

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 15 January 2020 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 18 December 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 - Felstead, 17 North Side, North Side, Birtley, DH3 1RD (Pages 9 - 22)
4ii	No. 2 - Blaydon Bank Works, Blaydon NE21 4AU (Pages 23 - 32)
4iii	No. 3 - 42 Follingsby Drive, Felling, Gateshead NE10 8YH (Pages 33 - 38)
5	Delegated Decisions (Pages 39 - 44) Report of the Strategic Director, Communities and Environment
6	Annual CIL Monitoring Report (Pages 45 - 48) Report of the Strategic Director, Communities and Environment
7	Enforcement Team Activity (Pages 49 - 50) Report of the Strategic Director, Communities and Environment
8	Enforcement Action (Pages 51 - 58) Report of the Strategic Director, Communities and Environment

- 9** | **Planning Appeals** (Pages 59 - 62)
Report of the Strategic Director, Communities and Environment
- 10** | **Planning Obligations** (Pages 63 - 64)
Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
15 January 2020

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/19/00723/FUL	Felstead 17 North Side	Lamesley
2. DC/19/00833/COU	Blaydon Bank Works Blaydon Bank	Blaydon
3. DC/19/01207/HHA	42 Follingsby Drive Felling	Wardley And Leam Lane

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 Dwellings	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared dwellings/houses occupied by between 3 and 6 unrelated individuals who share basic 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/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 and an additional plan received 06.01.2020)
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:**1.1 BACKGROUND**

This application was deferred at the meeting of the Planning and Development Committee on 18 December 2019 to allow for a Members' Site Visit to take place. The purpose of the Site Visit was to allow Members to better consider the impact of the development on the living conditions of neighbouring occupiers. The site visit took place on Thursday 9 January 2020.

1.2 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.

1.3 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.

1.4 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.

1.5 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.

1.6 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. An additional plan was received on 06.01.2020, this shows the existing and proposed site layouts with the distances to the nearby neighbouring properties.

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

3.2 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 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 metres and has a separation distance of approximately 9 metres between the gable elevation and the side elevation of West View which serves a habitable room. The separation distance of 9 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 approximately 12.7 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 20 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 30 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 26 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

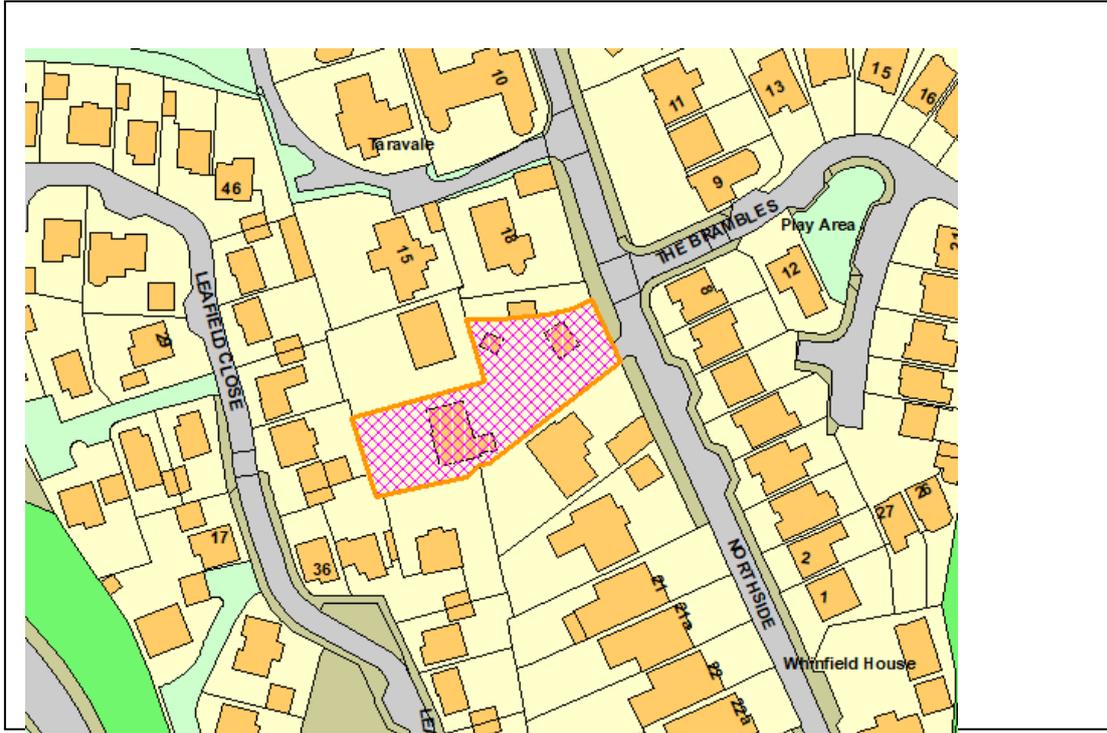
To ensure there can be no damage to the retained trees indicated on plan DR-A-10 002-S3-PO3, received 06.11.2019 during the construction of the development hereby permitted.

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 This application was deferred at the meeting of the Planning and Development Committee on 18 December 2019 to allow the Committee to visit the site. Members visited the site on 9 January 2020.
- 1.2 **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.
- 1.3 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.
- 1.4 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.
- 1.5 The site is located within Blaydon Conservation Area.
- 1.6 **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.

- 1.7 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.
- 1.8 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.
- 1.9 The following documents have been submitted with the application:
- Sequential Test
 - Transport Assessment
 - Planning Statement
- 1.10 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.
- 1.11 **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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REPORT NO 3

Committee Report

Application No:	DC/19/01207/HHA
Case Officer	Richard Smith
Date Application Valid	6 December 2019
Applicant	Mr William Dick
Site:	42 Follingsby Drive Felling Gateshead NE10 8YH
Ward:	Wardley And Leam Lane
Proposal:	Resubmission of application DC/19/01010/HHA Proposed loft conversion including two Dormer windows (with interconnecting feature) to front and one Dormer window to rear
Recommendation:	Grant Permission
Application Type	Householder Application

1.0 The Application:

1.1 DESCRIPTION OF SITE.

The application site is a south-east facing semi-detached bungalow set off Follingsby Drive. The street is a mix of semi-detached and detached properties with both 2 storey properties and bungalows.

1.2 The host property adjoins no.41 Follingsby Drive to the west and is adjacent no.43 Follingsby Drive to the north-east. The host property backs onto a public footpath off Montrose Drive.

1.3 The host property has a small grassed area to the front, with a rear garden and a detached garage set back from the road with access via a single vehicle driveway.

1.5 DESCRIPTION OF APPLICATION

The application under consideration seeks a proposed loft conversion to include two dormer windows to front and one dormer window to rear.

1.6 The planning application has been submitted by Councillor Bill Dick and therefore will be heard before the Planning and Development Committee.

1.7 PLANNING HISTORY

Planning permission was granted in 2019 (DC/19/01010/HHA) for a proposed loft conversion including two Dormer windows to front and one Dormer window to rear

2.0 Consultation Responses:

Not applicable

3.0 Representations:

3.1 REPRESENTATIONS

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

3.2 No representations received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are visual and residential amenity

5.2 The principle of the proposed development was established under previously approved planning application DC/19/01010/HHA.

5.3 VISUAL AMENITY

The Householder Alterations and Extensions SPD (HAESPD) states dormer windows should be positioned and designed to minimise their affect on the character and appearance of the property and street scene. Furthermore, dormer extensions should always appear as a small addition to the roof and their height and length should be kept to a minimum to avoid a 'top heavy' appearance.

5.4 It is considered that the proposed dormers to the front, virtue of their scale and design are considered to be an appropriate and proportionate addition to the existing roof space and are not considered to appear out of keeping with the wider street scene, given the mix of house types within Follingsby Drive.

- 5.5 The amended scheme seeks to bring the roof line forward between the dormers to the front roof slope, to allow for more internal floor space. Subject to a condition (condition 4) requesting materials to be submitted to ensure the new materials match that of the existing roof slope, it is not considered the proposed interconnecting feature will appear incongruous.
- 5.5 Regard is also given to no.21 Follingsby Drive, which also has 2no front dormers of similar design.
- 5.6 With regards the dormer located to the rear of the property, following a site visit it was noted that given the screening between the host property and Montrose Drive the proposed dormer is unlikely to be prominent from street level.
- 5.7 Regard is also given to Schedule 2, Part 1, Class B of the General Permitted Development Order 2015, which allows an addition to the roof space of the dwellinghouse subject to conditions. In this instance the proposed rear dormer would have a height lower than the existing roof and a cubic content of 15 cubic metres. Therefore, the proposed rear dormer would benefit from permitted development rights.
- 5.8 Given the above, it is considered that the proposed development will not introduce an incongruous element into the street scene and thus the development does not conflict with the aims and objectives of the relevant paragraphs in the NPPF, policy CS15 of the CSUCP or saved policy ENV3 of the UDP.
- 5.9 **RESIDENTIAL AMENITY**
By virtue of their siting it is not considered the proposed dormers will lead to significant loss of privacy or visual intrusion to any neighbouring properties.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is therefore recommended that planning permission be granted, as the development subject to suitable conditions would not cause significant harm to visual and residential amenity. It is considered that the development does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.
- 6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

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

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 -

Site Location Plan (1:50)

Existing and Proposed Plans, received 27.09.2019

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

The rear dormer hereby permitted shall be constructed entirely of the materials detailed on the application form and shown on the Existing and Proposed Plans, received 06.12.2019

Reason

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

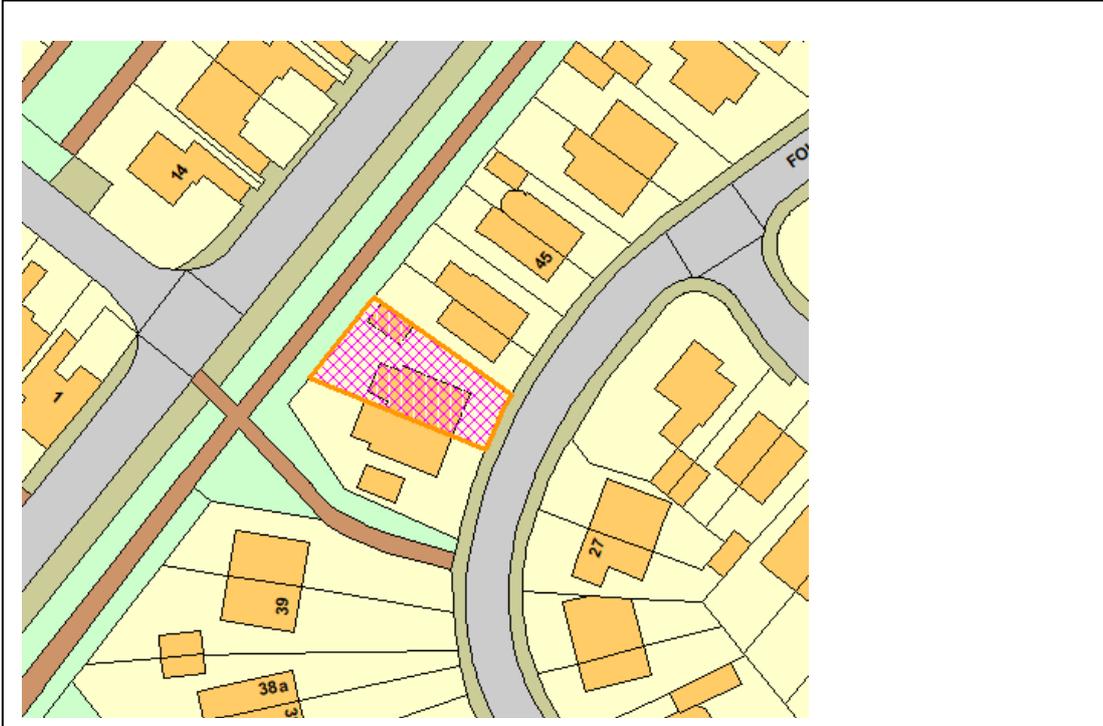
4

Prior to the commencement of the front dormer windows, samples of all materials, colours and finishes to be used in their construction, shall be made available for inspection on site and/or submitted to and subsequently approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

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 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



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 15 JANUARY 2020:

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/19/00712/ADV	Illuminated board on two poles	168 Kells Lane, Low Fell,	Temporary permission granted;	Low Fell
DC/19/00824/FUL	Two storey extension to form additional office space for a builder's merchant's head office and relocation of existing portacabin to land further west (description amended 23.10.2019).	James Burrell Ltd , Deptford Road,	Granted;	Bridges
DC/19/00870/HHA	Proposed single storey rear and side extensions, new driveway and associated access, triple garage with annex over and construction of outhouses with associated hard and soft landscaping (amended plans 22.11.2019).	Greyholme, Wynbury Road,	Granted;	High Fell

DC/19/00982/HHA	Remove existing timber sash windows and replace with white UPVC sash windows of same style and design as existing	8 Westfield Lodge , Saltwell Road South,	Granted;	Low Fell
DC/19/00988/FUL	Erection of roof extensions to existing school building to provide additional teaching accommodation (amended 16/10/19) (additional information 06/12/19 and 12/12/19).	Ateres Jewish Girls High School, Willow Grove,	Granted;	Felling
DC/19/01006/FUL	Erection of two, three bedroomed, semi-detached houses (additional information received 02/12/19).	Land Adj Fistral, Smailes Lane,	Granted;	Chopwell And Rowlands Gill
DC/19/01029/COU	Change of use from Industrial warehouse to Use Class D2 (Assembly and Leisure)	Unit 2A, Metro Riverside Park,	Granted;	Dunston And Teams
DC/19/01044/HHA	Proposed new entrance and sun room on south elevation	Yewtree House , 1 Leam Court,	Granted;	Windy Nook And Whitehills
DC/19/01051/HHA	Retrospective single storey rear extension	16 Heathwood Avenue, Whickham,	Granted;	Whickham North

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 Sunnyside
DC/19/01063/TPO	Tree works at 14 Derwent Way Blaydon	14 Derwent Way, Blaydon On Tyne,	Granted;	Blaydon
DC/19/01066/COU	Change of use from office to mixed use office and leisure (yoga, pilates and meditation studio) (use class D2) (amended plan 14.11.2019) (amended description)	Part First Floor (Room 1), 8 Fellside Road,	Granted;	Whickham North
DC/19/01079/HHA	Proposed single storey extension and decked area to rear of dwelling	14 Sanders Gardens, Northside,	Granted;	Lamesley
DC/19/01081/HHA	Two storey side extension, front elevation extended forward to part ground floor, including new porch.	98 Hanover Drive, Winlton,	Granted;	Winlton And High Spen
DC/19/01087/CPL	ERTIFICATE OF PROPOSED LAWFUL USE: Single storey rear extension	2 Thorp Drive, Ryton,	Granted;	Ryton Crookhill And Stella
DC/19/01088/TPO	Tree works at 4 Tindale Terrace	4 Tindale Terrace, Dene View,	Granted;	Chopwell And Rowlands Gill

DC/19/01093/COU	Change of use of land from agricultural use to residential use (use class C3) and provision of tarmac entrance road (description amended 13.11.2019 and 19.11.25019) (additional information received 19/11/19 and amended plan received 25/11/19).	Bradley Hall Farm House , Bradley Hall Farm,	Granted;	Crawcrook And Greenside
DC/19/01113/HHA	Proposed summerhouse and covered BBQ area in garden (amended plans 11.12.2019)	14 The Ridge, Ryton Central,	Granted;	Ryton Crookhill And Stella
DC/19/01120/TPO	Tree works at Ingleside Durham Road Birtley	Ingleside, Durham Road,	Granted;	Birtley
DC/19/01124/TPO	Tree works at 18 Hawthorn Close Whickham	18 Hawthorn Close, Whickham,	Granted;	Whickham South And Sunnyside
DC/19/01131/HHA	Replacement of existing access ramp with new concrete ramp and associated handrails	1 Lansbury Close, Elisabeth-Ville,	Granted;	Lamesley
DC/19/01133/HHA	Concrete access ramp with steel handrails	41 Allerdene Walk, Whickham,	Granted;	Whickham North
DC/19/01134/HHA	Proposed front and rear single storey extensions (revised plans 20.11.2019, 03.12.2019 and 16.12.2019)	36 Pickering Drive, Winlaton,	Granted;	Blaydon

DC/19/01135/HHA	Proposed rear single storey extension	23 North View, Ryton,	Granted;	Crawcrook And Greenside
DC/19/01136/HHA	Proposed single storey rear extension	6 The Pavilion, Whickham,	Granted;	Whickham North
DC/19/01139/HHA	Proposed demolition and rebuilding of existing rear offshoot with a new flat roof (plans amended 17.12.2019).	19 Claremont Place, Gateshead,	Granted;	Lobley Hill And Bensham
DC/19/01141/HHA	Proposed demolition of existing single storey side extension and erection of single storey extension to front, side and rear	17 Oakfield Road, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/19/01144/CPL	CERTIFICATE OF PROPOSED LAWFUL USE : use of part of the residential care home (use class C2) identified by a blue hatching on the BNP Paribas OS plan as a children's home (use class C2).	Addison Court , Wesley Grove,	Granted;	Crawcrook And Greenside
DC/19/01145/HHA	Proposed demolition of existing garage and erection of new detached garage at rear	52 Kells Lane, Low Fell,	Granted;	Low Fell

DC/19/01146/HHA	Proposed single storey extension and raised brickwork decking to rear (part-retrospective) (amended plans received 02.01.20)	1 Enfield Gardens, Whickham,	Granted;	Whickham North
DC/19/01154/HHA	Proposed single storey side and front extension	30 Burnhills Gardens, Greenside,	Granted;	Crawcrook And Greenside
DC/19/01162/FUL	Insertion of two window ventilation louvres	Dunston Telephone Exchange Adjacent 2 , Wallace Street,	Granted;	Dunston And Teams
DC/19/01164/FUL	NON MATERIAL AMENDMENT to Condition 1 (approved Plans) to add an additional plan that shows the installation of roof-mounted photovoltaic panels and change of wording to condition 17 (cycle and motorbike provision) of permission DC/18/00084/FUL	Land To North And East Of Junction Between Quarryfield Road And Abbot's Hill, Gateshead, ,	Granted;	Bridges



TITLE OF REPORT: Annual CIL Monitoring Report

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

1. Purpose of the Report

- 1.1 To update members on the money received and expended following the introduction of the Gateshead Council Community Infrastructure Levy Charging Schedule. This is the second CIL annual report and covers the period from 1st April 2018 to 31st March 2019.

2. Background

- 2.1 The Gateshead Council Community Infrastructure Levy (CIL) Charging Schedule was adopted on the 10th November 2016 and the charge was implemented from the 1st January 2017, meaning any planning applications determined on or after the 1st January 2017 may therefore be subject to CIL.
- 2.2 The money raised through the Community Infrastructure Levy will help to pay for infrastructure required as a result of growth in Gateshead, as set out in the Regulation 123 List. This includes primary schools, strategic transport and green infrastructure.

3. Allocation of CIL

- 3.1 CIL income is required to be allocated as follows:
- 5% towards the implementation and ongoing administration by Gateshead Council.
 - 15% of levy receipts will be passed to Parish Councils (Lamesley Parish), Wards (Neighbourhood Portion) where the development that paid CIL will take place. This can be used for the provision of local infrastructure improvements or other measures to support the development of the area.
 - 80% of CIL is to be applied to strategic infrastructure as identified within the Regulation 123 List.

4. Reporting

- 4.1 The Community Infrastructure Regulations 2010 (as amended) – Regulation 62(4) require a Charging Authority to report for the financial year (1 April 2018 – 31st March 2019) on:

- | | |
|--|---------------|
| - a) Total CIL receipt for year ¹ | - £517,968.12 |
| - b) Total CIL expenditure for year ² | - £0 |
| - c) Summary details of expenditure ³ | - N/A |

Total monies received 1st April 2018 – 31st March 2019

- | | |
|--|---------------|
| - Total Neighbourhood Portion received for year ⁴ | - £25,639.42 |
| - Total CIL received for year ⁵ | - £170,929.48 |
| - Total Administration Fee received for year ⁶ | - £8,546.47 |

¹ *This is the amount that has been secured through planning applications in chargeable areas which have generated a CIL charge for the past financial year.*

² *This relates to the amount expended for the past financial year.*

³ *N/A.*

⁴ *This relates to the total neighbourhood portion received for the past financial year.*

⁵ *This relates to the total amount received for the past financial year. This is different to the receipt due to payment triggers not being met.*

⁶ *This relates to the amount received to which we can use to administer the collection of the CIL charge.*

5. Recommendation

It is recommended that the Committee note the report for information.

Contact: Sarah Kelly - extension 3932

APPENDIX 1

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

Nil.

WARD IMPLICATIONS

All Wards

BACKGROUND INFORMATION

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TITLE OF REPORT: Enforcement Team Activity

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

Purpose of the Report

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

Background

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

Recommendations

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

Within the date range commencing 04.12.19 and ending 17.12.19, the enforcement team has received **49** new service requests:

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	16	7	33	1
HIGHWAYS	15	6	32	0
WASTE	18	13	13	62
TOTALS	49	26	78	63

COURT HEARINGS

The Enforcement Team attended **3** Court Hearings, **1** of which was finalised, resulting in **£0** fines and **£0** costs



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
15th January 2020

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> <p>Officers consider that the condition on the land has vastly improved in relation to serving the Notice. Permission is sought from Committee to remove this item from the report.</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.	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.
17.	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.
18.	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
15 January 2020**

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 have been **no** new appeals lodged since the last committee.

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 Wickham 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

15 January 2020

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 15 January 2020.

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