

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 13 January 2021 at 10.00 am in the <https://youtu.be/d2Li1BdyYf0>

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on 9 December 2020 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 6)
4i	No. 1 - Land Adjacent 8 Village Heights, Windmill Hills, Gateshead NE8 1PW (Pages 7 - 12)
4ii	No. 2 - Queen Elizabeth Hospital, Queen Elizabeth Avenue, Gateshead NE9 6SX (Pages 13 - 24)

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PLANNING AND DEVELOPMENT
COMMITTEE
13 January 2021

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Anneliese Hutchinson, Service Director,
Planning, Climate Change and Strategic Transport

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/20/00707/COU	Land Adj 8 Village Heights Windmill Hills	Bridges
2. DC/20/01003/FUL	Queen Elizabeth Hospital Queen Elizabeth Avenue	High Fell

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.

Committee Report

Application No:	DC/20/00707/COU
Case Officer	Amy Dunbar
Date Application Valid	17 September 2020
Applicant	Mr David Martin
Site:	Land Adjacent 8 Village Heights Windmill Hills Gateshead NE8 1PW
Ward:	Bridges
Proposal:	Change of use from grass verge (adopted highway land) to private garden and erection of an enclosing timber fence 1.8m tall (amended plans received 06.12.2020 and 07.12.2020).
Recommendation:	GRANT
Application Type	Change of Use

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

The application site is a small area of grassed land which is designated as adopted highway land. The site is situated within a residential street adjacent to the rear elevation of 8 Village Heights and the south east facing garden boundary of 10 Village Heights. A lighting column is also located on the south eastern edge of the application site.

1.2 DESCRIPTION OF APPLICATION

The application seeks planning permission to change the use of an area of grassed land to private garden and enclosing this land with a 1.8-metre-high timber fence. The timber fence has already been erected however amended plans submitted on 6th and 7th December 2020, demonstrate that the area of enclosed land would be reduced in size to cover an area of 16.5m² rather than 30m² as originally proposed, therefore if planning permission is granted, some of the fence would have to be removed to reflect the amended details.

1.3 PLANNING HISTORY

No relevant planning history. However, in 2019 works were undertaken at 8 Village Heights to convert a garage into a lounge and kitchen. This work did not require planning permission but the relevant approval under Building Regulations was sought and granted. These alterations included the formation of patio style doors that allow direct access from 8 Village Heights into the application site.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 The Council issued neighbour notification letters to properties surrounding the application site on 30th September 2020.
10 letters of objection have been received which are summarised below:

- inaccurate site description
- obstructs private access to rear garden of 10 Village Heights
- loss of privacy
- concerns over health issues
- concerns over safety of residents
- loss of communal space/ green space
- extension might be built in the future
- impact on utilities
- retrospective nature of application
- plans do not reflect what has been built
- placement of fence
- loss of sunlight/natural light
- loss of a view
- maintenance of remaining land
- land would become 'dead and lifeless'-enclosing the land without purchase or planning permission sets a poor precedent
- suggestion that Council should charge a large sum of money for land
- concerns that an extension will be constructed on this land
- noise disturbance
- inadequate car parking
- increase in traffic
- out of character with surrounding area
- out of character with conservation area
- overbearing
- overdevelopment
- gate opens outwards onto rear door of 6 Village Heights

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when considering this planning application are the principle of the development and its impact on visual amenity, residential amenity and highway safety.
- 5.2 **PRINCIPLE OF CHANGE OF USE**
The site is not a designated area of open space but has been considered under this use as part of this planning assessment.
- 5.3 The area of space to be enclosed is small in size and is unlikely to have a significant recreational or ecological value. The application would not involve the loss of the entire section of open space therefore the visual benefit of the open space will not be completely lost with some maintained grassland remaining. Given that the area of enclosed land is of a limited quality due to its size and value, it is considered that the proposed change of use is acceptable in principle subject to all other material planning considerations being satisfied.
- 5.4 **VISUAL AMENITY**
At the time of writing, the application site (as originally submitted) is currently enclosed by a timber fence which is to be repositioned around a smaller extent of land following amendments to the site area. The fence would fit in with the character of the wider street scene as there are a number of timber fences in the nearby vicinity, furthermore the fence matches the height of the adjacent fence. It is not considered that the development would constitute overdevelopment of the site.
- 5.5 An objection was raised with regards to the developments impact on the Conservation Area. The application site is not located within a Conservation Area therefore it would not have any impact on a designated heritage asset.
- 5.6 Overall, it is considered that the development would not have a harmful impact on the character and appearance of the site or the wider street scene and that the application is in accordance with Policy CS15 of the CSUCP and saved Policy ENV3 of the UDP.
- 5.7 **RESIDENTIAL AMENITY**
It is not considered that the proposal would have any significant impact on the amenity of adjacent properties as a result of a loss of privacy, outlook, natural light nor would it be anticipated to increase noise disturbance or have an overbearing impact on adjacent properties.
- 5.8 An objection was raised with regard to the privacy and personal safety of the occupants of No.8 and No.10 Village Heights. An access gate to No.10 Village Heights is located in the side boundary fence of that property giving residents of No.10 direct access to/from the area of open land. The original extent of the enclosed land (that included the full length of the side boundary fence of No.10 Village Heights) resulted in access to/from that side gate being obstructed. Although issues surrounding private rights of access to property are not considered to be material planning matters, the applicant has amended the proposed plans to ensure that the access gate to No.10 is not enclosed by the proposed fence there the occupants of No.10 would not have to pass through

the private garden of No.8 in order to gain access to the rear garden of their property.

5.9 It is considered that the proposal is in accordance with policy CS14 of the CSUCP and saved policy DC2 of the UDP.

5.10 HIGHWAY SAFETY

The application site has been assessed by Transport Officers and it is considered that the development would not have any impact on highway safety, highway capacity or demand for parking in the surrounding area.

5.11 The land is adopted highway and there may be utilities present within the site given the presence of the street lighting column, therefore the applicant has been advised that a formal application for a Stopping Up Order is submitted to the Department of Transport for consideration.

5.12 Overall, this proposal is considered acceptable from a highways perspective and is in accordance with policy CS13 of the CSUCP.

5.13 OTHER MATTERS

Some comments submitted by neighbouring residents cannot be considered as material planning matters and are therefore not relevant to the decision making process. These matters are listed below:

- Inaccurate description of the site
- Obstruction of private right of access
- Personal circumstances, specifically health conditions
- Matters regarding the purchase of the land
- Impact on utilities
- Retrospective nature of application
- Loss of an open view
- Maintenance of remaining land
- Condition of remaining land
- Potential for an extension to be built on this land in the future
- Existing gate within the fence opens outwards which could potentially conflict with the outward opening rear door of 6 Village Heights

6.0 CONCLUSION

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

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

7.0 Recommendation:

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

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -
Site location plan (submitted 06.12.2020)
Diagrammatic 'Elevation' (submitted 07.12.2020)

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 development hereby permitted shall be constructed entirely of the materials detailed and shown on plan titled 'Diagrammatic Elevation'.

Reason

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



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Committee Report

Application No:	DC/20/01003/FUL
Case Officer	Richard Smith
Date Application Valid	29 October 2020
Applicant	Mr Paul Swansbury
Site:	Queen Elizabeth Hospital Queen Elizabeth Avenue Sheriff Hill Gateshead NE9 6SX
Ward:	High Fell
Proposal:	Single storey extension and part refurbishment of Cragside Court Mental Health Unit to create a new ten bed mental health unit incorporating shared healthcare services plus associated landscaping and revised parking layout (Amended Plans received 11.12.2020 and Additional Information received 16.11.2020, 24.11.2020 and 11.12.2020).
Recommendation:	GRANT
Application Type	Full Application

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

The application site is within the wider Queen Elizabeth Hospital site, with the Cragside Unit located towards the north-eastern end of the site.

1.2 The Cragside Unit is located approximately 13 metres from the boundary of nearest residential properties set off Windy Nook Road to the north. With an apartment block on Fells Dyke Court located approximately 29 metres to the west of the Cragside Unit.

1.3 The Cragside Unit rectangular shaped red brick single storey building with a pitched roof, and a part grassed part hardstanding courtyard in the middle of the building.

1.4 There is currently 186no of car parking spaces and 4no disabled spaces to the south and south-west of the unit.

1.5 DESCRIPTION OF APPLICATION

Planning permission is sought for the erection of a single storey extension and part refurbishment of Cragside Court Mental Health Unit to create a new ten bed mental health unit incorporating shared healthcare services plus associated landscaping and revised parking layout.

- 1.6 The ground floor of the proposed development will include 10no bed wards, a day space for patients with dining and seating areas, beverage bay and activity spaces for guests.
- 1.7 The first floor of the proposed development is primarily a service access within the proposed pitched roof which also includes the main plant room for the extension as well as maintenance access to an element of the flat roof within the footprint of the building which houses the main external plant for the building hidden from view by the height of the pitched roof wrapping around the parameter of the building and tying into the existing roof.
- 1.8 The main entrance to Cragside is maintained on the southern elevation of the building but includes a new external canopy, internal porch and shared entrance space.
- 1.9 The proposed extension will project 17.6 metres off the western elevation of the Cragside Unit, with a depth of 44.5 metres. The extension will have an eaves height of 3.4 metres with an overall ridge height of 6.4 metres, which will match the height of the existing building.
- 1.10 The application also proposes a revised parking layout which will see parking spaces reduced from 186 to 169, a reduction of 17 spaces.
- 1.11 Works have commenced on site and therefore the planning application is part retrospective.
- 1.12 **PLANNING HISTORY**
Numerous planning applications have been submitted at the Queen Elizabeth Hospital. No recent planning application are considered to be relevant to the proposed development.

2.0 Consultation Responses:

The Coal Authority No Objection

3.0 Representations:

3.1 REPRESENTATIONS

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

3.2 1no letter in support of the application was received and 7no letters of objection were received, raising concern with regards

- Excessive working hours
- Personal Safety
- Noise
- Loss of privacy
- Personal Security

- Disruption
- Overdevelopment of site
- Too close to resident boundary
- Antisocial behaviour
- Works commencing without consent
- Cutting down trees
- Why can't the Tranwell Building be renovated instead?
- Not consulted on works
- Waste of taxpayers' money
- Previous issues with patients of Tranwell Building
- Better use of NHS funds

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

ENV54 Dev on Land Affected by Contamination

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are visual amenity, residential amenity, highway safety and parking, land contamination and coal mining legacy.

5.2 VISUAL AMENITY

Saved policy ENV3 of the Unitary Development Plan (UDP) requires that new should make a positive contribution to the established character and identity of its locality; policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 (CSUCP) requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.

- 5.3 Furthermore, paragraph 124 of the National Planning Policy Framework (NPPF) 2019 sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 127 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users.
- 5.4 The proposed extension will tie into the existing Cragside Unit, the proposed scheme is a single storey with an external pitched roof to match the current roof in terms of pitch, style and height. The overall building height is just over 6m to roof ridge level and does not exceed the existing building height. Due to the sloped nature of the site and to maintain the existing finish floor level throughout the proposed extension, the proposed extension will sit lower in comparison to its neighbours and will in part be screened from view by the embankment.
- 5.5 There is extensive use of red brick to all external walls, red pantiles to a pitched roof with red painted timber fascia and soffits and tinted casement windows framed in warm tones to match the existing Cragside Unit. The proposed extensions will utilise similar materials to match the existing building, with a double roman pantile roof tile in peat brown. This is considered to be in keeping with the existing roof tiles.
- 5.6 The pitched roof will use constructed using similar pantiles, whilst the proposed windows proposed will be taller in size and orientated to maximise access to light with grey PPC metal panels below sill level emphasising the vertical orientation of the glazing. Whilst the external doors proposed will be installed in a matching frame colour to the glazing.
- 5.7 Therefore, it is considered the proposed extension is considered appropriate in its context, the materials proposed will match that of the existing Cragside Unit and will not lead to an incongruous feature within the wider QE Hospital site.
- 5.8 Given the above, the proposed extension is considered to be acceptable and in accordance with saved policy ENV3, CSUCP policy CS15 and the NPPF.
- 5.9 **RESIDENTIAL AMENITY**
Officers are aware that there have been representations on the basis that there has been and could continue to be antisocial behaviour by patients from the Tranwell Unit who may be moved to the Cragside Unit. Officers would, however, draw to attention, that the planning system deals with the use and development of land; rather than the identity and background of any particular occupiers of existing and proposed buildings.
- 5.10 It is considered that anti-social behaviour (including noise and smoking) is a matter for the management of the building in connection with the Police and the

Council's Environmental Health section and should not preclude granting planning permission in this case for the reasons cited above.

- 5.11 Saved policy DC2 of the UDP states that planning permission will be granted for new development, where it does not have an adverse impact on amenity or the character of an area and does not cause undue disturbance to nearby residents or conflict with other adjoining uses. Furthermore, policy CS14 1 (iii) Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
- 5.12 Paragraph 130 of the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The proposed extension will be constructed into the existing land due to the site levels on site and as such will not be an increase in height above that of the existing Cragside Unit.
- 5.14 Concerns have been raised over the overbearing nature of the development, however, the proposed extension will increase the height of the building above that of the existing unit, nor will the extension be built any closer to the boundaries of the properties located on Windy Nook Road.
- 5.15 The proposed extension will be approximately 12 metres from the boundaries of those properties located on Windy Nook Road, with an elevation to elevation distance of between approximately 25-29 metres, dependant on the individual properties. It is considered that this is an appropriate separation distance between the extension and the properties on Windy Nook Road and therefore it is not considered the proposed development will appear overbearing.
- 5.16 Furthermore, given the distance and the relative height of the extension it is not considered the proposed development will lead to an unacceptable loss of light, or lead to an unacceptable level of overshadowing.
- 5.17 Whilst there are windows proposed in the rear elevation of the proposed extension, given the separation distance as highlighted above, coupled with the boundary treatment which stands at approximately 2 metres, it is not considered the proposed development will lead to an unacceptable level of visual intrusion. Furthermore, regard is given to the existing windows which are currently positioned in the northern elevation of the Cragside Unit.
- 5.18 In terms of the apartment block located on Fells Dyke Court, the separation distance from the rear of the building to the western elevation of the proposed extension is approximately 12.5 metres. However, it is considered that given the eaves height of the proposed extension is 3.4 metres and the design of the pitched roof, coupled with the change in land levels with the apartment block being located at a higher level than the proposed extension it is not considered the proposed development will appear overbearing or lead to an unacceptable loss of outlook.

- 5.19 It is considered that the proposed development will not lead to an unacceptable loss of natural light to the ground floor flats of the apartment, by virtue of the orientation of the two buildings, coupled with the design of the proposed extension. Furthermore, it is not considered the proposed extension will impact upon the levels of sunlight a currently to the apartment block nor will it lead to an unacceptable level of overshadowing.
- 5.20 Given the proposed extension will be built into the land, coupled with the land levels between the Cragside Unit and the Fells Dyke Court apartment block it is not considered the proposed extension will lead to an unacceptable level of visual intrusion.
- 5.21 To ensure that the construction of the proposed development does not lead to a considerable impact on the nearby residents it is considered appropriate to impose a suitably worded condition for the hours of construction on site.
- 5.22 Given the above, the proposed extension is considered to be acceptable and in accordance with saved policy DC2, CSUCP policy CS14 and the NPPF.
- 5.23 **HIGHWAY SAFETY AND PARKING**
Paragraph 109 of the NPPF states 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.
- 5.24 Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links.
- 5.25 The Transport Statement submitted with the application concludes that the proposal will not have a severe impact on the highway network. However, the report does not fully address the more localised issues associated with the continuity of pedestrian routes within the Queen Elizabeth Hospital site, the loss of parking or cycle parking, in the vicinity of the proposed development.
- 5.26 No cycle parking has been provided on site and therefore it is considered a suitably worded condition (4-5) should be imposed for the to provide cycle parking on site.
- 5.27 The proposed development will also see a loss of 17no car parking spaces; however, this has been justified by the change in services associated with the Tranwell. Whilst this will offset parking somewhat it is not considered the wider demand for parking will reduce significantly. On balance it is not considered this is significant enough to warrant refusal of planning permission. It is considered appropriate to impose a condition (6-7) for an updated Car Park Management Scheme (CMPS) to be submitted prior to the first occupation of the proposed extension.
- 5.28 The applicant has provided minor details on the pedestrian connections to the Cragside Unit from the wider QE Hospital site. Whilst in principle this is

considered to be acceptable, a suitably worded condition (8-9) will be imposed for the final details to be submitted.

5.29 Therefore, it is considered on balance, subject to suitably worded conditions that the development is acceptable in terms of highway safety; in accordance with policy CS13 of the CSUCP and the NPPF.

5.30 LAND CONTAMINATION

The property has been assessed and inspected as part of the Council's Contaminated Land Strategy and the site is situated on potentially contaminated land based on previous historic uses. The site has been occupied by and is immediately adjacent to hospital buildings since circa 1910 when the area was known as 'Windy Nook Infectious diseases hospital' with the site layout changing since that period.

5.31 Consequently, it is possible that the development area may be affected by ground contamination. Contamination may possibly exist in any historic made ground deposits present, and, from imported fill materials and material used to construct a development platform for the site and buildings.

5.32 The report provides satisfactory information to discharge all relevant land contamination conditions associated with provision of a Preliminary Risk Assessment, and an intrusive site investigation with a Phase II Detailed Risk Assessment, and where required appropriate conditions for Remediation, Monitoring and Verification Reports.

5.33 The Preliminary Ground Investigation report (GEOL20-9493 dated 27.09.20) concludes that there is no land contamination risk to human health and concludes:- Therefore, the topsoil deposits can remain on site without representing a risk towards Human Health, and as a result no remediation measures are required. However, if during the construction phase or works any visual and/or olfactory evidence of grossly contaminated soils are identified, then these will need to be dealt with a reassessment of the ground contamination risk assessment contained within the report will need to be made.

5.34 Therefore, subject to suitably worded condition (condition 10) the proposed development is considered to be in accordance with both local and national planning policy.

5.35 COAL MINING LEGACY

The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

5.36 Specifically, the Coal Authority records indicate that the application site is underlain by probable unrecorded coal mine workings at shallow depth.

- 5.37 A Coal Mining Risk Assessment (Geoconsultants, 18 October 2020) was submitted with the planning application. The report has reviewed a range of mining and geological information. In addition, the report has reviewed the findings of historical intrusive site investigations undertaken at the site by Dunelm Drilling Company. Based on the findings of intrusive site investigations the report author concludes that there is sufficient competent rock cover and no further assessment with regards to historical shallow coal mine workings is required.
- 5.38 Given the above it considered the proposed development complies with both local and national planning policy and is acceptable.
- 5.39 **OTHER MATTERS**
Planning Law sets out that retrospective applications can be made although any work undertaken in advance of gaining planning permission would be undertaken "at risk" should permission not be granted, or amendments required.
- 5.40 The trees located within the Hospitals ownership were not covered by a Tree Preservation Order and the site is not within a designated Conservation Area and therefore, the Council as Local Planning Authority (LPA) have no control over the removal of the trees as this was done so outside of the planning process currently being undertaken.
- 5.41 The LPA can only consider the application that is put in front of them and not to recommend the use of other units within the applicant's ownership.
- 5.42 Once the planning application was submitted and made valid a full consultation application was undertaken which included all of the properties located on Windy Nook Road which share a boundary with the application site.
- 5.43 The use of funds both NHS and Taxpayers money and the management of patients from other units within the hospital are not material considerations in determining this planning application.

6.0 CONCLUSION

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

7.0 Recommendation:

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

1

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

SMH RYD 00 00 DR A 1001 P4
SMH RYD 00 00 DR A 0100 P3
SMH RYD 00 00 DR A 0101 P4
SMH RYD 00 00 DR A 3000 P9
SMH RYD 00 01 DR A 3001 P5
SMH RYD 00 00 DR A 3601 P4
SMH RYD 00 R0 DR A 3002 P6
SMH RYD 00 00 DR A 3602 P3
SMH RYD 00 00 DR A 3800 P5

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 hereby permitted shall be constructed entirely of the following materials:

Roof - Double Roman concrete tile in Peat Brown finish
Walls - Red brick
Windows - Aluminium casement windows, brown finish.
Doors - Aluminium frames with glazing, brown frame finish.
Boundary Treatments - Timber fence to the northern boundary. Grass, scrub and parking to the west, south and east.
Hard Standing - Tarmac

Reason

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

3

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 1800 hours on Mondays to Friday, 0900 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with 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.

4

Prior to the first occupation of the development hereby approved details of secure and weatherproof cycle parking, capable of storing at least two cycles has been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure adequate provision for cyclists and in compliance with Policy CS13 of the Core Strategy and Urban Core Plan.

5

The details approved under condition 4 shall be implemented in accordance with the approved details before the extension hereby approved is occupied and retained as such for the lifetime 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

6

Prior to the first occupation of the development hereby approved final details of an updated car park management plan have been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how the car parking spaces allocated to this development will be managed.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

7

The details approved under condition 6 shall be implemented in accordance with the approved details before the extension hereby approved is occupied and retained as such for the lifetime 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

8

Prior to the first occupation of the development hereby approved, final details of the highway layout and to include pedestrian access to the Cragside Unit from the wider Queen Elizabeth Hospital site shall be submitted for the written approval of the Local Planning Authority. The final details shall include the final pedestrian crossing points.

Reason

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

9

The Pedestrian Access approved under Condition 8, shall be wholly undertaken in full prior to the first occupation of the development hereby permitted.

Reason

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

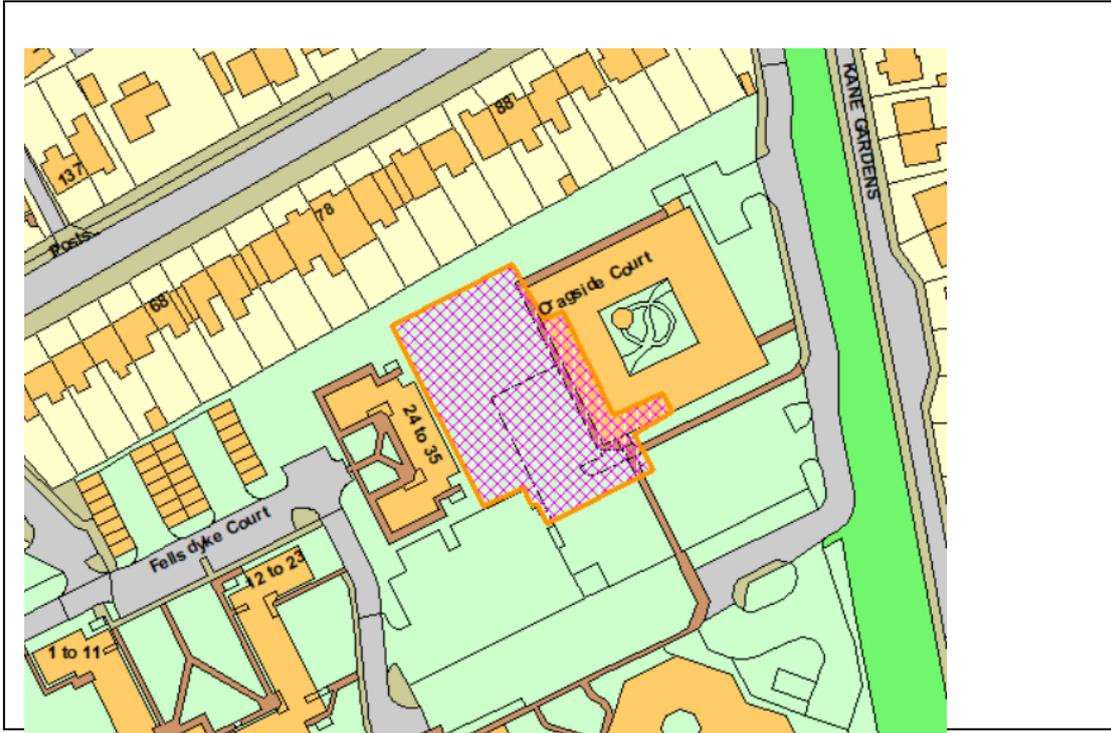
10

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 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 DC1p 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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