:	Blaydon
Proposal:	Change of use of former electrical works to fitness studio (use class D2 leisure) to provide instructor-led fitness classes (amended description 29.08.2019 and amended plan 15.10.2019, 21.10.2019, 22.10.2019, 04.11.2019 and 20.11.2019)
Recommendation:	GRANT
Application Type	Change of Use

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

The application site comprises an existing building known as Blaydon Bank Works which is located to the northern side of Blaydon Bank between the junctions of Chesmond Drive and Croftdale Road.

1.2 The building is currently vacant and is a two storey stone building with a pitched slate roof and window and door openings to the south and east sides.

1.3 The building is bordered by The Huntsman Public House to the east, separated by a linear yard/parking area which is accessed from Blaydon Bank to the south and forms part of the site. The western elevation is adjoined by the Blaydon Cadet Centre building, beyond which is a dance school and associated car park within the former Blaydon Masonic Lodge building. To the south of the site along Blaydon Bank are situated terraced residential properties (known as Bowland Crescent) with residential properties and garages to the north accessed via Chesmond Drive.

1.4 The site is located within Blaydon Conservation Area.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the change of use of the building to a fitness studio (use class D2) to provide instructor-led fitness classes and offer therapy services.

1.6 The plans submitted propose the creation of four fitness studios and customer

facilities at ground floor level and two therapy rooms and an office/waiting area at first floor level. No external alterations are proposed as part of the application.

- 1.7 The application additionally proposes the use of the yard area to the eastern side of the building for parking and servicing associated with the development in addition to bin and cycle storage.
- 1.8 The following documents have been submitted with the application:
- Sequential Test
 - Transport Assessment
 - Planning Statement
- 1.9 The application has been amended during its course in respect of the extent of the red line boundary in order to exclude the adjoining the Blaydon Cadet Centre which had originally been included within this.
- 1.10 **RELEVANT PLANNING HISTORY**
866/83 - Change of use of vacant office/reception area into shop (tobacconists and off-licence). This application was refused planning permission on 13.09.1983.

2.0 Consultation Responses:

None undertaken.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015 in addition to the display of site and press notices.
- 3.2 Councillor Brain has requested that the application be reported to Planning Committee to allow for the transport and highway impacts of the scheme to be explored, having particular regard to the potential impact on Sundays.
- 3.3 Two letters of representation have been received commenting that:
- Clarification is sought as to the details of the proposed scheme;
 - The red line plan incorrectly includes the Army Cadet Force building to the west and should be amended.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

RCL5 District and Local Centres

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV8 Demolition within Conservation Areas

DC2 Residential Amenity

5.0 Assessment of the Proposal:

- 5.1 The key planning considerations in the assessment of this application are the principle of the development as a leisure use in this location; highway safety; impacts upon the Conservation Area; impacts upon residential amenity and CIL.
- 5.2 **PRINCIPLE (TOWN CENTRE USE)**
The application site is not allocated for any specific purpose within the Council's Development Plan for Gateshead and is therefore to be considered accordingly.
- 5.3 The application proposes the change of use of the building to a fitness/therapy studio which is classed as a main town centre use as defined by the NPPF. Both the NPPF and local planning policies state that such town centre uses should be located in town centres first, then edge of centre sites, before out of centre sites are considered.
- 5.4 The application site is not located within a designated Local or District Centre; the closest designated Local/District Centres to the site are Winlaton Local Centre (approximately 1km to the south west) and Blaydon District Centre (approximately 400m to the north east), as identified by CSUCP Policy CS7 and as referred to by saved UDP policy RCL5. As such, information is required to explain why this business could not be located in any available units in more sequentially preferable locations.
- 5.5 The applicant has submitted a Sequential Assessment as part of the application. This explains that there are a number of operational and locational factors that are essential to the proposed use including the size of the building and internal layout.
- 5.6 The Council's latest survey of centres shows that there are no vacant units within Winlaton Centre and 5 vacant units in Blaydon. The submitted

Sequential Assessment considers the sites that are currently available in Blaydon Centre, noting the absence of availability within Winlaton Centre, and concludes that there are no suitable, available premises in more sequentially preferable locations.

- 5.7 On the basis of the above Council officers accept that the sequential test has been complied with and that there are no available, suitable and viable premises/sites that are sequentially preferable based on the submitted sequential assessment and the Council's town centre survey data. The evidence submitted is considered to be sufficient to conclude that the application passes the sequential test. The application is therefore not in conflict with the aims and objectives of the NPPF, Core Strategy policy CS7 and saved UDP policy RCL5.
- 5.8 **HIGHWAY SAFETY**
Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.9 As originally submitted the application proposed the use of the existing yard area (measuring 30m x 4m) for staff parking for 5no. vehicles, with additional parking to be accommodated within the car park belonging to the adjacent Huntsman Public House through private agreement with the owner or on-street within the surrounding area, as set out within the Transport Statement.
- 5.10 Following consideration of the application concerns were raised by Officers that the supporting Transport Statement which sought to establish the parking requirements for the proposed development was unsuitable for its nature and location and was therefore insufficient in order to determine the impact of the development upon the surrounding highway network. Informal arrangements for use of the adjacent Public House car park, whilst acknowledged, also could not be taken into consideration in the calculation of parking provision for the development unless secured through a legal agreement.
- 5.11 Whilst having regard for the former commercial use of the building which included use of the yard area by vehicles, highway safety concerns were also raised over the proposed use of the existing yard for vehicular parking when taking into account the increased number of vehicular movements associated with the proposed development relative to the former use together with the inability of the access to accommodate two-way traffic movements, the restricted layout of this area and the lack of pedestrian visibility as a result of its position set back from the existing building line.
- 5.12 In its amended form the application is supported by further evidence based on survey data which Officers consider demonstrates that vehicular parking generated by the proposed development could be accommodated on-street within the surrounding highway network without detriment to highway safety. The proposed development is therefore considered to be acceptable in this respect.

- 5.13 As amended, the application proposes the use of the yard area for blue badge holders via prior arrangement, emergency services and servicing requirements only, with manoeuvring to be assisted by a trained staff member. Given the concerns previously raised by Officers in respect of the use of the existing yard and access for vehicular parking, it is considered that the use of this by blue badge holders would be unacceptable in highway safety terms and should therefore be prevented. Having regard to the previous commercial use of the building and vehicular movements likely to have been associated with this it is however considered reasonable that this area be available for use in connection with the servicing of the building and by emergency services and this would be secured by condition (CONDITION 3).
- 5.14 As amended, the application proposes the introduction of a Travel Plan to be secured through a Section 106 Agreement in order to restrict customer catchment to a 2km radius at specific peak times (0700-1000 and 1700-2000) thereby theoretically reducing private use during these periods. Whilst advocated, it is considered inappropriate to require the applicant to enter into such a legal agreement in order to secure the introduction of this mechanism as it is established within the application that the level vehicular parking generated by the development could be accommodated within the surrounding network.
- 5.15 The application maintains the proposed use of the adjacent Public House car park for at least 6no. vehicular parking spaces, to be controlled via a permit system through private agreement between the Public House and applicant. Similarly whilst advocated it is not appropriate or feasible to secure the delivery of this agreement as part of this planning approval as this car park is not included within the application site and it is established within the application that the level vehicular parking generated by the development could be accommodated within the surrounding network without the use of this car park.
- 5.16 The application indicates the proposed provision of cycle parking within the yard area as part of the development however does not give specific details of this. It is therefore recommended that further details of the specification and location of the proposed cycle parking are submitted to the Local Planning Authority for consideration prior to first use of the building in order to ensure its acceptability, which can be secured by condition (CONDITIONS 4-5).
- 5.17 Based on the above assessment, it is considered that the proposed development would not have an unacceptable impact on highway safety, nor would it have a severe impact on the surrounding road network. The proposed development is considered to be compliant with the aims and objectives of the NPPF and Core Strategy policy CS13.
- 5.18 **IMPACTS UPON CONSERVATION AREA**
The application proposes no alterations to the exterior of the building and would involve the bringing back into use of a currently vacant building within the Conservation Area. It is therefore considered that the proposed development would be acceptable in terms of design and impact upon visual amenity and would bring enhancement to the Conservation Area in respect of the reuse of a

disused building. The proposed development is therefore considered to satisfy the aims and objectives of the NPPF, saved UDP policies ENV3, ENV7 and ENV8 and policy CS15 of the CSUCP.

5.19 IMPACTS UPON RESIDENTIAL AMENITY

There are residential properties within the surrounding area, with those closest to the site located to the north and south along Chesmond Drive and Rushley Crescent and Bowland Crescent, with non-residential uses directly to the east and west.

5.20 It is considered that the proposal would not lead to any unacceptable impact upon the occupiers of the properties in terms of an unacceptable loss of outlook, privacy or light, or any overshadowing, undue disturbance, noise or overbearing impacts.

5.21 The application proposes opening hours for the development of 0700-2000 Monday to Saturday and 1000-1800 Sundays and Bank Holidays. It is recommended that a condition be imposed to restrict operation of the development to the opening hours proposed in order to ensure that no unacceptable impact upon the amenity of nearby uses occurs (CONDITION 6).

5.22 The proposal would therefore comply with the aims and objectives of the NPPF, Core Strategy policy CS14 and saved UDP policy DC2.

5.23 CIL

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

6.0 CONCLUSION

6.1 Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.

6.2 It is therefore recommended that planning permission is granted subject to conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

Location plan (scale 1:1250) (amended 15.10.2019)

Block plan (scale 1:200)
Proposed ground floor final (1:100) (amended 20.11.2019)
Proposed first floor (1:100)

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

Reason

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

2

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

Reason

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

3

The area labelled as 'car park' on drawing title 'Block Plan' (scale 1:200) shall only be used by emergency services and for the servicing of the building, which shall be taken to include deliveries to the site and the repair and maintenance of the building and equipment.

Reason

To ensure safe movements to and from the site in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan.

4

Notwithstanding the information already submitted, the development hereby approved shall not be occupied for the use hereby approved until details for the provision of secure and weatherproof cycle parking facilities for the development have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

5

The cycle parking provision approved under condition 5 shall be provided in accordance with the approved details prior to first use of the

development hereby permitted shall be retained as such for the lifetime of the development.

Reason

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

6

The opening hours of the premises shall be restricted to between 0700 and 2000 Monday to Saturday and between 1000 and 1800 Sundays and Bank Holidays unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable operating hours at the premises in accordance with the NPPF, Core Strategy policy CS14 and saved UDP policy DC2.



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Committee Report

Application No:	DC/19/00943/FUL
Applicant	Quartus Development Ltd
Date Application Valid	10 September 2019
Site:	Bretts Wharf Pipewellgate Gateshead NE8 2BN
Ward:	Bridges
Proposal:	Full planning application and demolition in a conservation area for a mixed-use development comprising 2 x 9-10 storey blocks for residential use (use class C3), office (use class B1), restaurants and cafes (use class A3), assembly and leisure (use class D2) with associated access, parking and landscaping/public realm works, following demolition of the existing buildings (additional information received 13/11/19 and 27/11/19 and amended 15/11/19).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The vacant Brett Oils site located immediately to the south of the River Tyne, was formerly in industrial use, which ceased operations in 2004. The buildings associated with this former use are still present. There is no existing access for the public to the river edge.

1.2 The application site covers 0.52 hectares and is broadly rectangular in shape, parallel with the River Tyne along Gateshead Quays, and is bound to the south by Pipewellgate, to the east by the High Level Bridge, with the Swing Bridge beyond to the east. To the west the site is bound by the Gateshead Sea Cadets building and slipway and a 25 space Council Pay and Display car park beyond.

1.3 The site itself is level; Riverside Park (a non designated heritage asset) on Rabbit Banks to the south of the site, on the opposite side of Pipewellgate rises steeply to Askew Road and Gateshead Town Centre beyond.

1.4 The site lies within Gateshead's Urban Core, within the Quays and Baltic Sub Area as defined within the Gateshead and Newcastle upon Tyne Core Strategy and Urban Core Plan (CSUCP). It is known as 'Pipewellgate', one of the five identified 'Quays and Baltic Development Opportunity sites' which are identified for mixed use development.

- 1.5 The site itself does not contain any listed buildings, however it is located within the Bridges Conservation Area and the Tyne Gorge. It is adjacent to the Central Conservation Area (Newcastle City Council) across the River Tyne. There are a number of listed buildings including the Former Boiler Shop of Greensfield Railway Works (Grade II) to the south west, the High Level Bridge (Grade I) to the east, and the Swing Bridge (Grade II*) and the Tyne Bridge (Grade II*) beyond.
- 1.6 The majority of the site is in Flood Zone 1, however the northern most part (approximately 0.03ha), adjacent to the River Tyne, is in Flood Zone 3.
- 1.7 Within the vicinity there are many key local services and facilities. Gateshead Metro Station and Bus Interchange are located approximately 0.9km (a 14 minute walk) to the south east. There is a bus stop located on Pipewellgate, close to the Bridge Street junction.
- 1.8 **DESCRIPTION OF THE PROPOSAL**
Following demolition of the existing buildings, the proposal is for the construction of two blocks, Block A and Block B. Both blocks range in height from 7 storeys up to 9 and 10 storeys. Across the ground floors of the two Blocks there are three types of uses proposed; car parking, leisure and office, whilst the remainder of the buildings comprises residential units. The office and leisure uses are located at the more accessible, eastern end of the site that includes external public realm. The parking is proposed to the western, narrower end of the site.
- 1.9 Block A is ten storeys in height ranging from ground floor at Level 00 to roof level at Level 10, whilst Block B is nine storeys in height ranging from ground floor at Level 00 to roof level at Level 09. Both blocks include roof terraces which are intended for the private use of the residents.
- 1.10 The proposed residential units are proposed to be an institutionally managed Private Rented Sector (PRS) scheme. All of the apartments are for rent, with none being offered for sale. The aim of PRS is to offer a customer first ethos to the rental market bringing together modern living with a high standard of property management. In the NPPF, Built to Rent is defined as “Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.”
- 1.11 Originally as submitted the scheme was for a total of 262 PRS units. Amended plans were received that have reduced the amount of office space and increased the PRS units.
- 1.12 In total, 269 PRS units are proposed, which includes a mix of 154 one bed units and 113 two bed units and two duplex units. There are eight unit types proposed.
Type A has one bed and there are 134 proposed.

Type B has one bed and four are proposed.
Type C has one bed and 16 are proposed.
Type D has two beds and 15 are proposed.
Type E has two beds and 36 are proposed.
Type F has two beds and 40 are proposed.
Type G has two beds and 22 are proposed.
Duplex has two beds and 2 are proposed.

- 1.13 Block A is located to the north-east of the site, and consists of 166 PRS units across Levels 01-09, whilst office space is provided across the ground floor (Level 00)
- 1.14 Commercial space is also provided at ground floor level (Level 00), and PRS amenity space is provided in the form of a roof terrace at Level 09. There are 10 floors in total ranging from Level 00 to Level 09. At ground floor (Level 00), there is a central circulation area, which provides lift and stair access to the residential apartments. To the east of the block is office space. Also, within the eastern part of this block is another stair access for PRS residents from Pipewellgate, a communications room, a substation and associated LV Switchboard.
- 1.15 To the west of the central circulation space is the commercial space, which has flexibility to be subdivided into separate units. There is also a separate PRS staircase to access a bin store; and boiler room, a battery/generator room and sprinkler tanks within the part of the building.
- 1.16 The ground floor can be accessed from both Pipewellgate and the Riverside elevations.
- 1.17 Block B is located to the south-west of the site and consists of 103 PRS units across Levels 01 to 08. Parking is located at ground floor level (Level 00), alongside a lobby, plant room space, lifts, stairs and circulation space. A gym (82.6sqm) overlooking the river and associated plant room is also provided at first floor level (Level 01). There are 9 floors in total ranging from Level 00 to Level 09.
- 1.18 At ground floor level there is lobby to the eastern end of the building with PRS ancillary space, lifts, stairs and associated plant. The remainder of the ground floor comprises parking. A single vehicular access point is proposed from the west of the site from Pipewellgate, which provides access to the car park provided at ground floor level (Level 00) of Block B, and an area for pick up and drop off within the vicinity of the lobby within 'Block B' is proposed to the south western end of the site. There is provision for 19 car parking bays, five motorcycle bays and 180 secure cycle parking spaces for long stay use. An additional 16 cycle stands (32 spaces) will be incorporated into the landscaping of the development for short stay cycle parking.
- 1.19 The development's parking provision will be managed with individual car parking spaces rented to residential tenants. Each tenant with a bay would then have sole use of that bay for the duration of their letting. Tenants without a

dedicated on-site parking bay would know that, if they owned car, they would have to make their own off-site parking provision.

- 1.20 Parking for commercial uses has not been provided for within the scheme, but due to the central location of the site, it is envisaged that the majority of people will access the scheme via foot, cycle or by public transport. On street parking restrictions in the vicinity of the site will control off-site car parking for residents, visitors and customers of the commercial units.
- 1.21 Public parking is currently available at the Pipewellgate Car Park, Mill Road Car Park, South Shore Road Car Park and Church Street Car park, all of which are within a short walk of the development.
- 1.22 In terms of servicing, refuse collection and deliveries, these are proposed to occur on street along Pipewellgate and to facilitate this, two loading bays are proposed, one in proximity to each development block.
- 1.23 The proposals include public realm works to create a riverside pedestrian route along the previously inaccessible part of the riverside with a riverside terrace with ground floor commercial activities. Doors to the office, residential and commercial uses will also be provided from Pipewellgate, creating an active frontage along this route.
- 1.24 Should planning permission be granted, the commencement of demolition and remediation would take place in January 2020 followed by the build period. It is anticipated that development will take approximately 2 years.
- 1.25 **EIA DEVELOPMENT**
The proposed development, proposing more than 150 dwellings, falls within Schedule 2, 10 (b) an 'urban development project' of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs). A screening opinion was therefore required to consider the likelihood for significant environmental effects due to the scale, nature and location of the development.
- 1.26 Part 1 of the EIA Regs confirms that development falling within Schedule 2 may comprise EIA development if it is likely to have significant effects on the environment by virtue of its nature, size or location.
- 1.27 The Council has agreed with the developer that the proposed development has the potential for significant effects due to the scale and nature of the development and its location to sensitive environmental receptors. As such the proposed development is considered to be EIA development and has been submitted with an Environmental Statement (ES). The submitted ES considers the likely significant effects arising during the construction and operation of the development and the potential cumulative effects which may arise when considered with other relevant nearby developments.
- 1.28 **ACCOMPANYING INFORMATION**
The application has been submitted with the following supporting information.

- 1.29 The Environmental Statement comprises of a three part document, namely:
- Volume 1 Main Report and Figures
 - Volume 2 Appendices
 - Volume 3 Non Technical Summary
- 1.30 The assessment considers effects both during construction and once the development comes into use (termed the operational stage). In addition, effects that could arise from the proposed development together with other development either under construction or with valid planning permissions (termed cumulative effects) are also considered.
- 1.31 The chapters of the ES include consideration of:
- Socio economic/impacts on human health;
 - Heritage;
 - Archaeology
 - Landscape/townscape and views;
 - Flood risk, hydrology and drainage;
 - Ecology.
- 1.32 It was agreed that all other matters such as, daylight, sunlight and overshadowing, wind microclimate, ground conditions, transport, air quality and noise could be 'scoped out' for purpose of EIA. The appropriate assessments of these matters accompany the planning application:
- Statement of Community Involvement by DPP
 - Air Quality Assessment by NJD Environmental Associates
 - Noise Assessment by NJD Environmental Associates
 - Transport Assessment (Parts 1 & 2) by Sanderson Associates (Consulting Engineers) Ltd
 - Framework Travel Plan by Sanderson Associates (Consulting Engineers) Ltd
 - Design and Access Statement (Parts 1 to 6) by FaulknerBrowns Architects
 - Wind Microclimate Assessment by WYG
 - Flood Risk Assessment and Drainage Strategy by Fairhurst
 - Geo Environmental Desk Study by Fairhurst
 - Outline Daylight Sunlight Report by AA Projects
- 1.33 **PLANNING HISTORY**
- 1123/81 Extensions to existing factory to provide new blending department, vehicle loading bay and offices, installation of eight oil storage tanks with associated bund, and vehicle parking areas. Granted September 1981
- 1241/83 Erection of an oil tank farm and loading dock. Granted November 1983

227/91 Display of floodlit fascia sign size 2m x 4m reading "OVOLINE LUBRICANTS" and decorative painting on north elevation of oil blending and storage depot and associated tank farm. Temporary Permission May 1991

66/91 Erection of decorative sails sculpture screen along river frontage of lubricant blending and storage depot. Granted January 1992

49/93 Erection of 3m high decorative screen fence along 27m of river frontage of lubricant blending and storage depot. Granted April 1993

617/93 Conversion of ground floor garage to ancillary offices (amended 24/6/93 and 9/7/93). Granted July 1993

1.34 Of particular note, is application reference: DC/06/00089/FUL, which sought redevelopment of the site for a mixed use development. The application was refused in April 2006, the reasons for refusal were:

- The design, height and massing of the proposal would be detrimental to the Bridges Conservation Area and the Tyne Gorge and would harm the setting of the Grade I Listed High Level Bridge and Grade II Listed Swing Bridge. Height and massing of buildings would lead to overshadowing and 'canyon effect'.
- The proposed layout masks the historic grain of the current buildings and loses the distinctiveness of the current building line which follows the curved alignment of Pipewellgate. Lack of active frontages.
- Residential element is unsatisfactory due to the excessive percentage of residential floorspace, lack of information to justify the limited housing mix and affordable housing / access for people with disabilities. Adequate information has not been submitted in terms of archaeology, history, structural condition / repair of river wall, traffic impacts, waste disposal / collection arrangements and noise. The proposal would result in poor visual links between the Pipewellgate locality and the River Tyne.

1.35 Also of note is a planning permission recently granted for the change of use of the former Baja Beach Club, which is located to the east of the application site from a nightclub to offices (use class B1) with internal refurbishment works, roof alterations and modifications, including a linear asymmetrical dormer, sawtooth roof and dormer infills ref DC/19/00739/COU Granted 30 September 2019.

2.0 Consultation Responses:

Coal Authority The Coal Authority has no objection to the proposed development subject to the imposition of conditions to secure intrusive site investigations, a scheme of remedial works if found necessary; and the implementation of those remedial works.

Environment No objections subject to condition in respect of

Agency	finished floor levels.
Historic England	Historic England supports the application on heritage grounds. They consider that the application meets the requirements of the NPPF, in particular paragraph numbers 192 and 193.
Northern Gas Networks	No objections
Port Of Tyne	No objections
Tyne And Wear Archaeology Officer	The County Archaeologist agrees with the proposals which are in accordance with the NPPF and requires conditions to secure building recording excavation and recording and publication of a report.
Natural England	Response awaited

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) 2015. Five site notices were posted around the perimeter of the site and a press notice was published in The Journal on 25 September 2019. The date for responses expired on 16 October 2019.

3.2 A total of 22 comments have been received, a number of these comments are positive and support the redevelopment. However, some concerns and questions have also been raised;

3.3 Proposed Uses

- The development does not provide affordable housing, job opportunities, education opportunities or green transport.
- Concerns regarding roof top bar which will lead to noise
- Commercial development is unlikely to be taken up
- The proposals are not in accordance with Core Strategy policy QB3

3.4 Design

- The proposals are not in-keeping with the surrounding character of the area and the design could be more sympathetic given the historic context in which it sits.
- The scale and massing will look out of proportion given the surroundings.
- The development is not architecturally distinct.

- Concerns regarding the height of the building and the implications this will have on views, the High Level Bridge and Rabbit Bank.
- One response has also referred to the 2006 scheme which was refused and considers that this scheme does not provide a better alternative.

Heritage and Views

- The proposed development is not sensitive to the adjacent listed and historic buildings/context.
- The development is not in-keeping with the conservation area
- The development will result in the loss of green views of Rabbit Bank.

Traffic and Highways

- Concerns regarding traffic generation and the impacts this would have on air pollution given the amount of apartments and commercial uses proposed.
- Concerns regarding the impacts of traffic on the Swing Bridge
- Concerns regarding the impacts of limited parking. Considers that there is insufficient infrastructure for electric vehicle charging

Amenity

- Concerns regarding the impacts upon views from Ochre Yards properties which will affect property prices
- Concerns regarding the impacts upon light and privacy of nearby residents at Ochre Yards.
- The development will result in disturbance in early morning and late at night

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS2 Spatial Strategy for Urban Core

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

QB1 Quays and Baltic Sub-Area

QB3 Quays and Baltic Dev Opportunity Sites

CS7 Retail and Centres

CS8 Leisure, Culture and Tourism

UC3 Leisure Culture and Tourism

UC1 Offices and Business Development

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

UC4 Homes

H9 Lifetime Homes

H10 Wheelchair Housing

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

H15 Play Areas in Housing Developments

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV7 Development within Conservation Areas

ENV11 Listed Buildings

UC13 Respecting and Managing Views

UC14 Heritage

DC1H Pollution

DC1D Protected Species

DC1E Planting and Screening

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

DEL1 Infrastructure/Developer Contributions

UC11 Gateways and Arrival Points

UC12 Urban Design

UC13 Respecting and Managing Views

UC14 Heritage

UC16 Public Realm

UC17 Public Art

UC15 Urban Green Infrastructure

T6 River Tyne Corridor

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV51 Wildlife Corridors

UC5 Primary and Secondary Pedestrian Routes

UC6 Cycling

UC10 Car Parking

5.0 Assessment of the Proposal:

- 5.1 The main planning considerations are the principle of the proposed use, EIA considerations including socio economic impacts on human health, impact on archaeology and heritage assets, landscape and townscape views, flood risk, hydrology and drainage, noise and residential amenity, sunlight and daylight, wind and climate, air quality, biodiversity, ground conditions, impact on highways and other matters.
- 5.2 PRINCIPLE

The site is in the Gateshead Urban Core and forms part of the Gateshead Quays and Baltic Sub Area (policy QB1). Policy QB1 requires the proposal to improve the environment, accessibility and enhance the green infrastructure network by:

- Creating a continuous recreational riverside route along the rivers' edge that is between 10 - 30 metres in width where possible.
- Incorporating living roofs where technically feasible and providing street trees adjacent to the secondary pedestrian route the runs alongside the site.
- Providing street trees along the secondary pedestrian route adjacent to the site.

5.3 Policy QB1 requires the proposal to provide improvements to the Gateshead Quay Wall to ensure its structural integrity and mitigate future flood risk taking account of the Gateshead Quays Wall Condition Survey and Climate Change Adaptation Strategy. It is recommended that a condition secure the Quay Wall improvements.

5.4 Policy QB3 Quays and Baltic Development Opportunity sites allocates Pipewellgate as a mixed use site where development will encompass a mix of principal uses including Assembly and Leisure (D2) Cafes and Restaurants (A3), Residential (C3), Drinking Establishments (A4), Hotel (C1) and Offices (B1a). The proposed mix of uses are acceptable principal uses in accordance with policy QB3(2) subject to meeting the requirements of the policy. Policy QB3 requires development to:

- i. Providing a safe and legible primary pedestrian route from Gateshead Primary Shopping Area to Gateshead Quays via West Street, Wellington Street, Hills Street, Brandling Street and Church Street,
- ii. Respond to the Tyne Gorge while sustaining the iconic view of the bridges through careful attention to scale and massing,
- iii. Provide a Foul and Surface Water Drainage Strategy which demonstrates there is adequate foul and surface water capacity for the development with the aim of reducing flood risk and ensuring no deterioration of water quality,
- iv. Be sensitive to the adjacent listed buildings,
- v. Improve north south green infrastructure links by providing connections into Riverside Park,
- vi. Provide views to and complement the sculptures in Riverside Park,
- vii. Provide overland or piped flow paths to convey surface water into the River Tyne,
- viii. Manage any residual surface water flood risk, and
- ix. Avoid and mitigate tidal flood risk over the lifetime of the development.

5.5 These criteria have been addressed and overall, it is considered that the proposed development has fully taken account of the policy requirements in policies QB1 and QB3.

- 5.6 CSUCP policy UC1 seeks to promote office and business development within the urban core. This reflects the NPPF at Section 6, that encourages the creation of a strong, competitive economy. The proposed development includes office use at ground floor level, which is considered to be in accordance with policy UC1.
- 5.7 In terms of job opportunities, the development will create approximately 157 FTE construction jobs during the construction period and once operational has the potential to provide in the region of 142FTE jobs associated with the proposed office and commercial uses across the site which will benefit the local economy.
- 5.8 The commercial space will be delivered by High Street Group (the Group) and will either be operated by the Group under their High Street Hospitality subsidiary or will be leased to national or international operators. The Group already successfully runs a number of retail and leisure establishments in the North East.
- 5.9 Policy UC3 seeks any leisure use to enhance and diversify the existing offer providing business visitor uses and / or family friendly visitor attractions. Policy UC5 seeks new development to focus on Primary and Secondary Pedestrian Routes as the site is adjacent to the primary pedestrian route that runs along the River Tyne. The proposals include the creation of a riverside leisure route along the River Tyne and to relocate the Keelman's Way to follow the river's edge in accordance with policy UC3.
- 5.10 Policy CS10 sets out the housing provision for Gateshead which has been informed by housing needs assessment. This approach is consistent with the NPPF. The proposed development includes the provision of 269 residential units that will contribute towards to target for new homes in Gateshead across the plan period. Therefore, the proposals accord with Policy CS10.
- 5.11 Range and choice of housing
The emerging Local Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure.
- 5.12 Family Homes
Paragraph 61 of the NPPF supports policies which reflect the size, type and tenure of housing needed for different groups. The proposed development is for 269 dwellings of 1 and 2 beds which will be for private rent.
- 5.13 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). Saved UDP policy H5 also seeks to improve the choice of housing in Gateshead, and states that on sites of 1 hectare or more or with the potential for the development of 25 or more dwellings (the latter of which applies in this case), development containing small flats or apartments only will not generally be accepted unless there is a local shortfall in such accommodation, and it is in keeping with the character of the area. The

proposal is for the development of 269 apartments consisting of 154 x 1 bedroom and 113 x 2 bedrooms and two duplex two bed units. To accord with policy, 157 of the proposed apartments should be 3+ bedrooms. However, research by the potential residential management company (Grainger plc), including analysis of their demand statistics, indicate that 1 and 2 bedroom units are in significantly greater demand in the local private rental housing market. The research also identifies that potential tenants are more likely to be couples or professional sharers who are more suited to 1 and 2 bedroom units. The development has therefore been designed to respond to the market to ensure it is viable.

- 5.14 Whilst policy seeks to provide a range of housing, including 3 beds, it should be noted that the supporting policy text recognises that the supply of current stock is largely limited by a historic housing stock with a lack of new housing choice across Gateshead. The supporting policy text in the SHMA recognises a specific need for good quality smaller properties for single people, couples and those looking to downsize, which the proposed development can cater for. Furthermore, the SHMA identifies that, in Gateshead, there will be an overall increase in single person households and households comprising couples without children. It goes on to specify that there is a requirement for 1 and 2 bed flats over the plan period. In addition, the document acknowledges that, whilst there is an increase in the number of single person households, there are not enough dwellings with only one bedroom. This strengthens the case that there is not adequate supply of this type of unit size and that many single person households are remaining within the family home; signifying further constrained levels of single person demand. The proposal provides a different offer in terms of a build to rent scheme and it is considered this will add to the existing housing offer which is currently available in Gateshead, providing greater choice.
- 5.15 It should also be noted that the development will provide residential units within the urban core where residential development is supported under Core Strategy policy UC4.
- 5.16 Furthermore, the committee report for the Hawks Road / Mill Road planning application reference DC/18/00396/FUL for a mixed use development consisting of 317 Apartments with two ground floor Retail Units, acknowledged that 'taking into account the nature of sites within the urban core it is reasonable to expect that a large proportion of residential units in the Urban Core will be one or two bed studios/apartments'. A consistent approach to developments within the Urban Core must be taken. Based on the above, it is considered that the mix proposed is viable and suitable for the location and accords with policy CS11.
- 5.17 Affordable Homes
The proposal does not provide affordable accommodation. In order to accord with the NPPF affordable housing on build to rent scheme should be provided, by default, in the form of affordable private rent.
- 5.18 In this case, the applicant has submitted a Viability Assessment (VA) that concludes that the development would not be viable if affordable housing was

to be provided. Officers are satisfied that the viability of the site is marginal, given that the site is a brownfield site, formerly in industrial use, which has been vacant for over 10 years with very limited developer interest. It is also allocated as a key development site within the Local Plan. The proposed scheme therefore presents an opportunity to redevelop the site whilst also providing attractive new housing within the urban core. However, given the nature of the previous use, which included an iron foundry, glass works and oil works, the applicant is required to undertake a significant amount of abnormal work to bring the site forward for development, including demolition and remediation, flood mitigation measures given its location adjacent to the River Tyne and works to the quay wall.

5.19 However, as the costs of the development in the VA are dictated in part by this being an apartment based PRS scheme, where the entire development must be constructed before any returns can be made (unlike a typical housing development where a developer can build and sell a few houses at a time, thus aiding their cash-flow), it is considered appropriate that a condition be recommended that would ensure that this development is built to rent and that (in accordance with the definition in the NPPF), initial tenancies in excess of three years should be offered – albeit without an obligation on the tenant to take that length of tenancy if it would not suit their circumstances.

5.20 It is therefore considered that, on balance, and subject to the recommended condition, the lack of affordable housing provision should not amount to a reason to refuse planning permission in this instance.

5.21 Lifetime Homes and Wheelchair accessible homes
Saved UDP policies H9 and H10 require 2% of dwellings to meet Wheelchair Housing Standards (M4(3) standards), and 10% Lifetime Homes (now M4(2), accessible and adaptable). To accord with policy, the development should contain 6 apartments that meet Wheelchair Housing Standards, and 27 apartments that meet the Lifetime Homes Standard. The proposal indicates compliance with policies H9 and H10.

5.22 EIA CONSIDERATIONS

As part of the EIA considerations alternatives must be considered. The site has been vacant since 2004 and therefore the 'do nothing' option is already apparent; a large scale, prominent riverside site does not deliver any significant social, economic or environmental benefits in its current condition. The 'do nothing' option will be unable to deliver on the key regeneration opportunity and the specific policy supported vision for the site. It will not provide greater connectivity to its surrounding area, will not provide any accessible or high quality public realm and will not provide a mix of residential and commercial uses as set out in the development proposals.

5.23 The proposals have been through an extensive and rigorous design development and testing process and range of alternative design solutions have been considered; including alternative uses, layout, storey height, access and public realm strategies. The proposed scheme is considered to represent

the optimal design solution for making efficient use of sustainable brownfield land and addressing the identified environmental constraints.

- 5.24 In terms of the uses proposed, alternative uses have been considered, however, a mixed use development comprising commercial uses and public realm at the lower levels with residential use at the upper levels has been progressed in line with the requirements of the site allocation within the CSUCP and the 2007 Brett Oils Development Brief (produced by the site owners in partnership with Gateshead Council and (then) English Heritage) ('Development Brief') for the site. The uses proposed are considered appropriate given the sustainable location of the site and will deliver active and varied use throughout both the day and evening.
- 5.25 The scheme will result in significant regeneration of this part of the Gateshead Quays and will enable access to a currently inaccessible area of Gateshead. Redevelopment on the scale proposed and in such a prominent location will send a clear message that there is confidence in the development industry, in Gateshead and the North East and could also act as a catalyst for further regeneration and sustainable development opportunities in the area.
- 5.26 **SOCIO ECONOMIC IMPACTS AND HUMAN HEALTH**
A chapter in the Environmental Statement provides a summary of the current socio economic baseline and assesses the socio economic issues of the proposed development that relate to employment (both direct and indirect, during construction and operational stages, including net changes to the existing site); and social / health impacts (both direct and indirect ,during construction and operational stages, and cumulatively). In addition, the physical impacts on human health of future users of the proposed development in term of air quality, contaminated land, climate change and noise were assessed.
- 5.27 The chapter concludes that the majority of effects are moderate to major beneficial. The minor adverse impacts associated with the construction phase, will be temporary and short lived over the two year construction period. These will be minimised and controlled through a construction management plan secured by condition.
- 5.28 Furthermore, the chapter concludes that job creation, additional income to the local economy, new housing and the inclusion of new and high quality public realm will result in a major beneficial impact for the local area and the wider area of Gateshead.
- 5.29 **ARCHAEOLOGY**
The application is supported by a report on archaeological trial trenching on the site that identified the remains of brick and sandstone walls and paving surfaces which probably relate to the mid-19th century Vitriol Works and possibly earlier buildings, structures relating to the Cross Keys public house, the early 19th Century Durham Glass Works, and the early 19th century Pipewellgate Iron Foundry. The buildings on the site were also examined, and it was concluded that some 19th century buildings survive on the site.

- 5.30 The Environmental Statement has a chapter on archaeology in which the likely significant environmental effects of the proposed development on the archaeological remains present on the site are assessed, and it proposes a scheme of archaeological works to mitigate the removal by the development of the standing buildings and below ground archaeology. This comprises a programme of archaeological excavation, monitoring and recording, and a programme of historic building recording prior to demolition. The proposals are considered to be acceptable and in accordance with the NPPF. The works can be secured by conditions in respect of building recording, excavation and recording and a watching brief.
- 5.31 **HERITAGE ASSETS**
Chapter 8 of the Environmental Statement assesses the likely effects of the proposed development in terms of its relationship to the historic environment, including heritage assets both designated and non-designated, and other historical features which may be affected. The baseline is that the site has been occupied for a variety of industrial uses for many years.
- 5.32 The assessment submitted in support of the application identified a number of designated and non-designated heritage assets within and in the vicinity of the site including the Grade I listed High Level Bridge, the Grade II* listed Tyne Bridge, and the Grade II* listed Swing Bridge Scheduled Monument and the conservation areas on both Gateshead and Newcastle quaysides.
- 5.33 Significant consideration has been given to the visual impact of the proposed development and its impact on heritage assets in a Chapter included in the ES. Key viewpoints were agreed with Officers and assessed as part of the application. These views included views east, west and south from Newcastle Quayside and south west from, the High Level Bridge, Tyne Bridge and Swing Bridge, from By The River Brew, Bridge Street and east along Pipewellgate. It should be noted the development was not visible from the viewing platform on Fletcher Road viewing platform. An objector has referred to the impact on views from Ochre Yards properties. Notwithstanding the fact that loss of view is not a valid planning objection, in terms of views from Ochre Yards, a series of key views have been provided as part of the application which can be found at ES appendix 9.1. View 17a is taken from Fletcher Road and shows that the proposed development sits below the tree line and would therefore not disrupt views from this location.
- 5.34 The scheme demonstrates consideration of key views to and from the Tyne Gorge and beyond towards the Urban Core, by delivering a sensitive massing which proposes the 'breaking out' of key corners, alongside an active roof terrace level to Block A and active terrace levels to both blocks, which enable increased visibility throughout the development when viewed from the Tyne Gorge. The 'breaking out' of key corners act as a mechanism to minimise the 'filling' impact of the scheme and the shortening of the Tyne Gorge, particularly when viewed from the east in key views towards the High Level Bridge, whilst the use of roof and terrace spaces contribute to breaking down the massing of critical interfaces with the High Level Bridge.

- 5.35 The design of the proposed massing has also carefully considered the interface between the historic Pipewellgate and the Proposed Development by minimising the canyoning effect which is currently established by existing buildings and their close proximity to the site boundary. The design ensures integration with both Pipewellgate and the existing green buffer of Rabbit Bank (leading south to Riverside Park) by utilising garden spaces and planting which enable a continuation of green spaces down towards the Riverfront and public realm.
- 5.36 The new public realm at the riverside level, will allow for new views along the river and of surrounding heritage assets which offers a significant public benefit. In terms of views of the site, ES appendix 9.1 assesses key views of the site showing that the building proposed will not have a detrimental impact in terms of key views. It is considered that the assessment demonstrates that the proposals respect key views within, from and into the Urban Core, including views from or across or into the Tyne Gorge and sustain the iconic views of the bridges, is sensitive to the surrounding listed buildings and maintains view to the sculptures in Riverside Park. As such, the proposed development is considered to be acceptable and in accordance with policies QB3 and UC13.
- 5.37 The loss of the existing buildings would remove a now rare remnant of industry at the river's edge but their contribution to the conservation area is limited by their relatively recent age and the lack of re use potential. Redevelopment offers a return of activity and relevance and the chance to add to the evolving character of the Tyne Gorge.
- 5.38 The proposal has developed with reference to its historic surroundings. The neighbouring relationship with the Stephenson's grade I listed High Level Bridge avoids a strongly competing scale and mass between the two by stepping the height away from the bridge and then breaking the development down into two and then, visually, six blocks. This, to a degree, reflects the historic relationship between the soaring set-piece architecture of the High Level Bridge and the varied finer grain of buildings that characterised Pipewellgate in the 19th and earlier 20th centuries. As an addition to the conservation area the proposal follows the modern trend to build large and contemporary on the central quays but evolves the design approach of this trend by being more contextual in its use of materials and sense of order. The mix of proposed uses also feels like a step forward in that it would create day long activity and interaction, say compared to a pure office or residential use.
- 5.39 The use of three different sets of variegated brick would help break down the mass of the two blocks whilst adding visual interest. The choice of brick tone of off-white to dark grey is unusual for wall materials along this part of the gorge which traditionally can be very varied in lightness / darkness but always with some degree of warmth derived from brick or stone. Considering the large scale of this development it is an important consideration affecting the final appearance of the scheme. A condition is recommended to ensure options of materials are approved to find the best fit between making the development distinctive whilst remaining fitting.

- 5.40 The proposed public lighting between the High Level Bridge and the first block should be planned out with reference to views of the 'Rise and Fall' piece of public art. This is clearly visible when standing opposite on the Newcastle Quayside. Obscuring this view with new lighting should be avoided. A condition can secure the details of an external landscape and specialist lighting design prior to the installation of any external lighting.
- 5.41 The grid like framework with infill glazing or railings set behind the grid is an effective response in this location. Also, the internal uses are reflected in the frame sizing so that public areas appear to have a double height window or opening, compared to the residential. It is considered the way the windows open should not cause any disruption in the clear glazing pattern as this would be detrimental to the appearance of the building. The living spaces have Juliet balconies with full height glazed doors that have a sliding opening leaf and the bedrooms have a full height glazed window with the top half being top hung outward opening. It is not considered that this arrangement will have any negative images on the appearance of the building. Details can be secured by an appropriate condition.
- 5.42 It is important to consider how the individual units will be provided external extractions and boiler flues for kitchens and bathrooms, ventilation (trickle types) if windows are non-openable, to avoid a negative impact on the appearance of buildings, and even more so when many outlets are required. Electric panel heaters and a centralised heating system for hot water will be provided so there will not be a boiler in each apartment requiring a flue. Extract ventilation from the kitchens and bathrooms will be combined so there is a single extract from each apartment, the design strategy is that this will discharge in a concealed slot in the soffit over the fixed panel of glass to the Juliet balconies. Details can be secured by an appropriate condition.
- 5.43 The proposed leisure uses will be provided with appropriate levels of ventilation and extraction without impacting negatively on the external appearance as allowance has been made inside the building to provide a commercial extract flue up through the residential floors for a kitchen. A discrete slot at the head of the glazed bays on the ground floor has been included to accommodate air supply. Details can be secured by an appropriate condition.
- 5.44 Given the above subject to the recommended conditions, it is considered that there will be no significant heritage impacts as a result of the construction of the reservoir and that the proposal is considered to be acceptable and in accordance with the NPPF, in particular paragraph numbers 192 and 193, CSUCP policy CS15 and Saved UDP policies ENV21 and ENV22.
- 5.45 AMENITY AND VISUAL
A relevant policy is policy CS14 and the proposals comply with the requirements of the policy as they allow for an inclusive environment with good access to surrounding facilities and services. The scheme incorporates landscaping proposals which include provision of open spaces to encourage

- 5.46 Policy CS15 is also relevant and as the scheme has been carefully designed to take account of key constraints and detailed consideration has been given to the urban grain and the scale and context of the site to ensure it is in keeping with the surround area it is considered the proposals comply with policy CS15. As such, the proposed development is considered to be in accordance with policy CS15.
- 5.47 In terms of the 2006 refusal, the design team have taken into account the reasons for refusal and it is considered that the proposed development presents a very different and higher quality design and use mix, thus a successful scheme for the site.
- 5.48 Overall the development makes a positive contribution to the established character and identity of its locality and protects the setting of the conservation area. As such, the proposed development accords with policy UC14.
- 5.49 Policy UC16 seeks to enhance areas of open space. The NPPF highlights the importance of high quality open space and their contribution to the health and well being of communities. Policy UC16 is considered compliant with the NPPF in that regard. Policy UC16 seeks to enhance areas of open space. The site does not currently contain any accessible open space and as such the proposals, will provide an overall enhancement in terms of public realm. As such, the proposed development is considered to be in accordance with policy UC16.
- 5.50 CSUCP policy UC17 seeks to enhance the character of areas through the use of public art at key opportunity sites. The NPPF encourages high quality design and creating a sense of place. The policy is therefore considered to be consistent with the NPPF. There is an intention to incorporate art into the public landscape which will also link with art at Rabbit Bank. CSUCP policy UC17 Public Art seeks to enhance character and local distinctiveness, development of Key Sites and Development Opportunity Sites will include public art. The location for public art is indicated on the site plan at the eastern end of the site. The final details of the public art can be secured by condition. The proposed development is therefore in accordance with policy UC17.
- 5.51 The NPPF encourages the use of green infrastructure to promote healthy lifestyles and to provide opportunities to enhance air quality and mitigate against climate change. Policy UC15 seeks to enhance green infrastructure. The areas of public realm are designed to significantly improve and enhance the existing urban green infrastructure and public realm offer at the site for future residents of the development but also for the wider local and visiting population. As such, the proposed development is considered to accord with policy UC15.
- 5.52 Overall, the scheme is considered to demonstrate high standards in terms of the intelligent and innovative design, together with the proposed use of high quality materials. As well as providing regeneration benefits to this part of Gateshead's Quays.

- 5.53 Given the above, the proposals are considered to be acceptable and in accordance with local and national policies.
- 5.54 FLOOD RISK
Chapter 11 of the Environmental Statement assesses the effects of the proposed development on flood risk, hydrology and drainage.
- 5.55 A flood risk assessment and outline drainage strategy have been submitted which demonstrate that the proposed flood risk strategy and drainage design are acceptable in principle.
- 5.56 A detailed drainage design and assessment are required and can be secured by conditions.
- 5.57 Given the above, subject to the recommended conditions the proposals are considered to be acceptable and in accordance with CSUCP policies CS16, CS17 and CS18 and the NPPF.
- 5.58 NOISE AND RESIDENTIAL AMENITY
Chapter 8 of the NPPF and CSUCP policy CS14 seeks to protect the health and well being of communities by preventing negative impacts of developments on residential amenities.
- 5.59 This application is a sizeable development, compatible with the surrounding Gateshead Quays which is a welcomed change of use to the current redundant industrial site of Brett Oils. As the development is for mixed commercial and residential buildings in a busy urban environment with road and rail noise sources, the application has been supported by a noise assessment.
- 5.60 Internal Noise levels to living rooms and bedrooms
The noise report has determined that the majority of living rooms and bedrooms across the site will not achieve daytime and night time guidance noise levels with windows open. The noise consultant has acknowledged that due to the nature of the development and inherent space restrictions the only realistic means of reducing internal noise levels to an acceptable standard would be through the use of an alternative means of ventilation and glazing. Special care must be taken to design the accommodation so that it provides good standard of acoustics, ventilation and thermal comfort without unduly compromising other aspects of the living environment. A detailed glazing and ventilation scheme is required for approval and can be secured by condition.
- 5.61 Commercial (ground floor) / Residential (floor 1 and above)
Noise associated with the ground floor commercial element of the scheme may have the potential to impact proposed noise sensitive receptors above (via internal transmission) if not correctly managed. There is also potential for odour/ smoke/ fumes etc from commercial kitchens to impact proposed residents living above. Conditions are recommended to secure details of plant.
- 5.62 An objector has said the roof top bar will lead to noise. Whilst the development does include roof terraces, a bar does not form part of the proposals. These

spaces are for communal use by residents of the building and will be managed by the residential management company. It is not anticipated that the use of any of the roof top areas would cause excessive noise generation.

5.63 Construction and demolition

The site is positioned on the banks of the River Tyne, with hotels and residential units close by. A condition is recommended to secure a scheme for the control of noise and dust and to restrict the demolition and construction hours, to include deliveries to the site.

5.64 Deliveries

On completion of the development, there are concerns about amenity of the residents in terms of deliveries to the commercial uses. It is considered to be necessary for deliveries to be restricted through a TRO to only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays to protect the amenity of the residents

5.65 External Plant

A condition is recommended to secure details of any external plant i.e. the appearance, location and number of air conditioning fans and decibel levels and internal plant.

5.66 Lighting

A condition is recommended to secure a scheme to include a lighting assessment to prevent lighting causing a nuisance to residents of the development or other residents close by.

5.67 Given the above, the proposal is considered to be acceptable and in accordance with the NPPF and CSUCP policy CS14.

5.68 SUNLIGHT AND DAYLIGHT

A sunlight and daylight assessment has been provided in support of the application. Where tall buildings are proposed in close proximity to each other they may affect the sunlight and/or daylight levels to habitable windows; and the scale and form of a development may be likely to result in significant shadowing impacts upon neighbouring properties or land.

5.69 The application is supported by an outline daylight sunlight report that focuses on the nearest sensitive receptors, which are the residential properties in the immediate vicinity of the site, as these have the highest reasonable expectation of daylight and sunlight when compared to other uses such as commercial.

5.70 The properties that have been assessed in relation to the BRE guidelines on daylight and sunlight and are:

- Residential properties and hotel to the north west (The Copthorne);
- Residential properties to the south (Ochre Yards development); and

- Hotel to the East (Hilton Newcastle).

5.71 All other surrounding properties are considered to be too distant from the proposed development and as such have not been assessed by this report.

5.72 The assessment demonstrates full compliance.

5.73 The proposed development would therefore have no material impact on daylight/sunlight levels currently enjoyed by neighbouring occupiers.

5.74 An objector has raised concerns regarding the impacts upon light and privacy. As referred to above the development would not be visible from the Fletcher Road view point and the development is not considered to have an impact upon loss of privacy or light from Ochre Yards. Furthermore, as described above, a sunlight/daylight assessment was submitted with the application. This report concludes that the development would not cause a reduction in the level of daylight to residents in the vicinity of the site.

5.75 Given the above the proposals are considered to be acceptable and in accordance with the NPPF, CSUCP policy CS14 and Saved UDP policy DC2.

5.76 WIND AND CLIMATE

Policy guidance with respect to wind is presented within the PPG. The overall aim of the guidance, tying in with the principles of the NPPF is to consider how taller buildings meet the ground and how they affect local wind and sunlight patterns. Furthermore, the PPG suggests that account should be taken of local climatic conditions, including daylight and sunlight, wind, temperature and frost pockets.

5.77 Mitigation Included within Design Proposals

The development contains several key design features which will help mitigate the impact the proposed buildings would have on surrounding resultant wind speeds:

1. The building design includes recessed walkways and exits which will help mitigate against the impact of wind by creating external areas which are sheltered.
2. The design of buildings includes stepped roof levels which will help to reduce wind speeds as they approach ground level and minimise the impact from downwash of higher speed winds as they interact with the building.
3. Recessed windows and balconies create a textured façade providing a rough surface which will help to reduce the speed of wind as it interacts with the building.
4. The courtyard and pedestrian areas of the development include planting of trees and other vegetation which helps reduce wind speeds and provides screening at exits to the buildings.

5.78 The study to assess the pedestrian level wind micro climate around the proposed development has been undertaken and includes assessment of wind speeds around the proposed development at 43 different locations.

- 5.79 In terms of the comfort criteria, the resultant wind climate is considered to be suitable for long term standing and sitting in all areas surrounding the proposed development.
- 5.80 The results of the assessment demonstrate that during conditions representing the highest approaching wind speed conditions, with the inclusion of the mitigation measures proposed in the latest development plans, maximum resultant wind speeds are expected to be below the lower Lawson safety assessment criteria at the majority of locations assessed around the development site.
- 5.81 At a small number of locations, maximum resultant wind speeds are predicted to marginally exceed the lower Lawson safety assessment criteria, however, they are still below the higher Lawson safety assessment criteria of 20 m/s. Furthermore, the tested wind conditions are anticipated to occur for less than 1 hour within a given year, having only occurred once within the period of met data assessed, therefore meeting the lower safety criteria of exceeding 15 m/s for less than 1.9hrs a year.
- 5.82 Given the above, the impact of the proposed development in relation to wind is considered acceptable in terms of both comfort and safety and the proposal is considered to be in accordance with the PPG.
- 5.83 AIR QUALITY
The NPPF requires development to comply with relevant air quality limit values or national objectives for pollutants (Paragraph 181). Saved UDP policy DC1(h) and CSUCP policy CS14 refer to air quality, ensuring that development does not result in unacceptable air quality or dust issues.
- 5.84 Due to the nature of the proposed development and the negligible traffic associated with its operation air quality consideration is focused on the construction phase.
- 5.85 An Air Quality assessment has been submitted in support of the application. The modelling demonstrates there will be no breach of air quality objectives during the construction / operational phases for residential receptors. All relevant guidance has been followed.
- 5.86 The assessment does flag up potential dust impact during the construction phase so mitigation measures set out within an agreed dust management plan (based on IAQM guidance as part of a best working practice scheme/ environmental management plan), is required. In order to mitigate any adverse impacts a series of measures are proposed that minimise dust and establish a communication, site management and monitoring regime to proactively address dust and air quality matters. These measures can be secured by condition. It is also recognised that air quality and dust impacts are limited to the construction phase only and will be temporary.

- 5.87 Chapter 7 of the Environmental Statement concludes that the human health effects will be low sensitivity for residents.
- 5.88 Given the above, subject to the recommended condition, it is considered that the proposed development accords with the requirements of the NPPF and CSUCP policy CS14 and Saved UDP policy DC1(h) in respect of Air Quality.
- 5.89 BIODIVERSITY
Chapter 12 of the Environmental Statement assesses the impact of the proposed development on ecology.
- 5.90 The key potential or likely ecological receptors relating to this site that have been identified include:
- The Tidal River Tyne Local Wildlife Site
 - Wildlife Corridor
 - Priority habitats including river and inter-tidal mud; potential for early successional brownfield land (LBAP) / open mosaic habitats on previously developed land (s41 NERC) within redline boundary
 - Riverside Park (developing broadleaved woodland)
 - Statutorily protected and priority species (i.e. s41 NERC, LBAP & BoCC), including: bats, Atlantic salmon, sea/brown trout, European eel, harbour (common) seal, grey seal, otter, peregrine, wading birds (e.g. redshank, lapwing & curlew), waterfowl (e.g. teal & shelduck), gull species (e.g. herring gull, lesser black-backed gull, black-headed gull and kittiwake) and priority butterflies (e.g. dingy skipper)
 - Green Infrastructure Network - Opportunity Area / Spatial Project in Gateshead Green Infrastructure Delivery Plan
- 5.91 An Ecological Impact Assessment (EclA) has been submitted in support of the application. The potential presence, on or near the site, of species afforded protection under the above legislation was considered throughout the surveys and assessment. Species considered included:
- Bats
 - Great crested newt
 - Otter
 - Reptiles
 - Water vole
 - Red squirrel
 - Badger
 - Birds
 - Seals
 - Migratory fish

- 5.92 In addition to national policy, a number of local plan policies are relevant to this application, these include:
- 5.93 CSUCP Policy CS18 Green Infrastructure and the Natural Environment that requires a high quality and comprehensive framework of interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife will be achieved by (inter alia): Protection, enhancement and management of green infrastructure assets which include: Biodiversity and geodiversity assets, including designated sites, designated wildlife corridors and priority habitats and species
And... improving access to, along and onto the River Tyne and tributaries, without adversely impacting on the local ecology or damaging the river banks
- 5.94 Relevant UDP saved policies are:
- ENV46 – The Durham Biodiversity Action Plan
ENV49 – Local Wildlife Sites (formerly Sites of Nature Conservation Importance)
ENV51 – Wildlife Corridors
- 5.95 The development adjoins the River Tyne Local Wildlife Site which supports an area of both national and local priority habitat (s.41 NERC and DBAP) which in turn supports national and local priority species, and which forms an important component of the River Tyne Wildlife Corridor.
- 5.96 The development will result in a permanent residual adverse impact on the value and function of the above features.
- 5.97 In accordance with the mitigation hierarchy enshrined within the NPPF; if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.98 In this case, given the nature of the habitat that would be impacted upon, i.e. priority inter-tidal river habitat opportunities for mitigation are limited. Whilst a site has been identified at Ryton Willows, where an off-site financial contribution could be put towards compensatory measures, the figures given in the VA are such that on viability grounds this could not be secured through this development.
- 5.99 The ecological assessment identifies that whilst there are no nests on the site, the site has been recorded as supporting approx. 1% of the Tyne's total population of kittiwakes by providing one of, if not the, largest undisturbed roost sites within the core Newcastle/Gateshead quays breeding area. Such roost sites provide a valuable refuge for immature and non-breeding birds. However, as with the off-site mitigation measures and Ryton Willows the figures given in the VA are such that on viability grounds measures to encourage kittiwakes to take advantage of a number of existing ledges, by the harvesting and translocation of old nests from Gateshead Council Kittiwake Tower LNR to

recently installed (2017) but as yet unused ledges installed on riverside building at Akzo Nobel (International Paints) could not be secured through this development.

- 5.100 The delivery of bat and bird boxes can be secured by condition.
- 5.101 A Biodiversity Method Statement can be conditioned to provide details of those measures to be implemented to avoid/minimise harm to off-site ecological receptors, including the adjoining River Tyne LWS, priority habitats and designated Wildlife Corridor.
- 5.102 Due to the absence (on viability grounds) of appropriate mitigation and/or compensation, the proposed development will result in a significant adverse impact on the above listed ecological receptors, it will result in a significant net loss of biodiversity and ecological connectivity, and it fails to comply with both national and local planning policy.
- 5.103 In accordance with national planning policy the consequence of this is that planning permission should be refused.
- 5.104 Officers have weighed this identified harm against the benefits of securing the redevelopment of this long-standing vacant but prominent site for a form and type of development that accords with other local and national policies and have concluded, on careful balance that the harm to biodiversity should not be a refusal reason in this case.
- 5.105 Landscape
A landscape strategy has been submitted as part of the planning submission. It is considered that final details of the landscape design and the species can be secured by condition.
- 5.106 Given the above, subject to conditions requiring the full details of the avoidance, mitigation and enhancement measures to be implemented, the proposed development can be undertaken within acceptable ecological limits and in accordance with national and local planning policies.
- 5.107 GROUND CONDITIONS
The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic uses. The site has previously been occupied by a glass works, vitriol works, chemical manure works, artificial stone works prior to the occupation of the site by Brett Oils circa 1870 which has involved the manufacture of lubricants and fuel oils and other petroleum products. Consequently, the former industrial use of the site has the potential to cause significant soil and groundwater contamination within the development area, principally as a result of equipment failure leading to leakage.
- 5.108 There is the potential for soil and groundwater contamination to be present both in the process plant and storage sections of the refinery or tank farm. Contamination may be associated with drainage system channels and sumps,

retention ponds, waste storage and on site disposal areas, including soakaways. Leaks from tanks, pipelines, effluent drains and sumps may have resulted in contamination as may storage and handling of solid materials such as coke or sulphur for example. There was a reported fuel leak from the site into the adjacent River Tyne for example in 2007.

5.109 Consequently, it is likely that the development area will be affected by ground contamination. Contamination may possibly exist:

- in any historic made ground deposits present,
- from imported fill materials and material used to construct a development platform for the site and buildings,
- from materials e.g. asbestos used in former/ current buildings
- from its former historic site uses

5.110 Therefore, considering the site's potentially contaminating previous land use and sensitive land use, planning conditions will be required for Remediation, Monitoring and Verification Reports.

5.111 Given the above and subject to the recommended conditions the proposals are considered to be acceptable and in accordance with the NPPF, CSUCP policies CS14 and CS21 and Saved UDP policy DC1(p).

5.112 TRANSPORT

The application has been submitted with a Transport Assessment (TA) and supporting drawings that follow the general structure agreed as part of pre-application scoping discussions. The principle of the proposed development is acceptable in transport terms however some further information in relation to servicing is required to give a clear understanding of how the transport related impacts of the development can be dealt with.

5.113 Information submitted by the applicant suggests up to 43 service vehicles being received by the site on a daily basis, the applicant considers this a worst case scenario and is based on data from the TRICS database, information from similar schemes and professional experience. Council officers have some doubts about whether this is reflective of what will occur in practice, however on review of the proposals including sensitivity testing for double the number of vehicles quoted, they are satisfied that this level of service vehicle movements could be accommodated on Pipewellgate across two loading bays each approximately 24m in length.

5.114 It should be noted that the manoeuvring of service vehicle via the car park access is in no way ideal and may result in future concerns being raised by the users of Pipewellgate, however given the constrained nature of the site and Pipewellgate itself, it is unavoidable if the site is to be redeveloped for this type of use.

5.115 The residential operator, Grainger Plc, have confirmed that the arrival of servicing can be managed via a booking system, while the TROs associated with the loading bays will need to have to be time limited, likely to be 20 minutes

- 5.116 A servicing strategy will need to be submitted to demonstrate how the arrival of vehicles will be managed and how the impact on other users of Pipewellgate (particularly pedestrians and cyclists) will be minimised. Attention must be given to the measures to manage refuse collection for all uses on the site to minimize carry distance and impact on the highway. This can be secured by conditions.
- 5.117 The principle of low levels of parking being provided for the site is accepted and supported. However, the car park layout should include accessible bays and anchor points for motor cycle parking and a final layout can be secured by condition.
- 5.118 The applicant has demonstrated through the provision of swept path analysis that the car parking spaces can be accessed. A car park management plan to include details including access controls, how the spaces will be allocated and the period of time they will be allocated over, which bays are to have electric vehicle charging or passive charging infrastructure, provision of accessible bay and details relating to motorcycle parking will be required, this may result in a reduction in the 19 spaces currently proposed. A condition is recommended to secure this.
- 5.119 The applicant is commended for allowing for one car club space for car club provision within the site. The car club would be promoted to all residents and managed via an external party. Final details to be secured by condition.
- 5.120 Whilst the principle of low levels of parking is accepted and supported, further evidence of where this arrangement has worked on similar developments elsewhere had been requested and supplied. For example, In Newcastle the following developments will operate on a similar basis:
- The Forge, Newcastle - the site successfully operates without any parking provision, with the exception of accessible parking bays.
 - Hadrian's Tower - this site is currently under construction and not yet in operation however, it is an approved development and does not include parking provision for tenants.
- 5.121 A scheme for the Bridge Street/Pipewellgate junction is required in order to improve movements out of Pipewellgate onto Bridge Street in the form of Keep Clear markings. The final proposals will be agreed as part of the detailed design of the external highway works associated with the development. It is proposed the details associated with all external highway works are secured by condition.
- 5.122 Cycle parking
180 long stay spaces and 32 short stay spaces are proposed, for the use of residents, however to ensure that adequate and appropriate cycle parking is provided for all of the uses within the development, and to ensure compliance with the Council's Cycling Strategy final details of the numbers, type and location of cycle parking being proposed, as well as details of equipment lockers and changing facilities. can be secured by conditions.

- 5.123 Existing cycle infrastructure on Pipewellgate will need to be amended as a result of the development proposals and the associated reallocation of road space. Final mitigation in the form of signing and lining will need to be developed to ensure existing facilities are not impacted on detrimentally and where possible are enhanced. The design will be agreed as part of the package of external highway works and will be secured by condition.
- 5.124 As walking will be the primary mode for accessing the site, consideration has been given to the pedestrian environment along the Pipewellgate frontage. While analysis has been carried out to conclude that the pedestrian network has suitable capacity it does not fully consider the existing footway condition and the works required to bring this up to a suitable level.
- 5.125 The existing access along the site frontage onto Pipewellgate, will be replaced by a continuous footway which along with resurfacing of the footway will provide an improved environment for pedestrians. The detailed design of the footway improvements as well as the creation of the new access points, the making good of existing accesses, changes to streetlighting, and creation of a link to Rabbit Bank will be secured by condition.
- 5.126 Officers have engaged with Go North East, who have indicated they would be willing to serve an extra stop on Pipewellgate, and that it would be a good thing to do so given the potential number of users. Therefore, provision should be made to provide appropriate infrastructure, in the form of a flag and pole bus stop with associated road markings. As with the measures identified above details relating to this can be secured by condition.
- 5.127 Delivery of all the highway works will be delivered through S278/38 agreement, which the applicant will need to apply to the Council to enter in to.
- 5.128 An unobstructed pedestrian route is required along the river frontage; this can be secured by condition.
- 5.129 A Framework Travel Plan has been prepared by Sanderson Associates (Consulting Engineers) Ltd which accompanies the planning application.
- 5.130 The Framework Travel Plan provides a series of proposed measures to encourage sustainable travel patterns for residents, staff and visitors to the development. Nevertheless, the final details of the framework travel plan are yet to be agreed, furthermore each of the end users will be required to produce user specific travel plans to tie in with the framework document. Conditions will be required in relation to the final framework plan and user specific plans.
- 5.131 The demolition and construction methodology will be extremely important on this site given its constraints. Maintaining safe access for pedestrians, cyclists and public transport will be key. It is recommended that this be dealt with by conditions.

- 5.132 Subject to the recommended conditions referred to above, it is considered that the development is in accordance with the NPPF and CSUCP policy CS13.
- 5.133 **OPEN SPACE AND PLAY FACILITIES**
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.134 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5 obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.
- 5.135 With regards to the open space, the application site is situated within the Windmill Hills Neighbourhood Area which is currently identified as satisfying the requirement for open space. There is therefore, no requirement for additional open space from this proposal.
- 5.136 With regard to play space contributions, the legislation has very recently changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.137 Therefore while it cannot be concluded that the appeal proposal would comply with saved policies H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for off site play provision in this case based on the above assessment.
- 5.138 **STATEMENT OF COMMUNITY INVOLVEMENT**
A consultation exercise was undertaken to involve and engage with Council Officers, stakeholders and members of the public prior to the preparation and submission of the planning application. Throughout the consultation process, there has been an intention by the applicant to respond to consultation feedback from stakeholders and members of the public and, where practicable, to provide information and address concerns.
- 5.139 Community engagement was undertaken throughout the course of the pre application process, in which public consultation leaflets were distributed to all resident and business addresses contained within an agreed red line boundary surrounding the site in the week commencing 1st July.
- 5.140 The public consultation leaflet contained details of the former Brett Oils site, the proposed development of Brett Wharf, and included information about the

developer High Street Residential. The leaflet provided a website address in which further information about the proposed development was contained (including FAQs and draft plans) alongside an opportunity for those who wish to provide their comments via an online form. An email address was also provided for those who wished to provide their comments on the proposed development via email by 15th July 2019.

5.141 A total of 21 responses were received throughout the consultation period.

5.142 The positive comments received during the consultation period related to the site being brought back into use and the sensitivity of the proposals to the heritage context and the proposed café/restaurant and commercial uses at ground floor and public realm works.

5.143 Other comments / concerns:

- that the development at Ochre Yards should be completed before any further redevelopment in the area;
- units should be for sale - request for information on when they will be available including proposed prices per plot.
- requests for more information when ground floor will be up for rent.
- it would be good to see a frontage provided to the eastern side of the site accessible by the public to bring back waterside access.
- impact upon views/light, from Kenilworth House towards the River and the City.
- that it should be built to a high standard visually, including materials and landscaping.
- that it is uninspiring, too large and intrusive and would detract from the historic importance of the High Level Bridge.
- traffic impacts on local road network.
- parking requirements.

5.144 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 not CIL chargeable development as it is a zero charge area.

5.145 ENVIRONMENTAL IMPACT ASSESSMENT

Chapter 7 of the ES concludes that the majority of effects on socio economic and human health are moderate to major beneficial. The minor adverse impacts associated with the construction phase, will be temporary and short lived over the two year construction period. These will be minimised and controlled through a construction management plan secured by condition.

5.146 Furthermore, the chapter concludes that job creation, additional income to the local economy, new housing and the inclusion of new and high quality public realm will result in a major beneficial impact for the local area and the wider area of Gateshead. Officers agree with these conclusions.

- 5.147 Chapter 8 of the ES assessed the potential to affect the significance of cultural heritage assets. It noted that there will be certain effects upon the historic environment associated with both the construction and operational phase of the development. It concluded that during the construction phase due to the distance from the site to the majority of assets the magnitude of the impact of the construction is identified as neutral magnitude of impact against value given the extent of intervening townscape and development.
- 5.148 The High Level Bridge, Bridges Conservation Area and Riverside Park were identified as assets that would have a minor low adverse effect. During the operational phase the effects are concluded to be a low adverse effect where the development screens parts of Riverside Park, a non designated heritage assets from certain locations from the north, however this is a recent creation that stands within the Bridges Conservation Area where overall benefit is noted. The low impact must be balanced against the substantive public beneficial effects outlined in the report. Officers agree with these conclusions.
- 5.149 Chapter 9 of the ES assessed landscape townscape and views supported by Architects Accurate Representations. The baseline being the site as existing is considered to have low value due to its derelict state and its position on the Quays means it is highly visible location. A number of outdoor and built visual receptors were identified and it was concluded that during construction there would be significant short term effects for receptors in close proximity to the site. Upon completion it was concluded that there will be significant visual effects from Newcastle quayside opposite and from the High Level Bridge. The chapter concluded that the development would bring an improved space and increase in positive activity to the site and change the site from being derelict to a new mixed use space including public realm benefits and brings beneficial visual effects from all viewpoints. The potential effects of the proposals on key landscape townscape and visual receptors include both short and long term effects some that will be significant visual effects from close proximity to the site. Officers agree with these conclusions.
- 5.150 Chapter 10 of the ES assessed the impact of the proposed development on archaeological assets. The baseline was data obtained from various archival sources. Works had been undertaken to ascertain the nature and extent of archaeological assets and identified the remains of riverside walls that contain historic fabric and information on the past use of the site. As the remains of industrial buildings would be removed by the proposed development the chapter concluded that a scheme (to be secured by conditions) of excavation and recording of archaeological remains and the recording of the historic buildings to be preserved for record will be such that the effects are less than significant.
- 5.151 Chapter 11 of the ES assessed the impact of the development on flood risk, hydrology and drainage and concluded that the proposed development is at risk of fluvial tidal flooding from the River Tyne however this can be reduced by incorporating the mitigation measures outlined in the report above. It concluded that the scheme accords with planning policies that deal with flood risk hydrology and drainage. Officers agree with these conclusions.

5.152 Chapter 12 of the ES assessed the impact of the proposal on ecology. The baseline was the habitat survey. The chapter concluded that no significant impacts are predicted as a result of the proposals without mitigation. The implementation of the mitigation measures outlined in the Habitat Survey and appropriate working methods would minimise the residual risk of adversely affecting the ecological interests of the site and the adjacent areas. Officers agree with this conclusion, however, in this case, the applicant has submitted a Viability Assessment (VA) that concludes that the development would not be viable if off-site ecological mitigation measures were to be provided. Officers are satisfied that the viability of the site is marginal, given that the site is a brownfield site, formerly in industrial use, which has been vacant for over 10 years with very limited developer interest. The applicant will be required to undertake a significant amount of abnormal work to bring the site forward for development, including demolition and remediation, flood mitigation measures given its location adjacent to the River Tyne and works to the quay wall. The amount of income generating development possible on this site is also dictated by the surrounding heritage assets, that limit the scale of development to ensure that it would not result in harm to designated and non-designated heritage assets. Consequently, the viability of the site is impacted.

5.153 However, this is also allocated as a key development site within the Local Plan. The proposed scheme presents an opportunity to redevelop the site whilst also providing attractive new housing within the urban core, and it is the benefits of the development that Officers consider to outweigh the harm caused.

6.0 CONCLUSION

6.1 The proposed development has been through an extensive and rigorous design development and testing process and range of alternative design solutions have been considered; including alternative uses, layout, storey height, access and public realm strategies. The proposed scheme is considered to represent the optimal design solution for making efficient use of sustainable brownfield land.

6.2 In terms of the uses proposed, alternative uses have been considered, however, a mixed use development comprising commercial uses and public realm at the lower levels with residential use at the upper levels has been progressed in line with the requirements of the site allocation within the CSUCP and the Development Brief for the Site. The uses proposed are considered appropriate given the sustainable location of the Site and will deliver active and varied use throughout both the day and evening.

6.3 The scheme will result in significant regeneration of this part of the Gateshead Quays and will enable access to a currently inaccessible area of Gateshead. Redevelopment on the scale proposed and in such a prominent location will serve to set out a clear message that there is confidence in the development industry, in Gateshead and the North East and could also act as a catalyst for further regeneration and sustainable development opportunities in the area.

- 6.4 Overall, the proposed development will deliver substantial social and economic benefits and supports the redevelopment of the site and riverfront as envisaged by the CSUCP and the Brett Oils Development Brief.
- 6.5 In accordance with Part 5 Regulation 26 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Local Planning Authority has examined the environmental information, the above report sets out the reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the submitted environmental information and our own assessments. Whereas, it cannot be concluded that the development will comply with all relevant planning policy and there will be residual ecological harm (due to a lack of mitigation measures), it is the conclusion of Officers, having carefully balanced this against the benefits of the proposed development, that planning permission should be minded to grant permission, subject to conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

- 3270-FBA-00-00-DR-A-101_001 Rev P2 - BLOCK A SOUTH ELEVATION
Received 15 November 2019
- 3270-FBA-00-00-DR-A-101_002 Rev P2 - BLOCK A NORTH ELEVATION
Received 15 November 2019
- 3270-FBA-00-01-DR-A-101_003 - BLOCK A EAST & WEST ELEVATIONS
- 3270-FBA-00-02-DR-A-102_001 - BLOCK B NORTH ELEVATION
- 3270-FBA-00-02-DR-A-102_002 - BLOCK B EAST & WEST ELEVATIONS
- 3270-FBA-00-02-DR-A-102_003 - BLOCK B SOUTH ELEVATION
- 3270-FBA-00-XX-DR-A-25_10-001 - TYPICAL BAY SHEET 1
- 3270-FBA-00-XX-DR-A-25_10-002 - TYPICAL BAY SHEET 2
- 3270-FBA-00-XX-DR-A-100_001 - SITE LOCATION PLAN
- 3270-FBA-00-XX-DR-A-100_002 - EXISTING SITE PLAN
- 3270-FBA-00-XX-DR-A-100_003 REV P2 - PROPOSED SITE PLAN Received 15 November
- 3270-FBA-00-XX-DR-A-100_004 - DEMOLITION PLAN
- 3270-FBA-00-XX-DR-A-100_010 - EXISTING SITE SECTION A-A
- 3270-FBA-00-XX-DR-A-100_011 - EXISTING SITE SECTION B-B
- 3270-FBA-00-XX-DR-A-100_012 - EXISTING SITE SECTION C-C
- 3270-FBA-00-XX-DR-A-100_013 - EXISTING SITE SECTION D-D
- 3270-FBA-00-XX-DR-A-100_014 - EXISTING SITE ELEVATION E-E (NORTH)
- 3270-FBA-00-XX-DR-A-100_015 - EXISTING SITE SECTION F-F
- 3270-FBA-00-XX-DR-A-100_016 - EXISTING SITE ELEVATION G-G (SOUTH)
- 3270-FBA-00-XX-DR-A-100_017 - PROPOSED SITE SECTION A-A
- 3270-FBA-00-XX-DR-A-100_018 - PROPOSED SITE SECTION B-B
- 3270-FBA-00-XX-DR-A-100_019 - PROPOSED SITE SECTION C-C

- 3270-FBA-00-XX-DR-A-100_020 - PROPOSED SITE SECTION D-D
- 3270-FBA-00-XX-DR-A-100_022 - PROPOSED SITE SECTION F-F
- 3270-FBA-00-XX-DR-A-100_023 Rev P2 - PROPOSED SITE ELEVATION G-G (SOUTH) Received 15 November 2019
- 3270-FBA-00-XX-DR-A-100_024 - PROPOSED SITE ELEVATION (EAST)
- 3270-FBA-00-XX-DR-A-100_025 - PROPOSED SITE ELEVATION (WEST)
- 3270-FBA-00-XX-DR-A-100_029 Rev P2 - PROPOSED SITE ELEVATION E-E (NORTH) Received 15 November 2019
- 3270-FBA-01-XX-DR-A-100000 Rev P2 - BLOCK A - LEVEL 00 Received 15 November 2019
- 3270-FBA-01-XX-DR-A-100100 Rev P2 - BLOCK A - LEVEL 01 - 04 Received 15 November 2019
- 3270-FBA-01-XX-DR-A-100500 - BLOCK A - LEVEL 05
- 3270-FBA-01-XX-DR-A-100600 - BLOCK A - LEVEL 06
- 3270-FBA-01-XX-DR-A-100700 - BLOCK A - LEVEL 07
- 3270-FBA-01-XX-DR-A-100800 - Rev P2 BLOCK A - LEVEL 08 Received 15 November 2019
- 3270-FBA-01-XX-DR-A-100900 Rev P2 - BLOCK A - LEVEL 09 Received 15 November 2019
- 3270-FBA-01-XX-DR-A-101000 - BLOCK A - ROOF PLAN
- 3270-FBA-02-XX-DR-A-100000 - BLOCK B LEVEL 00
- 3270-FBA-02-XX-DR-A-100100 - BLOCK B LEVEL 01
- 3270-FBA-02-XX-DR-A-100200 - BLOCK B LEVEL 02 - 05
- 3270-FBA-02-XX-DR-A-100600 - BLOCK B LEVEL 06
- 3270-FBA-02-XX-DR-A-100700 - BLOCK B LEVEL 07
- 3270-FBA-02-XX-DR-A-100800 - BLOCK B LEVEL 08
- 3270-FBA-02-XX-DR-A-100900 - BLOCK B ROOF PLAN
- Plans prepared by Fairhurst:
- 130463-8001-f - Landscape Proposals Received 15 November 2019
- 130463-8002-A - Landscape Cross Sections and Elevations - Sheet 1 of 2
- 130463-8003-D - Landscape Cross Sections and Elevations - Sheet 2 of 2 Received 15 November 2019

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

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 groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Core Strategy Policies CS15 and UC14 and saved Unitary Development Plan Policies ENV21 and ENV22.

Reason for prior to commencement condition

The commencement of any works would destroy the evidence of any historic building or structure before an archive record could be undertaken

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

4

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 3 has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Core Strategy Policies CS15 and UC14 and saved Unitary Development Plan Policies ENV21 and ENV22.

5

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason

The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF, Core Strategy Policies CS15 and UC14 and saved Unitary Development Plan Policies ENV21 and ENV22.

6

No development shall commence (except for the erection of site security hoardings and site investigations and remediation) until a Demolition and Construction Management Plan (DCMP) for the development has been submitted to and approved in writing by the Local Planning Authority.

The DCMP shall include:

- a) a dust management plan
- b) a noise management plan
- c) pollution prevention measures
- d) contractor parking
- e) details of delivery arrangements, hours and routing
- f) measures to limit and manage transfer of debris on to the highway
- g) Dampening down of exposed stored materials, which will be stored as far from sensitive receptors as possible;
- h) Ensure all vehicles switch off engine when stationary;
- i) Avoiding dry sweeping of large areas; and
- j) Details of protection of migratory fish during significant noise and vibration activities

Reason for condition

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development and fish in accordance with the NPPF, saved policies DC1(h), DC2 and ENV46 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

Reason for prior to commencement condition

The DCMP must demonstrate that the residential amenities of adjacent properties will be protected during construction of the development and fish.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

7

The development hereby permitted shall be undertaken wholly in accordance with the Demolition and Construction Method Statement approved under condition 6 for the duration of the demolition and construction periods.

Reason:

To ensure that the site set up does not impact on highway safety, pedestrian safety, fish and residential amenity in accordance with Saved UDP policies ENV3, DC2, ENV46? and CSUCP policies CS13, CS14, CS18 and National Planning Policy Framework.

8

Prior to commencement of the development hereby permitted (except for the erection of site security hoardings and site investigations) and notwithstanding the information submitted; a Biodiversity Method Statement covering:

- a) protection, creation, enhancement and maintenance of habitats/ecological features to be retained and/or created on site
- b) measures to be implemented to avoid/minimise harm to off-site ecological receptors, including the adjoining River Tyne Local Wildlife Sites, priority habitats and the designated Wildlife Corridor.
- c) protected and priority species including bats, breeding birds and hedgehog, and;
- d) invasive non-native species

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The content of the method statement shall include timescales and details of measures to be implemented to avoid/minimise the residual risk of harm to individual species during the demolition, construction and operations phases of the development; and to ensure, where possible, local populations are maintained at or above their current levels.

Reason for condition

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in advance of the commencement of the development hereby permitted.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

9

The details approved under condition 8 shall be undertaken in strict accordance with the approved details of the Biodiversity Method Statement(s) for the duration of the vegetation/site clearance, demolition and construction phases of the development.

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

10

Prior to the commencement of the development hereby permitted (except for the erection of site security hoardings, demolition of the existing buildings and site investigations) a Remediation Method Statement will be prepared in accordance with the approved Phase II Report (Geo-Environmental Interpretive Report dated November 2019 by Fairhurst) and will be submitted and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policies CS14 and CS21 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

11

The remediation measures approved under condition 10 shall be implemented wholly in accordance with the approved remediation measures prior to construction of the development hereby permitted and maintained for the life of the development.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with 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.

12

Following completion of the remediation measures approved under condition 10, 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 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.

13

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. Development must be halted on that part of the site affected by the unexpected contamination. Where required by 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.

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.

14

Prior to commencement of the development hereby permitted (except for the erection of the site security hoardings, demolition of the existing buildings) additional Phase II intrusive site investigation works shall be undertaken, in order to ascertain the ground conditions and to establish the presence or otherwise of shallow mine workings and a Phase II Risk Assessment report shall be completed and the findings submitted for the written approval of the Local Planning Authority.

Reason for condition

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 DC1p of the Unitary Development Plan and CS21 of the CSUCP.

Reason for prior to commencement condition

The mitigation works to address shallow unrecorded mine workings must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

15

Prior to the commencement of the development hereby permitted (except for the erection of the site security hoardings, demolition of the existing buildings), details of remediation measures to remove risks associated with coal mining legacy in the development area shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition

To ensure the ground stability of the development and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1 of the Unitary Development Plan.

Reason for pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

16

The remediation measures approved under condition 15 shall be implemented wholly in accordance with the approved scheme prior to the commencement of the development hereby permitted.

Reason for condition

To ensure the ground stability of the development and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1 of the Unitary Development Plan.

Reason for Pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

17

Prior to commencement of the development hereby permitted (except for the erection of site security hoardings, demolition of the existing buildings and site investigations and remediation) a drainage demolition and construction method statement (DCMS) shall be submitted to and approved in writing by the Local Planning Authority. The content of the DCMS shall be in accordance with Appendix B6 of the CIRIA SuDS Manual, and Gateshead Interim SuDS Guidelines (Version 2 - March 2016) or as updated at the time of development commencing, for best practice

Reason for condition

To ensure the works do not increase risk of flooding or pollution of watercourses in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

Reason for prior to commencement condition

To ensure that it has been demonstrated that the drainage scheme will prevent the risk of flooding prior to construction of the development.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

18

The drainage demolition and construction method statement details approved under condition 17 shall be wholly implemented prior to first occupation of any of the building

hereby permitted in accordance with the approved details and retained for the full duration of the development

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

19

Prior to the commencement of the development hereby permitted (except for the erection of site security hoardings, demolition of the existing buildings and site investigations) a Drainage Management and Maintenance Plan in perpetuity, in full accordance with the Gateshead Council Interim Surface Water (SuDS) Guidelines for New Development, shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for condition

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

Reason for pre commencement condition

To demonstrate that the SuDS scheme will be maintained to prevent the risk of flooding prior to commencement of the construction of the SuDS scheme.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

20

The details approved under condition 19 shall be substantially implemented prior to first occupation of any part of the development hereby permitted in accordance with the approved details and retained thereafter for the life of the development

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

21

Prior to commencement of the development hereby permitted (except for the erection of site security hoardings, demolition of the existing buildings and site investigations) a Drainage Assessment shall be submitted. This shall include:

- a) Demonstration that the final drainage scheme conforms with the DEFRA Non-Technical Standards for SuDS, and that the drainage hierarchy has been followed with evidence of site investigation in accordance with the CIRIA SuDS Manual (C753).
- b) Demonstration that water quality will not be worsened by the development through assessment and consideration of treatment methods, in accordance with CS17.3.
- c) Detailed drawings of the drainage network showing clearly numbered pipes, falls, diameters, invert and cover levels that correspond with the submitted drainage model. Proposed contours, external, and finished floor levels should be submitted along with: existing and proposed site sections and levels; long and cross sections

of the proposed drainage system; detailed drawings of all SuDS features and connections; detailed landscape plans showing proposed planting, and seeding, in and around SuDS features, including planting schedules and timescales for the implementation of all features

- d) An electronic copy of the drainage model is required in Microdrainage format which corresponds with any drawings within the submission. It should include any topographical site layouts or 3d surveys relevant to the drainage design.
- e) SuDS Health and Safety Assessment where appropriate consideration and management of any health and safety issues relating to the SuDS implementation features with reference to Appendix B3 of the CIRIA SuDS Manual for best practice.
- f) All necessary consents required for off-site works.

Reason for condition

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

Reason for prior to commencement condition

To ensure that it has been demonstrated that the drainage scheme will prevent the risk of flooding prior to construction of the development.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

22

The details of SuDS measures approved under condition 21 shall be implemented wholly in accordance with the approved details prior to first occupation of any of the dwellings of the development hereby permitted in accordance with the approved details and retained thereafter for the life of the development.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

23

Prior to first occupation of the development hereby permitted, an external lighting strategy for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity, including bats; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can clearly be demonstrated that areas to be lit will not prevent bats and other wildlife using their territory or having access to their resting places, whilst also considering the residential amenity impacts from light spillage on both residents of the development and neighbouring occupiers.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

To avoid harm to residential amenity, bats and ensure the maintenance of the 'local' bat population at or above its current level and in order to protect the amenities of nearby occupiers in accordance with CSUCP policies CS14 and CS18, Saved UDP policies DC1(s), DC2 and ENV46 and the NPPF.

24

The external lighting details approved under condition 23 shall be implemented wholly in accordance with the approved details, prior to the first occupation of the development and retained for the life of the development thereafter

Reason

To avoid harm to residential amenity, bats and ensure the maintenance of the 'local' bat population at or above its current level and in order to protect the amenities of nearby occupiers in accordance with CSUCP policies CS14 and CS18, Saved UDP policies DC1(s), DC2 and ENV46 and the NPPF.

25

Prior to first occupation of the development hereby permitted full details of a SuDS Management and Maintenance Plan to include:

- a) a specification of maintenance tasks; and schedule of tasks and inspections for the lifetime of the development and
- b) a specification and schedule for replacement of any items with a design life shorter than the expected lifetime of the development

shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

26

The SuDS Management and Maintenance Plan approved under condition 25 shall be implemented wholly in accordance with the approved details prior to first occupation of any of the dwellings of the development hereby permitted in accordance with the approved details and retained thereafter for the life of the development.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

27

Prior to commencement of the construction of any building, full details of flood resistance and resilience measures to a level of 0.6m above finished floor level with a finished floor level of 5.0m shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

28

The details approved under condition 27 shall be implemented wholly in accordance with the approved details prior to the first occupation of the development hereby permitted

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

29

Prior to first occupation of the development hereby permitted full details of the car park layout shall be submitted for the consideration and written approval of the Local Planning Authority. The details shall include the location of

- a) electric vehicle charging points and bays,
- b) bays with passive charging infrastructure
- c) motorcycle parking and anchor points and
- d) transition bays.

Reason

In order to encourage sustainable modes of travel and in accordance with CSUCP policy CS13 and Gateshead Cycling Strategy.

30

The car park layout approved under condition 29 shall be implemented wholly in accordance with the approved details and maintained and retained thereafter for the life of the development.

Reason

In order to encourage sustainable modes of travel and in accordance with CSUCP policy CS13 and Gateshead Cycling Strategy.

31

Prior to first occupation of the development hereby permitted full details, of the number, type and location, as well as details of equipment lockers and changing facilities, of secure and weatherproof cycle storage for residents and cycle storage for visitors and staff shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to encourage sustainable modes of travel and in accordance with CSUCP policy CS13 and Gateshead Cycling Strategy.

32

The details approved under condition 31 shall be implemented wholly in accordance with the approved details prior to the first occupation of the development hereby permitted and retained for the life of the development thereafter

Reason

In order to encourage sustainable modes of travel and in accordance with CSUCP policy CS13 and Gateshead Cycling Strategy.

33

Prior to the development proceeding above damp-proof course, final details of the highway improvements on Pipewellgate shall be submitted for the written approval of the Local Planning Authority. The final details shall include:

- a) Changes to existing parking and loading restrictions along Pipewellgate, including the times that deliveries/servicing can take place.
- b) making good of existing site access points
- c) creation of new access points,
- d) detailed design of the footway along the site frontage
- e) improvements to the footway along the frontage of the site,
- f) pedestrian connection from the site to Rabbit Banks, on both sides of Pipewellgate,
- g) any required changes to cycle infrastructure (lines/signs),
- h) provision of westbound flag and pole bus stop
- i) street lighting relocation and upgrades, and
- j) works at Pipewellgate's junction with Bridge Street to improve movements out of Pipewellgate onto Bridge Street, in the form of Keep Clear markings.

The detailed design will need to be carried out by the Council's engineering design team, with all costs being met by the applicant.

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

34

The details approved under condition 33 shall be implemented in full prior to the first occupation of the development hereby permitted.

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

35

The development hereby permitted shall not be occupied until the submission of a final Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

- a) An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- b) Clearly defined objectives, targets and indicators.
- c) Details of proposed measures.
- d) Appointment of a travel plan co-ordinator and their allocated budget
- e) Detailed timetable for implementing measures.
- f) Proposals for maintaining momentum and publicising success.
- g) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

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

Reason

In order to accord with the NPPF and policy CS13 of the CSUCP.

36

The Travel Plan(s) approved under condition 35 and as subsequently revised, shall be wholly implemented in accordance with the approved details for the life of the development

Reason

To ensure sustainable travel and in accordance with CSUCP CS13 and the NPPF.

37

Within 3 months of any part of the development being occupied or reoccupied either in part or in full the owner and/or the occupier shall submit a user specific travel plan to the Local Planning Authority for written approval to demonstrate how they will accord with the approved framework travel plan secured under condition 35.

Reason

To ensure sustainable travel and in accordance with CSUCP CS13 and the NPPF.

38

Travel Plans approved under condition 37 and as subsequently revised, shall be wholly implemented in accordance with the approved details for the life of the development

Reason

To ensure sustainable travel and in accordance with CSUCP CS13 and the NPPF.

39

The development hereby permitted shall not progress above foundation level until a materials schedule has been submitted for the consideration and written approval of

the Local Planning Authority and samples of all materials, colours and finishes to be used on all external surfaces and surface treatments have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the Conservation Area in accordance with the NPPF, Saved Policies DC2, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

40

The development hereby permitted shall be undertaken wholly in accordance with the materials approved by condition 39 and retained for the life of the development thereafter.

Reason

To ensure that the proposed development does not have an adverse effect upon the appearance of the Conservation Area in accordance with the NPPF, Saved Policies DC2, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

41

Development hereby permitted shall not progress above foundation level, until final details of a fully detailed scheme for the landscaping of the site detailing the creation, enhancement and management of all hard and soft landscaping areas within the site has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details and proposed timetable for hard and soft landscaping, planting plans noting the species, plant sizes and planting densities for all new planting and delineation of a 4m wide clear pedestrian route.

Reason

To ensure that a an adequate pedestrian route is kept clear from obstruction and that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e), ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

42

The hard and soft landscaping details approved under condition 41 shall be fully implemented in accordance with the approved specifications and timescales.

Reason

To ensure that a an adequate pedestrian route is kept clear from obstruction and that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies

DC1(d) and (e), ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

43

The approved landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

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 Saved Policies DC1 and ENV3 of the Unitary Development Plan, CSUCP policies CS15 and CS18 and the NPPF.

44

The development hereby permitted shall be implemented wholly in accordance with the drainage scheme contained within the submitted Flood Risk Assessment (ref D/I/D/130463/01 Issue 2).

The drainage scheme shall ensure that foul water flows discharge to a nearby sewer connection at an unrestricted rate with surface water discharging to the River Tyne at an unrestricted rate.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF, and CSUCP policy CS17.

45

Unless otherwise approved in writing by the Local Planning Authority, all works, demolition, construction and ancillary operations in connection with the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with Saved Policy DC2 of the Unitary Development Plan and CS14 of the CSUCP.

46

Prior to the installation of externally mounted plant equipment, full details of any externally mounted plant equipment, including their location, appearance, noise generation levels and any acoustic mitigation measures, shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To safeguard the appearance of the development and the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

47

The details approved under condition 46 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted and maintained and retained for the life of the development thereafter.

Reason

To safeguard the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

48

Prior to the development hereby permitted progressing above foundation level full details of glazing and a ventilation scheme, to accord with the recommendations included in the noise assessment (from NJD Environmental Associates Reference NJD19-0048-002R). shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

49

The glazing and ventilation scheme approved under condition 48 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted and retained and maintained for the life of the development.

Reason

To safeguard the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

50

Prior to first occupation of the development hereby permitted full details of a Servicing Strategy shall be submitted for the consideration and written approval of the Local Planning Authority. The Servicing Strategy shall provide details in relation to:

- a) Refuse collection for the commercial, residential and office elements
- b) Deliveries for the commercial and office elements
- c) Maintenance vehicles for the commercial and office elements
- d) Deliveries (online shopping, removals, maintenance) for the residential element
- e) Other (not included in the above) for the commercial, residential and office elements

- f) How movements will be managed for deliveries, refuse collection, maintenance vehicles and other vehicles, demonstrating how this can be accommodated by the two loading bays and also in relation to accesses and bin storage areas
- g) The informal measures to protect other highway users when vehicles are manoeuvring within the access and
- h) measures to limit the size of delivery vehicles in accordance with the tracking associated with turning movements within the car park access

Reason

To ensure the safe operation and satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and highway safety in accordance with the NPPF and Saved UDP Policy ENV3 and CSUCP policy CS13

51

The Servicing Strategy details approved under condition 50 shall be implemented at all times wholly in accordance with the approved details for the operational life of the development

Reason

To ensure the safe operation and satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and highway safety in accordance with the NPPF and Saved UDP Policy ENV3 and CSUCP policy CS13

52

No part of the development hereby approved shall be occupied until a scheme for public art, including the timescale for its installation has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

53

The public art shall be implemented in accordance with the scheme approved under condition 52. The approved artwork shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

54

Prior to the development hereby permitted progressing above ground level final details relating to the car park layout and management scheme to include:

- a) Communication and enforcement strategy for the measures to be implemented
- b) Access control proposals
- c) Allocation of spaces and the period of time they are allocated.
- d) Measures to safeguard pedestrian, cycle and vehicle arrivals
- e) car club provision

- f) a review period to be included in the allocation of bays which will allow flexibility in relation to facilities like car clubs, number of EV charging bays, cycle parking

Shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate site traffic and parking management for all elements of the development and in accordance with the NPPF and CSUCP policy CS13.

55

The details approved under condition 54 shall be implemented wholly in accordance with the approved details before the development is brought into use, and thereafter maintained for the life of the development.

Reason

To ensure adequate site traffic and parking management for all elements of the development and in accordance with the NPPF and CSUCP policy CS13.

56

Prior to the development hereby permitted progressing above foundation level, the on-site ecological mitigation measures contained in the Ecology ES Addendum reference ECN18 244 dated 6th November 2019 shall be wholly implemented and thereafter retained.

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

57

Prior to the development hereby permitted progressing above foundation level, a scheme for the provision of 3no. general purpose bat boxes, as set out in the submitted Preliminary Ecological Appraisal and Bat Roost Assessment (ECN18 244 dated November 2019) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of minimising harm and impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1 and ENV46 and the NPPF.

58

The bat boxes approved under condition 57 shall be implemented wholly in accordance with the approved details prior to the first occupation of the development hereby permitted.

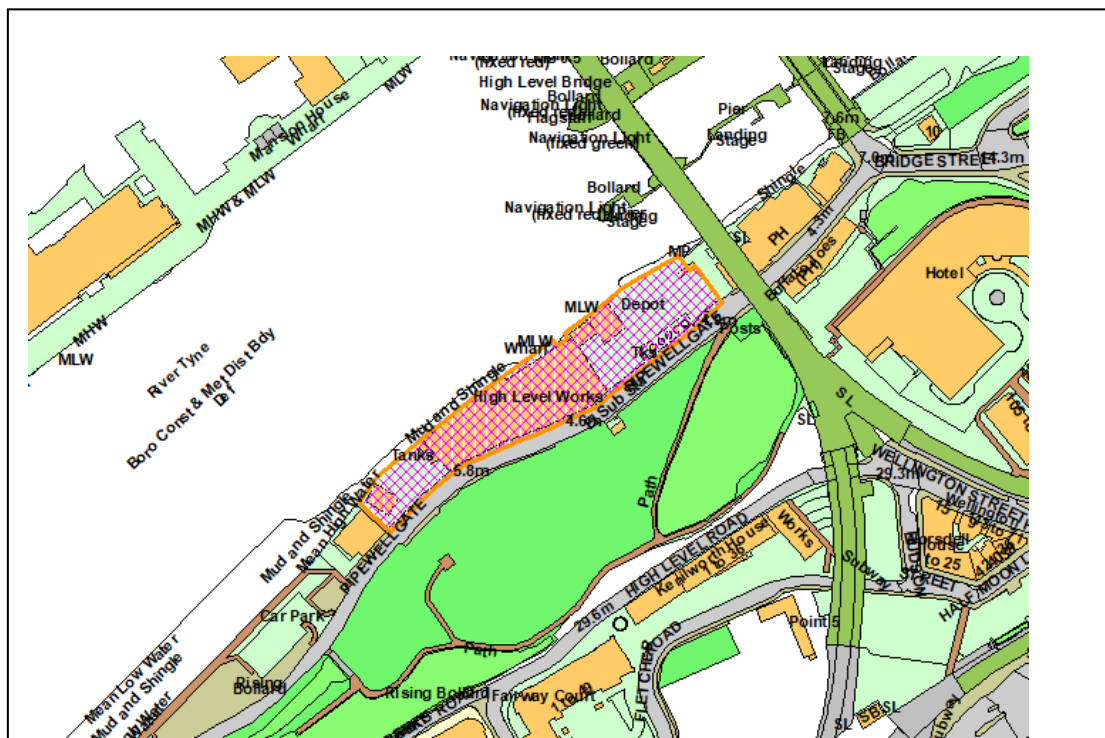
Reason for condition

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

For a five-year period, commencing from the first residential occupation of the development, all tenants (including those who have taken out a tenancy prior to the first residential occupation of the development) shall be offered tenancies of three or more years. For the avoidance of doubt, there would be no obligation on the tenant to take up the offer of such a tenancy. The operator will be required to provide the Local Planning Authority with evidence of the length of tenancies being offered, within one month of receiving such a request.

Reason

The development has been assessed on the basis of it being a Private Rented Sector scheme and certain requirements have been relaxed on the basis of the viability of the development. Should the development not operate as a PRS development, the Local Planning Authority would wish to have the opportunity to reassess the viability of the development at that stage.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 18 DECEMBER 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/19/00098/FUL	VARIATION OF CONDITIONS 1 (Approved drawings), 16 (extent of permeable paving), 17 (materials), 19 (cycle/bin store design) and 31 (depth of window reveals) of permission DC/17/00963/FUL.	The Springs Health Club, Joicey Road,	Granted;	Saltwell
DC/19/00235/FUL	VARIATION OF CONDITION 4: (Approved plans) of DC/18/01113/FUL to increase living accommodation at first floor level, make alterations to windows and creation of roof top balcony (amended plans 11.09.2019)	Butsfield , Durham Road,	Granted;	Lamesley
DC/19/00490/HHA	Two storey side and first floor front extension and single storey rear extension (amended plans 26.07.2019, 03.09.2019, 27.09.2019, 30.09.2019 and 01.12.2019) (amended description)	6 Queens Drive, Whickham,	Granted;	Dunston Hill And Whickham East

DC/19/00585/FUL	Change of use of premises from A3 (food and drink) use to mixed A3 and single C3 dwellinghouse incorporating alterations and the use of an outbuilding to ancillary residential accommodation and elevational alterations to the front of the restaurant (amended 18/11/19).	42-44 Sheriffs Highway, Sherrif Hill,	Granted;	Low Fell
DC/19/00765/FUL	VARIATION OF CONDITION 1 of permission DC/17/00172/REM (Approved Plans) to link road running through from Kelvin Grove to Westminster Street and replacement with adoptable footpath (amended 13/09/19 and 24/10/19).	Bensham And Saltwell Phase 2, ,	Granted;	Saltwell
DC/19/00868/LBC	Partial removal of a central load bearing stone wall in the (semi) basement	12 Claremont Place, Bensham,	Granted;	Lobley Hill And Bensham
DC/19/00883/FUL	Variation of Condition 1 (approved plans) of DC/17/01288/COU to allow the enclosure of the pergola (amended 15/10/19 and 05/11/19) (amended description 22/11/19)	Basement, 20 Shibdon Road,	Granted;	Blaydon

DC/19/00915/FUL	Erection of outdoor 'shack bar' for use as drinks servery and provision of garden play area and play equipment (retrospective)	168 Kells Lane, Low Fell,	Refused;	Low Fell
DC/19/00952/FUL	Variation of condition 2 (Approved Plans) of DC/18/00006/FUL to alter the number of roller shutter doors from six to two (description amended 04.11.19)	Site Of 1, Brewery Lane,	Granted;	Felling
DC/19/00930/HHA	Proposed two storey side and single storey rear extension (amended plans received 12.11.2019)	10 Lyndhurst Drive, Lyndhurst,	Granted;	Chowdene
DC/19/00931/HHA	Removal of current sunroom and construction of new part two storey rear extension and conversion of part of current garage to WC and utility (amended plans received 19.11.19)	Ferndene, Gateshead Road,	Granted;	Whickham South And Sunnyside
DC/19/00969/COU	Change of use from motor store (supply and fitting of automotive parts) to Power Wholesale Ltd involving the running, manufacture, export and supply of electrical goods to the domestic and commercial market (sui generis) (additional information received 29/10/19).	Revolution Performance Motorstore, Revolution House,	Granted;	Dunston And Teams

DC/19/00953/HHA	Rear extension and roof alterations	16 Lyndhurst Crescent, Gateshead,	Granted;	Chowdene
DC/19/00955/OUT	Erection of dormer bungalow (all matters reserved)	8 Holburn Walk, Ryton,	Granted;	Ryton Crookhill And Stella
DC/19/00975/COU	Proposed change of use from mixed use sandwich shop and cafe (sui generis) to cafe/restaurant (use class A3) including installation of new shop front and roller shutter (amended plans received 02.12.19)	Unit 3, Ship Inn,	Granted;	Pelaw And Heworth
DC/19/00978/HHA	Single storey side and rear extension with raised decking (plans amended 25.10.2019).	13 Berkley Avenue, Blaydon,	Granted;	Blaydon
DC/19/01000/HHA	Proposed single storey rear extension at ground floor and basement level with raised patio area (plans amended 22.11.2019).	25 Primrose Hill, Gateshead,	Granted;	Low Fell
DC/19/00993/HHA	Proposed installation of solar panels to the rear roof	3 St Cuthberts Park, Marley Hill,	Granted;	Whickham South And Sunniside
DC/19/00998/HHA	Construction of replacement conservatory to west side elevation with tiled roof (amended plans and description 06.12.2019)	Ponteland Cottage , Pipe Bridge,	Granted;	Chopwell And Rowlands Gill

DC/19/01013/FUL	Construction of external storage racks and alteration to onsite vehicle parking arrangements (description amended 03.12.2019).	CCF Ltd, Kingsway,	Granted;	Lobley Hill And Bensham
DC/19/01017/HHA	Erection of part two storey part single storey rear extension (amended plans and description 03.12.2019)	7 Wordsworth Avenue, Whickham,	Granted;	Whickham North
DC/19/01019/HHA	Proposed single storey side extension	9 Woodstock Road, Harlow Green,	Granted;	Chowdene
DC/19/01037/HHA	Erection of a first floor extension over existing ground floor, and new ground floor rear extensions with front and rear dormers in roof	166 Prince Consort Road, Gateshead,	Granted;	Bridges
DC/19/01042/CDPA	DETERMINATION OF PRIOR APPROVAL: Change of use from shop (use class A1) to tea and cake shop (use class A3).	305 High Street, Gateshead,	Granted;	Bridges
DC/19/01038/HHA	Proposed single storey rear and side extension to include a flat roof with two lantern windows, provision of a new porch to the side and relocation of external stairs to rear elevation.	13 Weston Avenue, Fellside Park,	Granted;	Whickham South And Sunnside

DC/19/01039/HHA	Proposed single story rear extension	Brandelhowe , 20 The Crescent,	Granted;	Whickham South And Sunnside
DC/19/01049/HHA	Proposed two-storey rear extension and creation of off-street parking space to the front (description amended 25.11.19)	6 Werhale Green, Felling Central,	Granted;	Felling
DC/19/01050/HHA	Proposed single storey rear extension with new pitched roof over existing side extension.	13 Sidmouth Road, Gateshead,	Granted;	Chowdene
DC/19/01052/HHA	Construction of a single storey double width garage at the front of the existing bungalow	47A Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/19/01057/FUL	Removal of condition 3 of application DC/09/01216/FUL to allow the retention of the shed and greenhouse on site (previously limited to 10 years) (description amended 31.10.2019)	Adjacent Garden House , Hillhead Lane,	Granted;	Whickham South And Sunnside
DC/19/01059/COU	Temporary change of use from public footway to event space (Use Class D2) and installation of a temporary ice rink (retrospective) (description amended 02.12.19)	Metrocentre Yellow Multi-Storey Car Park , The Galleria,	Temporary permission granted;	Whickham North

DC/19/01062/HHA	Rear single storey extension	23 Elm Court, Whickham,	Granted;	Whickham South And Sunnyside
DC/19/01065/HHA	Hip to gable loft conversion with rear dormer	56 Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/19/01067/HHA	Proposed single storey extension to rear with a flat roof and roof lantern (part retrospective) (description amended 03.12.19)	40 Oakfield Road, Whickham,	Granted;	Whickham North
DC/19/01071/HHA	Proposed single storey side and rear extension	16 Thornley Avenue, Leam Lane Estate,	Granted;	Wardley And Leam Lane
DC/19/01072/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 paving to widen existing pathway	129 St Cuthberts Drive, Heworth,	Granted;	Pelaw And Heworth
DC/19/01075/FUL	Proposed telecommunications upgrade - proposed phase 8 monopole c/w (20m high) with wraparound cabinet at base and associated works.	T Mobile Mast 74101 West Of Roundabout, Chainbridge Road,	Granted;	Blaydon

DC/19/01076/TDPA	DETERMINATION OF PRIOR APPROVAL: Proposed telecommunications upgrade - proposed phase 8 monopole c/w (20m high) with wraparound cabinet at base and associated works.	South West Of Roundabout, Chainbridge Road,	Granted;	Blaydon
DC/19/01077/FUL	Variation of Condition 1 (approved plans) of application DC/18/01196/HHA to install UPVC casement window within second floor front dormer window	9 Saltwell View, Gateshead,	Granted;	Saltwell
DC/19/01091/HHA	Demolition of existing conservatory and garage and construction of single storey rear and side extension.	11 Ventnor Gardens, Low Fell,	Granted;	Saltwell
DC/19/01092/FUL	Proposed garage for use in association with funeral home (description amended 05.11.19)	Former Lloyds Bank , Station Road,	Granted;	Chopwell And Rowlands Gill
DC/19/01096/HHA	Proposed single storey extension to front elevation	10 Wilson Avenue, Northside,	Granted;	Lamesley
DC/19/01098/HHA	Proposed single storey extension to rear of property and new driveway to front	19 Derwent Water Drive, Blaydon On Tyne,	Granted;	Ryton Crookhill And Stella

DC/19/01099/HHA	Proposed single storey extension to replace existing conservatory	13 Coalway Drive, Whickham,	Granted;	Dunston Hill And Whickham East
DC/19/01102/HHA	Proposed single storey rear extension, porch and link to connect main house to outbuilding.	Dairy Cottage , 1 Heathfield Farm,	Granted;	Crawcrook And Greenside
DC/19/01108/HHA	Proposed single storey side and rear extension (amended plans received 03.12.19)	7 Forge Close, Blackhall Mill,	Granted;	Chopwell And Rowlands Gill
DC/19/01121/HHA	Proposed two storey side and rear extension and single storey front and rear extension (resubmission)	10 Western Way, Blaydon On Tyne,	Granted;	Blaydon
DC/19/01122/FUL	Demolition of existing conservatory and erection of sun lounge to rear (additional information 15.11.2019)	1 Police Houses, Gateshead Road,	Granted;	Whickham South And Sunniside
DC/19/01136/HHA	Proposed single storey rear extension	6 The Pavilion, Whickham,	Granted;	Whickham North

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AGENDA ITEM 6

Application No:	DC/15/01098/FUL
Case Officer	Iain Armstrong
Applicant	Taylor Wimpey (NE) Ltd
Site:	Land East of Crawcrook Lane, Crawcrook
Ward:	Crawcrook and Greenside
Proposal:	Deed of Variation of Section 106 – Affordable Housing Provision
Recommendation:	GRANT
Application Type	Variation s106

1.0 Purpose of the Report

- 1.1 To seek Members' approval to authorise the variation of a section 106 agreement (known as a "deed of modification" under Section 106A of the Town and Country Planning Act 1990) with regard to affordable housing provision at the Crawcrook North site, east of Crawcrook Lane, Crawcrook.

2.0 Background

- 2.1 Members may recall the resolution to grant planning permission (application ref. DC/15/01098/FUL) at the meeting of the Planning and Development Committee on 3 August 2016 which was to develop the site for 187 homes.
- 2.2 The planning permission secured, through a Section 106 Agreement (S106 Agreement), the provision of 28 affordable homes – 18 for Affordable Rent and 10 for Discounted Market Sale (these are discounted for sale in perpetuity). It is the homes for discounted sale that is the subject of this request.

3.0 Proposed Amendment

- 3.1 The applicant, Taylor Wimpey, has applied to the Council with a request to vary the requirements of the Section 106 Agreement for all of the Discounted Market Sale homes. It is proposed that these homes are changed to 2-bedroomed Shared Ownership and are held by a Registered provider of affordable housing. Shared Ownership allows people to buy a share of their home and pay rent on the remainder. The National Planning Policy Framework (NPPF) glossary defines Shared Ownership as a type of affordable housing.
- 3.2 There would be no change to the 18 affordable rent homes proposed and therefore the proposed affordable homes tenure across the site would be:

- 10 Shared Ownership homes.

- 18 Affordable Rent homes.

3.3 The type of homes across the whole of the site, including the affordable housing, would be:

- 85 x 4+ bedroomed homes
- 71 x 3-bedroomed homes
- 31 x 2-bedroomed homes

4.0 Consideration

4.1 Policy CS11 of the CSUCP requires (amongst other things); 60% of new private housing across the plan period being suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms; and provision of 15% affordable homes on all developments of 15 or more dwellings.

4.2 Saved policy H5 of the UDP requires developments to offer a range of housing choices in terms of housing sizes and types.

4.3 The proposal would be in accordance with these policies. The total number of affordable homes across the site would remain as 28, which is 15% of the total number and over 60% of homes across the site would have three or more bedrooms. The proposal would still provide a good mix of housing sizes and types.

5.0 Conclusion

5.1 In conclusion, it is considered that the proposed variation from Discounted Market Sale homes to Shared Ownership homes is acceptable and in accordance with the Council's relevant Development Plan policies. The varied type of housing (Shared Ownership) is also defined in the NPPF as a type of affordable housing.

6.0 Recommendation

6.1 It is considered that the proposed variation to the section 106 agreement is acceptable and it is recommended that the Strategic Director Corporate Services & Governance be authorised to enter into the deed of variation to the section 106.

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 13.11.19 and ending 04.12.19, the enforcement team has received **67** new service requests:

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	28	16	28	1
HIGHWAYS	22	13	25	0
WASTE	17	9	13	62
TOTALS	67	38	66	63

COURT HEARINGS

The Enforcement Team attended **7** Court Hearings, **1** of which was finalised, resulting in **£0** fines and **£150** costs



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
18th December 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	<p>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.</p> <p>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</p>	11 January 2016	12 January 2016	15 February 2016	<p>14 March and 4 July 2016</p> <p>29th Sep 2018</p>	<p>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.</p> <p>A court date has been issued for the 26th April 2019 at Gateshead Magistrates Court.</p> <p>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.</p> <p>The Court date has been adjourned until 24th June at 10am, discussions are to take place with the land owner prior to the court date to progress with the clearance of the land.</p> <p>A site visit was undertaken on the 29th June, two of the areas of land have been significantly cleared, efforts are being made by the owners to clear the third piece of land prior to the court date.</p> <p>The trial date has been arranged for the 24th September 2019</p>
4.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	<p>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.</p> <p>A site visit was undertaken on the 20th 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.</p>
5.	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	<p>Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden.</p> <p>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.</p> <p>An appeal start date has been received.</p> <p>The appeal has been decided and the notice upheld. Further details are provided on the appeals report.</p> <p>Council Officers are in discussions with the home owner to ensure compliance as the end of the compliance period has now lapsed.</p>

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
								Part of the Notice has now been complied with. Enforcement Officers are undertaking a site visit to assess whether the works comply wholly with the requirements of the Notice.
6.	Blaydon and District Club and Institute, Garden Street	Blaydon	Untidy Land	03 rd September 2018	03 rd September 2018	5 th October 2018	30 th November 2018	<p>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</p> <p>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.</p> <p>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.</p> <p>Natural England has requested an up to date bat survey prior to issuing a licence.</p> <p>Works have commenced to soft strip the building in anticipation for demolition.</p>
7.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05 th September 2018	05 th September 2018	5 th October 2018	30 th November 2018	<p>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.</p> <p>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.</p> <p>Following a site visit on the 19th November, a scope of works should be submitted by the developer no later than the 30th November. Quotes however are being sought for the demolition of the property in preparation that the information is not forthcoming.</p> <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>Works to the roof has recommenced and the existing roof has now been fully stripped.</p>
8.	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>

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>A hearing date has been scheduled for the 24th September 2019.</p> <p>The hearing date has been rescheduled to the 8th October 2019</p> <p>The Appeal has been determined and the Notice upheld, further details are provided on the appeals report.</p>
9.	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> <p>A planning application has been submitted and approved for the erection of a single storey side extension. The owner of the property has stated that the extension will be removed in the next four weeks and footings for the new extension installed.</p> <p>Following the expiry of the compliance period, officers have visited the site and wrote to the owner allowing a further 21 days to remove the structure.</p> <p>A further site visit has been undertaken and works to fully remove the structure has still not taken place, a prosecution file is now being compiled due to non compliance with the notice.</p> <p>Following a further site visit, additional works have been undertaken to comply with the notice, however Officers have spoken to the owner advising what additional works are still needed to fully comply with the notice.</p>
10.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A site visit was undertaken on the 4th June, where drainage works had commenced. Officers are working closely with the Operator of the quarry to ensure compliance.</p> <p>A discharge of condition application has been submitted in relation to condition 23 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice</p>
11.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p>

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>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p>
12.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 th July 2019	25 th July 2019	22 nd August 2019	03 rd October 2019	Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.
13.	27 Sundridge Drive, Wardley Gateshead NE10 8JF	Wardley and Leam Lane	Unauthorised change of use	01 st August 2019	01 st August 2019	5 th September 2019	03 rd October 2019	<p>Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. A previous enforcement notice was served seeking the removal of the fence, however the notice was quashed following an appeal decision. The notice has been re served to include the change of use to residential garden.</p> <p>An appeal has been made against the Notice, further details are provided on the appeals report.</p>
14.	40 Whitemere Gardens, Gateshead NE10 0BE	Wardley and Leam Lane	Untidy Land	11 th September 2019	11 th September 2019	16 th October 2019	27 th November 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring vehicles and building materials be removed from the land, the garden and weeds cut back, and the fence and gate reinstated.</p> <p>The notice has come in to force and the homeowner is in constant contact with the Enforcement Officer. Approximately 80 percent of the notice has been complied with, it is anticipated that the full requirements of the notice will be met by the end of the compliance period.</p> <p>The home owner has contacted the officer stating the Notice has now been fully complied with. Enforcement Officers are undertaking a site visit to assess whether the works comply wholly with the requirements of the Notice.</p>
15.	114 Coatsworth Road Bensham Gateshead Tyne And Wear NE8 1QQ	Saltwell	Untidy Land	16 th August 2019	16 th August 2019	17 th September 2019	4 th February 2020	<p>Complaints have been received regarding the condition of the property within the Coatsworth Road Conservation Area. A Notice has been re -issued pursuant to section 215 of the Town and Country Planning Act requiring the building be demolished and necessary support provided to the adjacent buildings to ensure they are wind and watertight. Following demolition, the land needs to be levelled, graded and compacted to match the contours of the surrounding land.</p> <p>An appeal has been made to the magistrates. The hearing date has been listed for the 27th April 2020.</p>

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
16.	16 Holly Avenue, Winlaton Mill NE21 6SL	Winlaton And High Spen	Untidy Land	16 th September 2019	16 th September 2019	17 th October 2019	17 th November 2019	Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the waste be removed from the front garden. The Notice has now been fully complied. Permission is sought from Committee to remove this item from the report.
17.	36 Holly Avenue, Winlaton Mill NE21 6SL	Winlaton And High Spen	Untidy Land	16 th September 2019	16 th September 2019	17 th October 2019	17 th November 2019	Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the waste be removed from the front garden. The Notice has now been fully complied with. Permission is sought from Committee to remove this item from the report.
18.	Wardley Colliery, Gateshead Tyne and Wear NE10 8AA	Wardley and Leam Lane	Untidy Land	22 nd November 2019	22 nd November 2019	2 nd January 2020	21 st May 2020	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 all rubbish and debris removed from the site.
19.	168 Kells Lane Low Fell Gateshead NE9 5HY	Low Fell	Unauthorised Development	29 th November 2019	29 th November 2019	3 rd January 2020	28 th February 2020	Complaints had been received regarding the erection of an outdoor bar structure, the development is considered to have 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.
20.	Ivy Lane Gateshead NE9 6QD	Chowdene	Untidy Land	20 th November 2019	21 st November 2019	26 th December 2019	30 th January 2020	Complaints have been received regarding the condition of the land. The condition of the land is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring all the waste be removed, that all the vegetation be cut back to ground level and the metal barrier fencing be removed from the land.



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
18th December 2019

TITLE OF REPORT: Planning Enforcement Appeals

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

Purpose of the Report

1. To advise the Committee of new appeals against enforcement action received and to report the decisions of the Planning Inspectorate received during the report period.

New Appeals

2. There have been **one** appeal received since an update was provided to committee.

Appeal Site	Subject	Appeal Type	Appeal Status
27 Sundridge Drive, Wardley Gateshead NE10 8JF	Without planning permission, the change of use from open space to private garden	Written Representations	Awaiting Decision

Appeal Decisions

3. There have been **one** appeal decision received since the last Committee.

Appeal Site	Subject	Appeal Type	Appeal Status
321 And 323 Rectory Road Bensham Gateshead NE8 4RS	Without planning permission, the change of use from a dwelling C3 to a House of Multiple Occupation	Hearing	Notice Upheld

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

Recommendations

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

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 enforcement appeal regime is outside of the Council's control being administered by the Planning Inspectorate.

WARD IMPLICATIONS –

Crawcrook and Greenside, Saltwell and Wardley and Leam Lane

BACKGROUND INFORMATION

Appeal Decision

Outstanding Enforcement Appeal Cases

Blaydon Quarry	Breach of Planning Condition 23 of planning application DC/12/01266/MIWAS	Written	Awaiting Decision
Blaydon Quarry	Breach of Planning Condition 24 of planning application DC/12/01266/MIWAS	Written	Awaiting Decision

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Appeal Decision

Hearing held on 8 October 2019

Site Visit made on 8 October 2019

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/H4505/C/18/3217996

321 and 323 Rectory Road, Bensham, Gateshead NE8 4RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Jomast Accommodation Limited against an enforcement notice issued by Gateshead Council.
- The enforcement notice was issued on 7 November 2018.
- The breach of planning control as alleged in the notice is, without planning permission, the material change of use from a dwelling (use class C3) to an eight-bedroom house in multiple occupation (HMO) (sui generis use).
- The requirements of the notice are: permanently cease the use of the dwelling as an eight-bedroom house in multiple occupation where no more than six persons shall reside at the dwelling.
- The period for compliance with the requirements is 4 weeks.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with variations in the terms set out in the Formal Decision below.

Preliminary Matters

1. The appellant was given seven days following the close of the Hearing to submit a revised, completed unilateral undertaking and comments on the provision of the Equality Act 2010. Submissions were received and the Council given appropriate time to comment on their contents. I have taken the submissions of both parties in respect of these matters into account.

The Notice

2. The notice requires the recipient to permanently cease the use of the dwelling as an eight-bedroom house in multiple occupation (HMO) where no more than six persons shall reside at the dwelling. At the Hearing, I raised the point that the phrase "where no more than six persons shall reside at the dwelling" was somewhat confusing. The parties agreed. Case law has held that where there has been a change of use of a single dwellinghouse to a use for multiple occupation, a requirement simply to cease the use is sufficient. A positive requirement to restore the use as a single dwellinghouse would be excessive.
3. To that end, the parties agreed that the notice need not do more than require the use as an eight-bedroom house in multiple occupation to cease. Both

parties agreed that were I to vary the notice accordingly, no injustice would arise to either the Council or the appellant. I see no reason to disagree. Consequently, I will vary the notice to delete the phrase "where no more than six persons shall reside at the dwelling".

4. Similarly, the notice requires the use of the 'dwelling' as an HMO to cease. However, the land to which the notice relates is referred to as 'the land'. It was agreed at the Hearing that the requirement should be varied to change 'the dwelling' to 'the land' and doing so would not result in injustice to the Council or the appellant.
5. Finally, the use of the word permanently within the requirements of the notice is unnecessary, having regard to the provisions of section 181(1) of the 1990 Act which states that compliance with an enforcement notice shall not discharge the notice. The notice can be varied to delete the word without injustice to the appellant or the local planning authority.

The appeal on ground (a)

Main Issue

6. The main issue is the effect of the development on the living conditions of neighbouring residents with particular regard to noise and disturbance.

Reasons

7. The appeal site comprises a terraced property located on Rectory Road in a predominately residential area characterised by terraced streets. Prior to the breach taking place, the property was in a residential use. It is a matter of dispute between the parties whether the last lawful use of the land was as two flats or a single dwellinghouse. The development subject of the notice is the use of the property as an 8-bedroom HMO.
8. A planning application for the change of use from a dwelling to an eight-bedroom HMO at the appeal site was refused by the Council in January 2018¹. A subsequent appeal was dismissed in July 2018. In that decision, the Inspector found that the general level of activity associated with an HMO occupied by up to 16 people would be significantly greater than a typical family house and it would therefore, increase the potential for noise and disturbance. The Inspector dismissed the appeal on the basis of the harm that would arise as a result of that noise and disturbance to neighbouring residents.
9. The appellant now seeks to address those concerns by proposing to restrict occupancy of the HMO to up to eight households comprising asylum seekers who are either a single expectant female or a single mother with a baby or young child. No children over the age of 10 would be allowed to reside at the property. At least four children would be under the age of two years.
10. However, the previous decision makes clear that it was considered on the basis that it could be occupied by up to 16 residents. There is nothing in the previous decision to suggest that the Inspector considered the type of resident that would occupy the HMO. Indeed, there is no indication that the Inspector considered the HMO on the basis that it would be occupied solely by 16 adults living as individual households as suggested by the appellant. In that sense,

¹ APP/H4505/W/18/3196256

there is little difference to the development before me here. Particularly, given the previous Inspector concluded that a condition restricting occupancy could not be imposed as it would restrict the benefit of the permission sought.

11. Ultimately, even if the proposal put forward by the appellant is materially different to that considered by the previous Inspector, the HMO would still be occupied by up to 16 persons. I am unpersuaded by the appellant's view that the age, gender or family dynamic of those persons would sufficiently alter the levels and types of noise to overcome the harm for a number of reasons.
12. Firstly, whilst mothers and their children are unlikely to engage in late night drinking externally, they will nevertheless play much more often in the rear yard. Moreover, even were a condition preventing use of the rear yard imposed as suggested by the appellant, significant noise and disturbance would still arise from the comings and goings of residents to and from the property.
13. I note that children under the age of 10 are unlikely to venture out of the property on their own, meaning that there are unlikely to be the comings and goings of 16 individuals on a daily basis. However, that does not necessarily mean that fewer households would result in fewer comings and goings. As was discussed at the Hearing, households containing children, particularly younger children, are just as likely to come and go from the property on a regular basis. Trips for medical appointments, nursery visits, educational and recreational activities can all occur throughout the day and evening with a degree of regularity. This contrasts with an HMO occupied by 16 individual adults, who may well leave on a morning, be away from the property for the day at work or in education and return on an evening. The proposed household formation would also give rise to visitors from family or friends be that parents, relatives or friends of the mothers or their children.
14. As such, there is no reason to believe that eight households composed in the manner put forward would necessarily give rise to fewer movements than 16. The fact that each individual's circumstances can be so widely different is indicative of the reasons why the Inspector in the previous appeal was not explicit about the type of person that would occupy the HMO, only the number of persons and households that would do so.
15. In any event, regardless of whether occupied by eight households of single mothers and their children or 16 households containing single adults, the comings and goings of eight individual households would still be significantly greater than a typical single household occupying a family house or two smaller households occupying two flats. As the Council pointed out at the Hearing, the comings and goings from a single or two households would be more infrequent than those that would occur here. There would be less likelihood of repeated shopping trips or trips to educational, medical or recreational facilities for example.
16. Consequently, I find that, even if occupied by 8 single mothers and their dependent children, the HMO would result in a harmful level of noise and disturbance to the occupiers of the properties either side – 317/319 and 325/327 Rectory Road.
17. The Council also indicated at the Hearing that occupiers of 198/200, 202/204 and 206/208 Windsor Avenue to the rear are also likely to be affected. However, given the separation distances involved, I am satisfied the use of the

property as an HMO would not result in harmful effects to the occupiers of those properties.

18. Nevertheless, I conclude, for the reasons given above, that the development will have a harmful effect on the living conditions of neighbouring occupiers with particular regard to noise and disturbance. As such, the development is in conflict with Policy CS14 of the Planning for the Future Core Strategy and Urban Core Plan 2016-2030 for Newcastle and Gateshead 2015 which states that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity and wider public safety from noise amongst other things. There would also be conflict with saved Policy DC2 of the Unitary Development Plan for Gateshead 2007 which states that permission will be granted for new development where it does not cause undue disturbance to nearby residents.

Other Matters

19. Considerable discussion was had at the Hearing regarding whether or not it would be open for me to restrict occupancy of the HMO those persons put forward by the appellant. However, it follows from my conclusion on the main issue above that a condition which restricts the occupancy to that intended would not be necessary to make the development acceptable in planning terms. It would not therefore meet the tests of paragraph 55 of the National Planning Policy Framework (the Framework).
20. Likewise, the section 106 planning obligation submitted by the appellant would not be necessary to make the development acceptable in planning terms and would not therefore meet the tests of regulation 122(2) of the Community Infrastructure Levy Regulations (CIL) 2010 or paragraph 56 of the Framework. I have not, therefore, taken the obligation into account.
21. I have had regard to appeal decisions at Tankerville Street, Hartlepool, Conference Road, Armley, Manorcrofts Road, Egham and Royal Avenue, Tonbridge which all relate to material changes of use to HMOs and have been raised by the Council. However, in two of those instances the issue of living conditions was not a matter before the Inspector. In addition, the Inspectors found in the other two, like I have, that the use of the properties as an HMO would result in a substantial intensification of the property. As such, the existence of those decisions does not outweigh the harm I have identified above. As it is, I have limited evidence regarding the circumstances of those cases and whether they are directly comparable to those here. In any event, I have considered this appeal on its own merits.
22. The appellant argues that there is an available fallback position in the event the appeal is dismissed. Depending on whether the last lawful use was a single dwellinghouse or two separate flats, the use of the property could change into an HMO for up to 6 or 12 people under rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015. However, either way the effect would be less harmful than the 16 person HMO before me here. Thus, the availability of a fallback position under the GPDO would not justify the harm I have identified in respect of the main issue above.
23. The Public Sector Equality Duty (PSED) contained in the Equality Act 2010, sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations

between people who share a protected characteristic and people who do not share it. However, the parties both noted in submissions following the Hearing that there is no engagement of the PSED in respect of this appeal. I see no reason to disagree.

Conclusion on the ground (a) appeal

24. For the reasons given above, and having considered all matter raised, I conclude that the appeal should be dismissed.

The appeal on ground (f)

25. The appeal on ground (f) is made on the basis that the requirements of the notice exceed what is necessary. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve. They are either (a) remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.

26. The notice, as varied, is not explicit about which of the two purposes it seeks to achieve. At the Hearing the Council indicated that the purpose of the notice was to remedy injury to amenity. In contrast, the appellant found the purpose to be to remedy the breach of planning control.

27. The notice, as varied, requires the use of the land as an eight-bedroom HMO to cease. Such a requirement would have the effect of discontinuing the use of the land. It therefore seems to me that the purpose of the notice falls under section 173(4)(a) – to remedy the breach of planning control. As a result, the requirement to cease the use does not go beyond what is necessary to remedy the breach.

28. Whilst case law has established that it is incumbent on me to consider an obvious alternative that would overcome the planning difficulties at less cost and disruption than total cessation, there was no indication at the Hearing that there were any such alternatives. The fact that there is no certainty regarding the previous use of the premises means I cannot be sufficiently confident that it would be open to me to vary the notice to require compliance with the limitations of the GPDO without injustice to the appellant or the local planning authority.

29. The appeal on ground (f) therefore fails.

The appeal on ground (g)

30. An appeal on ground (g) is made on the basis that the period for compliance with the requirements of the notice is too short. The notice gives a period of four weeks for it to be complied with. The appellant argues that a period of six months is more appropriate.

31. I recognise there is a need for expediency to ensure that the harm to the living conditions of neighbouring residents is overcome. However, a period of four weeks seems to be unduly short to allow present occupiers time to be rehoused. I note that residents need to be rehoused in a managed process and that, whilst the appellant has accommodation available elsewhere, relocation will be a process that takes time and care. As such I find a period for compliance of 6 months a more reasonable time to cease the use of the land.

32. The appeal on ground (g) therefore succeeds.

Human Rights

33. The loss of a person's home would be an infringement of their rights under the Human Rights Act 1998 (HRA). The cessation of the HMO use would amount to interference and would engage the right for respect for private and family life, home and correspondence set out in Article 8 of the HRA. This is a qualified right, whereby interference may be justified if in the public interest, applying the principle of proportionality.
34. I acknowledge that the consequence of dismissing the appeal would be that any person presently residing in the appeal property would be required to vacate the accommodation. However, the notice, as varied due to the success of the appeal on ground (g), allows for a six month compliance period which would allow the residents to find an alternative home. Moreover, there is no indication that those persons would necessarily be made homeless beyond that date.
35. The harm I have identified in respect of the effect on the living conditions of neighbouring occupiers is of such weight that upholding the notice would be a proportionate and necessary response that would not violate those persons rights under Article 8 of the HRA. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

Overall Conclusion

36. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended

Formal Decision

37. It is directed that the enforcement notice be varied by:
- the deletion of the words "4 weeks" from section 6 of the notice and their substitution with the words "6 months" as the time for compliance;
 - the deletion of the word "permanently" from section 5(i) of the notice;
 - the deletion of the word "dwelling" from section 5(i) of the notice and its substitution with the word "land", and,
 - the deletion of the words "where no more than six persons shall reside at the dwelling" from section 5(i) of the notice.
38. Subject the variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

J Whitfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Hardy
Stuart Monk

Squire Patton Boggs (UK) LLP
Jomast Accommodation Limited

FOR THE LOCAL PLANNING AUTHORITY:

Philip Goodfellow
Joanne Munton
Claire Simm

Gateshead Council
Gateshead Council
Gateshead Council

INTERESTED PERSONS:

Linda Ross

Local Resident

DOCUMENTS

- 1 Signed Statement of Common Ground
- 2 Revised Suggested Planning Conditions

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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/19/00805/HHA - The Farm House, 4 South Wardley Farm, Wardley Lane, Felling
Proposed single storey rear extension to garage.

This application was a delegated decision refused on 27 September 2019

Appeal Decisions

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

Appeal Costs

4. There have been **no** appeal cost decisions.

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 2

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/18/00290/HHA	59A Derwent Water Drive Blaydon On Tyne NE21 4FJ	Creating a driveway for vehicular access, off road parking.	Written	Appeal in Progress
DC/18/00807/FUL	Team Valley Retail World Gateshead	Erection of food and drink unit (Use Class A3/A5) (additional information received 20/08/18).	Written	Appeal in Progress
DC/19/00001/FUL	Land Adj Meynell House Dipwood Road Rowlands Gill NE39 1DA	Demolition of existing detached garage and shed buildings followed by erection of 5-bedroom detached house in garden of dwellinghouse with new vehicular and pedestrian access.	Written	Appeal in Progress
DC/19/00048/FUL	98-104 William Hill Organisation Ltd High Street Felling	Erection of second floor extension and mansard roof to accommodate six additional rooms, relocation of existing rooftop air conditioning units, new external access including entrance door and canopy (amended 25/04/19).	Written	Appeal in Progress
DC/19/00322/COU	160 Brighton Road Gateshead NE8 1QA	Partial change of use from dwelling (Use class C3) to retail on ground floor, new shop front, managers flat on first floor and two storey rear extension	Written	Appeal in Progress

DC/19/00634/OUT	Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens	Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwellinghouses, with new shared-surface, new vehicular and pedestrian access, demolition of 23 Monkridge Gardens and formation of new blank supporting gable wall to 25 Monkridge Gardens.	Written	Appeal in Progress
DC/19/00686/FUL	1-5 Reay Street Felling	Erection of two dormer bungalows and extension to No. 5 Reay Street	Written	Appeal in Progress
DC/19/00750/COU	15 Glendale Avenue Whickham NE16 5JA	Change of use of land between 15 and 17 Glendale Avenue from grassed area to private garden and erection of fence (amended 16.08.2019)	Written	Appeal in Progress
DC/19/00805/HHA	The Farm House 4 South Wardley Farm Wardley Lane Felling NE10 8AL	Proposed single storey rear extension to garage.	Written	Appeal in Progress



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

18 December 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 there have been **no** new planning obligations.
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 18 December 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