

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 16 June 2021 at 6.00 pm in the Council Chamber, Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 28 April 2021 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 6) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Land at Haugh Lane, Stella, Ryton, Gateshead, NE21 4SA (Pages 7 - 20)
4ii	No. 2 - Sandygate Cottage, St Cuthbert's Road, Marley Hill, Whickham NE16 5EB (Pages 21 - 30)
4iii	No. 3 - Stoneygate View, Sunderland Road, Gateshead, NE10 0NS (Pages 31 - 40)
4iv	No. 4 - The Metrocentre Partnership, Metrocentre, Unit 128 (Former Argos Unit) Lower Yellow Mall, Gateshead NE11 9YG (Pages 41 - 48)
5	Delegated Decisions (Pages 49 - 64) Report of the Strategic Director, Communities and Environment
6	Enforcement Team Activity (Pages 65 - 66) Report of the Strategic Director, Communities and Environment
7	Enforcement Action (Pages 67 - 76) Report of the Strategic Director, Communities and Environment

8 Planning Appeals (Pages 77 - 88)

Report of the Strategic Director, Communities and Environment

9 Planning Obligations (Pages 89 - 90)



PLANNING AND DEVELOPMENT
COMMITTEE
16 June 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/20/00936/COU	Land At Haugh Lane Haugh Lane	Ryton Crookhill And Stella
2. DC/21/00373/FUL	Sandygate Cottage St Cuthberts Road	Whickham South And Sunniside
3. DC/21/00430/COU	Stoneygate View Sunderland Road	Felling
4. DC/21/00526/COU	Metrocentre Unit 128 (Former Argos Unit)	Whickham North

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.

We have carried out a Review of the CSUCP and concluded that it remains up-to-date in that it continues to be in general conformity with the provisions of the NPPF and helps to deliver the key priorities and aims of both.

The Council adopted Making Spaces for Growing Places (MSGP) on 1st February 2021, and this part of the Local Plan complements the CSUCP by setting out non-strategic allocations, designations and development management policies for Gateshead.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP and MSGP form part of the statutory development plan for Gateshead. The CSUCP and MSGP between them supersede and delete all of the saved policies remaining from the Unitary Development Plan (UDP). Lists of the respective deleted UDP policies are provided in Appendix 1 of the CSUCP and Appendix 19 of MSGP.

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.

The Council has published Supplementary Planning Documents to indicate the preferred approach to some types of development, and give greater detail on how some policies will be considered and applied. These continue to be revised and updated where appropriate.

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 Team on (0191) 433 3150 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/20/00936/COU
Case Officer	Tom O'Connor
Date Application Valid	13 October 2020
Applicant	Mr Shaun Baldwin
Site:	Land At Haugh Lane Haugh Lane Stella Ryton Gateshead NE21 4SA,
Ward:	Ryton Crookhill And Stella
Proposal:	Change of use and continued operation of site for the storage and distribution of primary aggregates (Sui Generis) (additional information 08.02.2021)
Recommendation:	DEFER
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The site consists of a broadly rectangular area of land, of approx. 180m in length, by 45m at its widest and 15m wide at its narrowest. It is some 4589 sqm area and within a mixed commercial and residential area of Stella. The gated, vehicular access to the site is from the B3617 onto Haugh Lane; that runs to the south west of the site.

1.2 A large two storey brick-built storage and office building is located on the north western end of the site adjacent to its entrance onto Haugh Lane. The site is bounded, along the full length of its north east facing side, by the Newcastle to Carlisle railway line and just beyond this, further to the north east, by the significant residential development of the Stella Riverside estate, with the closest dwellings being located some 40m from the application site.

1.3 Land to the north west of the site, across Stella Land and Haugh Lane, is predominantly in commercial and industrial use.

1.4 There are two recently constructed dwellings immediately adjacent the site at its south eastern end, and a further single house that sits at approximately halfway along the length of the site to the south.

1.5 Historically, the site was occupied by railway sidings utilised by the former Addison Colliery to the west and former Stella Power Station to the north. More recently a variety of commercial uses including open storage, and most recently a scaffolder's yard have been operated from the yard.

1.6 DESCRIPTION OF THE APPLICATION

This application is retrospective, seeking a change of use for the operation of site for the storage and distribution of primary aggregates (Sui Generis) (additional information 08.02.2021).

- 1.7 The applicant's company currently offers for sale a range of primary aggregates available from the site including crushed rock, sands, gravel and topsoil.
- 1.8 Loose materials are delivered to the stockpiles and this would continue should a retrospective planning permission be granted. Processing would continue by the materials being bagged by the use of a bagging station before being moved by forklift to designated bag storage areas located on the northern and southern perimeters of the site before onward delivery by trucks to the customers. As well as the use of forklift, a telehandler also assists in holding equipment for filling the bags.
- 1.9 The applicant maintains that there is currently minimal plant and equipment on site to operate the business, with one telehandler and a single forklift utilised. In the future, investment is proposed to purchase two forklifts and an additional telehandler. However, two forklifts and a bagging station (metal framed funnel system), used to bag products, have been observed as being in situ in May 2021 by Council Officers on a site inspection.
- 1.10 Skips stored on the site would continue to be used to deliver mineral product direct to customers, in respect of bulk loads. Some 20 skips will be required in situ to be utilised for this purpose only. Additional skips, currently stored on the site, would remain there until June, when they will be located to another site until required for use.
- 1.11 In addition to online sales, products can be purchased in person. Customer access is limited to a Reception / Showroom in the main office. There is no customer access to the yard and storage area; with secondary security gates to the site remaining closed during operational hours.
- 1.12 The applicant seeks to operate as follows:
Monday to Saturday 07:00 to 18:00 hours
Sunday and Bank Holiday 0800 to 1300 hours
- 1.13 The following documents have been submitted in support of the application:
- Design and Access Statement
 - Anderson Environmental Preliminary risk Assessment - Land at Haugh Lane, dated October 2020.
 - Cirrus Environmental Solutions Ltd Report on Environmental Noise Monitoring Programme, dated July 2020
 - Site photographs
 - Autotracking drawings to show manoeuvring to/from Haugh Lane and within the site
 - Probe Environmental Services Ltd Planning Supporting Report, dated December 2020

1.14 RELEVANT PLANNING HISTORY

The site was used as a former coal stocking yard for the former Stella Power Station, which was located beyond the railway line located to the north of the site. Following this, the site was a car yard/mechanics workshop. The 1920 historical map showed railway sidings occupying the site. The 1967 historical map showed a building annotated as an engineering works was present in the western part of the site (thought to be the present-day main building on site).

1.15 In the 1980s an application for the erection of a new commercial building was granted (948/85) and an application for the erection of a joinery retail shop was refused in 1987 (1228/87).

1.16 From information provided by the applicant, the site had up until 2019, functioned as a builder's yard and scaffolder's business, materials and equipment were stored both internally and externally. The landlord also leased part of the site to the applicant for the storage of empty skips.

2.0 Consultation Responses:

Coal Authority	As the proposal appears to be for a change of use for only, this falls on the Coal Authority published Exemptions List, there is therefore, no requirements for the proposal to be supported by a Coal Mining Risk Assessment and no need for the Coal Authority to be consulted in this case.
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Tyne And Wear Archaeology Officer	No archaeological works are required.
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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, with the application being publicised by press and site notices as well as direct notification letters.

3.2 In total, 104 letters from local residents have been received since registration of this planning application in 2020 all objecting to the proposal. Synopsis of the objections are centred on the following grounds:

- Additional noise - reversing beepers, trucks offloading aggregate, skips being moved/loaded off agons, rubble being emptied and sorted, movement of the telehandler, raised voices
- Concern over health issues including respiratory diseases.
- Disturbance early mornings/late evenings
- Increased traffic impacting on traffic flows on Haugh Lane
- Excessive environmental dust/particulate emissions impacting on air quality.

- The dust created gets washing dirty when it is on the line, windows aren't clean. and dust is on car and window cills.
- Inadequate car parking
- The business should not be allowed to trade without planning permission
- Local people have complained
- Unsafe for pedestrians especially children, as the site access is located on a bend and is on the main route for accessing the school.
- The site is located near the railway crossing increasing potential accidents.
- Vehicles associated with businesses park on the road and footpath and cause poor visibility for pedestrians.
- Inappropriate use near a residential area.
- Information provided with the application is incomplete / misleading.
- Property devaluation

3.3 An objection has been received from the Governors at St. Mary and St Thomas Aquinas Catholic Primary School on the grounds of:

- Increased heavy goods vehicles would have a significant and extremely dangerous impact on the children and parents who have to walk to and from school each day. There is no crossing patrol and vehicles do not always stop at the pedestrian crossing. There have already been a number of near misses and the approval of this application would have a direct impact on the safety of children and parents.

3.4 An objection has been received from Cllr Chris Buckley on the grounds of:

- Highway safety
- Excessive noise and dust

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS6 Employment Land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS20 Minerals

CS21 Waste

MSGP1 Employment Land Supply

MSGP17 Residential Amenity

MSGP18 Noise

MSGP19 Air Quality

MSGP20 Land Contamination/Stability

MSGP25 Conservation/Enhancement Heritage Assets

MSGP26 Heritage at Risk

MSGP27 Archaeology

MSGP30 Water Quality/River Environments

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP44 Env Impact - Minerals and Waste

MSGP45 Minerals/Waste Development - Noise

MSGP47 Waste Management Facilities

MSGP48 Waste Management Facilities - New Dev

MSGP49 Safeguarding Minerals Infrastructure

5.0 Assessment of the Proposal:

5.1 The main planning considerations are the principle of the proposed use on this site as a sui generis primary aggregates storage and distribution business; impact on living conditions, primarily in terms of noise and dust particulates generated; highway safety; drainage and potential for flood risk; ecology; ground conditions and coal legacy.

5.2 PRINCIPLE

The NPPF contains within it a presumption in favour of sustainable development (para.11) which, within this context would continue to encourage the principle of economic growth and delivery of business and industrial uses within long established commercial site that has been in use for a variety of uses since the mid-19th century.

- 5.3 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.4 The character of the wider location has been inexorably altered over the years with a substantial industrial / commercial estate emerging to the north west across Haugh Lane replacing the more traditional industry previously in place and the emergence to the north of the site of the large scale residential development of Stella Riverside.
- 5.5 The proposal is, in many respects, indicative in its character of the number of commercial uses that have emerged and subsequently ceased within the site over the last 60 years with very little recognition within the formal planning records. The present iteration of a commercial use proposed in this application is retrospective in its character seeking a change of use for the continued operation of site for the storage and distribution of primary aggregates (Sui Generis)
- 5.6 The principle of the continued use of this site for commercial activity is accepted. However, it is still necessary to consider the specific impacts of the development proposed and the relevant policy context.
- 5.7 **LIVING CONDITIONS**
Noise
The applicant correctly declares the use of the site as sui generis and currently offers range of primary aggregates available from the site including crushed rock, sands, gravel and topsoil.
- 5.8 Pre crushed rock sources include:
- Granite, concrete, range of decorative stone, timber
 - Sand & gravel products include 6mm/10mm/14mm/20mm and 40mm gravel, 20mm ballast, washed concrete sand, building sand and fill sand.
- 5.9 All parts of the process are mechanical requiring the use of machinery from the delivery of stockpiles, bagging of minerals, storage within the site and onward delivery to customers; with machinery to be used in situ consisting of a bagging station; forklifts, a telehandler and truck delivery/collection.
- 5.10 In support of this application, the applicant has submitted a noise assessment from Cirrus Environmental Solutions Ltd, project ref no 06094- ENV, Issue date July 2020. However, in the opinion of the Environmental Health Officer, this noise report is not considered to be representative, given the assessment was carried out when noise levels were low on site due to a limited amount of work

being undertaken at that time. Also, the methodology on how measurements were taken on site was unclear with the report being considered unreliable

- 5.11 The methodology within the assessment appears to have not followed the BS 4142 procedure correctly with no mention of residual noise levels at any of the measurement locations, which is an important step to quantify how much of the measured sound level is existing noise and how much sound level is added from activities on the site. For instance, the assessment reports that the specific sound level is equal to the ambient level but doesn't say why. This does not correlate with the observation that the activity was not noticeable when traffic wasn't moving at Stella Road, so it would have been expected the specific level (i.e. just site activity noise, minus all other environmental noise) to be lesser than the ambient. Also, a residual level would need to have been provided in order to gauge exactly how much of the soundscape was dominated by traffic or by site activity.
- 5.12 In assessing the likelihood of complaints using methodology in BS4142, the applicant's report concluded that complaints due to current activities at the site would be 'marginal' at housing on Stella Road but 'unlikely' at Derwent Water Drive.
- 5.13 Unfortunately, the figures used to come to this conclusion are not typical as not much activity was going on at the site at the time of measurement. It was also inaccurate, given that the specific sound levels were not calculated, and a reference site was used of dissimilar character. It is noted that background levels at Derwent Water Drive are lower than those at the reference location, even whilst activities were being carried out and fewer instances of local traffic movements. This suggests that background noise can be quieter here than reported at Stella Hall Drive (The Rise), therefore the impact at Derwent Water Drive would arguably be greater than the conclusion of 'unlikely complaints' than what was reported.
- 5.14 In addition, the submission of a noise management plan might have been beneficial to the assessment for the applicant to provide information on how noise will be managed on their site. Such details, potentially beneficial to the applicant's assessment would have included i) hours of deliveries to site and ii) hours of skip movements to protect residents being affected by noise during the early hours of the morning; iii) number/type of vehicle movements/ deliveries per day, iv) noise levels of plant and equipment; and v) reversing alarms of vehicles.
- 5.15 Noise complaints
A total of 50 complaints from residents were received by Environmental Health between 16 April and 27 April 2020, with the vast majority received for one week between 24 - 30th April 2020. When visited by Environmental Health it was found that site activity had stopped and the influx of complaints were mostly due to noisy activity and concerns that the site had changed to a waste transfer station. It was discovered that during that week of complaints, there was a lot of site activity and noise, whilst the site was being cleared and road surfaces repaired, which was not associated with typical site activity. Even so,

Environmental Health have since received 45 complaints from the end of March 2021 to early May 2021 from residents living adjacent to the site, with regards to noise and dust.

- 5.16 Given the history of complaints it is important that the noise from the site does not give rise to more complaints in the future. Since the commencement of this application over 100 letters of complaint have been received (to this planning application) from local residents primarily in respect of noise pollution from the proposed development but also in respect of other matters such as particulates (dust) and traffic generation as indicated above.
- 5.17 Officers from Environmental Health have recently carried out subsequent investigations into complaints of noise from the application site, including an unannounced site visit on 4th May 2021, which was accompanied by a Planning Officer. Subsequently, it has been determined that the operations as proposed on this site are causing a Statutory Noise Nuisance to residents, under the Environmental Protection Act 1990 and a notice served for the nuisance to be abated. An appeal has been lodged against this Notice.
- 5.18 It is therefore evident from investigations into ambient noise levels emanating from the site that the use and continued operation of the site does and would continue to have a clear and unacceptable detrimental impact on the living conditions of nearby residents. This is clearly contrary to the requirements of Para 182 of the NPPF that requires that new development integrate effectively with the existing community.
- 5.19 Para 183 advises that "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively". In this case, The Council, as the appropriate authority, have already taken appropriate action under the noise abatement procedure to bring about a cessation of the noise nuisance currently experienced by local residents.
- 5.20 As currently assessed, the proposed operation of the site demonstrates an unacceptable adverse impact, in terms of significant noise impact upon the living conditions of nearby residential properties contrary to guidance contained within the NPPF and contrary to Policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.21 **Dust**
Materials delivered to site are stored in shallow walled bays some two breeze-blocks in height. Though the storage of materials is shallow and there is no written evidence to demonstrate that the bund heights are effective in screening the material as overfilling would mean exposure to wind. However, these areas can be covered over, and the area dampened down at times of high dust risk. It is therefore possible to address this issue by the implementation of a dust management plan to ensure dust is managed on site to protect the amenity of nearby residents.

- 5.22 As such, the issue of dust management can be addressed by a condition and is not, in itself, a sufficient reason for refusal.
- 5.23 HIGHWAYS
The existing vehicular access to this site has historically been poorly positioned as it is at an angle onto Haugh Lane. However, the proposal does not seek to form a new access onto the site but utilise the existing.
- 5.24 Whilst not indicated on any submitted plan, the Planning Supporting Report dated December 2020, states that "To ensure clear and safe egress and ingress for company vehicles including access for staff and public, the vegetation along the site boundary leading to Haugh Lane, will be removed". However, at the time of writing, the application site does not include any land forward of the western elevation of the main building on site and nor is there any indication that the vegetation would be in the control of the applicant to either cut back in the first place or maintain in the future. So, whilst the removal of this vegetation would be a significant improvement for drivers negotiating the bend and those exiting the development, it cannot be secured through this application. NB An amended Site Location plan is expected to be received that would include the area of land to the front of the building, thereby tallying with the submitted Site Layout Plan. If this Plan is received it will be referred to in an Update Report.
- 5.25 Auto-track drawings have been provided to demonstrate that the largest vehicles associated with the site are able to safely enter/exit the adopted highway. The accident database for this location has been interrogated and there have been no injury collisions reported to Northumbria Police between 2016 and 2020.
- 5.26 Information provided by the applicant refers to there being 15 vehicle trips in and 15 vehicle trips out (30 in total) to/from the site per day; although no survey data from the site as operating has been provided to support this claim. Officers consider that the trips generated by this development would be similar in terms of traffic movements, vehicle numbers, access & egress to the highway to the previous uses on the site. As such, Officers are of the opinion that there would be no detrimental impact in terms of the development's impact on the surrounding highway network.
- 5.27 The Planning Supporting Report (Dec 2020) includes plans that show the staff parking relocated to the rear of the main building and that there is capacity within the site for a turning area for HGVs within the site (this Autotrack plan was also submitted with the original application). Customer/visitor parking would be retained at the front of the main building. However, the site plan has not been updated to show that both the staff parking and the internal turning area can be provided within the layout with the rest of the Site Layout as shown. Further, as referred to above the land to the front of the building i.e. the customer/visitor parking area is not (currently) included in the application site. As a result, it is not possible to guarantee that HGVs could be turned within the site, nor the car parking provided as suggested which has meant full

assessment of the application has not been possible in terms of its impact on the Highway.

- 5.28 Other matters such as providing a clear pedestrian route for staff through the yard area, the provision of cycle parking, electric car charging, a signing and lining scheme and if appropriate a management plan could all be conditioned if planning permission was to be granted.

5.29 ARCHAEOLOGY

The proposed development is within the designated battlefield of Newburn Ford (List Entry Number: 1000025, within Character Area 12 (Oxford Archaeology 2018 Historic England project NHPP 4EI: Strategic Research for the Registered Battlefields at Newburn Ford and Boroughbridge: Newburn Ford). This area was peripheral to the main battle and is an area of low sensitivity and high capacity for change, with little archaeological potential.

- 5.30 The site is crossed on the southern side by the Ryton Woodside Way Wagonway (HER 1806) which dates to the 18th century, and the 19th century Newcastle and Carlisle Railway (HER 3292) runs along its northern boundary. Historic Ordnance Survey maps show that the site was formerly used for a series of railway sidings dating to the late 19th or early 20th century. These are depicted with an embankment on their southern edge. An engineering works is shown at the north western end of the site in the 1960s.

- 5.31 As this is a retrospective application for the continued use of the site as a distribution business, and as no further proposed development is planned in relation to building structures, and as site drainage, a sump system and concrete surfacing have already been installed, no archaeological works are required.

5.32 GROUND CONDITIONS

The site has already 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, as described above.

- 5.33 As no ground excavation works are indicated and are for a low risk commercial end use; following the submission of the Phase I Preliminary Risk Assessment, there is not a requirement for a Phase II Detailed Risk Assessment, and Remediation, Monitoring and Verification Reports will also not be necessary.

5.34 COAL LEGACY

With regard to mining issues part of the development area is situated within a Coal Authority defined "Development High Risk Area" (formerly known as Coal Mining Development Referral Areas) and there is known to be coal outcrops within or near to the site boundaries. However, the Coal Authority have advised that as the application is for a change of use, they have no comments to make.

5.35 FLOOD RISK AND DRAINAGE

The application site is within flood zone 1 and therefore at low flood risk. However, the Environment Agency Team flooding mapping data indicates

surface water flooding at a 1 in 30 year, 1 in 100 year and 1 in 1000 year along the southern boundary of the site.

- 5.36 The open storage of mineral aggregates and soils as proposed within the site in shallow bunkers would allow for some potential risk of surface flooding; notwithstanding that the site is located within a Zone 1 Flood Risk area. There would therefore be some risk of surface water pollution from stored minerals and soils during flood events.
- 5.37 Consideration has been given to CSUCP policy CS17:3 and the need for development not to affect water quality. Where possible, there is a need to seek to improve water quality through proposed mitigating measures on site and specifically in proximity open storage of bagged minerals located on the site boundaries. Such measures as increasing the bund walls around the mineral storage areas and compounds would serve to prevent any exceptional surface water flows through the compounds, should Committee be minded to approve this application, sufficient to mitigate the potential for flood risk pollution to a level that is considered to be acceptable in itself, in accordance with CSUCP policy CS17.3
- 5.38 **ECOLOGY**
The proposed development site is located within a designed Wildlife Corridor and within 1km of several designated Local Wildlife Sites (LWS). The closest of these is Hedgefield Quarry LWS located c.80m west of the proposed development site. Ryton Willows Site of Special Scientific Interest is located approx. 1,300m west of the proposed development site. However, the proposal is considered unlikely to have a significant adverse impact on the value and function of the Wildlife Corridor and/or designated sites.
- 5.39 The site comprises an existing building(s) with areas of hardstanding. To the north and south the site is bound by mature trees and shrubs. It is not clear to what extent the trees along the northern and southern boundaries occur within the red line boundary.
- 5.40 Habitats/features within and/or immediately adjoining the proposed development site have the potential on occasion to support statutorily protected and priority/notable species.
- 5.41 The application is not supported by an acceptable ecological survey and/or an arboricultural impact assessment undertaken by a suitably qualified and experienced person(s) in accordance with industry standards and good practice guidelines. In the absence of such information it is not possible to determine the potential/likely impacts of the proposed development, including its operation, on biodiversity including the aforementioned existing trees.

6.0 CONCLUSION

- 6.1 Taking all of the relevant issues into account, it is considered that the proposed development is unacceptable as it generates an unacceptable level of noise to the significant detriment of the living conditions of neighbouring residential

occupiers, contrary to the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

- 6.2 In addition, insufficient information has been provided to fully assess the highway safety impacts of the development against policies CS13 and MSGP15 of the Local Plan for Gateshead. Nor has sufficient information been provided to assess the biodiversity impacts of the development, contrary to the NPPF and policies CS18 and MSGP37 of the Local Plan for Gateshead.
- 6.3 The proposed development does not accord with the relevant national and local planning policies therefore it is recommended that planning permission is refused.
- 6.4 At the time of writing an amended Site Location Plan is expected to be submitted. If it is, a further publicity period will be required that will dictate the earliest date that a decision can be made on this application.

7.0 Recommendation:

Authorise Strategic Director of Communities and Environment to deal with at the end of the publicity period after consultation with the Chair and/or Vice-Chair with a view to REFUSE permission for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary:

1

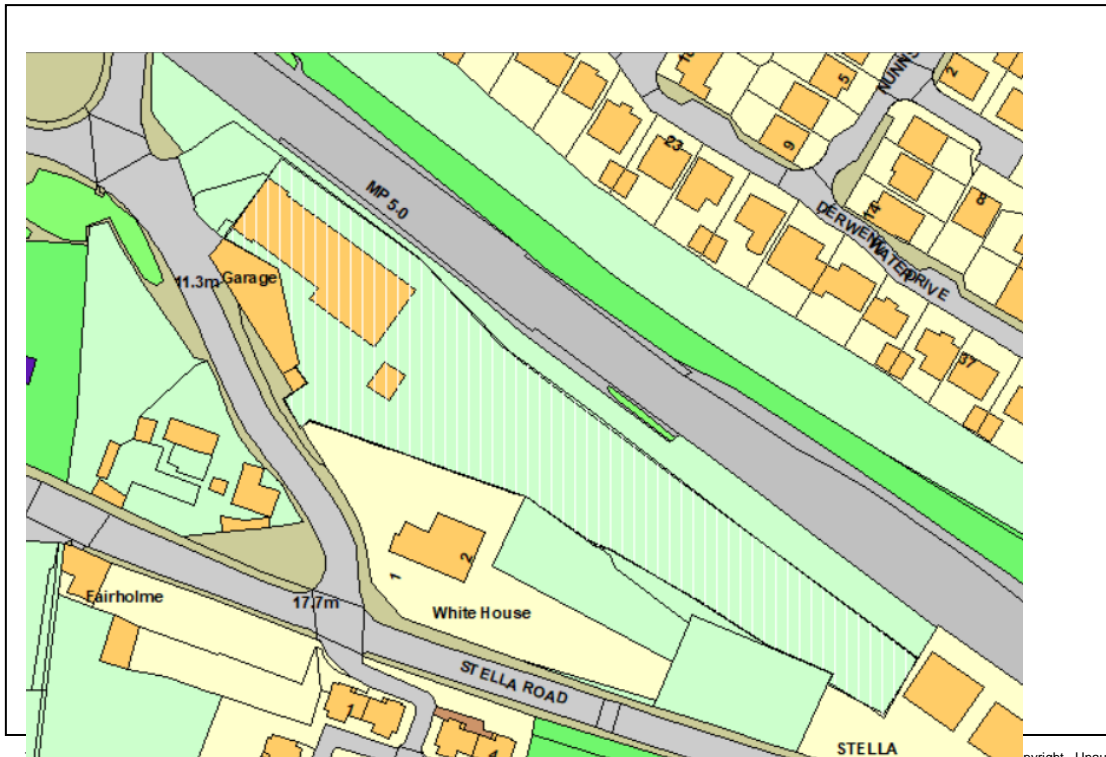
As currently assessed, the elevated and persistent noise levels generated by the operation of the site for the storage and distribution of primary aggregates (Sui Generis) has an unacceptable adverse and detrimental impact upon the living conditions of occupants of nearby residential properties. This level of noise detriment is contrary to guidance contained within paragraphs 182 and 183 the NPPF which respectively require development to integrate effectively with the existing community and, in terms of its processes and emissions, operate without unacceptable adverse impacts upon the amenities of neighbouring sites. The planning guidance contained within paragraphs 182 and 183 of the NPPF is further supported by the Council's adopted policies CS14 and MSGP17 - which requires that noise generating development will be assessed for its compatibility with existing land uses and activities.

2

The application does not contain adequate information in the form of a comprehensive site plan in regards to the location of staff and customer car parking within the application site, nor to demonstrate that an HGV can turn within the site to enable the Local Planning Authority to properly consider the capacity of the site to accommodate these requirements. There is inadequate information available regarding the layout of the development to demonstrate compliance with policies CS13 and MSGP15 of the Local Plan for Gateshead.

3

The application is not supported by an acceptable ecological survey and/or an arboricultural impact assessment undertaken by a suitably qualified and experienced person(s) in accordance with industry standards and good practice guidelines. In the absence of such information it is not possible to determine the potential/likely impacts of the proposed development, including its operation, on biodiversity including existing trees. There is inadequate information available regarding the impacts of the development to demonstrate compliance with policies CS18 and MSGP37 of the Local Plan for Gateshead.



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Committee Report

Application No:	DC/21/00373/FUL
Case Officer	David Morton
Date Application Valid	24 March 2021
Applicant	Mr Neils Trinder
Site:	Sandygate Cottage St Cuthberts Road Marley Hill Whickham NE16 5EB
Ward:	Whickham South And Sunnyside
Proposal:	Proposed demolition of existing single storey garage, erection of replacement garage and associated engineering operations
Recommendation:	REFUSE
Application Type	Full Application

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

The application site is located on St Cuthberts Road and is located within Marley Hill Conservation Area and the Green Belt. The application site lies to the south of Sandygate Cottage across St Cuthbert's Road.

1.2 The Marley Hill Conservation Area character statement (contained within IPA17) describes Marley Hill as an almost ideal model of the Durham pit village, with neat terraces and generous community facilities. It lies in an exposed location below the summit of Blackamoor Hill. The site of the village is on the whole reasonably flat, though it dips sharply towards a small dene on its eastern side.

1.3 St Cuthberts Road leads between the church and The Grange towards the site of the colliery. Beyond The Grange is a group of five houses reflective in scale of the colliery officials' houses nearby. Next, set down the hill, are Sandygate Farm and cottages. The oldest buildings in Marley Hill, they are a much-altered agricultural vernacular group of stone and slate.

1.4 DESCRIPTION OF THE APPLICATION

The planning application seeks planning permission for the demolition of the existing storage garage located on site and the replacement with a larger garage. The proposed development would also require the undertaking of engineering operations i.e. earth removal/reprofiling.

1.5 The application follows application DC/20/00326/FUL, this application was refused based upon its impact on the Green Belt and Marley Hill Conservation Area. While the external appearance of the proposed garage differs from that previously refused, the scale and bulk remains unchanged.

1.6 The application was accompanied by the following information;

- Design and Access/Heritage Statement; and
- Bat Risk Assessment.

1.7 PLANNING HISTORY

The planning history associated with the application site is summarised as follows;

- DC/20/00326/FUL; Planning permission refused for 'Demolition of existing single storey garage, followed by construction of replacement garage within same footprint (resubmission).' Date; 06 July 2020.
- DC/19/01174/FUL; Planning permission refused for 'Demolition of existing single storey garage, followed by construction of replacement garage within same footprint.' Date; 22 January 2020.
- DC/19/00991/NMA; Application refused for non-material amendment for 'Proposed non-material amendment to DC/13/01084/HHA garage design.' Date; 04 October 2019.
- DC/13/01086/CON; Conservation Area Consent application approved for 'Demolition of existing garage and utility room.' Date; 04 October 2013.
- DC/13/01084/HHA; Planning permission granted for 'Erection of new garage to replace the existing one and demolition of utility room.' Date; 04 October 2013.

2.0 Consultation Responses:

None.

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. A total of six letters of support have been received, in addition to a request to speak on behalf of residents from a Ward Councillor (Councillor Jonathan Wallace).

3.2 The letters are summarised as follows;

- The garage ought to be granted planning permission given it would result in a visual improvement;
- The proposed development is more in keeping with the surrounding area;
- The existing building is ugly;
- The footprint of the building is no greater than the existing.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP25 Conservation/Enhancement Heritage Assets

MSGP37 Biodiversity and Geodiversity

5.0 Assessment

5.1 The considerations are the impact of the development on the Green Belt, heritage assets, residential amenity, highways, and protected species.

5.2 GREEN BELT

In terms of the control of new development in the Green Belt, the relevant national policy is contained in paragraphs 143 to 147 of the NPPF and states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt (inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances).

5.3 Paragraph 145 d) of the NPPF sets out the following exception (to the above);
"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces"

5.4 Paragraph 145 g) also sets out the following exception;
"limited infilling or the partial or complete re-development of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would - not have a greater impact on the openness of the Green Belt than the existing development"

5.5 Paragraph 146 b) states that engineering operations need not be inappropriate development '... *provided they preserve its [the Green Belt's] openness and do not conflict with the purposes of including land within it.*'

5.6 Paragraph 134 of the NPPF gives five purposes of the Green Belt. These are; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and

other urban land. Policy CS19 of the Core Strategy is in broad compliance with paragraph 134 of the NPPF and also sets out purposes for including land in the Green Belt in Gateshead.

- 5.7 The applicant, through their submitted material, has sought to demonstrate that the proposed development would form an exception within the Green Belt under several different paragraphs of the NPPF.
- 5.8 *Paragraph 145 d) of the NPPF.*
The applicant states within their Design and Access Statement that '*... the proposed building will be located on the footprint of an existing garage building...*' As such, the Applicant has submitted that the resulting development would not be materially larger than the existing property.
- 5.9 Officers disagree with the Applicant's implied view that the footprint is the only consideration as to whether the development is materially larger. Material increase in size must be assessed as a volume not just footprint.
- 5.10 Based on the submitted plans, officers have calculated that the proposed development would lead to approximately an 35% increase in the volume of the garage (increasing from 147 metres cubed to 199 metres cubed).
- 5.11 In addition to the volumetric increase, whilst the gutter heights (eaves) of the existing and proposed building would remain the same, the proposed development proposes an increase in the overall ridge height of 1.68 metres (an increase of 63% on the existing building). As such, it is considered by officers that the proposed garage would be materially larger than the one it replaces and fails to meet the exception test set out in Paragraph 145 d) of the NPPF.
- 5.12 *Paragraph 145 g) of the NPPF*
The Applicant has also suggested that the proposed development would qualify as an exception under Paragraph 145 g) in that it would be redevelopment of a previously developed site, which does not have a greater impact on the openness of the Green Belt. Again, officers disagree with this assertion.
- 5.13 As set out above, the application proposes an increase in both the volume and height and would materially larger than the current building. Further to the increase in scale and bulk, the development's location away from the cluster of buildings that form the farm steading would enforce and emphasise this impact on openness.
- 5.14 It is the view of officers that the proposed development would clearly have a '*... greater impact on the openness of the Green Belt than the existing development...*' and fails to meet the exception test set out in Paragraph 145 g) of the NPPF.
- 5.15 *Paragraph 146 b) of the NPPF*
Further to the above, the application would also necessitate the need for engineering operations to take place. It is considered that the proposed

engineering operations i.e. the removal of earth to allow the erection of the proposed garage would result in a development which couldn't be considered to maintain the openness of the Green Belt; this is view is taking into account the works are necessary to facilitate the erection of a building which would be harmful to the Green Belt. As such, the engineering operations fail to meet the exception test set out in Paragraph 145 b) of the NPPF.

- 5.16 In conclusion, it is the view of officers that the proposed development does not meet any Green Belt exceptions test(s) set out in the NPPF and therefore represents inappropriate development within the Green Belt. As the proposed development would be inappropriate development in the Green Belt and would be harmful to the Green Belt by loss of openness, permission should not be granted unless 'very special circumstances' exist that clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal.
- 5.17 The Applicant has not expressly referenced any 'very special circumstances', owing to the fact they believe the development to be appropriate development within the Green Belt. The applicant has offered rationale to their design choices and the reason for the increase in the height of the proposed development, citing the need for the proposed development to better reflect the Conservation Area. Officers has considered this, and the other factors forwarded within the submitted Design and Access Statement and consider they do not constitute very special circumstances that clearly outweigh the harm to the Green Belt and any other harm.
- 5.18 Paragraph 134 of the NPPF sets out the 'five purposes' of including land within the Green Belt. It is considered that the proposed development would conflict with the aims, specifically in regard to 'safeguarding the countryside from encroachment'.
- 5.19 Based on the above assessment, it is considered that the proposal would constitute inappropriate development in the Green Belt, would harm the openness of the Green Belt and no very special circumstances have been demonstrated that would clearly outweigh this (and any other) harm. The proposal is considered to be contrary to Paragraphs 134 and 143-147 (inclusive) of the NPPF.
- 5.20 HERITAGE ASSETS
Heritage specific policies are contained within the NPPF at paragraphs 184 and 202. The objective of the policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances its significance. That significance is the value of a heritage asset to this and future generation because of its heritage interest, which may be archaeological, architectural, artistic or historic. This significance may derive not only from its physical presence but also from its setting.
- 5.21 In order to make a sound decision a planning authority needs to understand from the applicant the significance of any heritage asset affected (paragraph 189).

- 5.22 Designated heritage assets are subject to specific policies within the NPPF, including Paragraph 196, which states:
"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 5.23 The above requirements are amplified by policy MSGP25 of the Local Plan which states that development within the setting of a heritage asset will not be permitted if the development: dominates the asset or its setting in scale, massing, materials or as a result of siting; or is otherwise harmful to its significance.
- 5.24 The application site is located on St Cuthbert's Road and is located within Marley Hill Conservation Area adjacent to the oldest buildings in the village at Sandygate which pre-date the development of Marley Hill village, and the old groups of Marley Hill pit cottages to the south which have now been cleared. Sandygate Farm, Cottage and outbuildings are shown on the historic maps, on the north side of Sandygate Lane. On the south side are small enclosures, likely animal pens and vegetable gardens, not dwellings.
- 5.25 The proposed development is outside the village envelope on land which has historically been void of development. It is accepted that the removal of the existing garage would have a positive impact on the conservation area, as the existing garage is considered to be an unfortunate addition within the conservation area. This said, the replacement of the existing commercial/rural looking garage with one of a domestic appearance and a much larger scale is not considered to be reflective of the historic development and land use of the farmstead or village and would result in less than substantial harm to Marley Hill Conservation Area.
- 5.26 The applicant has suggested that the proposed development would offer public benefit and has stated the proposal would create;
"... an improved ancillary building for the existing dwelling would benefit both the existing dwelling and the surrounding area. Views from St Cuthberts Road and Tanfield Railway line (a significant tourist attraction) would also be improved by the proposed development."
- 5.27 Officers do not consider that the proposal would offer a public benefit, the proposed development may be constructed of improved materials. However, by virtue of its increased scale the proposed development would actually be more visible from public vantage points in a location that is out of keeping to the historical context of these buildings. Further, it would be possible to improve the appearance of the existing building e.g. rendering, amendments to window detailing or landscape screening, without needing to demolish and rebuild it as a larger structure.
- 5.28 Further, it is acknowledged that planning permission was granted for a similar proposal in 2013 (DC/13/01084/HHA). However, officers would note that;
1. This planning approval has lapsed and is no longer implementable.

2. The planning approval differs from the application being considered as;
 - a. The 2013 application proposal didn't include any engineering operations; and
 - b. The 2013 proposal was marginally lower in height than that proposed now.
 3. Whether the 2013 application has a genuine prospect of being constructed is questionable, even if the approval remained extant, the applicant has indicated that the proposal would result in the building of *'... a significant amount of 'dead' walling (i.e. wall constructed below the level of the internal floor) would be required in order ensure suitable foundations were created in which is otherwise poor quality backfill on the site...'*
- 5.29 Further, Officers would make it clear that the policy context has changed since 2013 (and even since the 2020 refusal). The current proposal must be assessed against current national and local policy, and it is clear that the scheme fails to comply with the requirements of MSGP25 and Paragraph 200 of the NPPF. This harm is not outweighed by the (lapsed) 2013 planning approval and/or any other material planning considerations.
- 5.30 On the basis of the above, it is considered that the proposal would result in harm to the significance of Marley Hill Conservation Area. In the absence of any public benefit, the development is therefore considered to conflict with the requirements of the NPPF, and Policies CS15 and MSGP25 of the Local Plan for Gateshead.
- 5.31 **IMPACT ON RESIDENTIAL AMENITY**
 Given the distances between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.
- 5.32 It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF and Policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.33 **TRAFFIC, ACCESS AND PARKING**
 It is considered that the development will be unlikely to lead to a significant increase in traffic movements, given the nature and scale of the proposal being ancillary to the existing domestic property. Therefore, it is considered that the proposed development would not lead to any significant impact on the wider highway network.
- 5.34 The proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and Policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.35 **ECOLOGY**
 The applicant has been supported by bat risk assessment; this assessment has concluded the potential impact of the proposed development on roosting bats is

negligible. If planning permission was to be granted a condition pertaining to the provision of bat roost features would be recommended.

- 5.36 On the basis of the above, it is considered that the development complies with the requirements of the NPPF, and Policy CS18 and MSGP37 of the Local Plan for Gateshead.

5.37 **OTHER MATTERS**

All letters of support have been considered and afforded appropriate weight in the decision-making process. However, none of the points made outweigh the policy considerations outlined in the above report.

6.0 CONCLUSION

- 6.1 The application is considered to be unacceptable as the development represents inappropriate development in the Green Belt. Further, the proposed development would result in less than substantial harm to Marley Hill Conservation Area (with no public benefit). No very special circumstances have been put forward by the applicant to clearly outweigh the identified harms and, as such the application is contrary to the NPPF and Local Plan Policy.

- 6.2 It is therefore recommended that the application be refused for the following reasons set out below.

7.0 Recommendation:

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

1

The proposal would represent inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and also contrary to one of the purposes of including land within the Green Belt. No very special circumstances have been demonstrated. The development is therefore contrary to paragraphs 134 and 143-146 (inclusive) of the National Planning Policy Framework and policy CS19 of the Local Plan for Gateshead.

2

The proposed development, due to its scale and design would be an incongruous form of development, resulting in less than substantial harm to the significance of the Marley Hill Conservation Area. The less than substantial harm would not be outweighed by public benefits and the application is therefore contrary to National Planning Policy Framework (NPPF) paragraph 196. In addition, the development would fail to enhance, or better reveal, the significance of the Conservation Area as recommended in NPPF paragraph 200. It is considered that the development is contrary to the aims and objectives of the NPPF, and Policies CS15 and MSGP25 of the Local Plan for Gateshead.



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REPORT NO 3

Committee Report

Application No:	DC/21/00430/COU
Case Officer	David Morton
Date Application Valid	13 April 2021
Applicant	Mr Ryan Beaumont
Site:	Stoneygate View Sunderland Road Gateshead NE10 0NS
Ward:	Felling
Proposal:	Conversion of dwelling (Use Class C3) to 8-bed HMO (Sui Generis) including erection of two-storey rear extension (additional information received 17/05/21).
Recommendation:	GRANT
Application Type	Change of Use

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

The site is an existing three-bedroom, semi-detached dwelling. The property sits at a higher land level than the footpath to the north and has a relatively small sloping front garden. The property has a larger rear curtilage, this area can be accessed through the property or via a side access path.

1.2 The property is constructed in stone and slate, with a single bay window at ground floor level. As a result of a slight land level changes, the roof line of the properties is staggered with the application site sitting at a slightly lower land level than their neighbour to the west.

1.3 The dwelling fronts onto Sunderland Road (B1426), beyond this is an area currently under redevelopment for commercial purposes (DC/19/00476/FUL). There are allotment gardens located to the south of the application site, an electrical substation to the east and the dwellings attached neighbour to the west. The area would be described as mixed-use owing to the commercial uses on Sunderland Road and the allotment gardens, electrical substation, and public house within close proximity to the site.

1.4 Car parking is permitted directly outside the property on Sunderland Road, between the hours of 1800 and 0900.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the change of use of a three-bedroom dwellinghouse (Use Class C3) to an eight-bedroom HMO (Sui Generis).

1.6 In terms of external alterations, the application proposes the erection of a two-storey rear extension and the increase in size of a rear ground floor

window. The application also proposes internal alterations to facilitate the change of use. The extension is proposed to supplement the communal living accommodation at ground floor and provide an ensuite bedroom at first floor.

- 1.7 It is proposed that there would be three en-suite bedrooms, a living room and kitchen/dining area on the ground floor and five en-suite bedrooms on the first floor. Further alterations are proposed to ensure compliance with Building Regulations and fire safety, such as installing smoke alarms.

- 1.8 **RELEVANT PLANNING HISTORY**
There is no relevant planning history for the application site.

2.0 Consultation Responses:

Northumbria Police Comments provided

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 Seven letters of objection have been received and are summarised as follows;
- The proposed development cannot provide parking and would exacerbate existing issues;
 - MSGP policies would require the provision of cycle parking;
 - The proposed development would result in drainage issues;
 - The proposal would lead to an increase in noise and disturbance;
 - The proposed development would not meet NDSS;
 - A number of bedrooms would be overshadowed by the proposed extension;
 - The proposal would result in the loss of a family home;
 - The proposed development would lead to an unacceptable impact on privacy;
 - The proposed use would result in the creation of additional odour;
 - The proposed development would not have space for refuse and recycling storage; and
 - The proposed development has the potential to attract 'anti-social behaviour and crime & criminality'.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

5.0 Assessment:

- 5.1 The key issues to be considered in the determination of this planning application are considered to be principle of the development, design, residential amenity, and highway safety.
- 5.2 **PRINCIPLE OF THE DEVELOPMENT**
Policy CS9(1) seeks to maintain a range of housing types and sizes throughout the plan area.
- 5.3 Policy CS9(4) seeks to prevent the loss of family homes, through sub-division, change of use or redevelopment and to prevent an over concentration of shared accommodation.
- 5.4 Policy CS9(5) seeks to prevent an over concentration of shared accommodation.
- 5.5 In addition, paragraph 10.11 of the CSUCP states that shared accommodation (including houses in multiple occupation) forms a very significant and valuable part of the private rented sector. It provides market housing to meet the needs of a variety of people whom, for one reason or another, either do not wish to or are unable to live in mainstream housing, in either the owner occupied or the social rented sector. However, high concentrations of shared accommodation can create problems in terms of environmental quality and residential amenity.
- 5.6 Whilst the proposed development would conflict with the aims of policy CS9(4) insofar that a family home would be lost, the change of use would still provide an alternative form of living accommodation and therefore there would be no overall loss of housing stock within the Borough.

- 5.7 In terms of whether an over concentration of shared accommodation would occur under Policy CS9(5), the Council do not have an explicit figure which is considered a threshold. However, 2011 census data shows that within the Pelaw and Heworth ward, 11.1% of households within the ward were privately rented which is below the average of 12.5% in Gateshead.
- 5.8 Information provided by the Council's Private Sector Housing team shows that there are no licensed HMOs in the immediate vicinity.
- 5.9 Furthermore, when taken alongside the representations received, the views of local residents supports the conclusion that the predominant type of residential accommodation in the area is family housing and therefore it is not considered that an overconcentration of shared accommodation would occur as a result of the proposal. This view is reached while also having regard to approved application DC/21/00075/COU, which proposed a seven-bedroom house in multiple occupation at Oakwood, St Marys Terrace, Heworth.
- 5.10 Taking into account the above, it is considered that, whilst the proposed development would result in the loss of a family home, the application would go some way towards providing a range of housing types in a highly sustainable location. Therefore, on balance, it is considered that the proposed development would be acceptable in principle, provided all other material planning considerations are satisfied.
- 5.11 **VISUAL AMENITY**
The application proposes the erection of a two-storey rear extension and alteration to a single ground floor rear window, the front elevation of the property would remain unaltered. It is considered that the scale and design of the extension as a whole is appropriate to the host property and surrounding area. To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials would be required (Condition 3). It is considered that the development is in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.12 **RESIDENTIAL AMENITY**
Policy CS14 aims to maintain and improve the health and wellbeing of communities.
- 5.13 Policy MSGP17 states development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. Planning permission will be granted for new development where it:
- does not have an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses;
 - safeguards the enjoyment of light, outlook and privacy; and
 - ensures a high quality of design and amenity

- 5.14 Existing Occupants
Several objections raise concerns with increased noise, disturbance, odour and refuse along with loss of privacy and overdevelopment.
- 5.15 The proposed development would increase the number of bedrooms within the property by five, the most noticeable changes would be on the ground floor with three additional bedrooms being created. The applications shows all of the bedrooms as double rooms which could be occupied by up to two people, given an overall potential occupancy of 16.
- 5.16 The lawful use of the application property is a C3 dwellinghouse. The use of a property as a HMO is often markedly different from occupation as a family home. Although some tenants may be more considerate than others, the general level of activity associated to a HMO and transient nature of HMO occupants, who are likely to lead separate, individual lives, is significantly greater than a typical family house and therefore increases the potential for noise and disturbance.
- 5.17 In this case, officers consider that the movements of a group of up to 16 people with independent lifestyles would cause a material increase in comings and goings to the property over and above a C3 dwelling - and that the associated noise and disturbance would cause undue harm to the living conditions of the residents of surrounding properties. It is considered this harm would be compounded by the additional comings and goings of non-tenants including a greater increase in visitors to the house.
- 5.18 National Planning Practice Guidance advises that conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
- 5.19 It is recommended that a condition be attached which restricts the number of residents to a maximum of eight (Condition 4).
- 5.20 The proposal does not include any specific proposals to reduce noise transmitted from the HMO to the adjoining properties with shared walls. The potential impact of the development on the occupiers of neighbouring properties may be intensified by the presence of a single communal kitchen/dining area for up to eight residents and any additional visitors. This may result in noise transference between the internal shared walls with the attached neighbouring property and increased odour and cooking smells. However, it should be noted that matters of noise transference e.g. between rooms internally i.e. bedrooms and communal areas but also between the party wall would be considered and addressed through Building Regulations.
- 5.21 No objection to the application has been made by Environmental Health Officers. Further, the submitted management statement states that the property would be managed in accordance with the Council's HMO licensing policies, including a policy for dealing with anti-social behaviour.

- 5.22 The police have provided comments stating that further information is needed on how the property would be managed, the location and arrangements for parking, and who the likely occupants would be. In terms of ensuring fire safety and property management including refuse collection, these issues would be covered by the HMO license which the landlord will need to apply for outside of the planning system. The potential occupants of the HMO would not be a material planning consideration. The parking arrangements are assessed in the proceeding section of this report
- 5.23 In terms of ensuring the new bedrooms are updated and enjoy the same isolation from common area noise as other bedrooms do, as well as more appropriate internal acoustics (i.e. appropriate reverberation times, double glazing if necessary) for the occupant to enjoy the use of the amenity space and to sleep, this would be covered by Building Regulations.
- 5.24 In terms of securing further sound-proofing by condition, the applicant could change the use of the dwellinghouse to a HMO for up to 6 residents under Class L, Part 3 of The Town and Country Planning (General Permitted Development) Order 2015, without needing planning permission. Taking into account this fall-back position and considering the recommended condition restricting the number of occupants to eight, it is considered that, on balance, requiring further details of sound proofing would not be reasonable as any additional noise created would not be significant.
- 5.25 With regards to privacy, it is considered that the proposed two-storey rear extension has been designed so not in result in any additional overlooking and/or overbearing impact. It is considered that the proposed extension would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook and privacy.
- 5.26 Taking into account the above, it is considered that, subject to a condition restricting the number of residents and a condition requiring the submission of a management plan (Conditions 6 and 7), the proposal would not result in material harm to neighbouring properties in the form of loss of privacy, increased noise, disturbance, odour or refuse.
- 5.27 Future Occupants
It is considered that the proposed development provides an adequate level of communal space for eight occupiers in the form of a kitchen/diner and a separate living room.
- 5.28 With regards to bedrooms, each bedroom would be a double and would benefit from a private en-suite. It is considered that, taking into account a condition limiting the number of residents, each bedroom would be of an acceptable size to accommodate the living and sleeping requirements of one occupant and exceeds that required under Licence regulations. Each bedroom would benefit from at least one window to provide adequate light and ventilation into the room.

- 5.29 In summary, officers are of the opinion that through the imposition of a condition limiting the number of residents to eight and subject to a management plan, the intensive use of the property would be addressed thereby mitigating any material harm to the living conditions of both the existing occupants of neighbouring residential properties and future occupants of the HMO. As such, the proposal, on balance, is considered acceptable and would comply with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.30 **HIGHWAY SAFETY**
The maximum car parking provision expected for houses in multiple occupation is one space per five residents, plus one space per five residents for visitors. A property of this size could easily generate two or more cars under the existing residential use. Therefore, any uplift in vehicles is not expected to be significant and any additional demand for car parking could be accommodated.
- 5.31 The existing property has no on-site parking, however car parking is permitted directly outside on Sunderland Road, between the hours of 6pm and 9am. There is also scope to park along Holly Hill and elsewhere, subject to restrictions. The site is very sustainable in travel terms with good access to public transport, being within walking distance of Heworth's transport interchange.
- 5.32 Final details of secure and weatherproof cycle parking can be secured via condition which can be accommodated within the rear yard area (conditions 5 and 6).
- 5.33 Taking into account the above, it is considered that the proposed development would be acceptable and would comply with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.34 **OTHER MATTERS**
A representation received raises concerns over the impact of the change of use on drainage.
- 5.35 Environmental Health officers have housing, public health related, and 'detrimental to the area' related powers which can be used if a detrimental impact on residents occurs in the future. These powers can require work to be undertaken should drainage be found to be insufficient, should refuse be allowed to accumulate or there to be pest infestations, or if the condition of the property is found to be so poor that it is detrimental to the amenity of the area.
- 5.36 In terms of HMO licensing, a license is required for an HMO occupied by 5 or more people. The licensing process allows for control over the number of people that can be safely accommodated within the property, and the provision of amenities e.g. the number of WCs and sizes of rooms. Mandatory conditions of a HMO license also require effective management of issues relating to waste disposal from the property, and the installation and maintenance of fire safety precautions. Building Regulations also covers fire safety.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted 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 -

Site Locations Plan

PI150 - Proposed Site Layout

PL125 - Proposed Floor Plan

PL100 - Existing Plans and Location

PL135 - Existing Elevations

PL130 - Proposed Elevations

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 number PL130 - Proposed Elevations.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

4

The premises shall only be used as a house in multiple occupation for a maximum of eight residents.

Reason

In the interests of protecting residential amenity of existing and future residents and in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

5

None of the rooms hereby approved shall be occupied until final details of secure and weatherproof cycle storage shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan.

6

None of the rooms hereby approved shall be occupied until the details approved under condition 5 have been implemented wholly in accordance with the approved details. The cycle parking provision shall be retained thereafter for the life of the development.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan.

7

Prior to the first use of development hereby approved, details of a management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how the property will be managed to minimise impact on neighbouring occupiers and shall include parking arrangements and refuse collection.

Reason

In the interests of residential amenity and to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

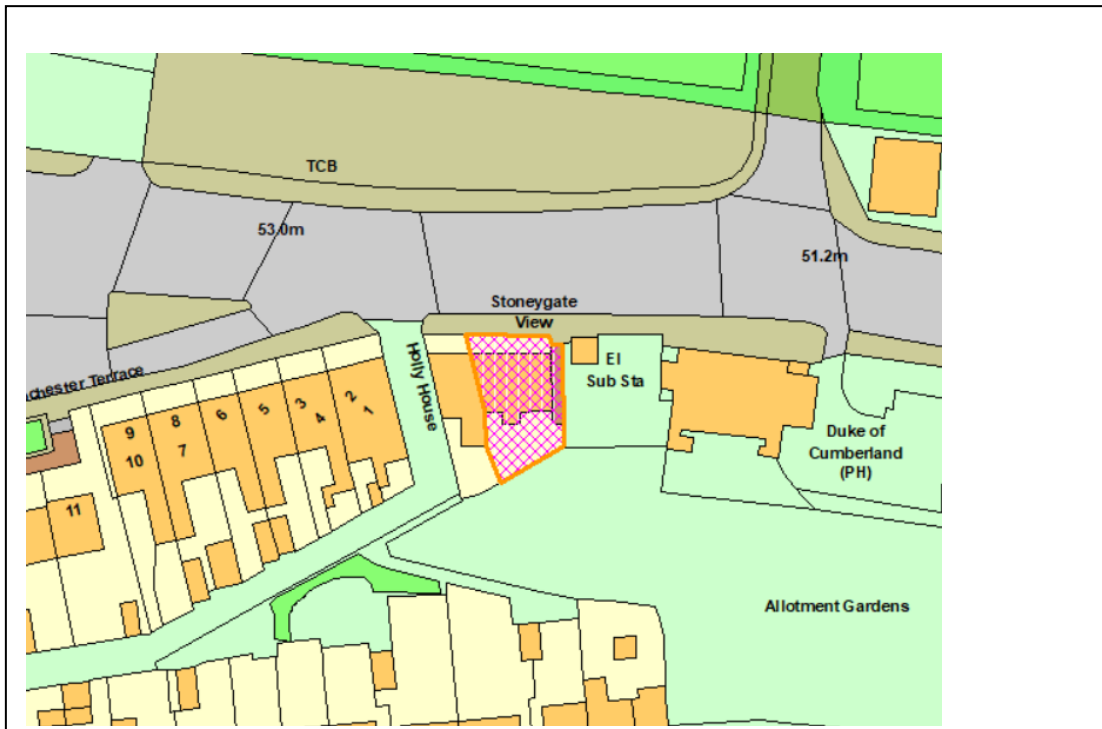
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The development hereby approved shall be managed in complete accordance with the approved Management Plan under condition 7.

Reason

To ensure that measures and operating policies are in place to protect the residential amenity of nearby properties in accordance with the

NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.



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REPORT NO 4

Committee Report

Application No:	DC/21/00526/COU
Case Officer	Rebecca Norman
Date Application Valid	26 April 2021
Applicant	The Metrocentre Partnership
Site:	Metrocentre Unit 128 (Former Argos Unit) Lower Yellow Mall Gateshead NE11 9YG
Ward:	Whickham North
Proposal:	Change of use from retail (use class E) to a mixed use comprising leisure uses including motorised vehicles (electric go karting) and food and drink (sui generis) with further ability to change to retail (use class E(a)) or food and drink (use class E(b)) within a 10 year period (revised description 07.06.2021)
Recommendation:	GRANT
Application Type	Change of Use

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

The application relates to floor space within Unit 128 of the MetroCentre. The unit was previously occupied by the retailer Argos however is currently vacant. The unit comprises a floor space of 3035msq.

1.2 DESCRIPTION OF APPLICATION

The application proposes the change of use of the unit from retail (Use Class E(a)) to a mixed use described as an active entertainment venue comprising leisure uses including a sports bar and restaurant and activities including electric go karting and e-sports (Sui Generis).

1.3 In addition, the application seeks planning permission to be able to revert from the proposed leisure use to a retail use (Use Class E(a)) or food and drink use (Use Class E(b)) within a period of 10 years.

1.4 The application seeks the change of use of the unit only; any internal arrangements shown on the submitted plans are therefore for illustrative purposes only. The application does not include any external alterations to the MetroCentre complex or any changes to car parking arrangements.

1.5 RELEVANT PLANNING HISTORY

None relevant to this application.

2.0 Consultation Responses:

None undertaken.

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.

3.2 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS8 Leisure, Culture and Tourism

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

AOC2 Metrogreen

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

5.0 Assessment of the Proposal:

5.1 The main planning issues to be taken into consideration in the assessment of this application are the principle of the development, impacts upon highways/transport, impacts upon amenity and CIL.

5.2 BACKGROUND

Under the new Use Classes Regulations introduced in 2020 (The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) retail (Use Class A1), food and drink (Use Class A3) and assembly and leisure (Use Class D2) all now fall within Use Class E. Under Class E, the change of use between retail, food and

drink and leisure uses (alongside other uses included within Class E) or a mixed use comprising two or more Class E uses does not require planning permission.

- 5.3 As set out in the supporting Planning Statement, Use Class E specifically excludes indoor sport and recreation uses involving motorised vehicles. Planning permission is therefore required in this specific instance solely because the proposed change of use includes electric go karting; if the proposed use were to exclude electric go karting then planning permission would not be required for the change of use as the other proposed uses (leisure and food and drink) would all fall within Use Class E. Officers therefore consider that this represents the fallback position in this case.
- 5.4 **THE PRINCIPLE OF THE DEVELOPMENT**
The application relates to the change of use of existing retail floor space within the MetroCentre, which is an established retail and leisure destination.
- 5.5 Policy CS7 of the Local Plan for Gateshead supports the role of the MetroCentre as an existing out-of-centre shopping destination. The proposed development would enable a vacant unit to be occupied and meet changes in customer demand for leisure activities, sustaining the role of the MetroCentre as a regional shopping destination.
- 5.6 Policy CS8 of the Local Plan for Gateshead requires leisure development to be focussed within the Urban Core and at other accessible locations. Local Plan policy AOC2 identifies the MetroCentre within a broader area of change (MetroGreen) in which leisure use is broadly acceptable.
- 5.7 The preferred approach to leisure provision at MetroGreen as set out in the Council's Options Report published in November 2015 is to concentrate leisure uses around the MetroCentre and Public Transport Interchange to encourage longer dwell times (length of visits) and use of public transport, rather than creating more car trips to the area.
- 5.8 In terms of the location of the proposed leisure use the proposal is therefore aligned with Local Plan policies CS8 and AOC2 and the preferred approach to leisure emerging at MetroGreen.
- 5.9 The application is supported by a Planning Statement which considers the impacts of the proposed development on existing town centres and details the business model of the proposed use, noting the benefits of the proposed location relative to alternative locations, as required by Local Plan policies CS7.4 and MSGP7. This identifies a growth in population and leisure expenditure within the catchment to 2029 of 3% and 17% respectively.

- 5.10 Officers are of the view that the proposed change of use is unlikely to result in a negative impact on the vitality and viability of existing centres within the Borough as in reality the impact will be spread out, including on other leisure facilities within the MetroCentre, and will be outweighed by overall growth in expenditure. Whilst the application does not include a detailed assessment of the impact of the proposed change of use upon the Urban Core, which is a suitable sequentially preferable location, there is support for leisure uses at MetroGreen and the proposed development would enable the re-use of a large vacant unit in an established leisure destination and Officers therefore consider that this is acceptable in principle.
- 5.11 The application also seeks planning permission for a 'dual consent' that would allow the unit to change to a retail use (use class E(a)) or food and drink use (use class E(b)) within a period of 10 years from the date of the grant of planning permission.
- 5.12 The provisions set out within Part 3 Class V of The Town and Country Planning (General Permitted Development) (England) Order 2015 allow for a change of use *"from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted"*, provided that the change of use occurs within 10 years after the grant of planning permission and that it would not result in the breach of any conditions attached to that consent.
- 5.13 It is considered that the alternative uses proposed by the 'dual consent' would be acceptable in principle in this location.
- 5.14 Having regard for the above assessment Officers consider that the proposed development would have the potential to create economic benefits, would provide investment that will continue to support the MetroCentre and would be in a highly accessible location. It is therefore considered that the proposal would be in conformity with the NPPF and Local Plan policies CS7, CS8 and AOC2.
- 5.15 HIGHWAYS/TRANSPORT
NPPF Paragraph 109 states that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 5.16 Highways Officers have considered the application and have requested the submission of additional information detailing proposed opening hours, trip generation and operational details relating to the proposed electric go karting use. Having due regard for what Officers consider to be the fallback position in this case (in which planning permission would not be required for a change of use to a mixed leisure use that excluded electric go karting) and the context of the site within an established and accessible leisure destination with

existing car parking and public transport connections it is however considered that, on balance, the additional information requested would not be reasonable or necessary to ensure the acceptability of the proposed development in planning terms.

5.17 In order to promote sustainable travel, in accordance with the NPPF and policies MSGP14 and CS13 of the Local Plan for Gateshead, conditions are recommended to be imposed requiring the submission of a Travel Plan (CONDITIONS 3-4).

5.18 On balance, subject to the conditions recommended above, Officers therefore consider that the proposed development would not conflict with the highway aims and objectives of the NPPF and Local Plan policies CS13, MSGP14 and MSGP15.

5.19 **IMPACTS UPON AMENITY**

The application does not propose any physical alterations as part of the proposed development and would therefore have no impact upon the visual amenity of the site or surrounding area.

5.20 The proposed change of use is considered to be commensurate with the established retail and leisure uses contained within the MetroCentre and would not give rise to any detrimental impact upon residential amenity or the amenity of nearby commercial premises.

5.21 The development is considered to accord with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 in these respects.

5.22 **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 not CIL chargeable development as it is not for qualifying retail or housing related development. As such no CIL charge is liable.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted subject to conditions as the proposed development is considered to be acceptable in principle and would comply with the aims and objectives of the NPPF and the relevant policies of the Local Plan for Gateshead.

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 -

Drawing Number N201517-D09-01

Drawing Number N201517-A09-01

Drawing Number N201517-A02-01

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 three months of the date of the first opening of the premises to the public for the use hereby approved a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall outline measures being taken to reduce car usage and increase the use of public transport, walking or cycling and how this accords with measures being delivered as part of the MetroCentre Travel Plan, March 2013 (or any subsequent update).

The Travel Plan shall include:

- Clearly defined objectives, targets and indicators;
- Details of proposed measures;
- A detailed timetable for implementing measures;
- Proposals for maintaining momentum and publicising success;
- 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 promote sustainable travel in accordance with the NPPF and policies MSGP14 and CS13 of the Local Plan for Gateshead.

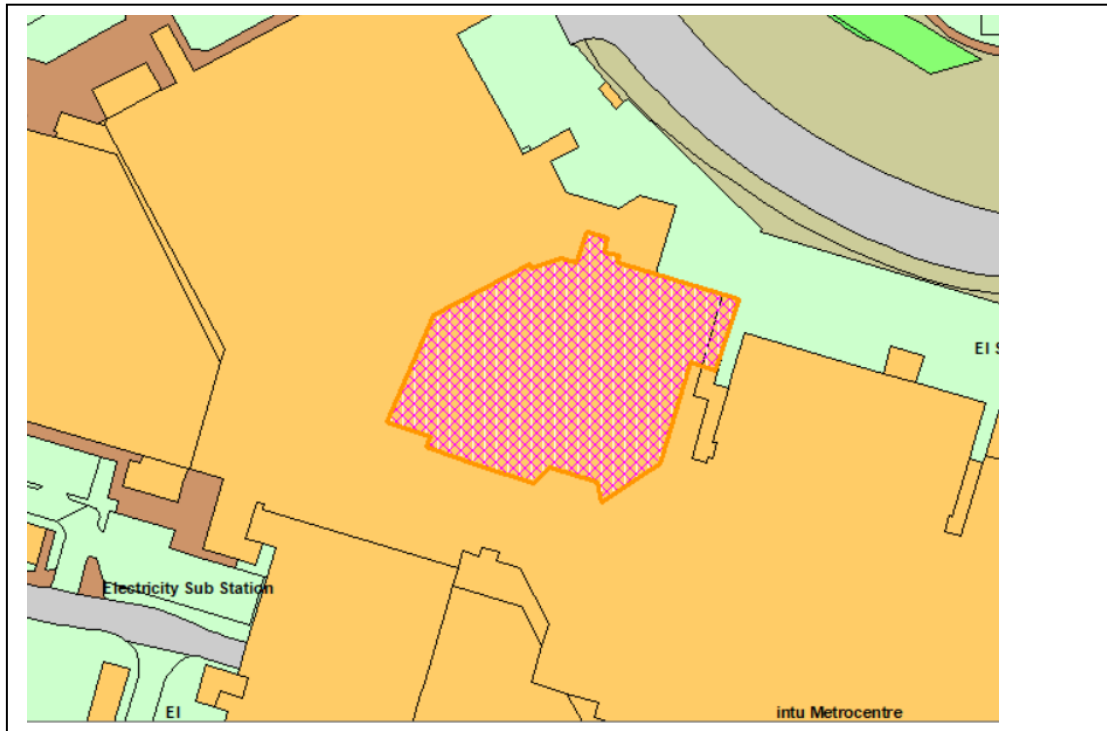
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Evidence of the implementation of the Travel Plan approved under condition 3 over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

In order to promote sustainable travel in accordance with the NPPF and policies MSGP14 and CS13 of the Local Plan for Gateshead.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 16 JUNE 2021:

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/20/00304/HHA	Proposed single storey rear extension and dormer window to rear (as amended 03.02.21)	59 Woodside Gardens, Dunston Hill,	Granted;	Dunston Hill And Whickham East
DC/20/00875/HHA	Front single storey porch, two side storey extension. (Amended description)	65 Oakfield Road, Whickham,	Granted;	Whickham North
DC/20/00883/HHA	Proposed porch to front elevation and part two storey/ part first floor extension over existing kitchen area, to side and rear elevations (amended plans received 01.04.2021 and 20.05.2021).	19 Duckpool Lane, Whickham,	Granted;	Dunston Hill And Whickham East

DC/20/00946/HHA	Proposed detached outbuilding in rear garden, engineering operations to raise level of garden by 0.9m and erection of retaining wall and fence to rear boundary and fencing to side boundaries (amended plans and description 05.03.2021, 08.04.2021, 22.04.2021)	56 Creslow, High Heworth,	Granted;	Windy Nook And Whitehills
DC/20/00963/COU	Conversion of existing extension into new dwelling and erection of single detached garage.	27 Deneside Avenue, Gateshead,	Granted;	Low Fell
DC/20/01040/HHA	Single storey ear extension (Amended plans received on 08/04/21)	8 Bexley Place, Newcastle Upon Tyne,	Granted;	Whickham North
DC/20/01076/TPO	Works to 1 Oak tree, 1 Sycamore tree and 1 Cedar tree in garden of 26 Woodlands Park Drive.	26 Woodlands Park Drive, Blaydon On Tyne,	Granted;	Blaydon
DC/20/01084/FUL	Retention of 3.6 metre high fence above 0.38 metre high brick wall to the south east /rear of the units (retrospective permission) (amended plans 25.03.2021)	Units 7 And 8, Halifax Court,	Granted;	Dunston And Teams

DC/20/01135/FUL	Erection of extension on east side of existing factory (additional plan received 02.02.2021 and 19.03.2021, updated preliminary investigation received 08.02.2021).	IPac Packaging Innovations Ltd, Unit 2,	Granted;	Bridges
DC/20/01141/FUL	Erection of electric vehicle charging station with ancillary uses at first floor level to include retail and food and drink with associated electrical infrastructure, car parking and landscaping (amended and additional information 04/03/21 and amended 20/03/21).	Former Stadium Service Station, Park Road,	Granted;	Bridges
DC/20/01176/HHA	Proposed 2 storey side extension and single storey rear extension	11 Ashfield Rise, Newcastle Upon Tyne,	Granted;	Dunston Hill And Whickham East
DC/21/00059/HHA	Single storey rear extension	9 Oakfield Road, Gateshead,	Granted;	Lobley Hill And Bensham
DC/20/01181/HHA	Proposed installation of flat roof dormer box in roof of rear elevation and erection of part single-storey/part two-storey extensions at rear (as amended 10/05/21)	11 Ely Street, Bensham,	Granted;	Bridges
DC/21/00016/HHA	Proposed single storey extension to rear elevation (plans and description amended 20.04.2021).	49 Wynbury Road, Sheriff Hill,	Granted;	Low Fell

DC/21/00047/HHA	Single storey side extension to form Porch.	15 Heathwood Avenue, Whickham,	Granted;	Whickham North
DC/21/00049/FUL	Erection of commercial building for use as an MOT testing facility, including rationalisation of yard area (amended plans 25.03.2021, 05.04.2021)	Metro MOT Test Centre, Long Rigg,	Granted;	Whickham North
DC/21/00068/HHA	Proposed single storey rear extension and part new roof to existing garage	4 Westfield Terrace, Shipcote,	Granted;	Saltwell
DC/21/00081/FUL	Single storey extensions to the rear of the public house/restaurant premises, alterations to existing single storey flat roof area to allow use as roof top terrace, including glazed balustrades, construction of glazed roof terrace bar, external staircase, various works of remodelling and refurbishment including replacement window frames, alterations to entrances and 2.4m high sliding gate to bin store (Amended Plan received 19.05.21).	The Plough , Front Street,	Granted;	Lamesley
DC/21/00084/HHA	Proposed single storey rear extension (amended plan 19.04.2021)	34 Pickering Drive, Winlaton,	Granted;	Blaydon

DC/21/00115/TPO	Tree works at Shibdon View.	Shibdon View, Shibdon Road,	Granted;	Blaydon
DC/21/00087/HHA	Proposed boundary wall to front of property	65 Grange Lane, Whickham,	Granted;	Whickham South And Sunnyside
DC/21/00088/HHA	Proposed alterations to existing detached garage increasing the depth by 3m and link corridor to existing dwellinghouse (amended plan received 04.05.21)	7A North Side, Birtley,	Granted;	Lamesley
DC/21/00097/HHA	Proposed replacement front porch and proposed rear dormer.(Amended plans rec'd 26.03.21)	213 Dryden Road, Low Fell,	Granted;	Deckham
DC/21/00147/HHA	Two storey side extension, solid roof to existing conservatory	23 Cherrytree Drive, Whickham,	Granted;	Dunston Hill And Whickham East
DC/21/00117/HHA	Proposed construction of detached garage to side of dwelling and front boundary wall (amended plans received 26.04.2021).	Rayrigg House , Dipwood Road,	Granted;	Chopwell And Rowlands Gill

DC/21/00119/HHA	Two storey rear extension, dormer window to front and rear	78 Bewick Road, Bensham,	Granted;	Bridges
DC/21/00123/HHA	Single storey rear extension	3 Tyne Valley Gardens, Barmoor,	Granted;	Ryton Crookhill And Stella
DC/21/00124/HHA	Single storey rear extension	13 Knaresdale, Vigo,	Granted;	Birtley
DC/21/00213/COU	Conversion of ground and first floors from Day Centre use (Class E (f)) to a nine bed House in Multiple Occupation (sui generis)(additional information received 19/03/21, 20/04/21 and 19/05/2021).	1A Walker Terrace, Bensham Road,	Granted;	Bridges
DC/21/00216/LBC	LISTED BUILDING CONSENT: Conversion of ground and first floors from Day Centre use (Class E (f)) to a nine bed House in Multiple Occupation (sui generis); internal alterations including the installation of suspended ceilings, partitions and en suite bathrooms (additional information received 19/03/21 and 19/05/2021).	1A Walker Terrace, Bensham Road,	Granted;	Bridges
DC/21/00128/HHA	Proposed two storey side extension and single storey rear extension.	15 Buttermere Avenue, Whickham,	Granted;	Dunston Hill And Whickham East

DC/21/00132/HHA	Single storey rear extension	1 Wellfield Court, Crawcrook,	Granted;	Crawcrook And Greenside
DC/21/00140/HHA	Erection of a two storey side extension and single storey rear extension (amended plan 14.04.21).	30 Limetrees Gardens, Low Fell,	Granted;	Deckham
DC/21/00142/HHA	Proposed first floor side extension (amended plans received 14.05.2021).	7 Limetrees Gardens, Gateshead,	Granted;	Deckham
DC/21/00200/HHA	Proposed two storey side extension	7 Kenilworth View , Gateshead,	Granted;	Chowdene
DC/21/00202/HHA	Single storey rear extension	10 Ringlet Close, Gateshead,	Granted;	Lobley Hill And Bensham
DC/21/00234/TPO	Tree works at 5 Victoria Mews	5 Victoria Mews, Newcastle Upon Tyne,	Granted;	Whickham North
DC/21/00175/TPO	Tree works at 10 Whickham Park	10 Whickham Park, Whickham,	Granted;	Dunston Hill And Whickham East
DC/21/00264/HHA	Single storey front extension	38 Duckpool Lane North, Newcastle Upon Tyne,	Granted;	Dunston Hill And Whickham East
DC/21/00177/HHA	Proposed single storey extension to East elevation	22 Ravensdale Crescent, Low Fell,	Granted;	Low Fell

DC/21/00194/HHA	Demolition of existing garage and erection of two storey side extension and single storey rear extension with roof terrace above. Erection of single storey rear extension containing new stairwell (amended plans received 12.05.21)	18 Ravensworth Avenue, Eighton Banks,	Granted;	Lamesley
DC/21/00198/HHA	Retrospective application for partially erected detached garden room.	6 Blackburn Green, Felling Central,	Granted;	Felling
DC/21/00208/HHA	Construction of detached garage to south side of dwelling (amended plans 22.04.2021, 23.04.2021)	Danetree , 19 Axwell Park Road,	Granted;	Blaydon
DC/21/00218/HHA	Proposed creation of new entrance with porch on front elevation	13 Ashvale Avenue, Kibblesworth,	Granted;	Lamesley
DC/21/00226/HHA	Proposed single storey rear extension and conversion of garage with the addition of a lantern rooflight	8 Burnaby Drive, Ryton Central,	Granted;	Ryton Crookhill And Stella
DC/21/00227/LBC	LISTED BUILDING CONSENT: Demolition of wall (retrospective)	9 Walker Terrace , Bensham Road,	Granted;	Bridges
DC/21/00228/FUL	Demolition of wall (retrospective)	9 Walker Terrace , Bensham Road,	Granted;	Bridges
DC/21/00261/TPO	Tree works at 92 Bewick Road	92 Bewick Road, Gateshead,	Granted;	Bridges

DC/21/00231/HHA	Erection of a single storey extension to east elevation, creation of an area of hardstanding to south-west of the site, creation of a wheelchair accessible ramps to west, north and east sides of the dwelling and associated internal alterations.	7 Whitworth Close, Bensham,	Granted;	Saltwell
DC/21/00241/HHA	Proposed Ground Floor Orangery Extension To The Rear	3 Hedley Hall Cottages , Hedley Hall,	Granted;	Lamesley
DC/21/00242/TPO	Pruning works to Oak located to the front of Southfield.	Southfield, 43 Grange Road,	Granted;	Ryton Crookhill And Stella
DC/21/00244/HHA	Proposed part two storey/part single storey rear extension.	33 Lingey Gardens, Wardley,	Granted;	Wardley And Leam Lane
DC/21/00284/HHA	Raise the height of existing sukka roof and new single storey rear extension	4 Hartington Street, Gateshead,	Granted;	Bridges
DC/21/00252/HHA	Proposed Summer House to rear of garden	The Hawthorns , 25 North Side,	Granted;	Lamesley
DC/21/00256/HHA	Rear single storey extension	30 Harewood Close, Whickham,	Granted;	Whickham South And Sunniside
DC/21/00255/HHA	Proposed two storey side and single storey rear extension	48 Warwick Avenue, Whickham,	Granted;	Whickham North

DC/21/00269/HHA	Proposed new porch to the front elevation.	38 Leaffield Close, Northside,	Granted;	Lamesley
DC/21/00270/HHA	Proposed single storey extension to front elevation and single storey extension to rear elevation	23 Regency Drive, Fellside Park,	Granted;	Whickham South And Sunnyside
DC/21/00273/HHA	Proposed single storey extension to the rear	33 Brightlea, Northside,	Granted;	Birtley
DC/21/00278/HHA	Installation of an air source heat pump to 11 Beech Gardens to replace the current gas boiler. The heat pump is proposed to be sited in the back yard of the property, within 1m of the property boundary.	11 Beech Gardens, Low Fell,	Granted;	Low Fell
DC/21/00281/HHA	Proposed extension to rear of existing garage with new first storey extension above	28 Beamish View, Birtley,	Granted;	Birtley
DC/21/00312/TPO	Works to trees in grounds of The Millway Centre.	The Behaviour Support Service, The Millway Centre,	Granted;	Deckham
DC/21/00286/TPO	Tree works at 6 Leaffield Glade	6 Leaffield Glade, Portobello,	Granted;	Birtley
DC/21/00289/HHA	Proposed single storey extension to front of property to provide porch and enlarged kitchen.	13 Heather Place, Meadowfield Park,	Granted;	Crawcrook And Greenside

DC/21/00296/HHA	Proposed conversion of flat roof to pitched roof with 1 rooflight, over existing garage	175 Dryden Road, Low Fell,	Granted;	Low Fell
DC/21/00314/HHA	Alterations to front garden and existing porch to provide ramped front access	24 Howard Terrace, High Spenn, High Spenn,	Granted;	Winlaton And High Spenn
DC/21/00316/HHA	Single storey extension to the side elevation (amended plans 10.05.2021)	3 Long Row Close, Greenside,	Granted;	Crawcrook And Greenside
DC/21/00325/FUL	Part demolition of existing paint/coatings research laboratory and construction of an extension on existing footprint.	AkzoNobel, Stoneygate Lane,	Granted;	Felling
DC/21/00327/HHA	Proposed single storey rear extension	21 Thornhaugh Avenue, Fellside Park,	Granted;	Whickham South And Sunnyside
DC/21/00335/HHA	Proposed single storey rear extension and construction of new pitched roof to existing rear first floor extension	10 The Orchard, Newcastle Upon Tyne,	Granted;	Dunston Hill And Whickham East
DC/21/00380/HHA	Proposed single storey extension to the side and 2 storey extension to the front	27 Seaton Close, Felling,	Granted;	Wardley And Leam Lane

DC/21/00338/HHA	Proposed single storey rear extension and garage conversion	12 Caddy Close, North Side,	Granted;	Lamesley
DC/21/00339/TPO	Tree works including the removal of two Sycamore trees located to the rear of 15 Oakwood Avenue	15 Oakwood Avenue, Lyndhurst,	Granted;	Chowdene
DC/21/00340/COU	Change of use from office/retail (Use Class E) to beauty salon (Use Class E) (Amended Plan received 04.05.2021).	676 Durham Road, Gateshead,	Granted;	Low Fell
DC/21/00341/HHA	Proposed part 2 storey/first floor gable extension and loft conversion	24 Parklands Court, Wardley,	Granted;	
DC/21/00344/HHA	Proposed First floor extension above garage and single storey extension to front	13 Noel Avenue, Winlaton Mill,	Granted;	Winlaton And High Spen
DC/21/00347/HHA	Proposed single storey extensions to front and rear and new pitched roof to existing flat roof	24 Harleston Way, Felling,	Granted;	Windy Nook And Whitehills
DC/21/00369/HHA	Proposed single storey rear extension	31 Callaley Avenue, Whickham,	Granted;	Whickham South And Sunnyside
DC/21/00450/HHA	Proposed first floor side extension	15 Orchard Road, Newcastle Upon Tyne,	Granted;	Dunston Hill And Whickham East

DC/21/00352/HHA	Alterations to rear yard to provide disabled access with step lift and associated works	22A Howard Terrace, High Spen,	Granted;	Winlaton And High Spen
DC/21/00364/FUL	Installation of a new loading bay shutter between the two existing shutters at the rear of the unit.	1 Princes Park, Team Valley,	Granted;	Lobley Hill And Bensham
DC/21/00374/HHA	Proposed two storey side extension	56 Tyne View Place, Teams,	Granted;	Dunston And Teams
DC/21/00384/HHA	Single storey extension to the rear of the property.	57 Derwent Water Drive, Blaydon,	Granted;	Ryton Crookhill And Stella
DC/21/00406/HHA	Proposed Two Storey Side Extension, Rear Single Storey Extension And Rear Dormer Extensions (Revision of DC/20/01031/HHA)	31 Parklands Court, Wardley,	Granted;	Wardley And Leam Lane
DC/21/00409/COU	Change of use for container self-storage (Use Class B8).	Parsons, Yard 3,	Granted;	Blaydon
DC/21/00410/HHA	Proposed single storey extension to rear elevation	223 Kells Lane, Low Fell,	Granted;	Low Fell
DC/21/00468/HHA	Erection of a single storey extension to side and rear.	4 Jubilee Cottages, Coalburns,	Granted;	Crawcrook And Greenside

DC/21/00412/HHA	Proposed rear extension to ground floor	14 Coldwell Park Drive, Felling Central,	Granted;	Felling
DC/21/00413/HHA	Proposed single storey rear extension	53 Cherrytree Drive, Whickham,	Granted;	Dunston Hill And Whickham East
DC/21/00415/HHA	Proposed Conservatory	9 Stanton Close, Wardley,	Granted;	Wardley And Leam Lane
DC/21/00417/HHA	Single storey side extension	21 Broadleaf Walk, North Side,	Granted;	Birtley
DC/21/00444/FUL	Variation of condition 3 of application DC/04/01613/COU to allow opening hours of 09:00-15:00 and 17:00-21:00 Monday-Thursday, 07:00-15:00 and 17:00-21:00 Friday-Saturday and 10:00-15:00 and 17:00-21:00 Sunday (previously restricted to 07:00-16:00 Monday-Saturday only) (retrospective application).	50 Sheriffs Highway, Gateshead,	Refused;	Low Fell
DC/21/00624/TPO	Tree works at Chowdene Lodge.	Chowdene Lodge , The Lodges Road,	Granted;	Low Fell
DC/21/00437/HHA	Proposed External Wall Insulation	1 Robson Street, Low Fell,	Granted;	Low Fell

DC/21/00488/COU	Change of use from bowling club (operating April to September) to mixed use as bowling club and cafe/takeaway with some retail elements (operating all year round)	Pavilion, Chase Park,	Granted;	Dunston Hill And Whickham East
DC/21/00453/FUL	Proposed roof access staircase for safe maintenance access to roof	Unit 5 , Cameron Retail Park,	Granted;	Whickham North
DC/21/00456/HHA	Proposed Single storey rear extension	29 Grasmere Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/21/00476/HHA	Proposed Single story rear extension	5 Denewell Avenue, Low Fell,	Granted;	Low Fell
DC/21/00479/CPL	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT: Construction of extended mezzanine area within existing factory unit for welfare/office use (plans and description amended 24.05.2021).	2 Dukesway Central, Dukesway,	Granted;	Lobley Hill And Bensham
DC/21/00484/HHA	Proposed single storey rear extension and external stone cladding to existing outbuilding.	95 Kells Lane, Low Fell,	Granted;	Low Fell
DC/21/00521/HHA	First floor rear extension	227 Prince Consort Road, Gateshead,	Refused;	Saltwell

DC/21/00494/HHA	Alteration to existing conservatory/entrance lobby including addition of a new pitched roof	100 Beacon Lough Road, Beacon Lough,	Granted;	Low Fell
DC/21/00496/HHA	Proposed Conversion of existing garage into home office and associated external elevation changes.	24 Westminster Street, Gateshead,	Granted;	Saltwell
DC/21/00500/HHA	Two storey side extension	2 Silverdale Way, Whickham,	Granted;	Whickham South And Sunnyside
DC/21/00516/HHA	Construction of one and a half storey outbuilding for storage ancillary to the main dwelling	Woodland , 9 East Farm Court,	Granted;	Whickham South And Sunnyside
DC/21/00585/TDPA	DETERMINATION OF PRIOR APPROVAL: Proposed 20m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Axwell View , Winlaton ,	Granted;	Blaydon

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

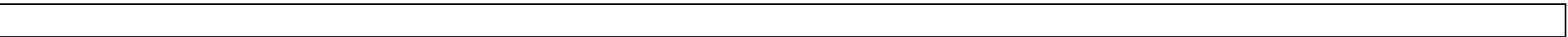
3. It is recommended that the Committee note the report.

Within the date range commencing 19.04.21 and ending 02.06.21 the enforcement team has received **183** new service requests. Officer are currently being redeployed at present to enforce Covid legislation.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	98	32	63	0
HIGHWAYS	29	14	22	0
WASTE	56	25	29	48
TOTALS	183	71	114	48

COURT HEARINGS

The Enforcement Team attended **1** Court Hearings, **one** of which was finalised, resulting in **£1300** fines and **£1000** costs





**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

16th June 2021

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> <p>The main building has now been fully re roofed and works have commenced on the rear off shoot.</p> <p>Following a site visit on the 24th November the building has now been fully rendered.</p> <p>The exterior of the property has now been fully renovated to an acceptable standard where it no longer has a detrimental impact on the appearance of the area. Permission is sought from Committee to remove this item from the report.</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> <p>The Notice has been complied with, permission is sought from Committee to remove this item from the 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 2019T	<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</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>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> <p>The Notice has been complied with, permission is sought from Committee to remove this item from the report.</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> <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</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>Notice is not complied with by the 1st May.</p> <p>Given the current Covid19 situation, the works in default have been delayed and an extension given to the homeowner.</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. All fence panels have been removed the officer is to under take a site visit to ensure the posts have also been removed.</p>
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> <p>Given the current situation it is likely that the court date of the 27th April will be postponed.</p> <p>The notice has been withdrawn, permission is sought from Committee to remove this item from the report.</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> <p>Following a site visit on the 24th November, the building has now been fully demolished. Officers will re visit the site on the 21st May to ensure all the materials have been 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>

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>An appeal has been made against the Notice, further details are provided on the appeals report.</p> <p>The appeal decision has been received and the Notice upheld, further details are within the appeals report</p> <p>The Notice has now been complied with in full. Permission is sought from Committee to remove this item from the 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> <p>The notice has now been complied with in full, permission is sought from Committee to remove this item from the report.</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> <p>The notice has been withdrawn. Officers are currently working with the owners to compile a schedule of repairs and dates for completion.</p>
17.	Former Gardeners Arms 175-177 Carr Hill Road, Deckham, Gateshead, Tyne and Wear NE9 5LX	Deckham	Untidy Land	5 th August 2020	5 th August 2020	8 th September 2020	6 th October 2020	<p>Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the clearing the site, backfilling all pits left from demolition of property, grading the land and new hoarding.</p> <p>The Notice has now been complied with in full, permission is sought from Committee to remove this item from the report.</p>
18.	23 Carnforth Gardens, Beacon Lough, Gateshead, Tyne and Wear, NE9 5LX	High Fell	Untidy Land	5 th August 2020	5 th August 2020	8 th September 2020	22 nd September 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 front and rear gardens be cleared and repair works to the roof, guttering and fencing.</p> <p>The Notice has now been complied with in full, permission is sought from Committee to remove this item from the report.</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
19.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 th October 2020	13 th October 2020	17 th November 2020	18 th May 2021	<p>Complaints have been received regarding the change of use from a vacant warehouse to a mixed use comprising skate park, residential planning unit and storage of building and scrap materials therefore, an Enforcement Notice has been issued requiring the unauthorised use of the land to cease and all materials and vehicles be removed from the land</p> <p>The occupier of the site has appealed the notice to the planning inspectorate</p> <p>The Appeal has been determined and the Notice has been upheld.</p>
20.	102 Avenue Road, Gateshead NE8 4JE	Saltwell	Unauthorised development	26 th October 2020	26 th October 2020	30 th November 2020	31 st January 2021	<p>Complaints had been received regarding the erection of a decked area, the development is considered to have a detrimental impact on the residential amenity of the neighbouring properties and thus an enforcement Notice has been served seeking the deck be remove in its entirety.</p> <p>The Notice has now been complied with in full, permission is sought from Committee to remove this item from the report.</p>
21.	Former Co-op Kibblesworth, Gateshead NE11 0XL (Land at the north side of Front Street, Kibblesworth)	Lamesley	Untidy Land	3 rd February 2021	3 rd February 2021	8 th March 2021	31 st May 2021	<p>Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the demolition of the building and all waste removed from the land. The land is then to be levelled and graded.</p> <p>The owner of the site has instructed a planning agent to deal with the notice on their behalf.</p> <p>The notice has been withdrawn, officers are currently working with the owners and agent towards a mutual outcome.</p>

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE 16 June 2021

TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

DC/20/00898/ADV - Dutton Court, Chainbridge Road, Blaydon On Tyne
Upgrade of 2 no. existing 48 sheet adverts with "D-Posters" to display digital and illuminated advertisements.
This was a delegated split decision refused on 18 March 2021.

Appeal Decisions

3. There have been **two** new appeal decisions received since the last Committee:

DC/20/00145/HHA - 13 Queens Drive, Whickham
Construction of two storey side and single storey rear extension and front porch
(amended description 28.07.2020)
This was a delegated decision refused on 26 October 2020
Appeal dismissed 27 April 2021

DC/20/00899/ADV - Chainbridge Road, Blaydon On Tyne
Upgrade of existing 48 sheet advert to support digital poster
This was a delegated decision refused on 4 December 2020
Appeal dismissed 14 May 2021

Appeal Costs

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

APPENDIX 1**FINANCIAL IMPLICATIONS**

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/20/00093/COU	Blaydon Butchers 15 Clavering Road Blaydon NE21 5HH	Change of use from cafe (Use Class A3) to a mixed use of cafe and hot food takeaway (mixed uses A3/A5)	Written	Appeal in Progress
DC/20/00145/HHA	13 Queens Drive Whickham	Construction of two storey side and single storey rear extension and front porch (amended description 28.07.2020)	Written	Appeal Dismissed
DC/20/00656/HHA	13 Killowen Street, Gateshead	Proposed first floor extension over existing garage and addition of porch to front elevation.	Written	Appeal in Progress
DC/20/00660/FUL	3 Hillcroft South Station Road Low Fell Gateshead	Erection of detached dwelling (amended plans and additional information received 25.09.2020, 28.09.2020, 30.10.2020, 23.11.2020 and 16.12.2020).	Written	Appeal in Progress
DC/20/00712/FUL	Land At South View Chopwell	Erection of a single storey dwelling with integral garage and attached granny annexe	Written	Appeal in Progress
DC/20/00898/ADV	Dutton Court Chainbridge Road Blaydon On Tyne	Upgrade of 2 no. existing 48 sheet adverts with "D-Posters" to display digital and illuminated advertisements.	Written	Appeal in Progress
DC/20/00899/ADV	Chainbridge Road Blaydon on Tyne	Upgrade of existing 48 sheet advert to support digital poster	Written	Appeal Dismissed

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Appeal Decision

Site visit made on 14 April 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal Ref: APP/H4505/D/21/3266197

13 Queens Drive, Wickham NE16 4PX

- 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 Ms Cindy Robinson against the decision of Gateshead Council.
 - The application Ref DC/20/00145/HHA, dated 15 February 2020, was refused by notice dated 26 October 2020.
 - The development proposed is a two-storey side and single storey rear extension and front porch.
-

Decision

1. The appeal is dismissed.

Main Issue and Preliminary Matters

2. Part E of the appeal form states that the description of development has not changed, even though an alternative description to that detailed on the application form has been entered. The description of development detailed in the banner above it taken from the decision notice. I have used this description because it more accurately and concisely describes the development.
3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Policy CS15 of the Core Strategy and Urban Core Plan (the CS) and saved Policy ENV3 of the Unitary Development Plan (the UDP) seek to ensure that, amongst other matters, new development responds positively to the local character of the area and the Householder Alterations and Extension Supplementary Planning Document (the SPD) sets out general design guidance for household extensions that aims to "respect and enhance the appearance of the street scene within which the development is to be located".
5. 13 Queens Drive is a semi-detached property with an attached garage, forming part of a short row of similar properties fronting on to Queens Drive. The adjacent property, 12 Queens Drive, is set back from the appeal site and road creating a clear step in the building line at the head of the cul-de-sac.
6. The submitted plans show that the two-storey side extension would be flush with the front elevation of the property and the full width of the appeal site. The extension is shown as running the full depth of the house with a single storey extension to the rear. The existing attached single garage would be replaced by the proposed extension. Consequently, the appeal scheme would

- create a substantial extension that would not appear subservient to the existing dwelling and would appear as an incongruous feature in the street.
7. While the Appellant details that the appeal scheme would use materials that match the existing property this does not outweigh the harm I have identified previously.
 8. Both the Council and the Appellant detail that the proposed scheme would replicate the extension at 8 Queens Drive¹, and my observations at the site visit confirmed this. No.8 is separated by a large garden creating a distinct gap between the properties, a gap that despite the step back of No.8, does not exist in respect of the appeal site. That No.8 has been extended in a manner similar to that proposed by this appeal does not convince me as to the acceptability of the extension shown on the submitted plans.
 9. The Appellant also details a number of other properties in the area that, the Appellant states, are similar to the appeal scheme. I have not been provided with all the details of these schemes, the circumstances and policies that applied at the time they were considered. Nonetheless these extensions are material considerations in the determination of this appeal, and I give them some weight, but it does not outweigh the harm I have identified previously.
 10. I therefore find that, as a result of the considerable scale, form and location of the propose development in relation to the neighbouring property, the proposed development would appear as an incongruous feature in the street that would harm the character and appearance if the area, contrary to Policy CS15 of the CS, Policy ENV3 of the UDP and the relevant guidance of the SPD.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR

¹ DC/07/01096/FUL



Appeal Decision

Site visit made on 27 April 2021 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2021

Appeal Ref: APP/H4505/Z/21/3267865

Advertising hoarding, Chainbridge Road, Blaydon NE21 5ST

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Lichfield's, against the decision of Gateshead Council.
- The application Ref DC/20/00899/ADV, dated 21 September 2020, was refused by notice dated 4 December 2020.
- The advertisement described on the application form is: Upgrade of existing 48 sheet advert to support digital poster.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. In accordance with the National Planning Policy Framework (the Framework), the Regulations and the Planning Practice Guidance, (PPG), my consideration of this appeal is confined to the issues of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors.

Main Issue

4. The Council have raised no issues in regard to the proposals effect on amenity and therefore the main issues in this case is the effect of the proposal on public safety.

Reasons for the Recommendation

5. The Town and Country Planning (Control of Advertisements) (England) Regulations state in section 3(2)(b) that factors relevant to public safety include the safety of persons using any highway.
6. The proposed internally illuminated digital poster sign seeks to replace an existing 48 sheet advert of similar size and location. The appeal site sits close

- to an existing junction associated with an adjacent commercial unit and forward of a bend on the B6317. As a result of the proposal's raised siting it would be seen by drivers travelling from east to west along the B6317, a 40-mph road with bi-directional traffic and, also from the adjacent A695 dual carriage way, a 50mph road.
7. While the proposed level of illumination is in accordance with the ILP guidelines, an advertisement, as noted within the PPG, is intended to capture the attention of the receptor and that the advertisements that are more likely to affect public safety on the roads are those that are located in areas where they obstruct or impair sightlines at corners, bends or at a junction, or at any point of access to a highway. In addition, it states the types of adverts that may cause danger to road users include those that are externally or internally illuminated.
 8. The B6317 runs past the appeal site and on approach to the appeal site there are a number of commercial units with individual junctions allowing access and egress directly onto the B6317. I also observed a number of these commercial units had adverts adjacent to the roadside, however, these were sited on a relatively straight part of the highway unlike the appeal site which sits forward of a bend.
 9. As noted, the appeal site is visible from the adjacent A695. In the vicinity of the appeal site this road has a number of road markings including central chevrons, the presence of white lines associated with a speed camera, a road sign warning drivers of a bend ahead and road markings telling drivers to go SLOW.
 10. Having regard to all these factors, I consider that the appeal site is located in an area where there could be many competing distractions to road users.
 11. Moreover, I observed at the time of my site visit that the B6317 was generally busy with a constant flow of traffic. The Council has provided details of accidents within the last five years on this and the adjacent A695 and state that two accidents near to the site have occurred. The appellant also provided evidence and records three accidents during the period of 2015 – 2020. Whilst this number appears relatively low, these statistics are without the proposed digital illuminated advert in place.
 12. I conclude from this that the risk to highway safety would be likely to increase as a result of the proposal's size, siting and proposed digital illumination at this location. Despite the proposed conditions by the appellant to mitigate against the levels of illumination and frequency/method of change I consider the proposal has the ability to distract road users at a time when they should be paying due care and attention to the road. The proposal, therefore, could prejudice public safety and as such would conflict with the Framework and PPG in the objective to promote public safety.
- Other matters**
13. Having regard to the appellants comments and Highways Technical Note, I recognise that digital illuminated signs may result in increased revenue and business rates revenue they can generate, efficiency savings, flexibility and a

more sustainable means of advertising and note that these types of signs have been granted advertisement consent elsewhere in the Country. However, advertisements should only be controlled in the interests of amenity and public safety and each application is to be assessed on its individual merits and site context. I attach limited weight to these arguments and these matters do not outweigh the harm that I have identified with regards to public safety.

Conclusion

14. I have concluded that the proposed advertisement would have an unacceptable impact on public safety. For the reasons stated, and in accordance with the Framework and guidance contained within the PPG, I recommend that the appeal be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree the appeal should be dismissed.

Chris Preston

INSPECTOR

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

16 June 2021

TITLE OF REPORT: Planning Obligations

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

Purpose of the Report

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

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee there have been **no** new planning obligations.
4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 16 June 2021.

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