

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 18 March 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 26 February 2020 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 8)
4i	No. 1 - Garage Block South of 11 South Road, Chopwell (Pages 9 - 30)
4ii	No. 2 - Land East of Kwik Fit Euro Exhaust Centre, Sunderland Road, Gateshead, NE10 0NR (Pages 31 - 50)
4iii	No. 3 - The Co-op, Parsons Drive, Ryton NE40 3RA (Pages 51 - 60)
4iv	No. 4 - The Co-op, Parsons Drive, Ryton NE40 3RA (Pages 61 - 64)
4v	No. 5 - Home Group, Oban Terrace, Felling, Gateshead (Pages 65 - 80)
4vi	No. 6 - Site of Former Social Club, Gretna Terrace, Felling (Pages 81 - 100)
4vii	No. 7 - Follingsby Park South, Follingsby Lane, Gateshead NE10 8YA (Pages 101 - 114)
4viii	No. 8 - 10 Dewhurst Terrace, Sunnyside, Whickham NE16 5LP (Pages 115 - 126)
5	Delegated Decisions (Pages 127 - 132) Report of the Strategic Director, Communities and Environment

6	Enforcement Team Activity (Pages 133 - 134)
	Report of the Strategic Director, Communities and Environment
7	Enforcement Action (Pages 135 - 142)
	Report of the Strategic Director, Communities and Environment
8	Enforcement Appeals (Pages 143 - 148)
	Report of the Strategic Director, Communities and Environment
9	Planning Appeals (Pages 149 - 168)
	Report of the Strategic Director, Communities and Environment
10	Planning Obligations (Pages 169 - 170)
	Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
18 March 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/19/00349/FUL	Garage Block South Of 11 South Road	Chopwell And Rowlands Gill
2. DC/19/00476/FUL	Land East Of Kwik Fit Euro Exhaust Centre Sunderland Road	Felling
3. DC/19/00778/FUL	The Co-Op Parsons Drive	Ryton Crookhill And Stella
4. DC/20/00062/ADV	The Co-op Parsons Drive	Ryton Crookhill And Stella
5. DC/19/01257/FUL	Oban Terrace Felling	Felling
6. DC/19/01266/FUL	Site of Former Social Club Gretna Terrace	Felling
7. DC/20/00021/REM	Follingsby Park South Follingsby Lane	Wardley And Leam Lane
8. DC/20/00102/COU	10 Dewhurst Terrace Sunnyside	Whickham South And Sunnyside

DEVELOPMENT PLAN

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

LOCAL PLAN

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

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

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

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

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

UPDATES

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

SPEAKING AT COMMITTEE

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

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

SITE PLANS

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

PUBLICITY/CONSULTATIONS

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

SITE VISITS

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

A1 Shops	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	C1 Hotels	Hotels, boarding and guest houses
A2 Financial and Professional Services	Banks, building societies, estate and employment agencies, professional and financial services.	C2 Residential Institutions	Residential schools and colleges convalescent homes/nursing homes
A3 Restaurants and Cafes	Restaurants, snack bars, cafes.	C2A Secure Residential Institutions	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
A4 Drinking Establishments	Public Houses and Wine bars etc	C3 Dwellinghouses	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared dwellinghouses occupied by between 3 and 8 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/19/00349/FUL
Case Officer	Josh Woollard
Date Application Valid	24 April 2019
Applicant	Gateshead Council
Site:	Garage Block South Of 11 South Road Chopwell
Ward:	Chopwell And Rowlands Gill
Proposal:	Creation of 2no. 3 bedroom dwellinghouses and temporary change of use for the erection of temporary site compound (description amended 17/06/19 and 14/02/20 and amended information received 17/06/19 and 18/06/19, 20/01/20, 23/01/20, 11/02/20, 14/02/20, 10/03/20)
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site comprises two small parcels of land which, together with a third, form part of a larger area of green space. This area of green space is bound by South Road which runs west to east along the north and south boundaries of the site. The two parcels of land are split by a public footpath which runs north to south providing pedestrian access through the site. The application site was formerly occupied by two garages; however, these have now been removed. Currently, the site comprises short cut amenity grassland with several mature and semi-mature trees growing in and outwith the application site.

1.2 South Road runs east to west, along the southern boundary of the site with Chopwell Primary Healthcare Centre located beyond. Three residential properties lie just beyond the western boundary of the site. Immediately to the north lies the third parcel of land with Tees Street and terraced residential properties beyond. Finally, a group of buildings comprising mixed uses ranging from residential to retail to leisure wrap around the north-east and eastern boundaries of the site.

1.3 Land levels travelling north across the site rise gradually, some 3.8m.

1.4 DESCRIPTION OF THE APPLICATION

The application in question seeks planning permission for the creation of 2no. 3-bedroom dwellinghouses and the temporary change of use of open space for the erection of temporary site compound.

1.5 On Site 1, the two dwellings would be located. The westernmost dwelling would be 6.1m in width, 9.8m deep, with an eaves height of 5.2m and a maximum

height of 8.7m. The easternmost dwelling would be 9.1m in width, 5.5m deep, with an eaves height of 5.1m and a maximum height of 8.1m. Each dwelling would benefit from off-street dedicated parking with access onto South Road.

- 1.6 On Site 2, the temporary compound required for the construction of the dwellings, located to the east of the footpath, would house the welfare, office, storage and W.C facilities for the construction workers. In addition, materials would be stored on this site and personnel parking would be provided. The compound would be contained by Heras perimeter fencing.

2.0 Consultation Responses:

Archaeology No comments to make

3.0 Representations:

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

Neighbour letters were issued on 25.04.2019, 24.06.2019, 11.02.2020 and 17.02.2020.

Representations have been received from 7 properties which object to the proposed development. The objections are summarized as follows:

- Loss of trees
- Parking and traffic issues particularly in relation to where less mobile patients currently park
- Impact on wildlife
- Other sites in Chopwell to build houses
- Conflict with existing emergency ambulance bay
- Impact of Healthcare Centre security lights on residential amenity
- Relocating bus stop would increase risk of accidents and would be inconvenient
- No need for more two-bedroom houses in Chopwell and many empty properties in Chopwell
- Loss of open space
- Overlooking
- Out of character
- Noise and disturbance

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CFR20 Local Open Space

CFR23 Protecting and Imp Existing Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

MWR28 Provision of Facilities in new Developments

MSGP Making Spaces for Growing Places

5.0 Assessment of the Proposal:

5.1 PRINCIPLE OF THE DEVELOPMENT

Loss of Open Space

5.2 The NPPF defines Open Space as:

All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity

5.3 It is important to note that the application site, whilst referred to by objectors as public open space, is not allocated as open space within the Development Plan. The current status of MSGP is that it has been subject to examination in Autumn 2019. Emerging policies in the submission draft Making Spaces for Growing Places Local Plan Document therefore carry some weight. Draft policy MSGP10 aims to provide 123.59 hectares (gross) of housing land supply over the plan period, specified in Appendix 2. The application site (allocated site number 10.23) is proposed to be allocated for housing with a capacity of 3 dwellings.

5.4 Notwithstanding the above, it is considered that the area could function as open space and would fall within the definition of open space as set out in Annex 2 of the NPPF and its loss has therefore been assessed below.

5.5 Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

5.6 Saved UDP policy CFR23, as supported by NPPF Paragraph 97, seeks to prevent the loss of open space in locations where there is an identified deficiency in open space provision.

5.7 Draft policy MSGP40 of MSGP sets out that development that would result in the loss of open space will only be considered acceptable if the site can be demonstrated to be surplus to requirements, or if the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

5.8 Site 1 would be developed for housing and would result in the permanent loss of an area of open space. Enabling works would be located on site 2 and therefore the loss of this area of open space would be temporary.

- 5.9 Paragraph 97(a) is directly relevant to this proposal. An assessment has been submitted which does not identify the Chopwell and Rowlands Gill ward as deficient in open space. The application site is located within 250m of a number of areas of allocated open space ranging from playing fields (circa. 210m south-west), accessible green space (circa. 160m south-east), allotments (circa. 120m east), and urban green space (circa. 150m north).
- 5.10 It is considered that, in the view of Council officers, the findings of the open space assessment are acceptable.
- 5.11 Taking the above into account, it is considered that the permanent and temporary loss of an area of unallocated open space would be acceptable and would accord with the NPPF, policy CS14 of the CSUCP, Saved policies CFR20 and CFR23, and draft policy MSGP40.

Compliance with Housing Policy

- 5.12 Policy CS11 sets out the Council's aims in relation to providing a range and choice of housing. The policy seeks 60% of new private housing to have three or more bedrooms in order to be attractive to families, it also seeks to ensure that adequate space is provided inside and out to meet the needs of residents.
- 5.13 Following receipt of amended plans, the development now proposes the construction of 2no. three-bedroom dwellinghouses. These would qualify as family housing and the proposal is considered to accord with the aims and objectives of policy CS11 of the CSUCP.
- 5.14 Taking into account the above assessments, it is therefore considered that the development of the site for housing would, in principle, accord with the above policies; albeit that detailed consideration needs to be given to potential impacts upon the local area. These are given consideration below.
- 5.15 VISUAL AMENITY
- 5.16 The immediate area comprises mixed uses but is predominantly residential in character with rows of terraced dwellings to the north and a small block of properties to the west and east. As such, residential development in this location is considered to be in-keeping.
- 5.17 In terms of design, scale and layout, the properties would be 2-storey with gable roofs which would reflect existing properties in the area. The north and south elevations of the dwellings would be prominent within the street scene and therefore, following receipt of amended plans, fenestration within these elevations has been carefully designed to reflect other properties in the area.
- 5.18 Some information has been submitted indicated that brick and concrete tiles would be used in the external finish of the dwellings. This is considered acceptable in principle but it is considered necessary to require samples to be provided prior to construction above damp-proof course (condition 4-5).

- 5.19 It is acknowledged that the temporary compound to be located on Site 2 would have a detrimental impact on visual amenity within the area. However, the impact would be temporary and it is considered that through the submission and implementation of a landscaping scheme for Site 2, there would be an overall improvement in the appearance of the site. This can be secured via condition (condition 6-8).
- 5.20 Limited information has been submitted with regard to boundary treatment to be erected and it is therefore considered necessary to require final details to be submitted (condition 9-10)
- 5.21 Subject to the above conditions, it is considered that the development would accord with the NPPF, policy CS15 of the CSUCP, and Saved policies DC1(c) and ENV3 of the UDP.
- 5.22 RESIDENTIAL AMENITY
- 5.23 Saved policy ENV3 of the UDP states that planning permission will be granted for new development where it:
- a) does not have an adverse impact on amenity or character of an area, and does not cause undue disturbance to nearby residents or conflict with other adjoining uses;
 - b) safeguards the enjoyment of light and privacy for existing residential properties;
 - c) ensures a high quality of design and amenity for existing and future residents;
- 5.24 Policy CS11 of the CSUCP states that promoting lifetime neighbourhoods with a good range and choice of accommodation, services and facilities to meet varied and changing needs, will be achieved by:
- 4) Providing adequate space inside and outside of the home to meet the needs of the residents
- 5.25 Site 1 – Housing Site
- Existing Occupants
- 5.27 The rear elevations of existing properties to the west would face towards the gable elevation of the nearest proposed dwelling. There are no habitable room windows shown in the side elevation of the nearest proposed dwelling. Gable elevations of existing properties to the north would face the rear elevations of the proposed dwellings. Separation distances would exceed the minimum recommended distance of 13m to ensure that there would be no unacceptable loss of privacy, overshadowing, or overbearing impact on nearby residential properties.

- 5.28 The Primary Healthcare Centre to the south is set approximately 16m from the boundary of the application site. Windows within the north elevation of the Healthcare centre are tall and thin and therefore views into and out of these windows are limited. Further, given the orientation of the building, the amount of light entering these windows is also considered to be limited. Therefore, it is not considered that the proposal would have an unacceptable impact on the amenity of the Healthcare Centre.

Future Occupants

- 5.29 It is considered that adequate internal and external amenity space is provided for the occupants of the proposed dwellings, whilst, as outlined above, a significant amount of open space is also located within 250m of the site.
- 5.30 One objection received raises concerns regarding the impact of the Healthcare Centre's security light on the amenity of the future occupants of the dwellings. The light would be located approximately 12m from the south-facing elevation of the easternmost dwelling. There are two lampposts located just outwith the application site to the south. Lampposts, in particular, in close proximity to dwellinghouses are a common arrangement within residential areas. As such, it is not considered that, given the distance between the dwellinghouse and the security light, it would give rise to an unacceptable impact on the amenity of the future occupants.
- 5.31 Tees Street to the north is located on a higher land level than the application site. Separation distances between the north-facing elevations of the dwellinghouses and the footway along Tees Street would be in excess of 21m which is considered acceptable to ensure no unacceptable loss of privacy or overlooking into the habitable room windows of the dwellings.

Site 2 – Temporary Compound

- 5.32 The temporary site compound would sit adjacent to the gable elevation of 10-11 South Road. The compound would be set on a lower land level than these residential properties. In addition, the only windows within the gable elevation are at first-floor level, significantly higher than Site 2. As such, it is not considered that the compound would result in an unacceptable impact on light, privacy, overbearing impact or overshadowing.
- 5.33 With regards to noise and disturbance from vehicles and construction works, building work would take place on Site 1 away from this residential property. It is considered necessary however to restrict the hours of operation (condition 11) to safeguard the residential amenity of nearby residents by minimising the impacts of the construction phase and with these restrictions in place, it is considered that the development would accord with the NPPF, policy CS14 of the CSUCP, and Saved policies DC2 and ENV61 of the UDP.
- 5.34 HIGHWAY SAFETY

- 5.35 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 impact on the road network would be severe.

Trip Generation

- 5.36 It is not anticipated that the proposed development of two dwellinghouses and a temporary site compound would generate a significant number of additional trips along South Road and therefore the network would have sufficient capacity to deal with the development.

Access

- 5.37 Access to the dwellinghouses would be provided off South Road. The dwellinghouses would be set 2.4m off the front boundary of the site which is considered to provide acceptable levels of visibility. Final boundary treatment details are required by condition to ensure there would be no obstructions within the splay.
- 5.38 Following receipt of amended plans, the vehicular access points are located within the middle of the application site to ensure no conflict with the existing bus stop and emergency ambulance bay in front of the Primary Healthcare centre.

Parking Provision

- 5.39 Two off-street parking spaces would be provided for each dwelling. The proposal therefore provides an acceptable level of dedicated off-street resident and visitor parking.
- 5.40 The width of the highway along South Road is 5.7m. To ensure there is no conflict with vehicles manoeuvring into and out of the parking spaces and the emergency ambulance bay, the width of these spaces has been increased to 3m. This is considered acceptable.
- 5.41 Objectors have raised concerns with regard to loss of parking at the Healthcare Centre. Dedicated parking for the Centre is provided within a car park to the south of the Centre. This would be unaffected by the proposal. The only designated parking area to the front of the Centre along South Road is the emergency ambulance bay and the impact on this has been assessed previously.
- 5.42 Details of secure and weatherproof cycle parking have been submitted and this is considered to be acceptable and can be secured via condition (condition 13).
- 5.43 Further to the above, the site is considered to be located in a sustainable location with good public transport links (bus stop immediately adjacent to the site) and close to shops and services.

- 5.44 Overall, the proposal is not considered to raise any highway safety concerns and thus accords with the NPPF and policy CS13 of the CSUCP.
- 5.45 REFUSE
- 5.46 Having assessed this application from a waste servicing perspective, there are no issues with it. Each plot has a designated bin store with easy access to be able to get the bins out for emptying
- 5.47 Therefore, it is considered that the proposal accords with the NPPF and saved policy MWR28 of the UDP.
- 5.48 TREES
- 5.49 There are a total of 15 trees located in and immediately outwith the application site.
- 5.50 Four trees, T1-T4, are located within Site 2 and would need to be removed to make way for the temporary site compound. Trees T1-T3 are considered to be of low value and their removal is not considered to have an unacceptable impact on the amenity of the area. Tree T4 is of moderate value but is not considered to make a substantial contribution to the amenity of the area.
- 5.51 Three trees, T13-T15, are located within Site 1 just to the south of a cluster of trees T6-T12. Whilst trees T13-T15 would need to be removed to make way for the housing development, it is considered that, whilst they have a positive contribution to the amenity of the area as part of the wider cluster, their removal would not have an unacceptable detrimental impact on the amenity of the area provided appropriate protection is in place to ensure the retention of trees T6-T12 and this can be secured via condition (condition 14-17).
- 5.52 Tree, T5, sits just outside the north boundary of Site 1. This is a high value, category A Sycamore tree which contributes positively to the amenity of the area. Given its proximity to the proposed retaining wall along the northern boundary of the site, it is likely that this tree would require removal.
- 5.53 Given the number of trees to be removed, it is considered that appropriate compensation should be provided within the application site. Conditions 6-8 require the submission of a scheme for landscaping and ecology enhancement on Site 2 following clearance of the temporary site compound. This will include a scheme for replacement tree planting.
- 5.54 On balance, it is considered that the proposed development is acceptable provided that appropriate protection is in place to ensure the retention of trees immediately outwith the site and with the submission, implementation and maintenance of a scheme for landscaping and ecology enhancement, including replacement tree planting, on Site 2.

- 5.55 Subject to conditions, the development is considered to accord with the aims and objectives of the NPPF, saved policies ENV44 of the Council's UDP and policy CS18 of the Council's Core Strategy and Urban Core Plan.
- 5.56 ECOLOGY
- 5.57 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures
- 5.58 The proposed development site is located approx. 650m south west of Chopwell East Fields Local Wildlife Site (LWS), 450m north west of Chopwell Wood LWS and approx. 800m north east of Milkwellburn Wood LWS. There are no Sites of Special Scientific Interest (SSSIs) within 2km of the proposed development site.
- 5.59 Habitats/features within and immediately adjacent the proposed development site provide limited opportunities for a small range of statutorily protected and/or priority species, including: low numbers of widespread and commonly occurring nesting and foraging birds, low numbers of foraging and commuting bats and foraging hedgehog (*Erinaceus europaeus*).
- 5.60 Habitats/features within and/or situated within close proximity to the proposed development site are not considered suitable for the following statutorily protected and/or priority species: otter, water vole, badger, amphibians, reptiles and/or priority invertebrates (e.g. butterfly sp.). Owing to its very small size and lack of connectivity to larger more continuous areas of suitable habitat, the site is considered to pose a negligible risk for red squirrel.
- 5.61 The proposed development is therefore not predicted to have any significant adverse impact on any designated sites and/or ecological connectivity.
- 5.62 In accordance with the principles of the NPPF, a number of enhancement measures are recommended including in-built bat and bird boxes within the fabric of the dwellinghouses (conditions 18-19) and the submission, implementation and management of a landscaping and ecology enhancement scheme for Site 2 which shall include details of a replacement tree-planting scheme, on-site habitat creation, restoration and enhancement measures (conditions 6-8).
- 5.63 Further, vegetation clearance should not take place during the bird breeding season wherever possible and thus a condition to that effect is recommended (condition 20).
- 5.64 Subject to a number of ecology related planning conditions (conditions 6-8 and 18-19) covering ecological mitigation and enhancement measures, the proposal is considered to be acceptable from an ecological point of view, in

accordance with the aims and objectives of the NPPF, saved policies DC1(d), ENV46, ENV47 and ENV49 of the Council's UDP and policy CS18 of the Council's CSUCP.

5.65 GROUND CONDITIONS

5.66 The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on its previous historic use. The site has previously contained a building in the south west corner with the site possibly being used for allotment gardens prior to the site being more recently used for the location of domestic garage buildings.

5.67 Considering the site's future sensitive land use and the potential for land contamination, a condition for a PRA and a intrusive site investigation with a Phase II Detailed Risk Assessment, and where required remediation, Monitoring and Verification Reports should be undertaken. This can be required by condition (conditions 21-26).

5.68 Subject to the conditions referenced above the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies ENV54 and DC1(p) of the UDP.

5.69 OPEN SPACE/PLAY PROVISION

5.70 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.

5.71 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.

5.72 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.

5.73 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.

5.74 COMMUNITY INFRASTRUCTURE LEVY

- 5.75 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.

5.76 OTHER MATTERS

- 5.77 Other matters raised within representations received relate to the oversupply of two-bedrooms dwellings, the number of vacant properties, and other developable areas in Chopwell.
- 5.78 These matters are not considered to be material to the determination of this planning application and no weight has been afforded to them accordingly. In addition, amendments to the application have resulted in three and not two bed homes being applied for.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal 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.

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 -

AL(90)003 Feb 2020 Site Boundary

AL(00)001 G Proposed Site Plan

AL(90)004 Enabling Works

AL(00) 004 J Section A-A

34454-GC-T10V5XX-DR-A-0001 T10 V5 Proposed Plans and Elevations

3-Bed, 5-Person 93m2 GIFA M4(2)

ARB/AE/2053/TiP

ARB/AE/2053/TpP

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

Within one month of the practical completion of the dwellings for which permission is hereby granted, the site compound shall be cleared of all buildings, plant, machinery and all other structures and materials connected with the temporary use.

Reason

To ensure the buildings, plant, machinery and all other structures and materials connected with the temporary use are removed as soon as practical in the interests of the amenities of the area to accord with the NPPF, policy CS15 of the CSUCP and saved policies DC1 and ENV3 of the UDP.

4

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

Reason

To safeguard the visual amenities of the 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 upon Tyne.

5

The dwellings shall be constructed in full accordance with the details approved under condition 4.

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 upon Tyne.

6

Prior to occupation of either dwelling, a fully detailed scheme for landscaping and ecology enhancement shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details of ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

The ecology enhancement scheme shall include details of a replacement tree-planting scheme, on-site habitat creation, restoration and enhancement measures.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e) , ENV44, ENV46 and ENV47 of the Unitary Development Plan and policies CS14 and CS18 of the Core Strategy and Urban Core Plan.

7

The landscaping and ecology enhancement scheme approved under condition 6 shall be completed in full accordance with the approved details during the first planting season (October to March) following clearance of all buildings, plant, machinery and all other structures and materials connected with the site compound, unless otherwise approved in writing by the Local Planning Authority. The date of Practical Completion of the landscaping and ecology enhancement scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

To ensure that the approved landscaping scheme is completed within a reasonable time scale in the interests of the visual amenity of the area and in accordance with Policies DC1 and ENV3 of the Unitary Development Plan.

8

The approved landscaping and ecology enhancement scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years

commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To ensure that the landscape and ecology provision at the site is well established and is satisfactorily maintained in accordance with the NPPF, saved policies ENV3, ENV46, ENV47 and ENV51 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan.

9

Prior to occupation of either dwelling, a fully detailed scheme for the boundary treatment (including the retaining wall structure) of and within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

Prior to occupation of either dwelling, the respective boundary treatment details for that dwelling, approved under condition 9, shall be implemented wholly in accordance with the approved details and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

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

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.

12

All access gates into the development hereby approved shall open inwards only.

Reason

In the interests of highway safety and to ensure no obstruction to the highway, having regard to the requirements of policy CS13 of the Core Strategy and Urban Core Plan.

13

Prior to occupation of the dwellings hereby approved, the secure and weatherproof cycle parking facilities (shown on approved plan 'AL(00)001 F' and the submitted image 'Secure Bike Store_Trimetals') shall be implemented in full accordance with the submitted details. The cycle parking shall be retained thereafter.

Reason

To ensure adequate cycle storage provision for each dwelling, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

14

No development or any other operations shall commence until a scheme for the protection of the retained 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 that the trees to be retained on or adjacent to the site are adequately protected from damage during the development works in accordance with the NPPF, saved policies DC1 and ENV44 of the Unitary Development Plan and CSUCP Policies CS17 and CS18.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

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

15

Before any materials are brought onto site or any development is commenced, the tree protection measures approved under condition 14 shall be implemented on site. The fencing must remain in place for the duration of the development and shall not be moved or removed until all equipment; machinery and surplus materials have been removed from the site, unless otherwise and firstly approved in writing by the Local Planning Authority. No materials, plant or equipment or temporary buildings or structures shall be stored or located within the fenced areas.

Reason

To ensure that the trees to be retained on or adjacent to the site are adequately protected from damage during the development works in accordance with the NPPF, saved policies DC1 and ENV44 of the Unitary Development Plan and CSUCP Policies CS17 and CS18.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

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

16

No development or any other operations shall commence until a detailed construction specification of the retaining wall and arboricultural method statement for any works to trees or areas within the approved tree protection areas has been submitted to and approved in writing by the Local Planning Authority. This must provide for the protection and retention of the existing trees on or adjacent to the site during the construction of the development.

Reason

To ensure that the trees to be retained on or adjacent to the site are adequately protected from damage during the development works in accordance with the NPPF, saved policies DC1 and ENV44 of the Unitary Development Plan and CSUCP Policies CS17 and CS18.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

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

17

The details approved under condition 16 shall be implemented and adhered to at all times during construction of the development hereby approved.

Reason

To ensure that the trees to be retained on or adjacent to the site are adequately protected from damage during the development works in accordance with the NPPF, saved policies DC1 and ENV44 of the Unitary Development Plan and CSUCP Policies CS17 and CS18.

18

No development hereby approved shall commence until details of the bat and bird boxes to be incorporated in the dwellings (including the number, specification and precise locations) have been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to compensate for the bat habitats that will be lost in accordance with the NPPF, saved policies DC1(d), ENV46 and ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

The bat and bird boxes approved under condition 18 shall be installed prior to occupation of the development hereby approved and retained as such in accordance with the approved details thereafter.

Reason:

In order to compensate for the present potential roost sites in accordance with Policy DC1 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

No vegetation/site clearance works, including the removal of trees T1-T5 and T13-T15 as shown on plan reference ARB/AE/2053/TiP, shall be undertaken during the bird breeding season (i.e. March to August inclusive). Where this is not possible a breeding bird checking survey will be undertaken by a suitably qualified ecologist immediately prior (i.e. no more than 48hrs) to the commencement of works on site. Where active nests are confirmed these must be retained undisturbed until the young have fledged and the nest(s) is no longer in use.

Reason

To safeguard biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy DC1(d) of the Unitary Development Plan.

21

No development hereby approved shall commence (except for tree protection measures and vegetation clearance works) until a Preliminary Risk Assessment and, where required, a report of findings arising from Phase II intrusive site investigations and a Phase II Detailed Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. The site investigation will consist of a series of boreholes and trial pits, in situ testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

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

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

Reason

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

Reason for pre-commencement

To ensure adequate safety on-site during development works in terms of risks from contamination in accordance with the NPPF.

22

Prior to the commencement of development hereby approved, where remediation is identified under condition 21, a detailed 'Remediation Strategy' to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment shall be submitted to and approved in writing by the Local Planning Authority.

The 'Remediation Strategy' (including timescales for implementation) shall detail objectives, methodology and procedures of the proposed remediation works.

Reason for condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that

the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for prior to commencement condition

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.

23

The remediation works detailed in the 'Remediation Strategy' approved under Condition 22, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason for condition

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

24

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and 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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

25

The amended remediation and monitoring measures approved under condition 24 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

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

Reason

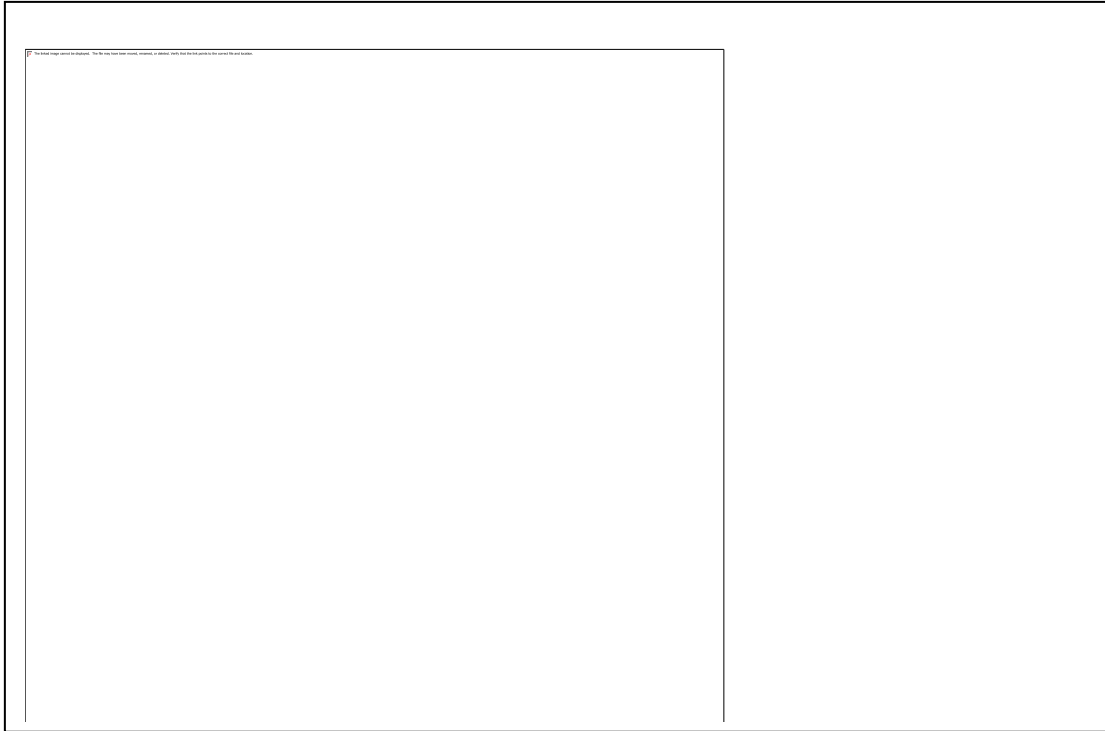
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and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

26

Where remediation is required, following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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Committee Report

Application No:	DC/19/00476/FUL
Case Officer	Rebecca Adams
Date Application Valid	15 May 2019
Applicant	Mr Miran Mehmet
Site:	Land East Of Kwik Fit Euro Exhaust Centre Sunderland Road Gateshead NE10 0NR
Ward:	Felling
Proposal:	Erection of industrial workshop/storage building (Use Classes B1(c) and/or B8) comprising 1 unit and car sales area (sui generis) (amended description) (amended 18/11/19 and 13/12/19)
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application

1.1 DESCRIPTION OF THE SITE

The application site is a linear grassed area containing a small number of trees to the north west of the junction of Stoneygate Lane and Sunderland Road, Felling.

1.2 The site measures approximately 80m east to west and 15m north to south (approx. 0.12 hectares in area). The area is open to the pavement along the east and southern sides; to the northern boundary is the Metro line bordered by metal palisade fencing; and to the west is the Kwik Fit garage and car park and a petrol garage. Land levels within the site are predominantly flat however fall towards the northern boundary beyond which the rail embankment falls away steeply to the north.

1.3 The area within which the application site is located comprises a mixture of uses including residential properties and small-scale commercial uses.

1.4 The eastern side of the site is bordered by Stoneygate Lane, which crosses the Metro line and runs north towards Felling bypass. Beyond this to the east along the northern side of Sunderland Road are located an MOT centre, car valeting garage and car sales area with residential properties beyond, with further residential properties and the former Duke of Cumberland Public House opposite.

1.5 To the south of the site lies Sunderland Road and the signalised junction with Stoneygate Lane. Beyond this to the south and south west lie residential properties at Holly House, Stoneygate View and Rochester Terrace which are positioned approximately 23 metres from the site; this distance increases to around 35 metres as the road curves to travel south west along Holly Hill

close to which are a small commercial unit and car wash. The road junction with Holly Hill and minor access road which provides rear access to properties along Rochester Terrace (opposite the site) are also located to the south/south west of the site.

1.6 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the erection of an industrial workshop/storage building (B1(c) or B8 use class) together with a car sales display area and office and parking areas, alongside the creation of a new vehicular access and exit from Sunderland Road.

1.7 The application has been amended during its course in respect of the size of the workshop/storage building and alteration of this from 2no. separate units to 1no. single unit, site access arrangements and overall site layout.

1.8 The industrial workshop/storage building would be positioned to the western side of the site and would measure 13.5m x 9.9m to ridge and eaves heights of 7.1m and 6.4m respectively. The building would be formed from brickwork with profiled metal cladding above and would be served by doors in the east elevation.

1.9 No specific details as to the use of the building have been provided. The use classes for which planning permission is sought are B1(c), which The Town and Country Planning (Use Classes) Order 1987 (as amended) defines as *"Use for any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit"* and B8, which is defined as *"Use for storage or as a distribution centre"*.

1.10 The car sales area would occupy the eastern side of the site and would be bordered by 2.4m high galvanised steel fencing. This area would be accessed via gates from inside the site and would contain 13no. vehicular display spaces. The plans submitted indicate the location of a car sales office however no details of this have been provided. The plans additionally include new external lighting within the site.

1.11 The site would be served by 11no. vehicular parking spaces (including 1no. disabled parking space) for employees and visitors and would also include a 5.5m wide delivery area to the front of the workshop building and cycle parking area.

1.12 The development would necessitate the removal of two Silver Birch trees within the site.

1.13 The following documents were submitted with the application:

- Flood Risk Assessment
- Tree Survey
- Highway Statement

1.14 RELEVANT PLANNING HISTORY

The relevant planning history associated with the application site is as follows:

205/89 - Erection of single-storey building to provide car wash centre and provision of associated vacuum bays (amended 10/3/89). This application was refused planning permission on 28.04.1989 on the grounds of inappropriate development that by virtue of nature, design and prominent siting would be harmful to the visual amenity of the area and unacceptable noise impacts resulting from the proposed opening hours and proposed level of activity within the site.

206/89 - Display of four internally illuminated fascia signs 20m x 1.4m on sides and 6.5m x 1.4m on end elevations all reading "IMO" "CAR WASH" and two internally illuminated goalpost signs 1.6m x 4.3m (inc 0.5m high flashing arrow) on forecourt to east and west of proposed car wash building (amended 15/03/89). This application was refused advertisement consent on 27.04.1989.

2.0 Consultation responses

Nexus	No objections subject to compliance with conditions
Network Rail	No observations
Environment Agency	No response received

3.0 Representations

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, in addition to the display of notices at the site.
- 3.2 One representation has been received from Councillor Dick which supports the concerns raised in individual letters of objection and the petition received and raises concerns in respect of the loss of amenity space that would result from the development and the increase in traffic and congestion, and potential impacts upon the stability of the adjacent Metro embankment and increase in flood risk.
- 3.3 One petition has been received with 16 signatories in objection to the application. The petition states 'Against the erection of industrial workshops/storage building and car sales area' 'Site location - Land east of Kwik Fit Euro Exhaust Centre, Sunderland Road, Gateshead, NE10 0NR'.
- 3.4 Nine individual letters of objection have been received and are summarised below:
- The development would be out of character with the street scene

- New industrial development would have a detrimental effect on an already-deteriorating area
- The scheme would represent overdevelopment
- The modern and industrial design of the proposed building is not in keeping with the stone terrace opposite the site
- Low quality design
- The development would result in the loss of an area of green space
- Highway safety concerns, including as a result of the new access and egress
- Increase in traffic
- Additional traffic congestion
- Inadequate car parking
- Additional car parking, if required, could not be accommodated outside of the site
- The new access and egress could cause highway safety issues near a busy road close to traffic lights
- Impacts upon residential amenity
- Increase in noise
- Disturbance in early mornings/late evenings
- Loss of natural light
- Loss of privacy
- Overbearing/oppressive impact
- Health concerns
- Impacts upon wellbeing of occupiers of neighbouring residential properties
- Safety concerns for nearby residents
- Impact upon ecology
- Loss of trees and impact upon remaining trees
- Drainage and flooding concerns
- Increased air pollution
- The development does not fit with Gateshead Council's vision and strategic policies as set out within the Core Strategy
- The site is outside of the Felling Industrial Estate Primary Employment Area
- There are existing vacancies within the industrial estate that should be utilised
- The development should take place on brownfield land
- Proliferation of business/industrial development within the locality
- No need for the development
- The development would be better suited to the industrial estate to north of railway line
- The development would attract potential vandals and thieves

4.0 Policies

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1M Recycling

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV47 Wildlife Habitats

ENV61 New noise-generating developments

CFR20 Local Open Space

CFR23 Protecting and Improving Existing Open Space

MSGP Making Spaces for Growing Places (submission draft)

5.0 Assessment

5.1 The key planning considerations in the assessment of this application are the principle of the development, the acceptability of the loss of open space, visual amenity, residential amenity, highway safety, rail/public safety, trees and biodiversity, drainage and flood risk, CIL, and any further matters.

5.2 **PRINCIPLE OF THE DEVELOPMENT**
The application site is not allocated for a particular use in the Development Plan for Gateshead; the application is therefore to be considered on its merits.

5.3 **LOSS OF OPEN SPACE**
The application site comprises an area of approximately 0.12 hectares of publicly accessible vacant land and has a linear form, running east to west along the northern side of Sunderland Road for approximately 80 metres with a depth of approximately 15 metres.

5.4 The National Planning Policy Framework (NPPF) defines open space as:

“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”

- 5.5 It is considered that the application site would constitute open space of public value as defined by the NPPF through its role as a visual amenity in providing an area of soft landscaping with trees within built-up surroundings.
- 5.6 Owing to the size of the site, the absence of footpaths or formal Public Rights of Way across this and its setting adjacent to Sunderland Road, it is considered that this does not offer members of the public with opportunities to widely use the area for sport and recreation, with regular users likely to be dog walkers using the site transiently rather than as a destination. This is consistent with comments raised in letters of objection from the Felling Ward Councillor and nearby residents who predominantly raise opposition to the scheme in respect of the loss of the site as a visual amenity, with further reference to the regular use of the site by dog walkers.
- 5.7 As the site represents an area of public value that would meet with the NPPF definition of open space, national and local planning policies relating to the loss of open space are applicable in the assessment of this application.
- 5.8 Paragraph 96 and 97 of the NPPF relate to open spaces. Paragraph 96 explains that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 97 states that existing open spaces should not be built on unless an assessment has been undertaken which clearly shows the open space is surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 5.9 Saved policy CFR23 of the Council's UDP relates to the protection and improvement of existing open space. This policy states that the loss of public open space without replacement will not be permitted unless provision would still meet the relevant standard or standards under saved UDP policies CFR20, CFR21 and CFR22 and there is no identified deficiency in outdoor sports facilities or accessible natural green space or the site in question would be incapable of meeting it. Where the relevant standards are exceeded, the loss of open space is then only permitted exceptionally subject to assessment of the open space in question in respect of its quality in terms of *"recreational value, accessibility, visual quality and biodiversity"*.
- 5.10 Saved UDP policy CFR23 also states that where the standards in policies CFR20, CFR21 and CFR22 are not met or would be infringed, the loss must be made good by the creation of an alternative site of at least equal size, quality and recreational value serving the same residential area or neighbourhood.

- 5.11 Policy CS18 of the Council's CSUCP relates to Green Infrastructure and the Natural Environment. This policy states that a high quality and comprehensive framework of interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife will be achieved by a number of objectives including under item 5 by protecting and enhancing open spaces, sport and recreational facilities in accordance with agreed standards in line with National Policy.
- 5.12 The application site falls within Felling North neighbourhood area which is identified as being deficient in open space provision against the three hectares per 1,000 residents standards set out in saved UDP policy CFR20, with a deficiency of 0.67 hectares.
- 5.13 Although the site is not identified on the Council's records of open space and was not included within its quantitative assessment of open space within the Borough, had the site been included within this assessment, the neighbourhood area would still have been deficient in open space against policy CFR20 when considering the deficit of 0.67 hectares and site size of 0.12 hectares.
- 5.14 The application site is small in size and offers limited opportunities for wider use for sport and recreation activities and is also not allocated as a protected open space by the Council. The site does however constitute open space as defined by the NPPF and is valued locally as a visual amenity and is located within a neighbourhood which is deficient in open space. The application does not propose any replacement open space provision to mitigate the development and is not accompanied by an assessment which shows that the open space is surplus to requirements. The development is therefore contrary to NPPF paragraphs 95 and 96, Core Strategy policy CS18 and saved UDP policy CFR23.
- 5.15 Policy MSGP40 of the emerging Making Spaces for Growing Spaces DPD (MSGP) continues to protect open spaces to ensure they continue to meet quantitative and qualitative needs and to optimise the multifunctional benefits they can provide. The loss of open space would only be considered acceptable under MSGP40 if the site could be demonstrated to be surplus to requirements, or if the loss would be replaced by equivalent or better provision in a suitable location, with guidance provided as to how 'surplus to requirements' is to be assessed. The approach taken by MSGP is based upon a 2018 open space assessment, which uses wards rather than neighbourhood areas; the assessment considers Felling ward to not be deficient in open space against the proposed quantitative standard and the site is also within 250m of other similar areas of open space. The current status of MSGP is that it has been subject to examination in Autumn 2019 and weight should therefore be afforded accordingly.
- 5.16 VISUAL AMENITY
It is considered that the proposed scheme would not result in significant harm to the character, appearance or visual amenity of the area and would be in

keeping with the character and scale of non-residential uses within the locality, notably those along the northern side of Sunderland Road, with the proposed industrial building being of similar appearance to that within the Kwik Fit site directly to the west of the site.

- 5.17 Details of the location of the proposed car sales office have been provided which is acceptable in principle however as no further details as to its final appearance have been submitted it is recommended that conditions (Conditions 16 and 17) are imposed requiring their submission. A further condition is recommended to prevent external storage associated with the proposed industrial/workshop building (Condition 18) in the interests of the visual amenities of the area.
- 5.18 Subject to the inclusion of the conditions recommended above the development is considered to be acceptable in respect of impact upon visual amenity, in accordance with saved UDP policies ENV3 and DC2, CSUCP policies CS14 and CS15 and the NPPF.
- 5.19 **RESIDENTIAL AMENITY**
The closest residential properties to the site are Holly House, Stoneygate View and Rochester Terrace which are located approximately 23 metres to the south, increasingly to around 35 metres. These properties are generally positioned at a higher level than the site as a result of land levels which rise to the north.
- 5.20 Having regard for the location of the application site together with its distance from neighbouring properties, its overall scale and the proposed uses, it is considered that the proposed scheme would not cause any significant harm upon the living conditions of nearby residents through a loss of light, overshadowing or overbearing impact, loss of privacy or overlooking.
- 5.21 Officers consider that the construction works associated with the development could impact upon the living conditions of nearby residents. It is therefore recommended that construction control conditions be imposed that would require the submission and approval of appropriate details including hours of operation, location of compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 4 and 5).
- 5.22 The application does not include any opening hours for the proposed industrial unit and it is therefore recommended that a condition (Condition 21) be attached to restrict the hours of operation for this in order to ensure that this would not result in undue disturbance to neighbouring properties.
- 5.23 It is not considered necessary to restrict the hours of operation of the car sales display area given the scale and nature of its use which would not give rise to disturbance to neighbouring properties.
- 5.24 The application proposes the installation of external lighting poles within the site details of which have not been submitted. The submission of these details would therefore be secured by condition (Conditions 24 and 25) in order to

ensure that these do not give rise to an unacceptable impact upon the amenity of neighbouring properties.

- 5.25 Subject to the inclusion of the recommended conditions above it is considered that the scheme is acceptable in respect of residential amenity, in accordance with saved UDP policy DC2, CSUCP policy CS14 and the NPPF.

5.26 HIGHWAY SAFETY

Paragraph 108 of the NPPF states that:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.*

- 5.27 Paragraph 109 continues by stating:

“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”.

- 5.28 CSUCP policy CS13 seeks to ensure that development *"connects safely to and mitigates the effects of development on the existing transport networks"*.

- 5.29 The section of Sunderland Road directly to the south of the site contains a signalised junction with Stoneygate Lane which is to the east of the site. Close to the position of the proposed ingress point, the eastbound lane divides into two lanes to allow vehicles in the nearside lane to turn left into Stoneygate Lane, and those in the offside lane to continue east along Sunderland Road. The site is additionally positioned opposite the entrance to a minor access road to properties along Rochester Terrace, with junctions to Holly Hill to the south and south west and the entrance to the existing Kwik Fit site directly to the west.

5.30 Access

The application proposes the creation of a new ingress and egress to the site from Sunderland Road as shown on the proposed site plan that would be designed to allow left-in and left-out traffic only which Officers considered to be acceptable in respect of highway safety.

The frontage of the site along Sunderland Road is currently restricted by double yellow lines which prevent waiting at any time. Alterations would be

required to these existing restrictions in order to deliver the new site access and egress and to restrict parking and loading across the site frontage associated with the proposed development. The proposed access arrangements are therefore considered to be acceptable subject to a condition (Condition 3) requiring the delivery of a scheme to restrict parking and loading at the site.

5.31 Parking

The site would be served by 11no. vehicular parking spaces for customers and employees, a delivery area and cycle parking and would provide 13no. display spaces within the car sales area.

- 5.32** Gateshead Council vehicular parking standards specify that 1no. space should be provided per 50sqm of B1(c) use floor space and that 1no. space should be provided per 200msqm of B8 use floor space. Based on the floor area of the proposed building which is approximately 130sqm Officers are satisfied that sufficient car parking would be provided within the site to serve the proposed industrial unit together with the car sales area. It is recommended that the delivery of the parking area prior to the first use of the site is secured by condition (Condition 20).

5.33 Deliveries/site management

The application includes details of vehicular tracking which demonstrate that a car and transit van type vehicle could manoeuvre within the site; the application does not include details of larger vehicle tracking and the Highway Statement identifies that heavy good vehicles would not be utilised in the delivery of cars.

- 5.34** Due to the small size of the car sales area the application proposes that new cars would be collected by two employees together in one car and that one employee would then drive the new car back to the site with trade plates. The Highway Statement further details that, should a car within the sales area not near the entrance gate be required to be taken from within the area, those cars preventing its removal could be temporarily moved to surplus car parking spaces within the site.

- 5.35** The above site management measures are considered by Officers to be acceptable in principle however planning conditions (Conditions 12-15) are recommended requiring the submission of a management strategy for the delivery of vehicles for sale and the management of the site where cars are required to be brought in and out of the sales area and a management plan for deliveries to the site in order to ensure safe vehicular movements associated with the development in the interests of highway safety.

5.36 Cycle parking provision

The proposed site plan indicates the provision of cycle parking within the car park 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 development in order to ensure its acceptability, which can be secured by condition (Conditions 26 and 27).

5.37 Waste storage/collection

The application does not provide details of waste storage and collection for the proposed industrial unit. It is therefore recommended that further details of waste storage for the development be 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 22 and 23).

5.38 Subject to the inclusion of the above conditions the proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.

5.39 RAIL/PUBLIC SAFETY

The application site is located directly south of the Metro rail line. Nexus have raised no objections to the revised scheme subject to a number of conditions in respect of matters including a drainage scheme for the site, secure barrier fencing and external lighting. It is recommended that conditions be attached in respect of those matters which can be addressed through this planning application and that informatives are included in respect of matters which the applicant would be required to address directly Nexus.

5.40 Subject to the recommended conditions the proposed scheme would be acceptable in respect of the safety of existing transport networks, in accordance with CSUCP policies CS13 and CS14 and the NPPF.

5.41 TREES AND BIODIVERSITY

The application site contains 5no. trees, with a further 1no. Sycamore tree positioned north of the boundary fence, which collectively contribute to the visual amenity of the area.

5.42 An Arboricultural Impact Assessment and Method Statement have been submitted which propose the removal of 2no. Silver Birch trees (T1 and T2) to the eastern side of the site. The proposed removal of these trees is acceptable on balance, as whilst they provide a reasonable level of amenity to the site the Impact Assessment reports these individual trees to be low quality specimens and it is considered that these would not warrant protection under a Tree Preservation Order (TPO).

5.43 The 3no. remaining Sycamore trees within the site and single tree outside of the site are proposed to be retained and the Impact Assessment/Method Statement provide proposed details of protection measures for these. Officers consider that these trees could be retained subject to conditions (Conditions 6 and 7) requiring the submission of a Tree Protection Plan and site-specific Method Statement in order to address the impact of construction works within the tree root protection areas.

5.44 It would be desirable to condition the implementation of a landscaping scheme to mitigate the loss of trees on the site however given the proposed layout and constraints of the site it is considered that this would be unreasonable.

- 5.45 Subject to the conditions cited above it is considered that the proposal does not conflict with the NPPF, CSUCP policy CS18 and saved UDP policy ENV44.
- 5.46 Objections to the scheme have raised concerns in respect of impacts upon biodiversity. The development would result in the loss of a grassed area and two trees however the site is considered to be of low biodiversity value. It is considered that the scheme would not result in any significant loss of wildlife habitat and therefore would not lead to any significant impact upon protected species and/or wildlife within the immediate area. The application is therefore not in conflict with the NPPF, CSUCP policy CS18 and saved UDP policies DC1(d) and ENV47.
- 5.47 **DRAINAGE AND FLOOD RISK**
The application site comprises an area of 0.12 hectares and is located in Flood Zone 1. There is therefore no statutory requirement for a Flood Risk Assessment or Surface Water Drainage Assessment to be submitted to accompany this application.
- 5.48 The proposed development would introduce buildings and hard surfacing across a currently grassed site and proposes the drainage of surface water via soakaway within direct proximity to the rail line. No information has been submitted in respect of detailed drainage measures in addition to which Nexus have requested conditions in respect of surface water drainage to satisfy requirements relating to drainage raised within their response. Conditions are therefore recommended requiring the submission and subsequent implementation of details of the drainage system (Conditions 8 and 9).
- 5.49 Subject to the conditions cited above it is considered that the proposal does not conflict with the NPPF, CSUCP policy CS17 and saved UDP policy DC1(j).
- 5.50 **CIL**
On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and is located in Commercial Zone C in which use Class B ('All other development') carries a levy of £0.
- 5.51 **ANY FURTHER MATTERS**
Issues raised in respect of potential anti-social behaviour and safety concerns resulting from the development are not material planning considerations.
- 5.52 A number of objections have stated that there is no need for the development, that there are a number of similar uses within the locality and that the development should be situated in a more preferable alternative location. These matters are not material planning considerations and the application is to be considered on its individual merits.

- 5.53 All other matters raised in representations have been addressed within the body of the report.

6.0 CONCLUSION

- 6.1 It is considered that the proposed development, subject to the inclusion of the recommended conditions, would be acceptable in principle within this location and in respect of visual and residential amenity, highway and public/rail safety, trees and biodiversity and drainage and flood risk.
- 6.2 Whilst the loss of open space within a neighbourhood area which is deficient in open space without replacement or an assessment which shows that the open space is surplus to requirements would be contrary to local and national planning policy, in this instance it is considered that the loss of open space without replacement alone would be insufficient grounds on which to recommend the refusal of planning permission for the application when all other material planning considerations would be satisfied subject to the recommended conditions set out within the report.
- 6.3 Given the above, it is therefore 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 shall be carried out in complete accordance with the approved plan(s) as detailed below -

Location plan (Drawing No C-00)
Proposed Site Plan and Roof Plan (Drawing No C-03 N)
Proposed Floor Plans (Drawing No C-04 B)
Proposed Elevations (Drawing No C-05 A)

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. Prior to the commencement of the development hereby permitted a scheme to restrict the parking and loading of vehicles along the frontage of the site along Sunderland Road shall be delivered.

Reason

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

Reason for pre-commencement

To ensure that parking and loading restrictions can be delivered at the site.

4. Prior to the commencement of the development hereby permitted a Construction Management Strategy including the hours of construction, vehicle access locations, location and layout of compound area(s) and a scheme for the control of noise and dust shall be submitted to and approved in writing by the Local Planning Authority in consultation with Nexus.

Reason

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of public safety in accordance with the policy CS14 of the Council's Core Strategy and Urban Core Plan, saved policies DC2 and ENV61 of the Unitary Development Plan and the NPPF

Reason for pre-commencement

The Construction Management Strategy must be submitted and approved in writing before the development commences in order to ensure that an appropriate scheme can be implemented prior to works starting on site which may have a detrimental impact upon the amenity of local residents and public safety.

5. The Construction Management Strategy approved under condition 4 shall be adhered to throughout the construction period.

Reason

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of public safety in accordance with the policy CS14 of the Council's Core Strategy and Urban Core Plan, saved policies DC2 and ENV61 of the Unitary Development Plan and the NPPF.

6. Prior to the commencement of the development hereby permitted, a scheme for the protection of existing trees that are to be retained, which for the avoidance of doubt are trees T3, T4, T5 and T(0)6 as shown on 'Dwg No. 0009009/P1', shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include an Arboricultural Method Statement to address the construction within the root protection areas and a Tree Protection Plan clearly showing the trees to be retained and the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees in accordance with policy CS18 of the Council's Core Strategy and Urban Core Plan, saved policy ENV44 of the Unitary Development Plan and the NPPF.

Reason for pre-commencement

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

7. The tree protection measures approved under condition 6 shall be implemented prior to the commencement of the construction of the development and thereafter retained for the full duration of the construction of the development.

There shall be no access, storage, ground disturbance or contamination within any protective fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees in accordance with policy CS18 of the Council's Core Strategy and Urban Core Plan, saved policy ENV44 of the Unitary Development Plan and the NPPF.

Reason for pre-commencement

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

8. Prior to the commencement of the development hereby permitted a detailed scheme for the disposal of foul and surface water from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water, Nexus and the Lead Local Flood Authority where required.

The drainage strategy shall include details of drainage for the site including a management and maintenance plan for the drainage system where necessary.

The drainage measures to be installed shall ensure that the surface water discharge rate is no greater than the existing greenfield runoff rate which shall be demonstrated by existing and proposed runoff volumes via supporting calculations.

Reason

To ensure there is adequate infrastructure, to prevent the increased risk of flooding from any sources, and to ensure that the development does not have an adverse impact upon rail safety in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the NPPF.

Reason for pre-commencement

To ensure that it has been demonstrated that the drainage scheme will prevent the increased risk of flooding prior to construction of the development and to ensure that the site layout can accommodate the proposed drainage measures prior to the commencement of the construction of the development.

9. The drainage strategy approved under condition 8 shall be implemented prior to first use of the development hereby approved and shall be retained/maintained in accordance with the approved details for the lifetime of the development.

Reason

To ensure there is adequate infrastructure, to prevent the increased risk of flooding from any sources, and to ensure that the development does not have an adverse impact upon rail safety in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the NPPF.

10. Prior to first bringing the development hereby approved into use details of the containment barrier to be installed as indicated on 'Proposed Site Plan and Roof Plan (Drawing No C-03 N)' including final location and specification of the barrier shall be submitted to and approved in writing by the Local Planning Authority in consultation with Nexus.

Reason

In the interests of public safety, in accordance with the policies CS13 and CS14 of the Core Strategy and Urban Core Plan and the NPPF.

11. The containment barrier approved under condition 10 shall be installed in accordance with the approved details prior to first bringing the development into use and shall be retained as such for the lifetime of the development.

Reason

In the interests of public safety, in accordance with the policies CS13 and CS14 of the Core Strategy and Urban Core Plan and the NPPF.

12. No vehicles shall be brought onto the site for sale in connection with the car sales display area hereby approved until details of a management plan for the delivery of vehicles for sale and how the site will be managed during the moving of cars in and out of the sales area has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure safe movements associated with the development, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and NPPF.

13. The vehicular sales management strategy approved under condition 12 shall be implemented in full accordance with the approved details and shall be maintained as such for the lifetime of the development.

Reason

To ensure safe movements associated with the development, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and NPPF.

14. No deliveries associated with the development hereby approved shall take place until details of a management plan which shall include but not be limited to the type of delivery vehicles and frequency of deliveries have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure safe movements associated with the development, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and NPPF.

15. The delivery strategy approved under condition 14 shall be implemented in full accordance with the approved details and shall be maintained as such for the lifetime of the development.

Reason

To ensure safe movements associated with the development, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and NPPF.

16. Prior to the construction of the car sales office building as shown on 'Proposed Site Plan and Roof Plan (Drawing No C-03 N)' full details of the building shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

17. The car sales office approved under condition 16 shall be implemented in accordance with the approved details and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with saved policies DC2 and ENV3 of the Unitary Development Plan, policies CS14

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

18. No display or storage of goods, materials or equipment associated with the industrial workshop/storage building hereby approved shall take place other than within the approved building.

Reason

In the interests of the amenities of the area in accordance with saved policies DC2 and ENV3 of the Unitary Development Plan, policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the NPPF.

19. Prior to first use of the car park as shown on 'Proposed Site Plan and Roof Plan (Drawing No C-03 N)' the site ingress and egress hereby approved shall be implemented in full.

Reason

In the interests of highway safety in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the NPPF.

20. Prior to first use of the car sales area and industrial workshop/storage building hereby approved the car park as shown on 'Proposed Site Plan and Roof Plan (Drawing No C-03 N)' shall be implemented in full.

Reason

In the interests of highway safety in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the NPPF.

21. The operation of the industrial workshop/storage building hereby approved including deliveries associated within the building shall be limited to between 0800-2200 Monday to Friday, between 0900-1800 on Saturdays and between 0900-1600 on Sundays and Public Holidays.

Reason

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

22. The industrial workshop/storage building hereby approved shall not be brought into first use until final details of refuse storage for the building have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate arrangements for refuse storage and collection at the site in accordance with saved policy DC1(m) of the Unitary Development Plan and the NPPF.

23. The industrial workshop/storage building hereby approved shall not be occupied until the details approved under condition 22 have been implemented in full accordance with the approved details. The approved implemented scheme shall be retained as such for the lifetime of the development.

Reason

To ensure adequate arrangements for refuse storage and collection at the site in accordance with saved policy DC1(m) of the Unitary Development Plan and the NPPF.

24. Prior to the provision of any external lighting within the site details of the lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority in consultation with Nexus. The details shall include the design and specification, height, location and level of illumination of the external lights to be installed

Reason

To ensure that the development does not have an adverse impact upon residential amenity or public safety, in accordance with policies CS13 and CS14 of the Core Strategy and Urban Core Plan, saved policy DC2 of the Unitary Development Plan and the NPPF.

25. The external lighting details approved under condition 24 shall be implemented in accordance with the approved details and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the development does not have an adverse impact upon residential amenity or public safety, in accordance with policies CS13 and CS14 of the Core Strategy and Urban Core Plan, saved policy DC2 of the Unitary Development Plan and the NPPF.

26. Notwithstanding the information already submitted, the development hereby approved shall not be brought into first use 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.

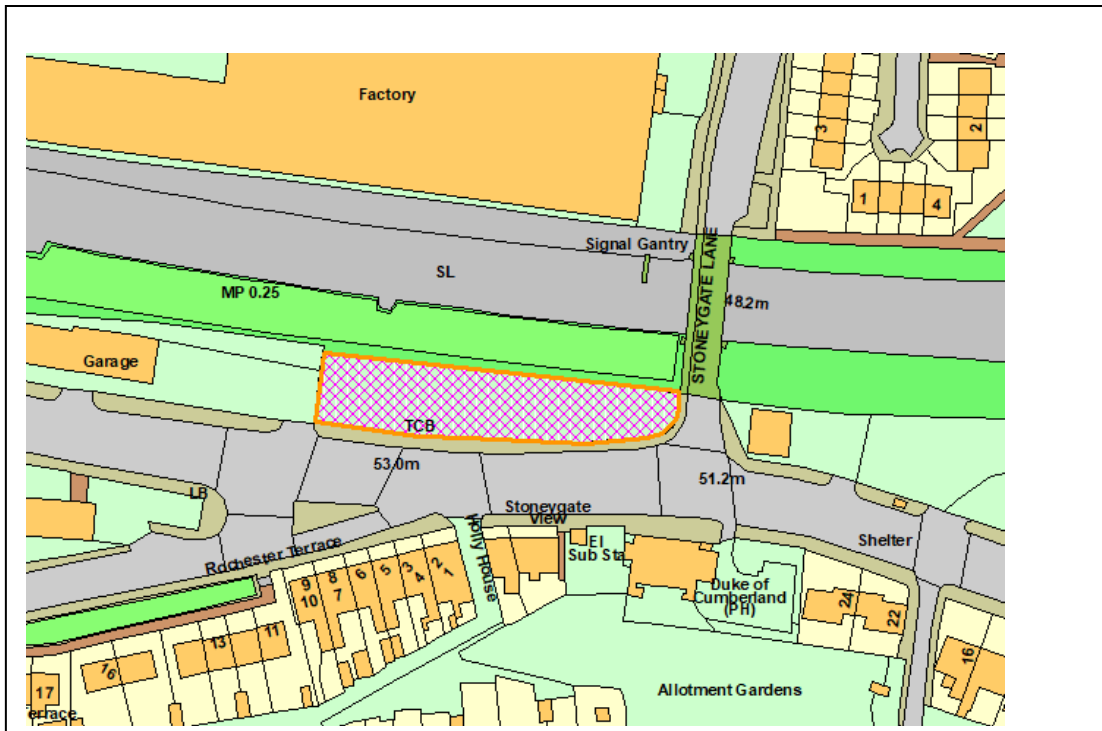
Reason

To ensure adequate provision for cyclists in accordance policy CS13 of the Core Strategy and Urban Core Plan, the Gateshead Cycling Strategy and the NPPF.

27. The cycle parking provision approved under condition 26 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 policy CS13 of the Core Strategy and Urban Core Plan, the Gateshead Cycling Strategy and the NPPF.



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Committee Report

Application No:	DC/19/00778/FUL
Case Officer	David Morton
Date Application Valid	25 July 2019
Applicant	Lidl - Ryton
Site:	The Co-Op Parsons Drive Ryton Central Ryton NE40 3RA
Ward:	Ryton Crookhill And Stella
Proposal:	Proposed physical alterations to existing building, reconfiguration works to car park and landscaping and extension to servicing hours to allow deliveries between 0700 and 2200 Monday to Saturday and between 0800 and 2000 on Sunday (amended 14/01/20).
Recommendation:	GRANT
Application Type	Full Application

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

The application relates to the Co-op store located on Parson Drive, Ryton within the defined Ryton Local Centre. The retail unit was originally granted planning permission in December 1998.

1.2 The application site is made up of a single storey commercial unit, a yard area to the side (west) and visitor parking to the front of the unit. There are residential properties located to the north (Dean Terrace), while there are some commercial properties located to the western end of Dene Terrace those nearest the site are residential in nature. Further, there are residential properties located to the south of the application site on Watermill and further to the south on Hexham Old Road. There is another non-residential use in the form of a Ryton Social Club located to the east of the application site, this building shares carparking facilities with the supermarket.

1.3 The nearest property to the application site is 30 Dean Terrace located to the west of the application site within 14 metres of the supermarket building.

1.4 The application site at present benefits from opening hours between 0700 and 2230 hours between Monday and Saturday and 0900 and 2100 on Sunday. Further, the site benefits from servicing and delivery hours which allow deliveries/serving between 0730 and 1900 Monday to Saturday and between 0900 and 1800 on Sunday (excluding a single newspaper delivery to the front of the premises). Further, the servicing yard must remain closed outside and must not be used outside of these times.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for physical alterations to the supermarket, reconfiguration of the carpark and alterations to the hours of servicing/deliveries.

- 1.6 The alterations to the existing building involve the installation of new white aluminium cladding on the elevations of the building; as well as, increased fenestration around the stores entrance through the replacement of the existing windows with floor to ceiling glass; the existing brickwork will be retained.
- 1.7 The existing car park provides a total of 89 parking spaces for both customers and staff. The proposal comprises an increase of the overall number of parking spaces to 107 (by altering the existing landscaping and configuration of the site's parking area; these works would require the removal of a number of trees which are protected by a Tree Preservation Order (TPO)). The carpark will accommodate 89 standard spaces, 6 disabled, 10 parent and child spaces and 2 electrical vehicle charging spaces.
- 1.8 Further to the above, the application seeks approval for the variation to the delivery and servicing hours, the application seeks hours between 0700 and 2200 Monday to Saturday and between 0800 and 2000 on Sunday.
- 1.9 The following documents have been submitted in support of the application;
 - A Design and Access Statement;
 - A Noise Impact Assessment;
 - A Planning Statement;
 - A Tree Survey; and
 - A Carpark Assessment.
- 1.10 **PLANNING HISTORY**

The planning history associated with the site is set out below;

 - DC/20/00062/ADV; Advertisement consent application under consideration for 'Display of various internally illuminated and non-illuminated fascia, flag pole, wall-mounted signs and poster display units within site boundary'. Submitted; 23 January 2020.
 - DC/13/00531/FUL; Planning permission granted for 'Variation of Condition 12 (opening hours) of permission 850/98: to allow the supermarket to open between 0700 and 2230 on Monday to Saturday and 0900 and 2100 on Sundays and variation of Condition 13 (Servicing and Delivery time) to allow deliveries between 0730 and 1900 on Monday to Saturday, between 0900 and 1800 on Sunday and to allow a single delivery (from a Transit van sized vehicle) to the front of the premises between 0600 and 0730 seven days a week.' Date; 28 June 2013.
 - DC/10/00174/FUL; Planning permission granted for 'Installation of new entrance doors on east elevation of shop.' Date; 01 April 2010.
 - DC/09/01609/FUL; Planning permission granted for 'Installation of new shop front and 3 new trolley bays.' Date; 13 January 2010.
 - DC/09/00498/FUL; Planning permission granted for 'Installation of new windows on north and east elevations of supermarket,

installation of new shop front and ATM machine on east elevation and installation of 3 new trolley bays.' Date; 13 August 2009.

- 850/98; Planning permission granted for 'Erection of enlarged replacement supermarket (use class A1) including public toilets, automatic teller machine, additional parking and enclosed service yard (amended 21/10/98 and 11/11/98).' Date; 01 December 1998.

2.0 Consultation Responses:

None received.

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) (England) Order 2015. A total of 63 letters of objection and three letters of support have been received.

3.2 The letters of objection are summarised as follows;

- The proposed development would lead to increased noise;
- The hours of delivery proposed are not acceptable;
- The removal of trees is not acceptable;
- Residents do not want a discount supermarket on their doorstep;
- The proposed development (as a result of the loss of trees) would result in an environmental impact;
- The loss of the Co-op would be damaging to the area;
- All trees and shrubs should be retained;
- The proposed development would lead to increased impact on anti-social behaviour;
- The proposed development provides too much carparking;
- The proposed development would lead to an increase in flooding;
- There is no pedestrian crossing point to the site which is a safety issue;
- The result of the submitted Noise Impact Assessment are not sound; and
- The proposed development would not comply with the Sunday Trading Act.

3.3 The letters of support are summarised as follows;

- The proposed development offers convenience to residents; and
- A budget supermarket is needed in the area.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV61 New Noise-Generating Developments

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

5.0 Assessment:

- 5.1 The main planning issues are considered to be the developments acceptability in terms of design, highway safety, the amenity of adjacent residents and CIL.

5.2 BACKGROUND

It should be noted that the application does not propose a change of use to the application site. The application site currently benefits from permission to operate as a supermarket (Use Class A1), the application does not propose to change this and nor does the application propose any increase in floor area.

5.3 IMPACT ON RESIDENTIAL AMENITY

Planning approval DC/13/00531/FUL allows for opening hours of between 0700 and 2230 hours between Monday and Saturday and 0900 and 2100 on Sunday. Further, the site benefits from servicing and delivery hours which allow deliveries/servicing between 0730 and 1900 Monday to Saturday and between 0900 and 1800 on Sunday (excluding a single newspaper delivery to the front of the premises). Further, the servicing yard must remain closed outside and must not be used outside of these times.

- 5.4 The National Planning Policy Framework states that *"planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life"

- 5.5 As a reflection of the national planning policies and specific guidance of noise generating development, saved UDP policy ENV61 (new noise-generating development) states that new noise generating development will not be permitted if it causes an unacceptable increase in noise levels.

- 5.6 The application seeks consent for additional servicing hours, this amendment would allow for an additional 30 minutes servicing on a morning and an extra 3

hours servicing on an evening between Monday and Saturday and well as an extra 1 hour servicing on a morning and an extra 2 hours of servicing on an evening on a Sunday. The application does not propose any physical alteration to the servicing yard.

- 5.7 The proposed development has been accompanied by a Noise Impact Assessment, the purpose of which is to assess the impact of the proposed increase in serving hours. The assessment has been conducted in accordance with the requirements of Gateshead Council and the guidance contained in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound.
- 5.8 The assessment is based on background sound measurements and associated observations at the nearest noise-sensitive locations to the site during representative daytime and night-time periods. The closest noise-sensitive receptors are those residential properties located on Main Road to the north, Watermill to the south-east and Hexham Old Road to the south of the site.
- 5.9 The report breaks the assessment of noise impact into two parts focussing on fixed plant and customer vehicles and the impact of deliveries respectively. The submitted Noise Impact Assessment concludes that both the fixed plant and customer vehicles movements are likely to have a 'low impact' on noise sensitive receptors. Further, the Noise Impact Assessment concludes that '... it can be concluded that the variation in delivery hours to extend the daytime delivery window to include between 07:00 to 23:00 hours Monday to Sunday is likely to have a low impact on the nearest residential receptors.'
- 5.10 The submitted Noise Impact Assessment has been interrogated by officers, including Environmental Health Officers. While it is considered that the conclusions reached within the Noise Impact Assessment are broadly sound. However, it is considered unacceptable to allow the deliveries to continue into the night time, it is considered that the lesser hours proposed by the application i.e. between 0700 and 2200 Monday to Saturday and between 0800 and 2000 on Sunday are acceptable; however and further increase of hours would not be appropriate.
- 5.11 It is considered appropriate to reattach conditions pertaining to both hours of opening and servicing (Conditions 3 and 4).
- 5.12 Following consultation with the Council's Environmental Health Section it is considered that the development would not lead to unacceptable noise levels to residents, therefore the proposal would achieve the aims and objectives of the NPPF, UDP Policies ENV3 and ENV61 and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).
- 5.13 **VISUAL AMENITY/TREES**
The application proposes alterations to both the store and the carpark associated with the store.

- 5.14 It is considered that the proposed alterations to the store are entirely appropriate in their context, the proposed alterations largely relate to changes to materials. The building would maintain the appearance as a retail unit and subject to the use of appropriate materials (Condition 5 and 6), this element of the proposal is acceptable.
- 5.15 Regarding the car park, it is considered that following the amendment to the scheme the leafy views into the site would be retained and replacement trees are to be planted in a much-improved sustainable location. It is accepted there will be some loss of trees however overall it is considered that the amenity provided by the existing trees will be retained and that the immediate loss of amenity in relation to the trees to be removed is temporary and will be compensated for by their replacement in a better location in the long term.
- 5.16 It is, however, considered necessary to condition the submission of a final landscaping scheme and the implementation and maintenance of that scheme (Condition 7, 8 and 9) as well as details of the proposed tree protection to be installed during the carrying out of the proposed works (Conditions 10 and 11).
- 5.17 Subject to conditions, the proposed development is acceptable from a visual perspective and accords with the aims and objectives of the NPPF, saved policy ENV3 and ENV44 of the UDP and policies CS15 and CS18 of the CSUCP.
- 5.18 HIGHWAYS
It is considered that the access to and from the site will remain unaltered. Further, the proposed development does not propose any increase in either store size or opening hours to the public; on this basis it is considered that the proposed development would not lead to any significant increase in vehicle movements.
- 5.19 It is considered that the proposed levels of parking are acceptable, the carpark is shared between the retail food store, the Social Club and the restaurant/hairdressers; on this basis parking levels are considered to be acceptable.
- 5.20 Based on the above assessment and subject to appropriate conditions, it is considered that the proposal would comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP.
- 5.21 COMMUNITY INFRASTRUCTURE LEVY
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related. As such no CIL charge is liable.
- 5.22 OTHER MATTERS
The ultimate occupier of the premises cannot be controlled via the planning system, such concerns have not been afforded any weight in forming the recommendation.

- 5.23 The compliance (or otherwise) of the development with other legislation e.g. the Sunday Trading Act is not material to the decision-making process.
- 5.24 It is considered that all other material planning considerations have been addressed within the main body of the report.

6.0 CONCLUSION

- 6.1 Following full consideration of policies contained in the Council's Unitary Development Plan, the CSUSP, national planning policy and all other material planning considerations it is considered that the development should be granted planning permission subject to conditions.

7.0 Recommendation:

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

0001 S3 P15 - Proposed Site Plan

0002 S3 P3 - General Arrangements Elevations - Proposed

0002 S3 P4 - General Arrangement Plan - Proposed Ground Floor

0002 S3 P3 - General Arrangement Plan - Proposed First Floor

002 S3 P3 - General Arrangement Plan - Proposed Roof

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

Reason

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

2

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

Reason

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

3

The hours of opening of the supermarket to the public shall be limited between 0700 and 2230 hours between Monday and Saturday and 0900 and 2100 on Sunday.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with the NPPF, Policies DC2 and ENV61 of the Unitary Development and Policy CS14 of the CSUCP.

4

Servicing and deliveries shall take place fully in accordance with the stipulation set out below:

- i. No servicing or deliveries shall take place to any part of the premises before 0700 or after 2200 on Monday to Saturday and before 0800 or after 2000 on Sundays other than those prescribed in part ii. Of this condition.
- ii. A single delivery between the hours of 0600 and 0730 seven days a week, the single delivery shall be made by a vehicle no greater than 3.5 tonnes in size, shall be made fully in accordance with the 'Code of best practice for newspaper deliveries to the Ryton, Gateshead supermarket' document.
- iii. During the periods when servicing and deliveries are not permitted by part i. of this condition, the service yard shall be closed, and no operations shall take place within it.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with the NPPF, Policies DC2 and ENV61 of the Unitary Development and Policy CS14 of the CSUCP.

5

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

Reason

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

6

The development shall be completed using the materials approved under Condition 5 and retained as such in accordance with the approved details thereafter.

Reason

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

7

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

Reason

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

8

The landscaping details approved under Condition 7 shall be implemented in accordance with the timings approved under Condition 7.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 7.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

Notwithstanding the submitted information, no development pertaining to the existing carpark shall commence until a scheme for the protection of the retained trees (set out within the submitted Tree Survey) 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

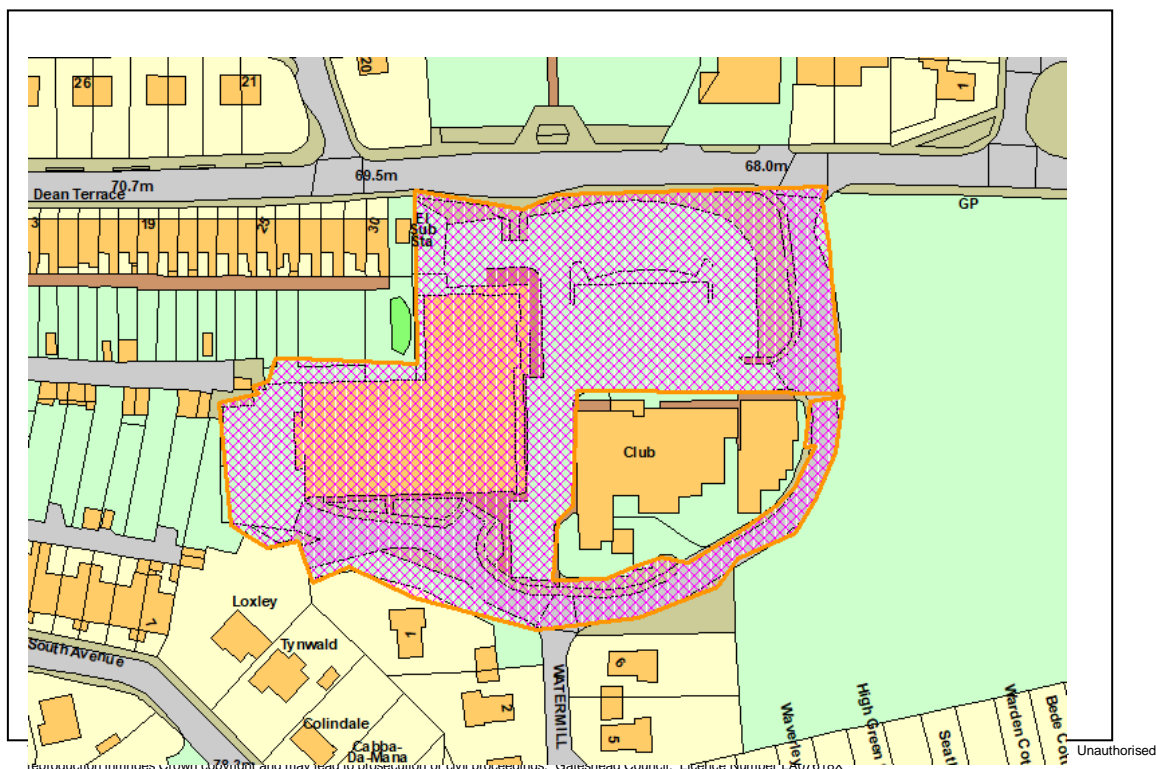
To ensure the satisfactory protection of trees in accordance with the NPPF, policy CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

11

The tree protective fencing approved at condition 10 must be installed prior to the commencement of works within the existing carpark and thereafter retained intact for the full duration of the construction works (unless and alternative is agreed in writing by the LPA) 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 the NPPF, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.



Committee Report

Application No:	DC/20/00062/ADV
Case Officer	David Morton
Date Application Valid	23 January 2020
Applicant	Lidl GB
Site:	The Co-op Parsons Drive Ryton NE40 3RA
Ward:	Ryton Crookhill And Stella
Proposal:	Display of various internally illuminated and non-illuminated fascia, flag pole, wall-mounted signs and poster display units within site boundary
Recommendation:	GRANT TEMPORARY PERMISSION
Application Type	Application to Display Adverts

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application relates to the Co-op store located on Parson Drive, Ryton within the defined Ryton Local Centre. The retail unit was originally granted planning permission in December 1998.

1.2 The application site is made up of a single storey commercial unit, a yard area to the side (west) and visitor parking to the front of the unit. There are residential properties located to the north (Dean Terrace), while there are some commercial properties located to the western end of Dene Terrace those nearest the site are residential in nature. Further, there are residential properties located to the south of the application site on Watermill and further to the south on Hexham Old Road. There is another non-residential use in the form of a Ryton Social Club located to the east of the application site, this building shares carparking facilities with the supermarket.

1.3 The nearest property to the application site is 30 Dean Terrace located to the west of the application site within 14 metres of the supermarket building.

1.4 DESCRIPTION OF THE APPLICATION

The application seeks advertisement consent for the display of the following signage;

- An internally illuminated flagpole sign;
- Internally illuminated wall mounted signage;
- A non-illuminated poster display unit; and
- A spotlight double sided parking sign.

1.5 The proposed signage is proposed to be located within the carparking area associated with the supermarket and also on the north east elevations of the supermarket building.

1.6 **PLANNING HISTORY**

- The planning history associated with the site is set out below;
- DC/19/00778/FUL; Planning application under consideration for Proposed physical alterations to existing building, reconfiguration works to car park and landscaping and extension to servicing hours to allow deliveries between 0700 and 2200 Monday to Saturday and between 0800 and 2000 on Sunday (amended 14/01/20).'. Submitted; 23 June 2019.
- DC/13/00531/FUL; Planning permission granted for 'Variation of Condition 12 (opening hours) of permission 850/98: to allow the supermarket to open between 0700 and 2230 on Monday to Saturday and 0900 and 2100 on Sundays and variation of Condition 13 (Servicing and Delivery time) to allow deliveries between 0730 and 1900 on Monday to Saturday, between 0900 and 1800 on Sunday and to allow a single delivery (from a Transit van sized vehicle) to the front of the premises between 0600 and 0730 seven days a week.' Date; 28 June 2013.
- DC/10/00174/FUL; Planning permission granted for 'Installation of new entrance doors on east elevation of shop.' Date; 01 April 2010.
- DC/09/01609/FUL; Planning permission granted for 'Installation of new shop front and 3 new trolley bays.' Date; 13 January 2010.
- DC/09/00498/FUL; Planning permission granted for 'Installation of new windows on north and east elevations of supermarket, installation of new shop front and ATM machine on east elevation and installation of 3 new trolley bays.' Date; 13 August 2009.
- 850/98; Planning permission granted for 'Erection of enlarged replacement supermarket (use class A1) including public toilets, automatic teller machine, additional parking and enclosed service yard (amended 21/10/98 and 11/11/98).' Date; 01 December 1998.

2.0 Consultation Responses:

None received.

3.0 Representations:

- 3.1 A total of four letters of objection and they are summarised as follows;
- The proposed flagpole sign is out of keeping with the area;
 - The proposed development should not result in the loss of trees;
 - The signage represents obtrusive features within the streetscene; and
 - The proposed signage will attract more people leading to highway safety issues.

4.0 Policies:

5.0 Assessment:

5.1 INTRODUCTION

The issues to be taken into consideration in the assessment of this application are whether the size, scale and location of the advertisements would have a detrimental impact upon public safety and the visual amenity of the area.

- 5.2 The application is to be assessed with regard to Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 132 of the National Planning Policy Framework (NPPF) (2019), which guides that poorly sited and designed advertisements can be detrimental to the quality and character of places, and that "advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

5.3 AMENITY

The NPPG provides guidance on how 'amenity' is to be assessed, which is usually understood to mean the effects on aural and visual amenity in the immediate neighbourhood of an advertisement of site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the Local Planning Authority are then to consider "the local characteristics of the neighbourhood, or example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features".

- 5.4 It is considered that the proposed signage in its entirety would appear as a proportionate feature relative to the context of the site and would not be visually harmful to the frontage of the building or wider streetscene. It is therefore considered that the size, scale and location of the signage is acceptable in terms of amenity.

5.5 PUBLIC SAFETY

The proposed signage would not result in a prominent feature which would adversely impact on: the safety of persons using any highway; obscure or hinder the ready interpretation of any traffic sign; or hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

5.6 OTHER MATTERS

The loss of trees and the attraction of more people to the application site are not material and as such have not been afforded any weight.

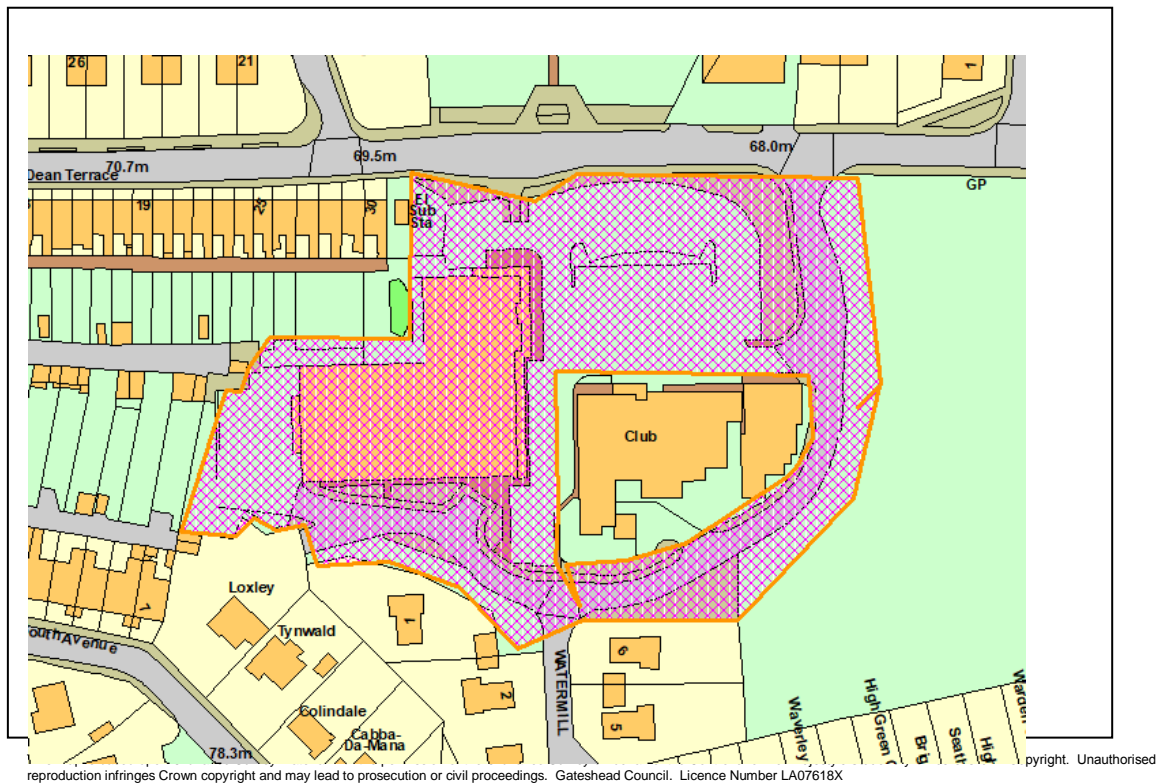
- 5.7 It is considered that all material planning considerations raised by objectors have been addressed within the main body of the report.

6.0 Conclusion

- 6.1 The proposed advertisement scheme is acceptable as there would be no detrimental impact upon the character or amenity of the area or upon public safety as a result of its installation.
- 6.2 The proposal is therefore considered to be in accordance with paragraph 132 of the National Planning Policy Framework and Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7.0 Recommendation:

That temporary permission be GRANTED



Committee Report

Application No:	DC/19/01257/FUL
Case Officer	David Morton
Date Application Valid	19 December 2019
Applicant	Home Group
Site:	Oban Terrace Felling Gateshead
Ward:	Felling
Proposal:	Erection of a residential apartment block, consisting of 12no. 1 bed self contained flats with communal and office space.
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application relates to an area of vacant land, following the demolition of terraced properties. The site is located within a mixed-use area. There are residential properties located to the west, and a care home located to the east. The residential properties are two storeys in height and have offshots in various forms to the rear (east). The Fellingdate Care Centre is a split-level property of four storeys, the building is relatively modern and was constructed in 2010.

1.2 There are highways running to the north and west of the application site with open space located to the south. Land levels within the area and on the application site slope steeply from north to south.

1.3 The application site is not allocated within the Local Plan.

1.4 DESCRIPTION OF THE PROPOSAL

The application seeks full planning permission for the erection of a four-storey building comprising of 12 one-bedroom apartments together with an office, communal lounges, a communal kitchen and communal garden.

1.5 The proposed building has its main frontage to the north, facing onto Sunderland Road. The building has been designed with a flat roof, the building will be constructed mainly in brick with timber effect cladding sections. The main entrance to the building will be defined by an access canopy.

1.6 Main pedestrian and vehicular access will be gained via a single site access to the north and the proposed carpark will also be located to the north of the building. The carpark is designed to accommodate eight spaces, two of which are accessible spaces.

H15 Play Areas in Housing Developments

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

CFR20 Local Open Space

CFR23 Protecting and Imp Existing Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The detailed planning considerations are the principle of the proposed development, the impact on design, residential amenity, flood risk, drainage, land contamination, highway safety, contamination, ecology, open space and play area provision and CIL.
- 5.2 **PRINCIPLE**
As the application site is not specifically allocated for housing in the UDP, proposals for housing need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.
- 5.3 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result, the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.4 Housing Mix

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

- 5.5 The application proposes the erection of 12 one-bedroomed apartments, none of which could be family homes.
- 5.6 The development would add to the housing range on offer, however it would not provide any additional family housing but in the context of borough wide housing delivery it is considered that the housing makeup is appropriate in accordance with policies CS10 and CS11 of the CSUCP and saved UDP policies H5 and H10.
- 5.7 Residential space standards
Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered based upon the submitted information that the application meets this requirement providing adequate space both internally and externally.
- 5.8 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5 and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.
- 5.9 DESIGN ISSUES
The NPPF at Paragraph 124 makes it clear that 'the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.' It goes on to make clear that 'good design is a key aspect of sustainable development...'
- 5.10 Further, Paragraph 130 states that;
"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."
- 5.11 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.12 The design of the proposed development demonstrates a well-considered and respectful response to the site, its setting and the obvious site constraints including the significant level changes on the site and separation distances between existing development. The submitted Design and Access Statement (DAS) is thorough and well presented, giving a clear understanding of process, of the site and its context, and all the necessary considerations required to achieve a successful design solution. It provides information at a detailed level,

looking at all relevant aspects of design and successfully presents the proposed design solution in detail.

- 5.13 On this basis, it is considered that the proposed development represents a good design solution which is sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result. It is considered necessary to condition that the final details of materials be submitted to the Council (Conditions 3 and 4).
- 5.14 Based on the above, it is considered that the proposed development has successfully demonstrated that it has achieved a high standard of design that will contribute to the site and its surrounding context. The scheme is acceptable from a design point of view and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.
- 5.15 **RESIDENTIAL AMENITY ISSUES**
It is considered that the properties which are most likely to be impacted upon by the proposed development are those residential properties located to the west of the application site (most significantly 11 - 19 (odd) Oban Terrace) and Fellingate Care Home(the care home) to the east.
- 5.16 In regard to the care home, there are clearly habitable room windows located within the western elevation of this property. On this basis, the applicant has ensured that where there is a direct interface between the care home and the application site a separation distance of 25 metres has been retained. It should be noted that the application proposes no windows within the eastern elevation facing the care home. Where separation distances fall below 21 metres (non-direct interfaces) the views afforded would be oblique in nature. On this basis, it is considered that the proposed development would not have an unacceptable impact on the occupiers of the care home as the proposed development and would not result in a harmful loss of light, overshadowing, visual intrusion or overlooking.
- 5.17 Turning to the properties located on Oban Terrace, it should be noted that there are no windows proposed within the western elevation of the development. The proposed development would have a separation distance of 9.6 metres from its western elevation to the single storey offshoot and 12 metres to the two-storey offshoot to the rear of 11 and 13 Oban Terrace; only non-habitable windows exist within these elevations. The proposed development has a separation distance of 16.4 metres to the main elevation of 13 and 15 Oban Terrace. The proposed development would have a separation distance of 9.3 metres from the single storey offshoots of 15 and 17 Oban Terrace and 11.5 metres from the two storey offshoots associated with these properties; no windows are located within the eastern elevation of these offshoots. The proposed development would be located 16.3 metres from the main rear elevation of 15 Oban Terrace. Given no windows are located within the western elevation of the proposed development and the relationship with the northern and southern elevations which are oblique, it is considered that no unacceptable overlooking would occur. While it is considered that the development would inevitably impact on

the outlook from the rear of the properties on Oban Terrace, most notably 11 - 19 (odd), it is considered that the development has been positioned and designed to reduce this impact to a minimum and on balance it is considered that the proposed development would not lead to any unacceptable overbearing impact on any property on Oban Terrace.

- 5.18 Turning to sunlight and daylight, given the scale and orientation of the proposed development it is accepted that impact would occur. To this end, the applicant has submitted a Daylight and Sunlight Study assessing the impact of the development in regard to daylight to windows, sunlight to windows and overshadowing to garden/open spaces. The study does identify that some windows (within the rear of 13 Oban Terrace) would suffer a 23% reduction in daylight availability, guidelines suggest a 20% reduction may be noticeable to an occupier; however, the report notes these windows are already significantly hampered by existing neighbouring offshoots. The report also goes on to state that three windows, one within each of 13, 15 and 19 Oban Terrace would marginally fail the sunlight hours test, however it is again noted these windows are *'self-obstructed by the projecting wings/offshoots'*. The overshadowing to gardens and open spaces is shown to be minimal by the study. The submitted study concludes; *"... the numerical results in this study demonstrate that the proposed development will have a very low impact on the light receivable by its neighbouring properties. In our opinion, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties."* Officers are of the opinion that while the proposed development would result in some impact on sunlight and daylight enjoyed by the occupiers of Oban Terrace this impact would be limited and as such would not warrant the refusal of planning permission.
- 5.19 Further to the above, given the separation distance afforded to the properties to the north (Clayton Terrace) and their commercial use it is considered that no unacceptable impact on amenity would occur.
- 5.20 Construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details in regard to hours of construction, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 5 and 6).
- 5.21 Based on the above, it is considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.22 **TRANSPORT ISSUES**
It is considered that the proposed development would not lead to an increase in vehicle or pedestrian movements which could be considered to have any significant impact on the highway network.

- 5.23 Parking requirements have been assessed as falling between typical flats (for which the minimum parking standard would be 15 spaces) and a house of multiple occupation (for which the minimum standard would be 5 spaces). It is considered by officers that eight parking spaces is acceptable, particularly as the rear lane of Oban Terrace could be used for overspill on-street parking without prejudicing highway safety.
- 5.24 While the application has provided for cycle parking, the form and location of this parking is considered to be unacceptable and as such it is considered to condition the final details of cycle parking (Conditions 7 and 8). Further, the application has failed to provide any electric vehicle charging spaces and it is considered necessary to condition the final details of such facilities (Condition 9 and 10).
- 5.25 It is therefore considered that subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.
- 5.26 FLOOD RISK/DRAINAGE
A drainage assessment has been submitted and it has been demonstrated that a greenfield runoff rate would be achieved. It is accepted that the proposed drainage system offers a workable solution to dealing with the drainage associated with the site, as such the delivery of the drainage system should be secured through a planning condition (Condition 11).
- 5.27 Subject to the above planning condition the proposal is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.
- 5.28 LAND CONTAMINATION
A Contaminated Land Risk Assessment, Remediation Strategy and Gas Monitoring Report have been submitted in support of the application. Officers agree with the conclusions of these reports and subject to conditions pertaining to non-identified contamination and the submission of a verification report (Conditions 12 - 15) it is considered that the application is acceptable in land contamination terms.
- 5.29 Subject to the above conditions, the proposal would comply with the aims and requirements of saved policy DC1 of the UDP and policy CS14 of the CSUCP.
- 5.30 ECOLOGY
The planning application is supported by an ecology survey, the report concludes that the proposed development would have '*... no significant adverse effect on notable species and/or habitats*'.
- 5.31 The report, however, makes several recommendations including:
- A landscaping scheme incorporating the use of trees, shrubs and plant species beneficial to wildlife;
 - The provision of 2no. nest boxes for hole nesting bird species; and

- The provision of 2no. integral bat roost features to be incorporated within the fabric of the new building(s) to be constructed on site.
- 5.32 It is considered that the above requirements, in addition to conditions pertaining to tree protection should be attached to the application (Condition X to X).
- 5.33 Therefore, subject to the above conditions it is considered that the proposal would be acceptable in terms of impact on ecology and is in accordance with the aims and requirements of saved policies DC1(d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.34 **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.
- 5.35 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.
- 5.36 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.37 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 housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.
- 5.39 **OTHER MATTERS**
 NPPG at Paragraph: 015 Reference ID: 21a-015-20140306 advises that it is rarely appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people. As in any application for

dwellings, planning is not able to control the type of individual who would occupy the properties within that use class. As such, concerns relating to the proposed occupants of the residential units has not been afforded weight.

- 5.40 It is considered that all other material planning considerations raised by objectors have been addressed within the main body of the report.

6.0 Conclusion

- 6.1 It is considered that the development would bring about a number of benefits such as providing housing to support growth as set out in the Local Plan. The development would also have economic benefits from construction jobs.
- 6.2 Taking all other relevant issues into account, it is considered that the proposed development is acceptable; the proposal (subject to planning conditions) is considered to accord with the aims and objectives of both national and local planning policies. Given the above, it is recommended that planning permission be granted subject to the planning conditions set out below.

7.0 Recommendation:

- 7.1 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 -

9102 S2 P1 – Existing Site Plan

9103 S2 P1 – Proposed Site Plan

9108 S2 P1 – Site Sections

9105 S2 P2 – Site Elevations 1 of 2

14N617-SK002 P1 – Drainage Layout

1552-4-2 Rev A – Garden Layout

9107 S2 P1 – GA Planning Elevations

9106 S2 P2 – Site Elevations 2 of 2

1552-4-1 Rev A – Landscape Layout Plan

Site Location Plan

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

Reason

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

2

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

Reason

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

3

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

Reason

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

4

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

Reason

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

5

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

The CMP shall include:

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

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

Reason

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

6

The development shall be implemented in accordance with the CMP measures approved at condition 5.

Reason

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

7

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

Reason

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

8

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

Reason

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

9

Prior to first occupation of unit hereby permitted details of electric vehicle charging points to be provided including details of the number, location, specification and timescale for implementation of the charging points have been submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

The electric vehicle charging units/points approved at condition 9 shall be provided in accordance with the approved timescales.

Reason

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

11

The drainage scheme hereby approved shall be constructed and maintained in full accordance with the following information;
Drainage Impact Assessment, BGP, August 2019.

Reason

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

12

The remediation works detailed in the 'Remediation Strategy' made up of the following documents;

- Phase 2 Site Investigation Report (S140405/SI), Solmek, July 2014;
- Further Contamination Investigation Report (S180616), Solmek, July 2018; and
- Ground Gas Assessment Report (S140405/GAS), November 2014

shall be wholly undertaken within the timescales set out within the approved strategy.

Reason

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

13

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

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning

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

14

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

Reason

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

15

Any works deemed to necessary following testing (as part of condition 14) shall be carried out in accordance with the timescales approved as part of condition 14.

Reason

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

16

Notwithstanding the submitted plans, prior to the first occupation of any residential unit hereby approved full details of the proposed landscaping to be provided on site including tree and shrub planting, hedgerow creation and wildflower grassland creation must be submitted to and approved in writing by the local planning authority. The submitted details shall include a timetable for implementation, information on site preparation, species, sizes, planting schedules, establishment, aftercare and long-term management

Reason

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

17

The approved landscaping scheme shall be implemented, maintained and retained in full accordance with the detailed approved under Condition 16.

Reason

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

18

Notwithstanding the information submitted no development shall progress above damp course level of the building hereby approved until full details of the bird and bat box scheme to be provided as part of the development, including a timescale for implementation, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development provides replacement/enhanced opportunities for protected and priority species in accordance with the NPPF, Unitary Development Plan Policy ENV46 and Policy CS18 of the CSUCP.

19

The approved bird and bat box scheme shall be implemented and retained in full accordance with the detailed approved under Condition 18.

Reason

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

20

Notwithstanding the submitted information, no development shall commence until a scheme for the protection of the retained trees 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 in accordance with the NPPF, policy CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the development can be carried out in a manner that protects existing trees that are to be retained. This information is fundamental to the development and requires approval prior to development starting on the site.

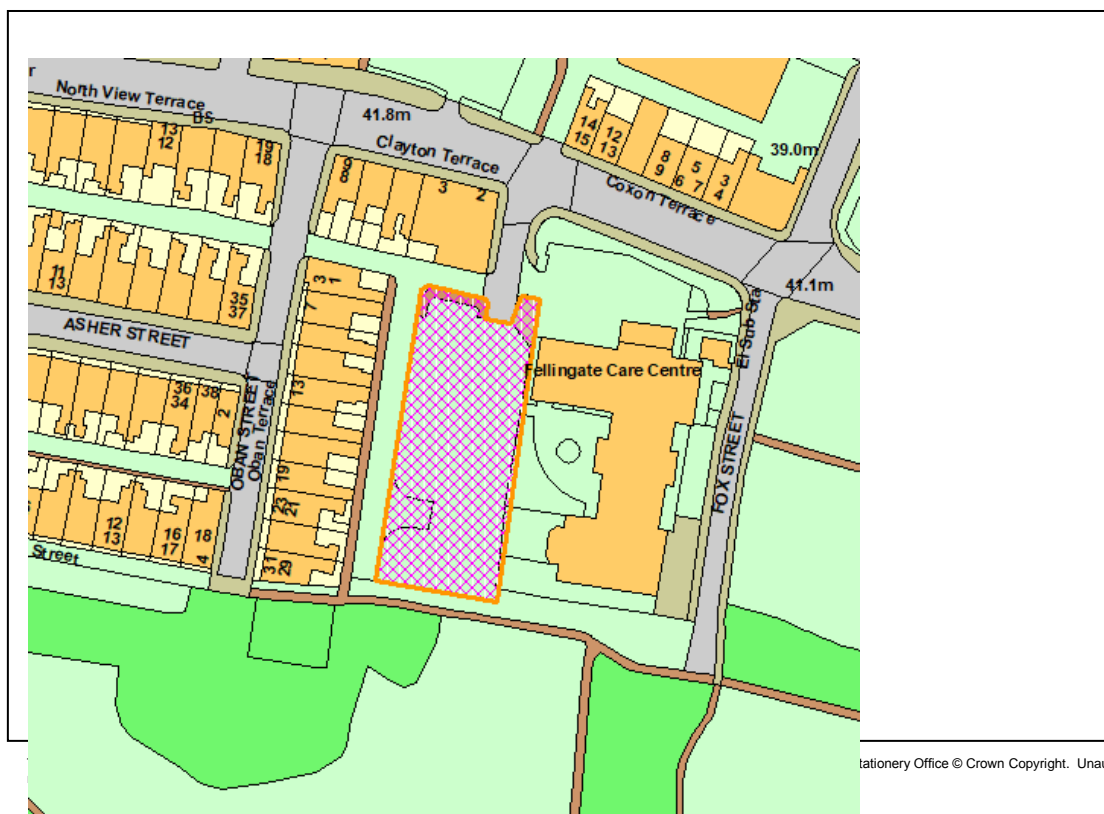
The tree protective fencing approved at condition 10 must be installed prior to the commencement of development and thereafter retained intact for the full duration of the construction works (unless an alternative is agreed in writing by the LPA) and there shall be no access, storage, ground disturbance 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 the NPPF, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the development can be carried out in a manner that protects existing trees that are to be retained. This information is fundamental to the development and requires approval prior to development starting on the site.



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REPORT NO 6

Committee Report

Application No:	DC/19/01266/FUL
Case Officer	Josh Woollard
Date Application Valid	2 January 2020
Applicant	Mr Gary Lewis
Site:	Site Of Former Social Club Gretna Terrace Felling
Ward:	Felling
Proposal:	Erection of Transitional Care Centre with associated parking, servicing and landscaping (description amended 03/03/20, amended 05/02/20, 27/02/20 and 02/03/20).
Recommendation:	Minded to GRANT at end of consultation period
Application Type	Full Application

1.0 The Application:**1.1 BACKGROUND**

The application site benefits from extant permission for the 'erection of 83 Bedroom Residential Care Centre with associated boundary treatments, on-site parking, servicing, landscaping and change of use of open space to form off-site parking provision (amended 13/02/19 and 06/06/19 and additional information received 26/03/19)'.

- 1.2 The proposed scheme differs from the previously approved scheme in terms of revised internal layouts to reflect the change in the number of bedrooms and type of care provided along with minor external alterations.

- 1.3 The scale and layout of the building within the site is unchanged from the previous scheme.

1.4 DESCRIPTION OF THE SITE

The site is enclosed on all sides by highway. To the north, Split Crow Road runs east to west with residential properties beyond. To the west of the site, Nursery Lane runs north to south with residential properties located beyond. Falla Park Road, at the rear (south) of the site runs east to west with Falla Park Primary School Nursery sitting adjacent to the site and Falla Park Community Primary School on the southern side of Falla Park Road. Finally, adjacent to the north-east corner of the site is Gretna Terrace, comprising 2 pairs of two-storey flats which front onto Split Crow Road. Number 1 Gretna Terrace has been converted into a retail unit but currently sits vacant. The application site wraps around the rear of these properties. A short lane runs up the eastern boundary of the site which the former service yard opened onto. Millfield Gardens, a residential street, lies beyond to the east.

- 1.5 The site, formerly occupied by Felling Social Club, currently lies vacant. The buildings on site have been demolished, but the hardstanding areas and

perimeter walls remain. Existing boundary treatments in place consist of a red-brick wall with metal security fencing above which runs along the western boundary of the site wrapping round part of the northern boundary. The remaining part of the northern boundary is a high brick wall. A high stone wall runs along the side and rear boundary of numbers 3 and 4 Gretna Terrace whilst security fencing runs along the boundary with the short lane. Finally, boundary treatment along the southern boundary comprises a high stone wall and dark-green metal palisade fencing.

- 1.6 Land levels on site fall from the south to the north, a gradual drop of some 6.5 metres.
- 1.7 Existing access arrangements consist of a one-way circulation route in the existing car park with vehicular access from Falla Park Road in the south-west corner of the site and egress onto Nursery Lane in the north-west corner. Vehicular access into the service area is provided off Split Crow Road in the north-east corner of the site, running along the gable elevation of 3-4 Gretna Terrace.
- 1.8 **DESCRIPTION OF THE APPLICATION**
The application in question seeks planning permission for the erection of a 60-bed Transitional Care Centre with associated parking, servicing and landscaping. The Centre would provide assessment, rehabilitation and transitional care for those needing assistance to return to independent living following treatment in hospital.
- 1.9 The building would be arranged in three wings, at right angles to one another, forming a 'Z' shape. The northern wing, fronting Split Crow Road would have a full four storeys whilst the other two wings would have three full storeys. The height of the eaves of the four-storey wing would be approximately 10.6m whilst the main ridge would be 14.8m in height. The height of the eaves of the three-storey wing would be 7.7m whilst the height of the ridge would be 11.9m.
- 1.10 Level One would consist of plant, kitchen, laundry, staff, office and storage facilities. An entrance from Split Crow Road would also be located at ground floor level within the north elevation. Level Two would house the main entrance, accessed via the main car park, and reception foyer located at the junction of the three wings. Each of the upper three floors would have 20 bedrooms, assessment kitchen, therapy rooms, multi-purpose lounge and dining rooms, activity spaces, medication rooms and treatments facilities.
- 1.11 The proposed scheme would retain the existing vehicular access from Falla Park Road with egress onto Nursery Lane. Car parking for 20 cars will be provided in the main car park, including 2 accessible spaces, a motorcycle parking area and a single ambulance and drop off point. There would also be provision for cycle parking. At the entrance to the car park, an existing grassed area would be paved to provide 4 of the 20 parking spaces and these would provide dedicated parking for the nursery. This would involve a change of use.

- 1.12 The service area is located to the north-east corner of the site, accessed off Split Crow Road. 8 car parking spaces would be provided for staff with one accessible parking space and a motorcycle parking area also for staff use. The service area would be secured via an automatic sliding gate. In addition, there would be a secure/enclosed area for waste bins, recycling bins and clinical waste.
- 1.13 In terms of amenity space for the residents, the southern portion of the site would be a secure garden for residents with a garden building and hen run.
- 1.14 RELEVANT PLANNING HISTORY
- DC/18/01165/FUL - Erection of 83 Bedroom Residential Care Centre with associated boundary treatments, on-site parking, servicing, landscaping and change of use of open space to form off-site parking provision (amended 13/02/19 and 06/06/19 and additional information received 26/03/19) – Granted 19.07.2019

2.0 Consultation Responses:

Northumbrian Water	NWL has no objection subject to a condition to secure details of the disposal of surface and foul water
The Coal Authority	No objection

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 A site notice was placed on site on 05.02.2020.
- 3.3 One representation has been received which objects to the proposed development. The objection is summarized as follows:
- Additional traffic generated from the development
 - Is sufficient parking provision provided?
 - Are budgets available to support this facility?

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

MWR28 Provision of Facilities in new Developments

5.0 Assessment of the Proposal:

- 5.1 The key planning issues to be considered in the determination of this planning application are considered to be:

5.2 PRINCIPLE OF THE DEVELOPMENT

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

- 5.3 Policy CS11 of the CSUCP aims to promote lifetime neighbourhoods with a good range and choice of accommodation, services and facilities to meet varied and changing needs, will be achieved by:

3. Increasing the choice of suitable accommodation for the elderly population and those with special needs including bungalows, sheltered accommodation and extra care accommodation

- 5.4 This development is considered to contribute to the range and choice of housing within the Borough by providing an extra-care facility.
- 5.5 Furthermore, paragraph 91 of the NPPF, states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social integration... through mixed-use developments. Paragraph 92, then goes on to state that planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Whilst, paragraph 59 states, that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.
- 5.6 It is therefore considered that the development of the site as a residential institution would, in principle, accord with the above policies; albeit that detailed consideration needs to be given to potential impacts upon the local area. These are given consideration below.
- 5.7 **VISUAL AMENITY**
The surrounding area is predominantly residential in character with the exception of the educational facilities to the south and the retail unit at Gretna Terrace. Given this, the development is considered to be in-keeping and complementary to other uses within the area.
- 5.8 Furthermore, the design of the development in a 'Z' shape ensures that sufficient amenity space would be provided along with car parking to ensure the site does not appear overdeveloped. The applicant has indicated that the external finish of the building would be comprise a mixture of red-brown brick and ivory render with artstone features and masonry blockwork. These details are acceptable in principle however it is considered necessary to secure final details and samples prior to construction above damp-proof course (condition 3).
- 5.9 Some boundary treatment information has been submitted showing a combination of brick walls and metal railings, which is broadly acceptable, in principle, in terms of preserving visual amenity. It is considered appropriate to condition that the final boundary treatment details are submitted for approval and this can be secured via condition (condition 5).
- 5.10 Some detail regarding the landscaping of hard-surfaced areas has been submitted. It is considered that more information is required, and final details of a landscaping scheme can be secured via condition (condition 7).
- 5.11 Subject to the above conditions, it is considered that the development would accord with the NPPF, policy CS15 of the CSUCP, and Saved policies DC1(c) and ENV3 of the UDP.

5.12 RESIDENTIAL AMENITY

The orientation, layout and positioning of windows ensures that there would be no unacceptable loss of privacy, overshadowing, or overbearing impact on nearby residential properties as separation distances would meet or exceed the minimum recommended distances of 13m and 21m respectively.

- 5.13 In addition to the above comments, it is considered reasonable to condition (condition 14) that construction works shall only take place during typical daytime hours of 8am-5pm Monday to Saturday to safeguard residential amenity. It is also considered necessary to condition (condition 10) the submission of a construction control plan to further safeguard the residential amenity of nearby residents by minimising the impacts of the construction phase.

- 5.14 In designing residential accommodation, policy CS11 of the CSUCP aims to, among other things, provide adequate space inside and outside of the home to meet the needs of residents.

- 5.15 It is considered that each bedroom is of an acceptable size whilst internal, communal amenity space is provided on each floor containing residential accommodation. External amenity space is provided to the south of the facility in the form of resident's secure gardens. Within this area, a garden building and hen run is proposed. In addition, there is a large area of open space located 190m to the north of the application site. With this in mind, it is considered that adequate internal and external amenity space is available to meet the needs of residents.

- 5.16 Subject to conditions, it is considered that the development would accord with the NPPF, policy CS14 of the CSUCP, and Saved policies DC2 and ENV61 of the UDP.

5.17 HIGHWAYS

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 impact on the road network would be severe.

5.18 Access

The general car park layout and access arrangements are acceptable in principle considering the access and egress points into the car park are as existing and access to the service yard is as existing. Furthermore, these remain unchanged from the previous planning approval.

5.19 Parking Provision

The proposed Transitional Care Facility would have 60 beds and 28 car parking spaces. This level of parking provision is considered to be acceptable. If the proposed car park is filled, a small level of overspill parking could be safely accommodated within the local area, which has a good level of unrestricted on-street parking available. The addition of 4 dedicated parking spaces for the

staff of the nursery is welcomed, as otherwise their staff would have to park on the street, as they currently have the consent of the applicant to park within the application site.

- 5.20 Notwithstanding the above, the application site is also located within the centre of Felling which has excellent public transport connections, most notably Gateshead Interchange, which is a short bus journey to the east. There is a Metro station within 440m of the application site along with a bus stop immediately to the north on Split Crow Road.
- 5.21 The provision of a secure facility within the building for staff cycle parking and the location and provision of visitor cycle parking is considered to be acceptable. Final details can be agreed by condition (conditions 15 and 16).
- 5.22 Electric vehicle charging should be provided on site, the details of which can be addressed by condition (conditions 17 and 18).
- 5.23 Motorcycle parking should be provided on site, the details of which can be addressed by condition (conditions 19 and 20).
- 5.24 A travel plan is required and can be addressed by condition (conditions 21 and 22).
- 5.25 Overall, the proposal is not considered to raise any highway safety concerns and thus accords with the NPPF and policy CS13 of the CSUCP.
- 5.26 **REFUSE**
The proposed development has been assessed from a waste servicing perspective and there are no concerns with it. The bins are kept in an enclosed bin store, within an enclosed service yard at the bottom of a small access road. Furthermore, the clinical waste bins are kept in a secure section of the bin store and so everything has been well designed. The bin store looks to be of sufficient size, especially considering that, as a business, waste collections can be as frequent as the management choose.
- 5.27 Therefore, it is considered that the proposal accords with the NPPF and saved policy MWR28 of the UDP.
- 5.28 **FLOOD RISK AND DRAINAGE**
The application has been submitted with a flood risk assessment that has assessed all sources of flooding in accordance with policy CS17 of the CSUCP. It has identified any potential risks and the layout of the development is proposing a SuDS system that has followed the SuDS hierarchy.
- 5.29 The principle of the drainage strategy is considered to be acceptable, but a number of further details are deemed necessary to ensure that the development accords with the NPPF and policy CS17 of the CSUCP. These further details can be dealt with via conditions (conditions 25 - 28).

- 5.30 Furthermore, Northumbrian Water have offered no objection, subject to conditioning that more information is submitted in relation to the disposal of foul and surface water. The aforementioned conditions would address this.
- 5.31 Therefore, subject to the above conditions, the proposal accords with the NPPF and policy CS17 of the CSUCP.
- 5.32 **TREES/ECOLOGY**
There are a total of 8 trees that are immediately outwith the development site.
- 5.33 Trees T1 and T2 are close to the south east corner of the site and could be affected by a new boundary treatment in that area.
- 5.34 Trees T3-T8 are mature cherry trees located just to the west of the western boundary of the site within highway verge. They are not intended to be affected by the proposal and the existing boundary wall will afford protection of the roots of trees T3-T7. T8 is close to where the parking provision for the nursery is intended to be constructed and hence could be affected. The submitted Tree Protection Plan shows barrier fencing for T8 to protect it during construction, which is considered to be appropriate (condition 23).
- 5.35 In addition to the above, it is considered that a construction method statement is required in respect of the parking spaces to serve the nursery and the boundary treatment for the south east corner of the site. This can be addressed by conditions (condition 12 and 13).
- 5.36 Vegetation clearance should not take place during the bird breeding season wherever possible and thus a condition to that effect is recommended (condition 24).
- 5.37 Subject to the above conditions, the proposal accords with the NPPF, policy CS18 of the CSUCP and saved policy ENV44 of the UDP.
- 5.38 **CONTAMINATED LAND**
The site is situated on potentially contaminated land based on previous historic development use. In view of the sensitive end use proposed, the planning application is supported by a Preliminary Risk Assessment (PRA) and Phase 2 Site Investigation Report that addresses the whole site.
- 5.39 Samples taken at the site have been subject to chemical analysis and they have highlighted the need for a remediation strategy. This can be addressed by conditions (conditions 29-30).
- 5.40 It is also considered necessary to apply a condition, should planning permission be granted, to address the necessary course of action if unexpected contamination not previously identified is discovered during construction (condition 31-32).

5.41 Subject to the conditions referenced above the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies ENV54 and DC1(p) of the UDP.

5.42 **COAL MINING LEGACY**

The application site is within a Coal Authority Development High Risk Area and therefore a comprehensive Coal Mining Risk Assessment (CMRA) has been submitted with the application. The CMRA correctly identifies that the application site has been subject to past coal mining related activities. Specifically, the report identifies the presence of 1 no. mine entry within the application site boundary. In addition, the report also discounts the likelihood of probable unrecorded shallow mine workings beneath the application site after analysis of geological and mining data; the report states the risk is "deemed negligible and as a result no further assessment or intrusive investigation works are required with regards to historical shallow coal mining activities" However, the CMRA recommended further site investigations in order to establish the location and condition of the 1 no. mine entry.

5.43 A Mine Shaft Investigation Report (Arc Environmental, 14 June 2018) was submitted presenting the findings of these site investigations. A total of 36 no. rotary probe boreholes were sunk on a grid pattern, as well as trenching works; the mine entry was not located. The report concludes "the site is no longer considered to be at risk from future surface instability issues associated with the mine entry recorded on this site". The Coal Authority have confirmed that it considers the intrusive site investigations undertaken to be sufficient in attempting to locate the mine entry, for which a permit was obtained, and on the basis of the information and data reviewed does not require any further remedial works to be undertaken through the planning process.

5.44 The proposal therefore accords with the NPPF and policy CS14 of the CSUCP.

5.45 **COMMUNITY INFRASTRUCTURE LEVY**

On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development. As such no CIL charge is liable.

5.46 **OTHER MATTERS**

One objection received raises concerns about the budget available for running such a facility. This is not a material planning consideration and no weight has been afforded to this matter.

6.0 **CONCLUSION**

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal 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.

6.0 Recommendation:

It is recommended that permission be GRANTED at the end of the consultation period subject to no further material planning considerations being raised as part of any representations received and which have not been previously raised and addressed within the report above, 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 -

L.01 Location Plan

B336-001 Topographic Survey

E.02 Sections

L [9] 01 D Site Plan

L [0] 01 D Level 1 Plan

L [0] 02 E Level 2 Plan

L [0] 03 E Level 3 Plan

L [0] 04 E Level 4 Plan

L [0] 05 A Roof Plan

L [0] 21 & 22 C Elevations as Proposed North & South

L [0] 23 & 24 C Elevations as Proposed East & West

AIA EXI

AMS TPP 10.09.18

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

Reason

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

2

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

Reason

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

3

No development shall commence above damp-proof course level until samples of all materials, colours and finishes to be used on all external

surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the 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 upon Tyne.

4

The development hereby permitted shall be constructed in full accordance with the details approved under condition 3.

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 upon Tyne.

5

Prior to occupation of the development hereby approved, a fully detailed scheme for the boundary treatment of and within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

Prior to occupation of the development hereby approved, the boundary treatment details approved under condition 5 shall be implemented wholly in accordance with the approved details and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

Prior to occupation of the development hereby approved, a fully detailed scheme for the landscaping of the site, along with timetables for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, proposed trees and hedges, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

The landscaping scheme approved under condition 7 shall be implemented in full accordance with the approved details and completed prior to occupation of the development hereby approved, unless otherwise approved in writing by the Local Planning Authority. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

To ensure that the approved landscaping scheme is completed within a reasonable time scale in the interests of the visual amenity of the area and in accordance with Policies DC1 and ENV3 of the Unitary Development Plan.

9

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

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

No development shall commence (except for tree protection measures and vegetation clearance works) until a construction control plan including the hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access locations shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

Reason for prior to commencement condition

The construction control plan must demonstrate that the residential amenities of adjacent properties will be protected during construction of the development.

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

11

The construction control plan approved under condition 10 shall be implemented and complied with in full during all stages of construction, until completion.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

12

No development or other operations shall commence in respect of the car parking to serve the nursery or the boundary wall in the south-west and south-east corners of the site until a detailed construction specification and arboricultural method statement for any works to trees or areas within the approved tree protection areas has been submitted to and approved in writing by the Local Planning Authority. This must provide for the protection and retention of the existing trees on the site during the construction of the development.

Reason

To ensure the satisfactory protection of trees in accordance with policies DC1 and ENV44 of the Unitary Development Plan.

13

The details approved under condition 12 shall be implemented and adhered to at all time during construction of the car parking to serve the nursery and any works to the boundary wall in the south-west and south-east corners of the site.

Reason

To ensure the satisfactory protection of trees in accordance with policies DC1 and ENV44 of the Unitary Development Plan.

14

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved policies DC1(h), 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.

15

Notwithstanding the details on the submitted plans, final details of secure and weatherproof cycle storage shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

16

The details approved under condition 15 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

17

Prior to the first occupation of the development hereby approved, a scheme for the provision of electric vehicle charging shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

18

The details approved under condition 17 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

19

Notwithstanding the details on the submitted plans, final details of motorcycle parking shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

20

The details approved under condition 19 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

21

No part of the residential accommodation shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall detail the delivery mechanism for its implementation in order to provide for the following measures:

- 1) Reduction in car usage and increased use of public transport, walking and cycling;
- 2) Minimal operational requirements for car parking in accordance with the National Planning Policy Framework and Council Policy CS13;
- 3) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

22

The Travel Plan shall be implemented in accordance with the details and timescales approved under condition 21 and retained as such thereafter unless otherwise first approved in writing by the Local Planning Authority.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

23

Before any materials are brought onto site or any development granted in full is commenced, the tree protection measures shown on plan reference AMS TPP 10.09.18 shall be implemented on site. The fencing must remain in place for the duration of the development and shall not be moved or removed until all equipment; machinery and surplus materials have been removed from the site, unless otherwise and firstly approved in writing by the Local Planning Authority. No materials, plant or equipment or temporary buildings or structures shall be stored or located within the fenced areas.

Reason

To ensure that the trees to be retained on the site are adequately protected from damage during the development works in accordance with the NPPF, saved policies DC1 and ENV44 of the Unitary Development Plan and CSUCP Policies CS17 and CS18.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

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.

24

No vegetation clearance works shall be undertaken during the bird breeding season (i.e. March to August inclusive). Where this is not possible a breeding bird checking survey will be undertaken by a suitably qualified ecologist immediately prior (i.e. no more than 48hrs) to the commencement of works on site. Where active nests are confirmed these must be retained undisturbed until the young have fledged and the nest(s) is no longer in use.

Reason

To safeguard biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy DC1(d) of the Unitary Development Plan.

25

Development shall not commence in respect of the SuDS and drainage system until the following construction details have been submitted to and approved in writing by the Local Planning Authority:

1. Details of geocellular system and flow control
2. Electronic drainage model submitted in Microdrainage format

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

26

The details approved under condition 25 shall be implemented prior to the first occupation of the development and maintained as such for the life of the development.

Reason

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

27

Prior to the first occupation of the development hereby approved a SuDS and drainage maintenance plan to cover the following:

- i. Clearly describe the drainage system and define the SuDS features, describing how each element is expected to work;
- ii. Confirm party responsible for the system maintenance in the short and long term;
- iii. Provide specification of maintenance tasks; and schedule of tasks and inspections for the lifetime of the development

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

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

28

The details approved under condition 27 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

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

29

No development shall commence (except for tree protection measures and vegetation clearance works) until a detailed remediation scheme to bring the site to a condition suitable for the intended use, by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable and phasing of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

NB The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in any proposed garden / soft landscape areas.

Reason

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

Reason for prior to commencement condition

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.

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.

30

The details of remediation measures approved under condition 29 shall be implemented prior to commencement of the development hereby permitted and retained for the life of the development.

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

Reason

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

31

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and 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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

32

The amended remediation and monitoring measures approved under condition 31 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

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

Reason

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

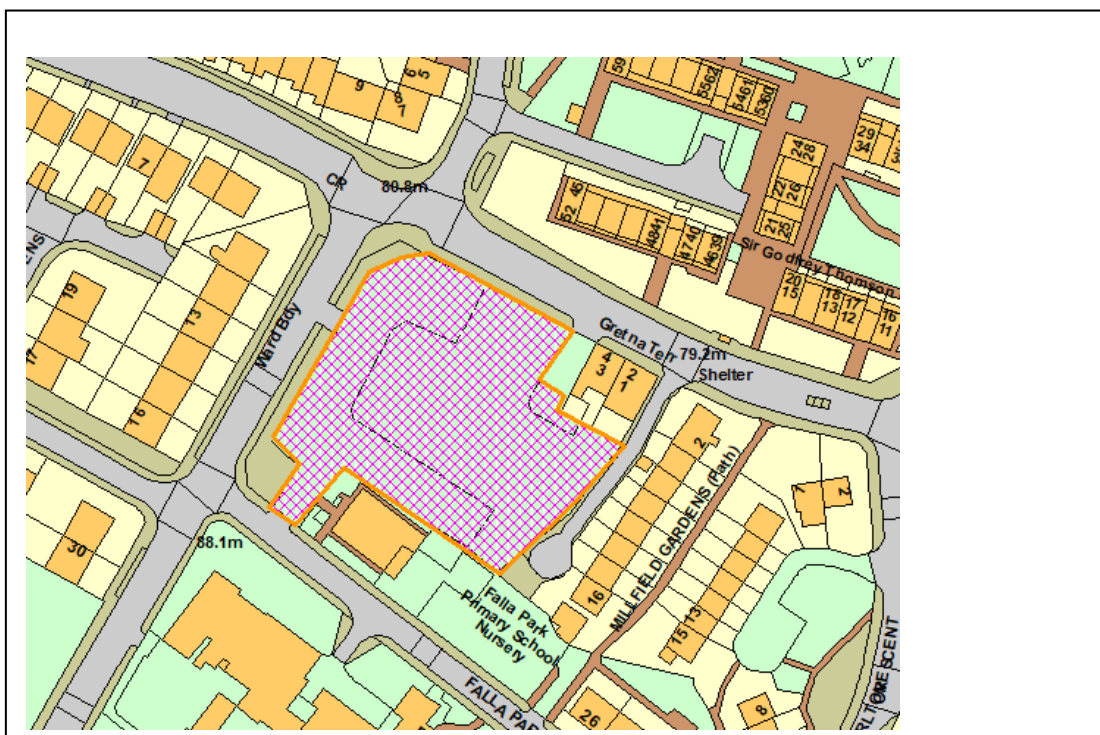
saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

33

Where remediation is required, following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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REPORT NO 7

Committee Report

Application No:	DC/20/00021/REM
Case Officer	Tracy Long
Date Application Valid	10 January 2020
Applicant	Follingsby International Enterprise Park Limited
Site:	Follingsby Park South Follingsby Lane Gateshead NE10 8YA
Ward:	Wardley And Leam Lane
Proposal:	RESERVED MATTERS APPLICATION (relating to appearance, landscaping, layout and scale) for a storage and distribution unit (use class B8) with ancillary offices, car parking, servicing and landscaping on PLOT A (pursuant to OUTLINE APPLICATION DC/18/00574/FUL which was submitted with an ENVIRONMENTAL STATEMENT) (amended plans received 3 March 2020).
Recommendation:	GRANT
Application Type	Approval of Reserved Matters

1.0 The Application:

1.1 DESCRIPTION OF APPLICATION SITE

1.2 The site is situated on the south eastern edge of Gateshead, with the Borough of South Tyneside to the north and east and the City of Sunderland to the south. The site lies immediately to the south of Follingsby Lane, with Follingsby Park Industrial Park which includes a range of manufacturing and storage / distribution uses to the north. The former Leamside Railway Line is immediately to the east of the site with fields, commercial uses, stables and some residential properties further east in South Tyneside. The River Don is immediately to the south of the site with fields, a riding stables, playing pitches and the residential areas of Washington to the south in Sunderland. To the west of the site is the A194 motorway, Heworth Golf Club and the residential areas of Wardley and Heworth beyond.

1.3 Planning permission for the development of up to 225,000m² of floor space for B8 (storage and distribution) uses was approved under planning application DC/18/00574/FUL on 5 April 2019 for this site. This was an outline planning permission with all matters reserved except for access and landscaping of the green infrastructure zone

1.4 Phase 1 infrastructure works on the site have already been completed with the provision of a substantial area of green infrastructure which includes landscaping, drainage and ecological habitats to the east, south and west of the site, highway works along Follingsby Lane, the provision of 6 access points off

Follingsby Lane and the formation of development plateaus on the built development zone of the site.

1.5 DESCRIPTION OF PLANNING APPLICATION

- 1.6 This current reserved matters application provides the details of the appearance, layout, landscaping and scale for a large single warehouse building (unit 1) on phase 2 of the development which relates to the built development of plot A on the western part of the site.
- 1.7 The proposal comprises the development of a large single building for storage and distribution uses (use class B8), with a total gross internal area of 186,960m². Three small ancillary buildings are also proposed on the site including the main guardhouse, the pre check guardhouse and the seasonal guardhouse which brings the total gross internal area of floor space on the site to 187,024m². This development will be the first of two large buildings within the designated built development zone. A separate reserved matters application will follow in relation to the second building (unit 2) on the eastern part of the site (plot B) later in 2020.
- 1.8 The application has been submitted with the following supporting information :
- Planning Statement
 - EIA Compliance Statement
 - Transport Compliance Statement
 - Design and Access Statement
- 1.9 Amended plans were received on 3 March 2020 which included very small changes to the internal road layout of the site. The landscape plan was also updated to include species requested by the Council's Ecologist.
- ## 1.10 RELEVANT PLANNING HISTORY
- 1.11 The site has been the subject of a number of relevant planning applications for development as summarised below:
- 1.12 **DC/17/01117/OUT** OUTLINE APPLICATION for 90,000m² of B8 (storage and distribution) and B2 (general industry floorspace) along with associated offices, internal roads, car parks, infrastructure and landscaping, with all matters reserved except access (submitted with an environmental statement). APPROVED 5 January 2018.
- 1.13 **DC/18/00111/REM** RESERVED MATTERS APPLICATION relating to appearance, layout, scale and landscaping for the phase one area of development (comprising works to Follingsby Lane, plot entrances, formation of development plateaus, green infrastructure development and related infrastructure works) pursuant to outline planning application DC/17/01117/OUT. APPROVED 18 April 2018.

- 1.14 **DC/18/00237/OUT** OUTLINE APPLICATION for 225,000m2 of B8 (storage and distribution) and B2 (general industry) floorspace along with associated offices, internal roads, car parks, infrastructure and landscaping with all matters reserved except access and landscaping of the green infrastructure zone (submitted with an environmental statement). APPROVED 10 May 2018.
- 1.15 **DC/18/00573/COU** Demolition of farmhouse / barn buildings and change of use of land to provide extended green infrastructure and built development zones for the adjacent Follingsby International Enterprise Park including the closure of the existing vehicle access and the formation of a new vehicle access off Follingsby Lane to replace access 1 one of the 6 accesses approved under planning permission DC/18/00237/OUT (submitted with Supplementary Environmental Statement). APPROVED 28 Sept 2018
- 1.16 **DC/18/00574/FUL** Variation of condition 1 (approved drawings) of planning permission DC/18/00237/OUT to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the green infrastructure and built development zones further west and removing access 1 and repositioning accesses 2 -5 and the associated bus stops and crossings along Follingsby Lane (submitted with Supplementary Environmental Statement). APPROVED 5 April 2019.
- 1.17 **DC/18/00575/FUL** Variation of condition 1 (approved drawings) of planning permission DC/18/00111/REM to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the green infrastructure and built development zones further west (submitted with Supplementary Environmental Statement). APPROVED 5 April 2019.
- 1.18 **DC/19/00227/NMA** NON MATERIAL AMENDMENT to planning application DC/18/00573/COU to allow the position of the approved fence line to be moved to build an access road to serve a substation on the site. APPROVED 24 April 2019.
- 1.19 **DC/19/00057/FUL** Proposed substation, gas meter and associated access road at South Follingsby Farm site adjacent to access road 1. APPROVED 27 June 2019
- 1.20 **DC/19/00058/FUL** Proposed substation, foul pumping station, gas meter and associated access road at Follingsby Max adjacent to White Rose Way between access road 4 and 5. APPROVED 27 June 2019
- 1.21 **Planning History Summary**
- 1.22 In summary works have started on site under approved applications DC/17/01117/OUT, DC/18/00111/REM, DC/18/00575/FUL and DC/18/00573/COU. A substantial area of green infrastructure which includes landscaping, drainage and ecological habitats has been provided to the east, south and west of the site under the above approved permissions. The highway works to Follingsby Lane, plot entrances and the formation of development plateaus have also been provided under these approved permissions. These

infrastructure works have been completed on site under phase 1 of the site development.

- 1.23 An operator has now come forward with a proposal to develop a large single building with a total gross internal area of 187,024m² on part of the site (plot A) which is in excess of the 90,000m² of floor space limit permitted by approved planning permissions DC/17/01117/OUT, DC/18/00111/REM and DC/18/00575/FUL. The intention now is to switch from implementing these consents to instead implementing approved planning permissions DC/18/00574/FUL and DC/18/00573/COU. These approved planning permissions allow for up to 225,000m² of B8 floorspace on the site within the designated built development zone. The development of plot A would be phase 2 of the site development.
- 1.24 Phase 3 of the site development would involve the development of the built development zone on plot B on the eastern part of the site. A separate application is likely to be submitted for phase 3 later in 2020.

2.0 Consultation Responses:

Natural England	No objection.
Highways England	No objection.
Network Rail	Has no observations to make.
Northumbrian Water	No additional comments to make.
Environment Agency	No objections.
Sunderland City Council	Has no comments to make.
South Tyneside Council	No objection.

3.0 Representations:

- 3.1 The Council sent neighbour notification letters to 61 properties surrounding the site in Gateshead, South Tyneside and Sunderland on 15 and 17 January 2020. Council officers displayed 10 notices surrounding the site in Gateshead, South Tyneside and Sunderland on 17 January 2020. A notice also appeared in the Newcastle Journal on 22 January 2020.
- 3.2 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

DC1D Protected Species

DC1H Pollution

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

KEA2 Follingsby South

5.0 Assessment of the Proposal:

- 5.1 Outline planning permission DC/18/00574/FUL has already been approved to develop this site for employment use B8 (storage and distribution). Therefore the principle of developing this site, including the scale and form of the development and the traffic issues associated with it has already been considered and approved.
- 5.2 The only material planning issues for consideration as part of this current reserved matters application is whether the proposed appearance, landscaping, layout and scale of phase 2 of the development are acceptable.
- 5.3 APPEARANCE

5.4 The principle of providing a large industrial building has already been considered and accepted through the granting of the previous outline permission for development on the site. The indicative schemes included with the outline planning applications envisaged a unit of this nature and scale.

5.5 **Elevational treatment**

5.6 The Compliance Statement submitted as part of this application explains that due to the industrial nature of the development it is proposed to use a metal cladding system for the building which is durable, secure and provides a crisp and contemporary finish to the building.

5.7 The accompanying Design and Access Statement submitted as part of this application explains that the palette of materials used for the elevational treatment of the building has been selected to reduce the impact of the mass of the building on the site as well as from key viewpoints into the site.

- The exterior of the building will be clad in a palette of greys (primarily a very light grey) in order to blend in with the sky and the horizon.
- Darker grey cladding will be applied to extruding pods and the ancillary office block in order to break up the overall massing of the warehouse building.
- The massing will be further broken up by a series of ribbon windows to all elevations of the development.

5.8 **Visual Impact**

5.9 An assessment of the visual impact of the proposal was undertaken as part of the Environmental Statement (ES) submitted in support of the approved outline applications on the site. In addition the proposed building on plot A is around 23 metre high which is below the maximum figure of 28 metres high which was assessed through the Environmental Impact Assessment (EIA).

5.10 No details of external lighting have been provided as part of this planning application but this can approved at a later date under condition 33 on the approved outline planning permission DC/18/00574/FUL.

5.11 The external built form, its architecture and materials are all considered to be acceptable and appropriate for an industrial building and will compliment the form of existing industrial and commercial buildings to the north at Follingsby Park. Council officers are therefore of the opinion that the appearance of the proposed development for plot A is acceptable and accords with the aims and objectives of both national and local planning policies.

5.12 **LAYOUT**

- 5.13 The layout of the building within plot A would allow the building to be served by four access points from Follingsby Lane along the northern boundary of the site. These access points reflect those approved under permissions DC/18/00574/FUL and DC/18/00573/COU. The westernmost access point (which is located at the former South Follingsby farm site) will be for used by buses, kitchen deliveries and seasonal HGV egress. The second and third access points will be solely for cars and cycles. The easternmost access point serving plot A will be used by HGV's for access and egress. The submitted planning statement explains that the separation of vehicle types and reduction of crossovers allows for much safer vehicle movements on the site.
- 5.14 Council officers consider that inset dropped crossings with tactile paving is required at the accesses for plot A for the use of pedestrians. The applicant has confirmed in the submitted Transport Note that these will be provided to facilitate pedestrian crossing. A condition (condition 2) has therefore been recommended to approve the final details of these crossing points and ensure that they are provided prior to the building being brought into use.
- 5.15 Vehicle access to the gas governor and horse pen located south of phase 2 is to be provided by means of a single lane track which runs along the western edge of plot B development plateau in phase 3. This has been designed as a continuation of the existing access spur off main access 4, which has already been constructed to serve the sub stations.
- 5.16 The layout for plot A shows that cycle parking is to be located in an enclosed secure area to the main entrance to the office. Pedestrian access routes are proposed through the car park to the main entrance. Provision is made within the layout of plot A for 820 car parking spaces including 41 accessible spaces plus 41 motorcycle spaces and 80 cycle spaces. The final details of the cycle parking and moto cycle parking provision will be approved at a later date under condition 18 of the approved outline planning permission DC/18/00574/FUL.
- 5.17 No details of electric vehicle charging have been provided as part of this reserved matters application. The submitted Transport Note explains that 33 car parking spaces will be provided with active electric vehicle charging points whilst the remainder of the car park (787 spaces) will include passive provision for electric vehicle charging points. The final details of the electric vehicle charging provision will be approved at a later date under condition 19 of the approved outline planning permission DC/18/00574/FUL.
- 5.18 The layout provides safe access to the site for all people and provides adequate servicing facilities. A car park management plan, servicing management plan and operational management plan are all required under conditions 11, 12 and 16 of the approved outline planning permission DC/18/00574/FUL which will ensure that that the car park and servicing layouts work well and that vehicle movements are managed to minimise impacts on the surrounding highways.
- 5.19 Council officers are therefore of the opinion that the way in which the buildings, routes and spaces within the development are provided and their relationship to

the surrounding area are acceptable and accords with the aims and objectives of both national and local planning policies.

5.20 LANDSCAPING

5.21 The proposed warehouse building on plot A will be surrounded by a substantial area of green infrastructure to the east, south and west on those parts of the site which fall outside the built development zone. A detailed landscaping proposal has been submitted for phase 2. This proposal includes ornamental tree planting, ecological/ scrub planting, hedgerow planting, woodland block planting and grass areas. This is considered by Council officers to be a complimentary landscaping scheme on plot A, which will integrate with the wider green infrastructure on the site, as well as maintaining its value and function.

5.22 A condition (condition 3) will be required on the reserved matters application to ensure that the landscaping scheme is provide on site at an appropriate time. The maintenance of the landscaping for plot A will be approved under condition 9 of the approved outline planning permission DC/18/00574/FUL.

5.23 Landscaping for a reserved matters application also includes any boundary treatments within or around the site. A proposed fencing plan has been submitted as part of this reserved matters application. The service yard is to be surrounded by a 2.4 metre high paladin fence with barbed wire with an overall height of 3 metres. A 2.5 metre high close boarded timber fence is to be provided along the southern and part of the western boundaries of the site. A 600 high timber knee rail fence is to run along the main Follingsby lane frontage and the northern two thirds of the eastern boundary.

5.24 Council officers consider that the proposed fencing arrangement for the site should also include measures to permanently exclude amphibian, including great crested newts from the operational areas of the site. These measures are considered necessary to ensure that there is no harm to the species or impact on the operation of the development. A condition (condition 4) has therefore been recommended to approve the final details of the boundary treatment for plot A in the interest of good design and ecology.

5.25 Subject to the above planning conditions the landscaping proposal (including boundary treatments) for plot A is considered to be acceptable and accords with the aims and objectives of both national and local planning policies.

5.26 SCALE

5.27 Condition 6 of approved outline permission DC/18/00574/FUL states that the development shall provide no more than 225,000m² of gross external floor space for B2/B8 uses. The total gross internal area for building 1 on plot A is 187,024m². The anticipated gross internal area for unit 2 on plot B (which is the subject of a separate reserved matters application later in 2020) is 13,670m² of floor space – resulting in a total gross internal floorspace of 200,694m².

- 5.28 The scale of the building within plot A therefore sits within the threshold set out in the conditions attached to the approved outline development DC/18/00574/FUL and would not compromise the development of plot B.
- 5.29 Condition 4 of the approved outline permission DC/18/00574/FUL states that the buildings on the site shall not exceed a maximum height of 28 metres above the finished floor level with the finished floor level being 55 metres (above AOD).
- 5.30 The proposed building on plot A falls below these maximum parameters with a maximum building height of 25.62 metres, however the majority of the warehouse building sits at a height of 22.95 metres and is therefore 5 metres in height below the height parameters allowed in the approved outline application DC/18/00574/FUL.
- 5.31 The height, width and length of each building within the site and its relationship to surrounding area is therefore considered to be acceptable and is within the limits considered and approved by the outline application DC/18/00574/FUL.
- 5.32 DRAINAGE/ EARTHWORKS
- 5.33 Illustrative drainage and earthworks drawings have been submitted as part of this reserved matters application. These drawings are for indicative purposes only as the final details of the drainage and earthworks for plot A phase 2 of the site will be approved by conditions 28 (drainage) and 7 (site levels) on the approved outline planning permission DC/18/00574/FUL.
- 5.34 EIA DEVELOPMENT
- 5.35 Outline application DC/18/00237/OUT was accompanied by an Environmental Statement (ES). The subsequent application DC/18/00574/FUL which amended the approved drawings for outline application DC/18/00237/OUT was accompanied by a Supplementary Environmental Statement (SES)
- 5.36 The ES and SES were submitted with the previous applications as the proposed development fell within part 10a of Schedule 2 of the Town and Country Plan (Environmental Impact Regulations) 2017 as amended, which relates to industrial estate developments on sites exceeding 5 hectares. Therefore this current reserved matters application is a subsequent application where environmental information was previously provided.
- 5.37 Regulation 9 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended applies where it appears to the relevant planning authority that an application which is before them for determination is a subsequent application in relation to Schedule 1 or Schedule 2 development. Where it appears to the relevant planning authority that the environmental information already before them is adequate to assess the significant effects of the development on the environment, they must take that information into consideration in their decision for subsequent consent. Where

it is not adequate to assess the significant environmental effects of a development then this should be requested.

- 5.38 A compliance statement has therefore been submitted with this reserved matters application for robustness. This compliance statement reviews whether the proposed reserved matters for plot A would give rise to any new issues that were not raised at the time of the original applications that could rise to a need to consider whether supplementary environmental information is required. This compliance statement therefore undertakes a topic by topic review of the current reserved matters submission against the existing environmental information.
- 5.39 This compliance statement demonstrates that the proposed scheme for plot A does not give rise to any additional or different significant environmental effects to those identified in the ES and Supplementary ES submitted with the previous applications DC/18/00237/OUT and DC/18/00574/FUL.
- 5.40 Council officers are therefore satisfied that the environmental information already before the Local Planning Authority is adequate to assess the significant effects of the development on the environment. It is therefore considered that this current reserved matters application can be considered without the need for any additional environmental information.

6.0 CONCLUSION

- 6.1 The Planning Statement submitted as part of this application concludes that the development of plot A will provide a high quality, modern B8 warehouse building able to meet the modern logistics operators requirements which will provide significant employment opportunities for the area.
- 6.2 This application is a subsequent application where environmental information was previously provided. Officers are however satisfied the adequate environmental information has been provided to the Local Planning Authority to assess the significant environmental effects of the development on the environment. Furthermore, this environmental information has been taken into consideration in the assessment of this application.
- 6.3 The proposed scheme for phase two of the development on plot A is considered to be in full accordance with the outline approval DC/18/00574/FUL. The layout, appearance, scale and landscaping of the development on plot A are also considered to be acceptable.
- 6.4 Taking all of the relevant issues and environmental information into account, it is therefore considered that planning permission for the reserved matters hereby applied for should be granted. The principle of the development has already been approved and the proposed access, layout, appearance, scale and landscaping satisfies the aims and objectives of relevant national and local planning policy.

6.5 It is therefore recommended that permission be granted subject to the planning conditions 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 shall be carried out in complete accordance with the approved plan(s) as detailed below -

Site Location Plan	7191 SMR 01 ZZ DR A 2001 A3 C3
Proposed Site Plan Plot A Unit 1	7191 SMR 01 ZZ DR A 2005 A3 C5
Ground Floor Building Plan	7191 SMR 01 ZZ DR A 2010 A3 C2
First Floor Building Plan	7191 SMR 01 ZZ DR A 2011 A3 C2
Second Floor Building Plan	7191 SMR 01 ZZ DR A 2012 A3 C2
Third Floor Building Plan	7191 SMR 01 ZZ DR A 2013 A3 C2
Building Roof Plan	7191 SMR 01 ZZ DR A 2014 A3 C2
Proposed Building Elevations	7191 SMR 01 ZZ DR A 2015 A3 C3
Proposed Gatehouse	7191 SMR 01 ZZ DR A 2016 A3 C2
Proposed Guardshacks	7191 SMR 01 ZZ DR A 2017 A3 C2
Landscape Masterplan	D222 L 001 Rev D

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.

Notwithstanding the submitted drawings, prior to the laying out of the car parking spaces in plot A details of inset dropped crossings with tactile paving at the accesses for plot A for the use of pedestrians shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian crossing points shall be provided prior to the buildings on plot A being brought into use.

Reason

In the interest of highway safety and to facilitate pedestrian crossing and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

3.

The landscaping scheme for Plot A hereby approved as shown on drawing D222 L 001 Rev D shall be carried out in accordance with the approved plan prior to the buildings on Plot A being occupied or the first available planting season thereafter.

Reason

To ensure that the approved landscaping scheme is completed in the interest of the visual amenity of the area and in accordance with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

4.

Notwithstanding the submitted drawings, prior to any boundary treatments being installed on plot A within or around the site, final details of the boundary treatments for plot A shall be submitted to and approved in writing by the Local Planning Authority.

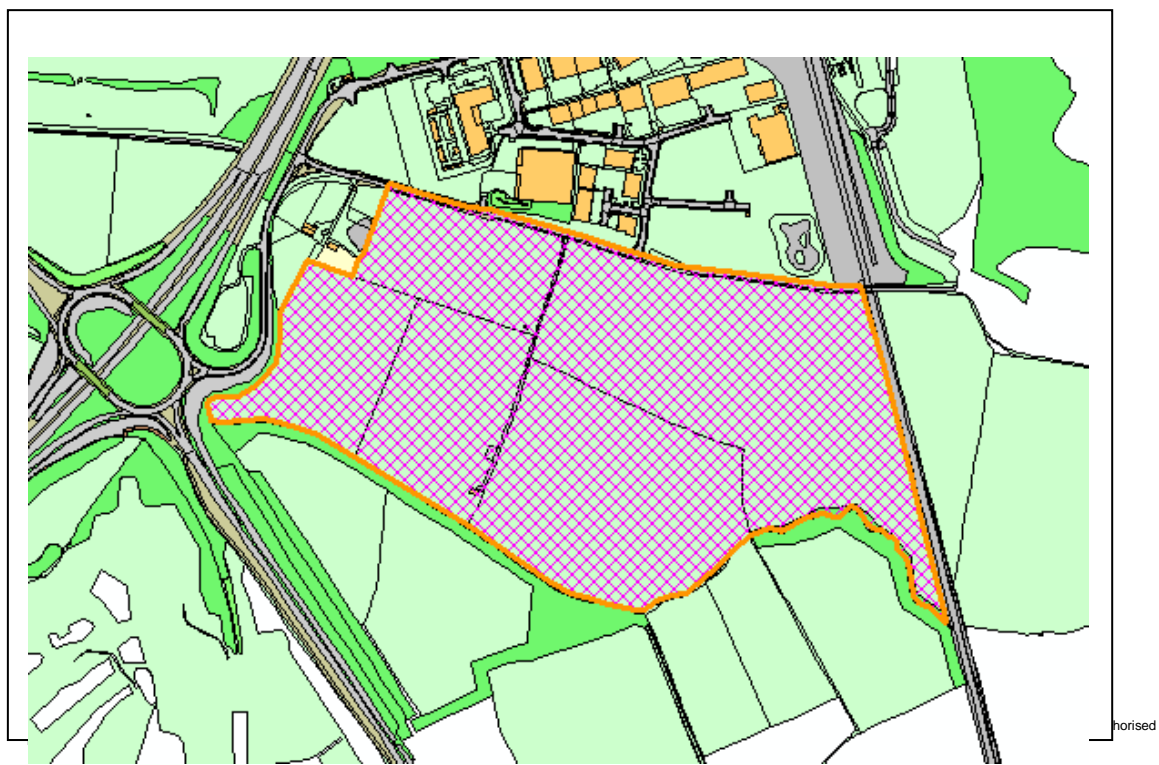
The boundary treatment scheme shall include details of the type, position, design, dimensions, materials and colour of the boundary treatment.

The approved boundary treatments shall be provided on site in accordance with the approved details prior to the buildings on plot A being brought into use. The approved acoustic fencing and approved measures to permanently exclude amphibians from plot A shall be retained thereafter.

Reason

In the interests of good design, the protection of amphibians and to ensure appropriate operational noise levels and in accordance with the NPPF, saved policies DC1 (d), DC1 (h), DC2 and ENV47 of the Unitary

Development Plan and policies CS14, CS15 and CS18 of the Core Strategy and Urban Core Plan.



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REPORT NO 8

Committee Report

Application No:	DC/20/00102/COU
Case Officer	Rebecca Adams
Date Application Valid	6 February 2020
Applicant	Mr M Nawaz
Site:	10 Dewhurst Terrace Sunniside Whickham NE16 5LP
Ward:	Whickham South And Sunniside
Proposal:	Change of use and conversion of existing house (C3) to A5 (Hot food) on ground floor and 2 bedroom flat (C3) on first floor. Proposed shop window to front elevation and access door on side elevation for proposed flat on first floor. To include new shopfront and extend flue to rear.
Recommendation:	REFUSE
Application Type	Change of Use

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

The application site is a two-storey end-terrace dwellinghouse to the southern end of a section of Dewhurst Terrace which is located to the western side of Gateshead Road, Sunniside.

1.2 The property fronts onto the road and benefits from an existing two storey extension and yard to the rear. The site is bordered to the southern side and rear by an access lane, with residential properties beyond to the rear along Elm Street West.

1.3 The application site is located within Sunniside Local Centre which comprises a mix of commercial and residential uses primarily along Gateshead Road to the north and south. Directly to the south of the site beyond the access lane entrance is a Pharmacy shop, and to the north is a residential property with a Post Office/Newsagents beyond. To the east of the site beyond Gateshead Road is the Sunhill Sheltered Housing which is accessed from Starling Walk.

1.4 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the change of use of the building from a dwellinghouse (C3 use class) to a hot food takeaway at ground floor level (A5 use class) and 2 bedroom flat at first floor level (C3 use class).

1.5 The application proposes external alterations to the building comprising the installation of a shop front window to the front elevation and flue to the rear elevation and creation of an entrance door to the south elevation to serve the proposed first floor flat. The existing rear yard area is proposed to serve as a

commercial and residential bin store area also indicated to contain bicycle storage.

1.6 RELEVANT PLANNING HISTORY

244/90 - Erection of two-storey extension at rear of dwelling- house to provide kitchen, bathroom and additional bedroom. Planning permission granted 10.04.1990

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 a notice at the site.

3.2 One petition has been received with 80 signatories in objection to the application. The petition states 'To prevent a residential property at 10 Dewhurst Terrace being changed into a fast food takeaway - Please sign if you agree with the petition'.

3.3 Ten letters of objection have been received raising the following matters:

- There is already an overconcentration of fast food premises on Front Street
- Overdevelopment
- Out of character with streetscene
- The development would not add to the retail provision in Sunnyside
- There is an identified shortage of rental properties within the area and the proposal would remove an affordable family home
- The application is contrary to the Council's adopted Hot Food Takeaway SPD
- Health concerns
- Residential amenity issues
- Additional noise
- Littering issues
- Cooking smells and odours
- Disturbance early mornings/late evenings
- Loss of privacy
- Overbearing impact
- Inadequate car parking
- Increase of traffic
- Traffic/highways issues
- The proposal will attract potential vandals
- Devaluation of property

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC1H Pollution

DC1M Recycling

DC2 Residential Amenity

RCL5 District and Local Centres

RCL6 Food and Drink Uses

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

HFTSPD Hot Food Takeaway SPD

5.0 Assessment of the Proposal:

5.1 The main planning considerations in the assessment of the application are the principle of the development; health and wellbeing; impacts upon visual and residential amenity; highway safety issues; CIL; and any other matters.

5.2 THE PRINCIPLE OF THE DEVELOPMENT

5.3 RETAIL POLICY

The application site is located within Sunnyside Local Centre. Core Strategy policy CS7 states that the vitality and viability of centres in the retail hierarchy will be maintained and enhanced. These centres will form the focal point for uses, services and facilities serving the surrounding population. In addition to meeting local needs, the role of the retail sector in attracting visitors and contributing to the economy will be supported. This is broadly supported in principle by the NPPF.

5.4 Saved UDP policy RCL5 states that within Local Centres planning permission will be granted for retail and other shopping centre uses where these maintain and enhance the vitality and viability of the centre without detracting from its

appearance or being incompatible with its scale and nature and do not result in unacceptable impacts upon amenity or highway safety.

- 5.5 Saved UDP policy RCL6 relates specifically to food and drink uses. This policy states that planning permission will be granted for hot food takeaways (A5 uses) within an existing centre where a) they do not have an unacceptable impact on road safety, the environment, amenity, the character of the surrounding area or the vitality and viability of an existing centre; and b) they would not lead to an over-concentration of such uses in any one location.
- 5.6 The proposed A5 use would fall within the definition of a main town centre use as defined by the NPPF and it is not considered to be prejudicial to the vitality and viability of the defined retail centre.
- 5.7 As such, the principle of the proposed change of use in respect of the creation of the proposed A5 use when assessed against relevant retail policy is considered to be acceptable in accordance with the NPPF, Core Strategy policy CS7 and saved UDP policies RCL5 and RCL6, as the overall vitality and viability of the centre as a whole would be maintained. The merits of the specific proposed change of use are considered below.
- 5.8 **HOUSING POLICY**
Having regard for the presence of the existing dwellinghouse the proposed creation of a 2 bedroom flat within the retail centre as part of the development would be acceptable in principle when assessed against the requirements of saved UDP policy RCL5.
- 5.9 Core Strategy policy CS10 states that 11,000 new homes (excluding purpose-built student accommodation) will be built in Gateshead over the period April 2010 to March 2030. Core Strategy policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms).
- 5.10 The proposed scheme would result in the loss of a three bedroom dwelling in place of the creation of a 2 bedroom flat; there would however be no net loss in the number of housing units and the unit would continue to contribute to housing stock in the Borough; in addition this policy is a plan-wide target. As such the development would not prejudice the overall aim of this policy.
- 5.11 It is considered that the principle of the proposed change of use in respect of the creation of the proposed C3 use is acceptable and the proposal would contribute to housing stock in the Borough. The proposal therefore accords with saved UDP policy RCL5, Core Strategy policies CS10 and CS11(1) and the NPPF.
- 5.12 **HEALTH AND WELLBEING**
Core Strategy policy CS14(3) states that: *"the wellbeing and health of communities will be maintained and improved by controlling the location of, and access to, unhealthy eating outlets"*.

- 5.13 Gateshead Council's Hot Food Takeaway Supplementary Planning Document (SPD) was adopted in June 2015. The SPD sets out the Council's priorities and objectives in relation to planning control of hot food takeaways and elaborates upon policies relating to health and wellbeing. The SPD can be afforded full weight in the decision-making process.
- 5.14 The Hot Food Takeaway SPD provides clarity on Core Strategy policy CS14 in respect of locations in which hot food takeaway (A5) premises are not appropriate. The Council recognises that one of the ways in which planning can promote a healthy community, in particular controlling the levels of obesity, is by restricting access to unhealthy eating outlets. The planning considerations relevant to the application as set out within the SPD are assessed individually below:
- 5.15 Planning consideration 2 states that *"planning permission will not be granted for A5 use in wards where there is more than 10% of the year 6 pupils classified as obese"*. The percentage of year 6 pupils in the ward of Whickham South and Sunniside who are classified as obese is 17.3% based on the most up to date data, and for this reason the application site would not be appropriate in this respect.
- 5.16 Planning consideration 4 states that *"An A5 use will not be permitted where it will result in the percentage of A5 uses in Local Centres exceeding 5% of total commercial uses"*. Based on the most up to date survey of Sunniside Local Centre the total percentage of A5 units within the centre is 10%. As such, the application would not be appropriate.
- 5.17 Planning consideration 5 states that *"A5 uses will not be permitted where they share a party wall with a residential property"*. The application proposes the creation of a C3 unit at first floor level above the proposed A5 unit, in addition to which there is a residential property at 11 Dewhurst Terrace adjoining the northern side of the site, both of which would share a party wall with the A5 unit. As such, the application would not be appropriate in this respect.
- 5.18 Planning consideration 7 relates to the 'Extraction of Odours and Noise Abatement' and states that *"A5 uses must provide appropriate extraction systems to effectively disperse odours. Such systems must:*
- 1. Have minimal impact on visual amenity, including location and external finish;*
 - 2. Be acoustically attenuated;*
 - 3. Not have an unacceptable impact on the amenity of neighbouring occupiers, for example by virtue of vibration or odour;*
 - 4. Be properly operated, serviced, cleaned and maintained in accordance with industry best practice; and*
 - 5. Where appropriate, be improved to reflect any subsequent changes in the mode or type of cooking that could increase odours.*

Extraction equipment must at least meet the minimum standards set out in the guidance on control of odours and noise produced by the Department of Environment, Food and Rural Affairs (Defra)”.

- 5.19 The NPPF establishes that the impact of noise can be a material consideration in the determination of planning applications. Paragraph 180 of the NPPF states that planning decisions should *“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life”*. Saved UDP policies DC2 and ENV61 are also relevant to the consideration of this aspect of the scheme.
- 5.20 The application indicates the proposed installation of a large flue to the rear elevation of the property which would be 5.3m in total height and would project 1.75m above the roof of the existing flat roof rear extension. Whilst the site is located within a retail centre within which flues can be reasonably expected in associated with such uses (including that to the rear of Ming Wong Chinese Takeaway at 13 Dewhurst Terrace) and the flue would be to the rear elevation of the property, by virtue of its large size and location it is considered that the proposed flue would be excessively large resulting in a prominent feature within the streetscene that would be visible from neighbouring residential properties and in this regard would have a detrimental impact upon the visual amenity of the area.
- 5.21 In addition to the above the scheme does not include any technical details of the extraction and ventilation equipment to be installed including noise levels, nor has a scheme for odour abatement and noise suppression been provided. These details are necessary as in their absence it is not possible to assess the acceptability of the proposal with regards to its impact upon the residential amenity of surrounding properties, notably the first floor flat above the application site and dwellinghouse adjoining the north elevation. As such, the application would not be appropriate in this respect in its submitted form.
- 5.22 Planning consideration 12 states that *“applications for A5 uses will be required to include a health impact assessment. Where an unacceptable adverse impact on health is established, permission should not be granted”*. A health impact assessment has not been submitted as part of the application and it is therefore not possible to fully understand the impact of the proposed takeaway on health.
- 5.23 The proposed development would not be within 400m radius of entry points to secondary schools, youth centres, leisure centres or parks as defined by the SPD or result in an over proliferation of A5 uses within the ward as set by the UK national average (0.86 per thousand people) and the application would therefore meet with planning considerations 1 and 3.
- 5.24 It is considered that the issues raised in considerations 6, 8, 9 and 10 (hours of opening, anti-social behaviour, disposal of waste products and litter) could be dealt with by condition should planning permission be granted.

- 5.25 The proposed A5 use would constitute inappropriate development in that it would lead to increased access to an unhealthy eating outlet as demonstrated by the non-compliance with the planning considerations set out within the SPD. In addition, the applicant has failed to submit any supporting information in the form of a health impact assessment which would outweigh the view taken in this regard. Furthermore, the proposed flue is considered to be unacceptable in respect of visual impact and insufficient information has been submitted in respect of a scheme for noise and odour suppression and it is therefore not possible to determine the impact of the proposal on nearby residential properties.
- 5.26 It is considered that the change of use would not support, maintain or improve the health and wellbeing of local communities and would be harmful to visual amenity and would therefore be contrary to policy CS14 of the CSUCP, the Hot Food Takeaway SPD, saved policies ENV3 and DC2 of the UDP and the NPPF.
- 5.27 **RESIDENTIAL AMENITY**
Policy CS11(4) of the CSUCP requires that new residential development provides *"adequate space inside and outside of the home to meet the needs of residents."* Saved UDP policy DC2 also expects that development ensures a high quality of design and amenity for existing and future occupiers.
- 5.28 The proposed first floor flat would have an internal floor area of approximately 54msq and would include two bedrooms having floor areas of approximately 17.8msq and 7.7msq and a bathroom. The flat would include a single through-room containing the living, kitchen and dining areas which would have a floor area of 16msq and would provide no built-in storage.
- 5.29 Based on the proposed design of the flat in terms of the size and layout of the living, kitchen and dining area and useable space that this would provide together with the failure to provide outside space for residents it is considered that the proposed development would fail to provide adequate indoor and outdoor living space for future occupiers as required by CSUCP policy CS11(4).
- 5.30 Gateshead Council has not yet adopted Nationally Described Space Standards (NDSS) however these standards have been considered in the assessment of this application in order to establish a benchmark value for adequate living space within the home. In this respect Policy MSGP13 of the emerging Making Spaces for Growing Spaces DPD (MSGP) is noted which requires new homes to be built in accordance with NDSS or equivalent successor standards.
- 5.31 A new single storey dwelling that provides two bedrooms suitable for three persons is required to have a minimum floor area of 61msq including 2msq of built-in storage in order to satisfy NDSS requirements and a single bedroom of at least 7.5msq and a double bedroom of at least 2.75m x 2.55m.
- 5.32 The overall floor area of the proposed unit of 54msq including no built-in storage would fail to meet with the NDSS requirement of 61msq including 2msq of built-in storage for this size of unit. The floor area of the proposed bedrooms

themselves would however meet with NDSS requirements. Policy MSGP13 and NDSS have not yet been adopted by the Council which limits the weight that can be afforded to this policy.

5.33 Based on the above assessment the proposed development is considered to be unacceptable through the failure to provide adequate indoor and outdoor living space for future occupiers and this would therefore would have a negative impact on the health and wellbeing of future residents contrary to the aims and objectives of the NPPF, policies CS11 and CS14 of the CSUCP and saved policy DC2 of the UDP.

5.34 It is considered that the proposed change of use would not give rise to any overlooking or loss of privacy, overbearing impact, loss of light or overshadowing to neighbouring properties.

5.35 VISUAL AMENITY

The application site is widely visible from within the public domain. Given the location of the unit within the local centre, it is considered that the proposed change of use to create the A5 unit and associated works to the frontage of the unit would not have an unacceptable impact upon the character of the streetscene and final details of external alterations could be secured by condition should planning permission be granted. The proposed flue is however considered to be unacceptable in terms of visual impact by virtue of its large size and location.

5.36 The proposed creation of the first floor C3 unit would not give rise to any detrimental visual impact upon the site or surrounding area. The proposal is considered to comply with policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.

5.37 HIGHWAY SAFETY

Paragraph 108 of the NPPF states that:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.*

5.38 Paragraph 109 continues by stating:

“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”.

- 5.39 CSUCP policy CS13 seeks to ensure that development *"connects safely to and mitigates the effects of development on the existing transport networks"*.
- 5.40 To the front of the application site along Gateshead Road are white zig-zag lines associated with a pedestrian crossing to the north with a bus stop beyond to the north. On-street parking is available beyond these restricted areas to the north and south along Gateshead Road within a short distance of the site. It is considered that there are adequate opportunities for customer parking to serve the proposed A5 use within its context within the local centre. Additionally it is anticipated that some visitors would be from within the immediate area and there is therefore potential for some customers to arrive on foot.
- 5.41 Whilst unauthorised vehicular parking may take place on the white zig-zag lines to the front of the site by customers this would not preclude a grant of planning permission and would be subject to separate parking enforcement action.
- 5.42 Having regard for the presence of the existing dwellinghouse it is considered that the proposed creation of the C3 unit at first floor level would not have an unacceptable impact upon highway safety or significant impact upon parking provision within the locality.
- 5.43 If planning permission were to be granted, conditions could be attached in respect of the provision of secure and weatherproof cycle storage to serve the proposed development as indicated on the proposed site plan, in accordance with the requirements of Gateshead Cycle Strategy.
- 5.44 The proposal would not have an unacceptable impact on highway capacity or highway safety and the requirement for parking for the use could be accommodated by existing vehicular parking provision within the area. Having regard for the objections received in this respect it is considered that on balance the proposal complies with policy CS13 of the CSUCP and the NPPF.
- 5.45 **COMMUNITY INFRASTRUCTURE LEVY (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 classed as 'all other development' with a levy of £0 per square metre. Therefore, this proposal is not CIL chargeable development.
- 5.46 **OTHER MATTERS**
Representations received in objection to the application have raised matters in respect of the devaluation of property and the potential for vandalism as a result of the development. These are not material planning considerations and therefore cannot be taken into account in the assessment of this application.
- 5.47 It is considered that all other matters raised have been addressed within the body of the report.

6.0 CONCLUSION

- 6.1 In conclusion, it is considered that the proposal would be acceptable in principle and that the development would not have an unacceptable impact on visual amenity or highway safety.
- 6.2 It is however considered that the proposal would represent inappropriate development as it and would lead to increased access to an unhealthy eating outlet which is detrimental to the health and wellbeing of the local community and the applicant has failed to submit any supporting information in the form of a health impact assessment which would outweigh the view taken in this regard. The applicant has additionally failed to submit a scheme for noise and odour suppression to inform the assessment of the application. The proposed development would therefore be contrary to the NPPF, policy CS14 of the CSUCP, saved policy DC2 of the Unitary Development Plan and Gateshead Council's Hot Food Takeaway SPD.
- 6.3 The proposed development would also fail to provide adequate space within the home to meet the needs of future occupiers of the first floor flat and is therefore contrary to the NPPF, policies CS11 and CS14 of the CSUCP and saved policy DC2 of the Unitary Development Plan.
- 6.4 It is therefore recommended that the application be refused.

7.0 Recommendation

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

1

The proposal would represent inappropriate development given that it would lead to increased access to an unhealthy eating outlet and is therefore contrary to the NPPF, the Hot Food Takeaway SPD and policy CS14 of the CSUCP and Urban Core Plan.

2

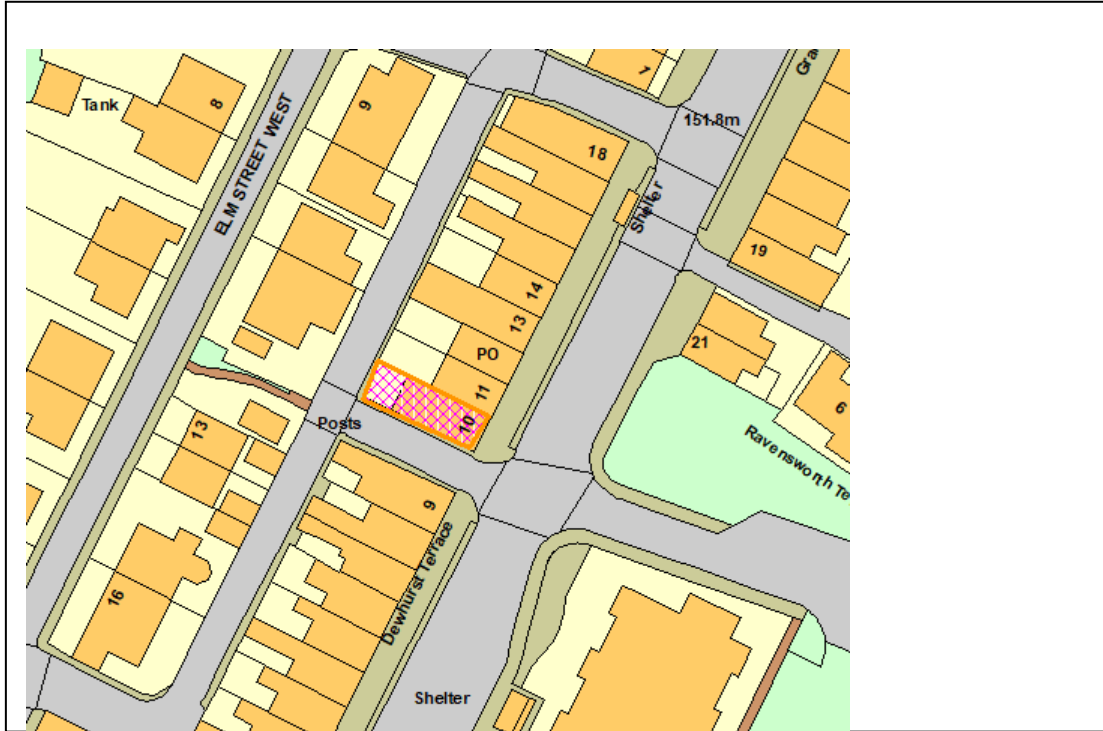
Insufficient information in regard to a scheme for noise and odour suppression has been submitted and it is therefore not possible to determine the impact of the proposal on the residential amenity of the flat above and surrounding neighbouring properties. The proposal is therefore contrary to the NPPF, the Hot Food Takeaway SPD, policy CS14 of the CSUCP and Urban Core Plan and saved policy DC2 of the Unitary Development Plan.

3

By virtue of its size and location it is considered that the proposed flue would constitute a prominent feature within the streetscene to the detriment of the visual amenity of the area. A such, it is considered contrary to the NPPF, the Hot Food Takeaway SPD, policy CS15 of the CSUCP and Urban Core Plan and saved policy ENV4 of the Unitary Development Plan.

4

The proposed development would not provide adequate space inside and outside of the home to meet the needs of future occupiers of the first floor flat. The proposal is therefore contrary to the NPPF, policies CS11 and CS14 of the CSUCP and policy DC2 of the Unitary Development Plan.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 18 March 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/19/00279/OUT	Proposed erection of thirteen dwellings.	Land At Highfield Road, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/19/01224/HHA	Proposed single storey side and rear extension (with a hipped gable on the rear extension above the bi-fold door and sprocketed eaves on both side and rear extension to match the original property AS AMENDED 13/2/20).	Ferndene , West Park Road,	Granted;	Saltwell
DC/19/01236/FUL	VARIATION OF CONDITION: Condition 4 (Approved Plans) of DC/18/01113/FUL to provide an extension at second floor level for an additional bedroom with en-suite and alteration of kitchen window to doorway at first floor level.	Butsfield, Durham Road,	Granted;	Lamesley

DC/19/01240/FUL	Reinstate 5 no. blocked up windows, convert 3 no. existing windows into doors on south elevation, construct a raised timber deck with step and ramp access on south elevation, demolish boiler house and replace with timber shed.	The Mount Community Association , Gallop Green Road,	Granted;	Lamesley
DC/19/01247/FUL	VARIATION of Condition 3 of planning permission DC/16/00924/FUL (for the construction of 60 dwellings) to allow changes to the approved construction management plan	Land At Portobello Road, Birtley,	Granted;	Birtley
DC/19/01246/ADV	Display of digital and illuminated LED advertisement displays (amended plans received 17.02.20)	Keldine Autos, Wellington Road,	Temporary permission granted;	Dunston And Teams
DC/19/01262/FUL	Erection of free-standing photovoltaic equipment	Metrocentre Green Car Park, St Michaels Way,	Granted;	Whickham North
DC/19/01267/FUL	Demolition of existing outbuilding and proposed siting of 2no. storage containers within the rear yard, and minor alterations to boundary walls (description amended 10.02.20)	9-11 Lingey Gardens, Wardley,	Granted;	Wardley And Leam Lane

DC/19/01273/HHA	Proposed Extension of the existing garage to provide additional parking space and potting shed Resubmission of DC/19/01273/HHA	Birchholme , The Drive,	Granted;	Saltwell
DC/19/01275/COU	Change of use from shop (Class Use A1) to Hot Food Takeaway (Class Use A5) and installation of external Flue	1 Jubilee Terrace, Crawcrook,	Refused;	Crawcrook And Greenside
DC/20/00004/HHA	Single storey rear extension	18 Callaley Avenue, Fellside Park,	Granted;	Whickham South And Sunnyside
DC/20/00027/FUL	Erection of 2m high fence and gates at rear of properties.	98, 100, 102 Victoria Road, Gateshead,	Granted;	Dunston And Teams
DC/20/00012/HHA	Demolition of existing garage and utility; Rebuild kitchen, utility and garage extension	50 Salcombe Gardens, Gateshead,	Granted;	Chowdene
DC/20/00014/HHA	Proposed porch to front elevation	20 Redruth Gardens, Gateshead,	Granted;	Chowdene
DC/20/00015/HHA	Two storey side extension and a rear single storey extension in place of existing conservatory	20 Dene Avenue, Rowlands Gill Central,	Granted;	Chopwell And Rowlands Gill
DC/20/00018/HHA	Conversion of existing garage with new pitched roof and new rendered finish	6 Heathwell Gardens, Whickham,	Granted;	Whickham North

DC/20/00032/TDPA	DETERMINATION OF PRIOR APPROVAL: Installation of 20m high Phase 7 monopole and associated works.	Watergate Forest And Car Park, Consett Road,	Granted;	Dunston Hill And Whickham East
DC/20/00020/HHA	Two storey extension to side and rear and enlarged porch to front	1 Chesmond Drive, Blaydon,	Granted;	Blaydon
DC/20/00025/HHA	A single storey extension to rear of property creating an enlarged kitchen area.	1 Beech Grove Terrace, Crawcrook,	Granted;	Crawcrook And Greenside
DC/20/00028/HHA	Disabled entrance ramp	15 Lavers Road, Birtley,	Granted;	Lamesley
DC/20/00030/ADV	Display of 1 no. totem sign, 1 no. pylon sign, 6 no. flag signs and 18 no. fascia signs on land east of Dukesway, Gateshead.	MAN Trucks, Land East Of Dukesway,	Temporary permission granted;	Lobley Hill And Bensham
DC/20/00033/HHA	Proposed single storey ground floor rear extension with succah roof and full width rear dormer loft conversion	19 Grasmere Street, Bensham,	Granted;	Saltwell
DC/20/00035/HHA	Single storey side and rear extension	17 Burnthouse Lane, Whickham,	Granted;	Whickham South And Sunnyside
DC/20/00038/FUL	Erection of 2.4m high metal fence to new and existing property boundaries	Land At Highfield Road, Whinfield Industrial Estate,	Granted;	Chopwell And Rowlands Gill

DC/20/00054/CDPA	DETERMINATION OF PRIOR APPROVAL: Change of use from shop use (Class A1) to cafe (Class A3)	The Lunch King Ltd, 636 Durham Road,	Granted;	Low Fell
DC/20/00071/LBC	LISTED BUILDING CONSENT: Temporary installation of six metal trays to be fixed to the Tyne Bridge superstructure (intended to intercept bird and nest waste)	The Tyne Bridge, High Street,	Temporary permission granted;	Bridges
DC/20/00048/ADV	6.5 metre high free standing totem sign	Meridian House , Kingsway North,	Temporary permission granted;	Lobley Hill And Bensham
DC/20/00068/HHA	Proposed extension to front (south) elevation (resubmission)	Ponteland Cottage , Pipe Bridge,	Granted;	Chopwell And Rowlands Gill

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

18th March 2020

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 12.02.20 and ending 04.03.20, the enforcement team has received **109** new service requests:

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	32	13	35	1
HIGHWAYS	43	15	29	0
WASTE	34	23	36	62
TOTALS	109	51	100	63

COURT HEARINGS

The Enforcement Team attended **9** Court Hearings, **5** of which was finalised, resulting in **£1860** fines and **£903** costs



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
18th March 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> <p>On the 20th January Mr J Tate and Mr M Tate pleaded guilty to failing to comply with the enforcement notices. The Magistrates fined both Tate's £500.00 each with cost of £300.00 each and a victim surcharge of £50.00 each. A total of £850.00 each.</p>
4.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th 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.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05th 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>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
								<p>Scaffolding has been erected and works are commencing to bring the building back into use. The windows have been inserted in the rear part of the building and works have commenced on the roof.</p> <p>Works to the roof has recommenced and the existing roof has now been fully stripped.</p>
6.	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> <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>
7.	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>
8.	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>

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 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>
9.	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> <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> <p>Wardell Armstrong on behalf of the Operator has withdrawn the Enforcement Appeal.</p>
10.	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	<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 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.</p> <p>Estimates have been received for the Council to do the works in default if the notice has not been complied with by the 1st May.</p>
11.	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> <p>The Notice has been upheld at appeal, the owners are currently removing the fence to comply with the Notice.</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
12.	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>
13.	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	<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 all rubbish and debris removed from the site.</p>
14.	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	<p>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.</p> <p>An appeal has been made against the Notice, further details are provided on the appeals report.</p>
15.	Ivy Lane Gateshead NE9 6QD	Chowdene	Untidy Land	20 th November 2019	21 st November 2019	26 th December 2019	30 th January 2020	<p>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.</p> <p>The owner of the property has made positive steps to date to comply with the notice. The waste has been removed and the vegetation has been cut back. The Officer is monitoring the site and anticipates that all the work will be completed by the end of the compliance period.</p>
16.	High Spen Excelsior Social Club Ramsay Street Rowlands Gill NE39 2EL	Winlaton and High Spen	Untidy Land	10 th February 2020	10 th February 2020	13 th March 2020	13 th April 2020	<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 all rubbish and debris removed from the site.</p>

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE 18th March 2020

TITLE OF REPORT: Planning Enforcement Appeals

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

Purpose of the Report

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

New Appeals

2. There have been **no** appeals received since an update was provided to committee.

Appeal Decisions

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

27 Sundridge Drive, Wardley Gateshead NE10 8JF	Without planning permission, the change of use from open space to private garden	Written Representations	Notice Upheld
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4. Details of outstanding appeals can be found in **Appendix 2**

Recommendations

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

CONTACT: Elaine Rudman extension 3911

APPENDIX 1

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:
the right of an individual to a fair trial and the right to peaceful enjoyment of property

As far as the first issue is concerned the planning enforcement appeal regime is outside of the Council's control being administered by the Planning Inspectorate.

WARD IMPLICATIONS –

Wardley and Leam Lane and Low Fell

BACKGROUND INFORMATION

Appeal Decision

Outstanding Enforcement Appeal Cases

Appeal Site	Subject	Appeal Type	Appeal Status
168 Kells Lane Low Fell Gateshead NE9 5HY	Without planning permission, the erection of an outdoor bar structure	Written Representations	Awaiting Decision

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Appeal Decisions

Site visit made on 12 February 2020

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Refs:

APP/H4505/C/19/3236279 (Appeal A)

APP/H4505/C/19/3236280 (Appeal B)

Land adjacent to 27 Sundridge Drive, Wardley, Gateshead NE10 8JF

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Maria Marshall (Appeal A) and Denis Marshall (Appeal B) against an enforcement notice issued by Gateshead Council.
 - The enforcement notice was issued on 1 August 2019.
 - The breach of planning control as alleged in the notice is *Without planning permission the material change of use of the Land shown edged in red on the attached Plan 1 from public open space to private garden involving the erection of a timber fence.*
 - The requirements of the notice are to:
 - (i) Permanently cease the use as private garden of the Land (shown edged red in Plan 1 attached).
 - (ii) Dismantle the timber fence enclosing the Land (shown in the approximate position edged with a blue line and a broken black line on Plan 2 attached), ensuring that the posts and foundations are removed to at least 100 millimetres below the level of the ground.
 - (iii) Restore the Land to its condition prior to the breach by filling in any post holes with topsoil to a minimum depth of 100 millimetres, levelling and evenly grading the surface of the ground to match the contours of the surrounding Land.
 - The period for compliance with the requirements is 4 weeks.
 - The appeals are proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeals are dismissed.

The appeals on ground (b)

2. To succeed on this ground the appellants must demonstrate, on the balance of probabilities, that the matters stated in the notice as constituting the breach of planning control have not occurred.
3. 27 Sundridge Drive is a detached residential property in a Radburn-style housing estate in a suburb of Gateshead. It is separated from its neighbour No 25 at 90° by a roughly square expanse of grassland. This expanse was said by a previous Inspector, when dismissing an appeal in 2007 against the Council's refusal to permit the change of use of the land from public open space to a private garden, to amount to 224m² in area. Many areas of open grassland exist throughout the estate, and I saw when walking around the estate that these are kept clear and reasonably well-tended. They are generally overlooked

by the fronts of surrounding properties, providing recreational space with natural surveillance.

4. A close-boarded fence around 1m high has been erected on the land adjacent to No 27. This divides the square of land diagonally from front to rear, and runs alongside the footway to the front, creating an enclosed triangular parcel of grassed land that contained a couple of footballs at the time of my visit. An unobtrusive pedestrian gate has been installed in the part of the fence adjacent to the footway, near to the property at No 27. A low wall of around 6 brick courses plus capping, together with the side wall of the house itself, completes the third side of the triangle, separating this grassed area from the property at No 27.
5. The allegation in the notice is that this triangle of land has been put to use as a private garden, and my conclusion after viewing the site is that the allegation is true. Although the appellants state that the gate is kept unlocked, this fact is insufficient to enable the public reasonably to perceive that the land is kept available for their use. Many garden gates are not kept locked. Although the land is separated from the property at No 27 by a low brick wall and the side wall of the house, it is nevertheless obviously used as a private garden area contiguous with, and benefitting, that dwelling.
6. The appellants also refer to the consequences of the fence as discouraging the use of the land for dog fouling and by youths riding motorbikes or quad bikes. If its consequences are to discourage such use, it follows that other public use is also likely to be deterred. The fence serves to distinguish this area of land from other open spaces on the estate which have no fences or physical barriers. There are no indications that the land remains available for public use. The appellants say that their neighbours still use the land, but do not say on what terms, and I consider that the wider public would perceive the land, as I do, to be used as a private garden area associated with No 27.
7. Therefore I conclude on the balance of probabilities that the matters alleged in the notice have occurred and the appeals on ground (b) fail.
8. A number of other matters have been raised in correspondence by local residents including the neighbours at No 25 where similar enforcement action has recently been taken in respect of the triangle of land adjacent to that property. Nothing raised in that correspondence affects my conclusions on the appellants' appeals on ground (b). Therefore I shall uphold the enforcement notice.

Formal Decision

9. The appeals are dismissed and the enforcement notice is upheld.

Laura Renaudon

INSPECTOR



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE 18 March 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 **three** new appeal decisions received since the last Committee:

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).

This was a delegated decision refused on 3 October 2018
Appeal dismissed 3 March 2020

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).

This was a delegated decision refused on 8 May 2019
Appeal allowed 17 February 2020

DC/19/00746/HHA - 35 Whickham Highway, Whickham
Proposed first floor extension over existing side extension
This was a delegated decision refused on 30 August 2019
Appeal dismissed 25 February 2020

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

Appeal Costs

4. There has been **one** appeal cost decision:

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).

The costs have been dismissed.

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



Appeal Decision

Site visit made on 29 January 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2020

Appeal Ref: APP/H4505/W/19/3221736

Team Valley Retail World, Tenth Valley West, Team Valley, Gateshead NE11 0BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Team Valley S.a.r.l against the decision of Gateshead Council.
- The application Ref DC/18/00807/FUL, dated 6 August 2018, was refused by notice dated 3 October 2018.
- The development proposed is the erection of a food and drink unit (Use Class A3/A5).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The unit subject to this appeal (No.26) has been constructed under an earlier planning permission (DC/16/01335/FUL). From my inspection of the site it appears that the structure conforms to the plans that were approved under that planning permission.
3. It is not a matter of dispute between the parties that the application subject to this appeal is, in effect, for the removal of a planning condition imposed under a later planning permission (DC/17/01193/FUL) allowing certain variations to the initial consent. This condition limits the amount of hot food that can be sold for consumption off the premises (hot food takeaway) for Unit 26 to no more than 20% of turnover and prohibits out deliveries through motorised transport. I examine this issue further under Other Matters.

Main Issue

4. The main issues are:
 - the effect of the proposed development on the health of the local community in respect of the availability of unhealthy food; and
 - whether the health effects of the proposal have been properly assessed.

Reasons

Health of Local Residents

5. The appeal property is a detached retail unit located within the Team Valley Retail Park (TVRP). TVRP is a well-established destination providing large format accommodation. The units within TVRP are arranged in a horseshoe shape around a large car park. Close to the entrance to the car park are 2

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- detached units, including the appeal unit, and a terrace of 4 units. The appeal unit would be operated by Kentucky Fried Chicken (KFC).
6. Because of the relatively poor level of health within the population it is the Council's policy to reduce the incidence of obesity across the district. To this effect it has produced a Hot Food Takeaway Supplementary Planning Document 2015 (SPD) which identifies 12 considerations to be applied in the determination of planning applications for new hot food takeaways (Use Class A5).
 7. Of particular note is Consideration 2 which seeks to prevent the development of new hot food takeaways (HFTs) in wards where the level of obesity among year 6 pupils exceeds 10% of the cohort. TVRP is located within the ward of Lamesley. The weight of school children is recorded at the age of 4-5 years (in Reception class) and again in year 6 at the age of 10-11 to assess overweight and obesity levels.
 8. According to the officer's report the level of obesity within the ward amongst year 6 children was 19.8% in 2015/16 which is nearly double the Council's target figure. Although the Council has not provided any up to date data for obesity levels in Lamesley I note that the most recent data for the area as a whole is still well above the 10% level. Thus, I find that on the balance of probabilities year 6 obesity levels in Lamesley are still well above the target level. There is no persuasive contrary evidence before me to indicate otherwise.
 9. The aim of the SPD, however, is to improve the health of the entire population of the district, not just school pupils. I consider that the use of data for year 6 school pupils is therefore a proxy for the health of the overall population for the ward rather than being simply a target for just one cohort. This is not to say, of course, that there is an exact correspondence between childhood and adulthood. However, data provided by the Council indicates that overweight or obese pupils are likely to become overweight or obese adults.
 10. It is a matter of agreement between the parties that the appeal site would be considerably further than 400 metres from the nearest secondary school, youth centre, leisure park or park. Thus, there is a limited likelihood that the proposed restaurant / HFT would be a destination for school pupils.
 11. Data showing the postal code addresses of those shopping in the TVRP was collected by CACI on behalf of the appellant over 7 days in April 2016. There were 873 responses of which 96% gave valid addresses. I am satisfied that the survey was conducted in a robust manner and, although the data is almost 4 years old, I consider that it is nevertheless still valid given the relative stability in the function of the centre.
 12. The aforementioned survey shows that 85% of the customers lived within the primary and secondary catchment areas of the TVRP. These areas appear to be almost entirely contained within the Council's jurisdiction. In 2015 all 22 of Gateshead's wards had year 6 obesity levels above the Council's target of 10%. 13 of these wards had levels of 20% or above and 2 had levels above 30%. On this basis I consider that it is reasonable to conclude that the majority of those visiting the TVRP live in wards where a large number of year 6 pupils are classified as obese.

13. It is asserted by the appellant that since every ward in the Council area has a level of year 6 obesity greater than 10%, the policy in the SPD amounts to a de facto borough-wide prohibition on the development of HFTs. Indeed, it is likely that were such a target to be applied across England most wards would be in a similar position since only 2 local authorities have year 6 obesity levels below the policy threshold. On this basis it is asserted that the policy represents an unrealistic target and one that conflicts with the need to have regard to the economic dimension of sustainable development. Finally, it is argued that trying to prohibit HFTs is inconsistent with the National Planning Policy Framework (the Framework) which, instead, seeks to promote healthy food outlets.
14. The possible link between the availability of 'unhealthy' food, whether from an HFT or some other form of eating establishment such as a restaurant or a café, and obesity is one that has been subject to considerable academic investigation in recent years. Both main parties directed me to a number of academic publications in peer reviewed journals reporting the findings of various studies.
15. Based upon a survey of those chains of restaurants with more than 50 outlets Robinson et al (2018)¹ found that the average calorific value of a main meal was around 977 kcals, compared to an advisory consumption target provided by Public Health England for an adult of 600 around kcals. Robinson et al stated that the average level for a main meal consumed from an HFT was in the region of 710 kcals.
16. The study does not negate the proposition that food from HFTs has a high level of calories. Further, it does not consider the level of frequency with which food from HFTs is consumed relative to food from restaurants. Given the price differential I consider that it is reasonable to assume that the number of servings from a typical HFT considerably exceeds those from an average restaurant.
17. Thus, the Robinson et al paper is helpful in providing a contextual framework within which to gauge the effects of HFTs. Nevertheless, it does not undermine the Council's position, based upon its 2013 survey of 187 independent takeaways in Gateshead that a large proportion of hot food from such establishments contains levels of fat, saturated fat and salt which would be prejudicial to good health if consumed too often.
18. A review of the literature considering the link between decisions made through the land use planning system and human health made by Barton (2009)² concluded that the relationship is multifaceted and that any link between the two, especially in urban areas, is highly complex. Obesity is a 'wicked' problem where one policy intervention is likely to have positive and negative consequences.
19. This recognition of the complexity of the problem is borne out by the review paper by Williams et al (2014)³ who, examining 30 previous studies, concluded that there was no strong evidence to justify policies seeking to regulate the

¹ Robinson, E, Jones, A, Whitelock, V, Mead, B and Haynes, A (2018) '(Over)eating at major UK restaurant chains: observational study of energy content of main meals', *BMJ* 2018:1-8.

² Barton, H (2009) 'Land Use Planning and Health and Well-being', *Land Use Policy* 265:115-123.

³ Williams, J, Scarborough, P, Matthews, A, Cowburn, G, Foster, C, Roberts, N and Rayner, M (2014) 'A systematic review of the influence of the retail food environment around schools on obesity-related outcomes', *Obesity Reviews* 15:359-374.

food environment around schools. Programmes designed to encourage parents, especially in deprived areas, to adopt good eating habits amongst their children at pre-school age have produced encouraging results, suggesting that the problems of obesity need to be first addressed at home (Willis et al, 2016)⁴.

20. I do not necessarily dispute the findings in the papers presented to me. They tend to confirm the widely acknowledged view that there is a significant problem of obesity amongst children in the UK and more generally across the western world. On the whole, however, they had less to say about the adult population. According to the Council 32.4% of all food outlets in Lamesley are HFTs compared to a figure of 22.7% for England as a whole. Some 20% of residents in Gateshead responding to a survey in 2016 consumed an HFT meal once or more a week. However, the penetration rates amongst those of working age is considerably higher, being 24% of those under 35 years old and 22% of 35-64 year olds.
21. I agree with Barton's analysis that the relationship between the health of citizens and the urban environment is one fraught with complexity and difficulty. Nevertheless, I consider that it is undisputable that there is an obesity problem amongst children in Lamesley, and that in too many cases this will continue into adulthood. I also find that it is undisputable that food from HFTs is generally very high in salt and fat, and that such establishments are found in high numbers in Lamesley and are used frequently.
22. Following on from this I believe that it is incumbent upon the Council to use those powers it has to try and address this problem. Its SPD builds upon wider Council policy to promote healthy living and represents a well thought through policy response to the proliferation of Use Class A5 HFTs in Lamesley and elsewhere across the borough. In seeking to control HFTs it is attempting to redirect people to healthier eating options which is consistent with the Framework.
23. I note that the appellant argues that the intended operator is also seeking to move its customers towards a healthier diet by reducing further the levels of salt and fat in its meals. KFC was a pioneer in making healthier choices available on its menu in 2003 and again in 2015. It engages in full transparency, providing information about the kcal content of its meals on the menus. It uses fresh products free from artificial colours, flavour additives and trans fats. The sugar content of its soft drinks has been substantially reduced. Its stated intention is to make further changes to its menu to encourage the trend towards healthier eating.
24. It is possible that the intended operator's menu might well be healthier than that of other HFTs and that in years to come this gap could become even more apparent. However, whilst recognising that not all HFTs have the same offering and that KFC has made significant progress in this direction, the proposal before me is not for a personal planning permission. Depending upon the lease terms the unit could be sub-let by the intended operator to another HFT provider whose mode of operation and menu offering might be very different to that of KFC. Furthermore, and in any event, it has not been demonstrated that all food sold by KFC is entirely healthy.

⁴ Willis, T, Roberts, K and Berry, T (2016) 'The impact of HENRY on parenting and family lifestyle: A national service evaluation of a pre-school obesity prevention programme', *Public Health* 136:101-108.

25. For the above reasons I find that the proposal would increase the access of citizens of Lamesley and the rest of Gateshead to unhealthy food. Thus, it would fail to comply with Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 2015 which seeks to promote well being and health through, amongst other things, controlling the location and access to unhealthy eating outlets. It would also fail to accord with Consideration 2 of the SPD which seeks to prevent the development of HFTs in wards where the level of year 6 obesity is greater than 10%. Since the SPD seeks to give effect to Policy CS14 in the adopted development plan I accord it considerable weight. Finally, the proposal conflicts with the advice set out at paragraphs 7, 8 and 91 in the Framework that development should, respectively, not prejudice the ability of future generations to meet their own needs, support communities' health and well-being, and provide access to healthier food.

Assessment of the Health Effects

26. The Planning Statement at appendix 7 contains what the appellant contends is a Health Impact Assessment (HIA) in support of the application. Submission of such an assessment for a proposed Use Class A5 is advised under Consideration 12 within the Council's SPD. The information provided within the submission was based upon that sought in a template set out by the Council in an appendix to the SPD.
27. In section 3 of the template ('Impact on lifestyles') the appellant stated that the proposal would have a neutral impact upon the diet of consumers. This response was founded on the basis that the food sold for takeaway consumption would be the same as that sold for eating within the restaurant for which planning permission had already been obtained.
28. Since the purpose of the development proposal is to increase the total volume of sales from the unit over and above that which might be achieved under the existing planning permission, rather than simply provide an alternative location for its consumption, I believe that the information provided was less than complete. The appellant should have included evidence relating to the dietary effects of eating the type of food that it intended to sell from the unit for takeaway purposes even though it would be the same as available to eat-in customers. In stating this, however, I am mindful that there is no statutory requirement for an applicant to complete and submit an HIA in connection with a proposed HFT.
29. Further, and in any event, the absence of that information has now been remedied through the submission of documents to this appeal. These have included academic studies evidencing the salt and fat contents of main meals from chain restaurants, the relationship between the proximity of schools to fast food establishments and children's obesity, the link between land use planning and health, and the importance of nutritional advice to parents of pre-school children.
30. For the reasons set out above I conclude that the appellant has now provided the necessary information to allow this appeal to be properly determined. Consequently, I find that the proposal does now accord with Consideration 12 of the SPD which advises that applicants for HFTs submit an HIA to allow the Council, amongst other things, to properly assess its effects on the local

community.

Other Matters

31. As part of this appeal the appellant has made reference to Condition 4 of planning permission DC/17/01193/FUL which restricts the HFT sales to no more than 20% of the 5 units including the appeal property. The appellant raises questions about the wording and the enforceability of such a condition. However, these are not matters that are relevant to the consideration of this appeal. Indeed, the appellant can apply to vary or delete such a condition if they feel it does not meet the tests laid down in paragraph 55 of the Framework. This section 78 appeal is not the mechanism for considering such matters.
32. The use of the unit for a restaurant with ancillary HFT would result in a significant level of capital investment and the creation of several jobs in an area with a high level of unemployment. The appellant contends that an A5 HFT use would generate staff salaries of around £0.5m a year and around 30 FTE jobs compared to £0.3m a year and 14 FTE jobs for an A3 restaurant use. An A5 HFT use would also generate business rates of around £77,000 per year whilst those for an A3 use would be lower. The construction of the unit would cost around £0.8m and the fit out spend would be around £0.7m. However, since the unit has already been built the construction benefit should now be discounted.
33. I agree that the project would be beneficial to the local economy. Whilst I accept that many of these jobs would be low skilled that does not mean that they would not be very valuable. Finding gainful and rewarding employment is important for people's physical and mental wellbeing, in particular those who have been out of work for an extended period of time. Further, I also note that the intended operator offers the opportunity for employees to gain higher qualifications in catering and related areas which should help in increasing skills and promotion opportunities.
34. I also acknowledge that the operation of the unit would help address concerns expressed by shoppers visiting the TVRP regarding the need for an improved catering offer and that such improvements would have benefits for other operators by encouraging visitors to stay longer and spend more. Nevertheless, I believe that this need would be addressed through implementation of the current planning permission allowing the development of the site for an A3 restaurant use with ancillary takeaway use.
35. Thus, I accept that an HFT is likely to generate more jobs, more income and more business rates than a restaurant. Nevertheless, I do not accept that were planning permission for the use of the unit as an A5 HFT to be refused all, or indeed any, of the A3 restaurant / ancillary A5 economic benefits would be at risk. During my site visit I noted that there is a fish and chip restaurant trading in one of the other units subject to the same 20% takeaway turnover restriction as the appeal property. I am not aware as to how profitable the unit is, but it was nevertheless open for business and appeared to be busy.
36. I also note that the proposal would comply with the other considerations set out in the SPD including those expressing the need to avoid and eliminate litter, manage cooking smells, avoid clustering and avoid anti-social behaviour. I also agree that the proposed development is on a brownfield site and that it

would be accessible by bus including the services No 90, 91 and 939.

37. Thus, whilst the proposal would deliver some benefits, as outlined above, the identified harm that would be caused to the health of the local community would be significant and this is a matter of overriding concern.

Conclusion

38. For the reasons set out above the appeal should be dismissed.

William Walton

INSPECTOR



Costs Decision

Site visit made on 29 January 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2020

Costs application in relation to Appeal Ref: APP/H4505/W/19/3221736 Team Valley Retail World, Tenth Avenue, West, Team Valley, Gateshead NE11 0BD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Team Valley S.a.r.l for a partial award of costs against Gateshead Council.
 - The appeal was against the refusal of planning permission for the erection of a food and drink unit (Use Class A3/A5).
-

Decision

1. The application for an award for costs is dismissed.

Reasons

2. The Planning Policy Guidance note advises that irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Sometime in 2019 the Council submitted its Statement of Case in defence of its decision made 3 October 2018 to refuse planning permission for the development of a new unit to be used for A3 restaurant / A5 hot food takeaway at Team Valley Retail World. Its Statement of Case extended to 93 pages of print. According to the applicant, it contained around 23,000 words, an estimate I agree with. In addition, it submitted 22 appendices. In contrast, the Statement of Case submitted by the applicant extended to no more than approximately 13 pages which I estimate to be around 3,000 words.
4. Guidance on the conduct of planning appeals is set out in the 'Procedural Guide: Planning Appeals – England' ('the Procedural Guide') authored by the Planning Inspectorate. Annex J sets out guidelines for all parties concerning the content and length of a Statement of Case. It states that a Statement of Case prepared by either the Council or the appellant should not normally exceed 3,000 words. Where this advisory limit is exceeded the guidance goes on to say that the Statement of Case should be concise.
5. The Council's document clearly exceeded the advisory maximum length. It could have been expressed more concisely. For example, the analysis of the various appeals could have been reduced considerably. I also found some of the rebuttal arguments unduly lengthy.

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6. However, I do note that it was the applicant's preference to have the appeal determined by way of a hearing because it considered that the issues needed to be properly tested. I have found the issues raised by this appeal, concerning as they do the relationship between planning policy, planning decision making and health, to be highly complex. This complexity is illustrated most obviously by the large number of quite lengthy peer reviewed academic articles that have been submitted as part of this process.
7. Thus, whilst I recognise that the Council's Statement of Case was many times in excess of the guideline maximum and was not concise, I am not persuaded that it constituted unreasonable behaviour which caused the applicant to engage in wasted expenses.
8. The requirement to submit and respond to a Statement of Common Ground applies only when the appeal is to be determined through a hearing or an inquiry (see Annex S of the Procedural Guide). The purpose of the Statement of Common Ground is to provide an agreed basis of the issues that the hearing or the inquiry needs to focus on and so eliminate wasted time considering any irrelevant matters.
9. Thus, as the requirement for the parties to prepare and agree a Statement of Common Ground does not apply to the Written Representations procedure, I find that the Council was correct to ignore this matter. It follows therefore that the Council did not act unreasonably and that the applicant was not put to unnecessary expense by the Council's behaviour.
10. The Council's reason for refusal did not cite the need for the applicant to submit a Health Impact Assessment (HIA). Nevertheless, it did state that the proposal was contrary to the guidance in the Council's Hot Food Takeaway Supplementary Planning Document (SPD) which contained 12 'considerations' which it would exercise when determining an application for the development of a hot food takeaway. One of these (Consideration No 12) was the need for an applicant to submit an HIA.
11. In its officer's report it concluded that although the applicant adopted the Council's advised template for such a study, the document submitted by the applicant purporting to be an HIA did not meet its expectations in terms of the quantity and quality of information provided. Since Consideration 12 had been subject to some discussion in the officer's report, and since it related to establishing the effect of unhealthy food on those who purchased it, I think that it is reasonable to conclude that the HIA issue was to be explored during the appeal.
12. In stating that the material submitted did not amount to an HIA the Council set out at paragraph 5.18 of its Statement of Case what it would have expected the applicant to have included. Specifically, the Council expected a description and analysis of how the development proposal would affect the diet and nutrition of customers. This would include details about the foods typically consumed in its other franchised restaurants and the healthy eating options that it would provide. The health effects of these consumption choices could be evidenced by drawing upon the findings of academic and other studies.
13. Consequently, I believe that the Council did make it clear in its Statement of Case, first, that the applicant's HIA submission was not acceptable and, second, what further information was required to allow the Council to evaluate

properly the effect that the proposal would have upon the those who patronised the establishment.

14. I note that the applicant submitted a Final Comments document. In this the applicant responded to the various arguments made by the Council. The response included several academic papers containing investigations on, and reviews of other studies examining, the linkages between diet and land use planning. These have been considered in my decision.
15. Thus, it seems to me that by virtue of the submissions made in the Final Comments the applicant recognised that the Council had not changed its view that the initial HIA had not contained the information that it considered necessary to make an informed decision. The inclusion of academic papers was an attempt to respond to the deficiencies in the initial submission. Consequently, I do not accept that the Council behaved unreasonably or that the applicant was put to unnecessary expense in providing this information.

Conclusion

16. For the reasons set out above the application for costs is dismissed.

William Walton

INSPECTOR

Appeal Decision

Site visit made on 8 January 2020

by **T A Wheeler BSc (Hons) T&RP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/H4505/W/19/3239278

98-104 William Hill Organisation Ltd, High Street, Felling Central, Felling NE10 9LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dinesh Chaddah on behalf of Sabus Ltd against the decision of Gateshead Council.
 - The application Ref DC/19/00048/FUL, dated 22 December 2018, was refused by notice dated 8 May 2019.
 - The development proposed is second floor extension to form a room in roof mansard roof to the commercial building with a cladding material extension to the stair-core.
-

Decision

1. The appeal is allowed and planning permission is granted for 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 at 98-104 William Hill Organisation Ltd, High Street, Felling Central, Felling NE10 9LU in accordance with the terms of the application, Ref DC/19/00048/FUL dated 22 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site location plan and site plan – P-01 Revision_R1
 - Proposed site plans – P-02_R1
 - Existing second floor – roof plan – P-03 Revision R2
 - Proposed second floor plan and roof plan – P-05 Revision_R3
 - Existing elevation – P-06 Revision_R1
 - Proposed elevations and section – P-08 Revision_R3
 - 3) No external facing materials shall be used on site until a sample of the material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved sample details.

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Procedural Matter

2. I have used the description of development provided on the application form in the banner. The description used by the Council more accurately describes what is proposed and is used also on the appeal form. I therefore use that description in my decision.

Main Issue

3. The Council is satisfied that the proposal gives rise to no problems in terms of the living conditions of residents in the area or car parking and I see no reason to take a different view.
4. Given the context, the main issue is the effect of the proposal on the character and appearance of the area and the existing property.

Reasons

5. The appeal property is located within the Felling District Shopping Centre. It was formerly betting shop premises, and comprises a large 2 storey brick building with flat roofs. The property has a number of previous approvals for conversion to residential use including a 16 unit House in Multiple Occupation. The appeal proposal is to retain the betting shop use at street level plus conversion to 5 residential rooms, 11 rooms at first floor, and a further 7 rooms within a new mansard roof at second floor. The ground and first floor accommodation is covered under an earlier permission and the appeal relates only to the second floor works.
6. The property is located at the top of High Street, at the corner with Park Row. There are a range of commercial premises within High Street. To the rear, at Park Row and Croudace Row, there are some areas of parking, blank brick walls and beyond the town centre, blocks of modern flats.
7. Close to the junction of High Street and Park Row, there is an attractive area of public open space which has been landscaped to a high standard. A red brick and gabled Edwardian public house 'turns the corner' on the opposite side of the street to the property. Beyond this there is a supermarket and car park. From this area the property is a prominent, and at present not very attractive feature in the view, especially the Park Row elevation.
8. Against this background it is important that any proposals for the reuse of the property create a building which appears well designed, complements and does not appear out of scale with its surroundings.
9. The plans which were submitted with the application failed in this respect. The height, design and steel sheeting proposed would have caused significant harm to the character and appearance of the area, in particular the hipped roof feature above the main High Street elevation.
10. The appellant submitted amended plans to the Council which significantly reduce the proposed height of the mansard; changed the main external material to grey membrane; and introduces a low painted steel railing. The stairwell would be faced in grey cladding. From many points at street level the mansard roof would be obscured by the set back from the top of the wall and railing, especially when close to the property, demonstrated on the section plans.

11. The Council draws my attention to views of the site from the north but does not expand on the point. Given the fall of High Street away from the site I gave this view very careful consideration. Whilst the mansard storey would be visible and add to the scale and massing of the building, with the plan amendments the effect would not be out of scale with the street or overdominant.
12. I have also considered the relationship between the proposal and the public house. Even with the addition of the mansard roof, the proposal would not compete in scale.
13. Given these amendments, I find that the proposal would complement the local townscape and if well executed could give rise to some enhancement.
14. The appellant has drawn my attention to paragraph 118 of the Framework which supports in principle proposals which make more efficient use of buildings, for example converting space above shops. Whilst the point weighs in support of the proposal, it would not outweigh the need to ensure an acceptable design, were I to have found that to be harmful.
15. I therefore conclude that the proposal would not harm to the character and appearance of the area and existing property and would be in conformity with Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030¹ (the Core Strategy) and Policy ENV3 of the Gateshead Unitary Development Plan (2007) which require, amongst other things, that development responds positively to local character including factors such as scale, massing, height, materials and views and vistas, and the Framework which seeks to achieve well designed places.

Conditions

16. I have considered the conditions in respect of the approval of samples of materials suggested by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance. I find the conditions to be reasonable and necessary in the interest of achieving a visually attractive development although I have combined them to form a single condition.
17. For certainty also I attach the normal planning condition limiting the period of the consent to 3 years. In order to prevent any doubt over what is approved I attach a condition requiring the development to be carried out in accordance with the approved plans, excluding those plans which relate solely to previously approved works.

Conclusion

18. For the reasons given, the appeal is allowed.

Tim Wheeler

INSPECTOR

¹ Adopted March 2015



Appeal Decision

Site visit made on 27 January 2020

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/H4505/D/19/3240449

35 Whickham Highway, Whickham NE11 9QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Vissenga against the decision of Gateshead Council.
 - The application Ref DC/19/00746/HHA, dated 15 July 2019, was refused by notice dated 30 August 2019.
 - The development proposed is for construction of a second storey over the existing side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The dwelling which is the subject of this appeal is a two storey detached property which sits within a row of similar dwellings. The dwelling fronts Whickham Highway being separated from this road by a wide verge with trees at intervals along its length, and a pedestrian footpath which allows access to the properties. From Whickham Highway, the properties within the row are set at a lower level than the main road, however, they are still clearly visible and form part of the streetscape. To the rear is Hillcrest Drive which allows vehicular access to the property.
4. The dwelling has an existing ground floor extension which wraps around the side elevation and projects forward of the front building line to form a front extension. Many other properties within this row have been extended at ground floor level, with some variation in their design and forward projection. However, there are no first floor extensions which project forward of the front building line.
5. The proposed first floor would sit above the existing extension to provide an additional bedroom, dressing room and en suite. A hipped roof would be introduced which, from Hillcrest Drive, would give a sloping roof profile which would be an incongruous feature when compared with other roof profiles in the area which have retained a gable ended, pitched roof. From Whickham Highway, a projecting gable fronted element would be introduced. This feature

<https://www.gov.uk/planning-inspectorate>

is not present within other properties in the row and would also appear incongruous.

6. The Household Alterations and Extensions Supplementary Planning Document 2011 (HAESPD) seeks that such extensions respect the appearance of the existing property and the prevailing character of the street. It also has a presumption against two storey front extensions due to their potential impact upon the street scene. It was evident from my site visit that the proposal would be visible from both Whickham Highway and Hillcrest Avenue. Its design would lead to a property with an incongruous appearance at first floor level which would harm the character and appearance of the area and be contrary to guidance contained within the HAESPD.
7. The harm identified would conflict with Policy CS15 of the Core Strategy and Urban Core Plan¹ 2015 and saved Policy ENV3 of the Unitary Development Plan 2007. These policies, together and amongst other matters seek that the design of proposals makes a positive contribution to the established character and appearance of the area.

Other Matters

8. The appellant has drawn my attention to the presence of other extensions in the area which are considered to be larger. No details of the planning history of these properties have been provided and, in any case, each proposal must be considered on its own merits and within its individual context.
9. I note that neighbours have confirmed that they have no objections to the planning application. However, I must have regard to the effect of the appeal proposal upon all existing and future neighbours and within its wider context. Accordingly, I have given this matter little weight.

Conclusion

10. For the reasons stated above the appeal is dismissed.

E Symmons

INSPECTOR

¹ Planning for the Future. Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030. Adopted March 2015.

APPENDIX 3

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 Dismissed
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 Allowed
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/19/00746/HHA	35 Whickham Highway Whickham NE11 9QJ	Proposed first floor extension over existing side extension	Written	Appeal Dismissed
DC/19/00750/COU	15 Glendale Avenue Whickham NE16 5JA	Change of use of land between 15 and 17 Glendale Avenue from grassed area to private garden and erection of fence (amended 16.08.2019)	Written	Appeal in Progress
DC/19/00791/HHA	22 Killowen Street Low Fell Gateshead NE9 6EX	Proposed single storey side/rear extension to existing garage, proposed single storey side extension to main house and partial demolition of front boundary wall to allow addition of a driveway.	Written	Appeal in Progress



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

18 March 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 has been **one** new planning obligation:

DC/19/00279/OUT – Sum of £36,000 to be paid to enable offsite ecological compensatory measures to be carried out
Land At Highfield Road, Rowlands Gill
Proposed erection of thirteen dwellings.
4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 18 March 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