



PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 16 March 2022 at 10.00 am 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 on 16 February 2022 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications Report of the Service Director, Climate Change, Compliance, Planning and Transport
4i	No. 1 - Anderson Green, Low Fell, Gateshead NE9 5BQ (Pages 3 - 42)
4ii	No. 2 - Former Evans Halshaw Car Showroom, Tyne Street, Blaydon NE21 4JB (Pages 43 - 60)
4iii	No. 3 - 3 /4 The Square, Whickham, NE16 4JB (Pages 61 - 74)
4iv	No. 4 - 16 Church Road, Gateshead NE9 5RD (Pages 75 - 82)
4v	No. 5 - Site bounded by Mill Road, Hawks Road and South Shore Road Gateshead (Pages 83 - 100)
4vi	No. 6 - Former Toys R Us Unit, Metro Retail Park, Pinetree Way, Gateshead NE11 9XU (Pages 101 - 118)
6	Placemaking SPD and Specialist and Supported Housing SPD (Pages 119 - 122) Report of the Service Director, Climate Change, Compliance, Planning and Transport

- 7 **Enforcement Team Activity** (Pages 123 - 124)
Report of the Service Director, Climate Change, Compliance, Planning and Transport
- 8 **Enforcement Action** (Pages 125 - 130)
Report of the Service Director, Climate Change, Compliance, Planning and Transport
- 9 **Planning Appeals** (Pages 131 - 148)
Report of the Service Director, Climate Change, Compliance, Planning and Transport
- 10 **Planning Obligations** (Pages 149 - 150)
Report of the Service Director, Climate Change, Compliance, Planning and Transport

Contact: Helen Conway - Email: HelenConway@gateshead.gov.uk,
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Date: Tuesday, 8 March 2022

Committee Report

Application No:	DC/20/00667/FUL
Case Officer	Joanne Munton
Date Application Valid	12 August 2020
Applicant	Adderstone Developments Limited
Site:	Anderson Green Low Fell Gateshead NE9 5BQ
Ward:	Low Fell
Proposal:	Erection of 16 x two bed apartments with ancillary parking and landscaping (amended 11.12.2020, 16.07.2021, 24.01.2022, 11.02.2022, 14.02.2022, 16.02.2022 and 24.02.2022 and additional information received 08.12.2020, 11.12.2020, 07.01.2021, 14.01.2021, 24.01.2022 and 11.02.2022)
Recommendation:	GRANT
Application Type	Full Application

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

The application site is within the grounds and setting of the Grade II Listed former Joicey Road School and forms part of the Saltwell Conservation Area. The site was formerly part of the grounds of the nearby Whinney House and makes up the locally listed Whinney House Gardens.

1.2 The application site is approximately half of the wider former School site and it is, primarily, in the south eastern part of the wider site. The wider site is accessed off Joicey Road via two vehicular entrances. One accesses a small car park to the front whilst the other provides access to the car park to the rear, the children's' nursery and the internal access road, which were implemented under permission DC/09/01018/FUL. Separate pedestrian accesses are also provided off Joicey Road as well as Durham Road. There are a large number of trees along the site's boundaries with Joicey Road and Durham Road as well as a wooded area on the southern part of the site. By virtue of their location in a Conservation Area and a Tree Preservation Order the trees on site are protected.

1.3 The eastern boundary of the site along Durham Road is made up of a belt of trees, railings and a stone wall/railings. From the rear of the railings the land slopes downwards so that the site is on a lower level to Durham Road. On the opposite side of Durham Road are residential properties. The screening effect from the belt of trees and its topography, means that the site is barely visible from Durham Road. The southern boundary of the site is made up of a

wooded area with no discernible boundary between the site and Whinney House and its associated buildings. The western side of the site slopes downwards to the western boundary of the site which borders allotments. The northern boundary of the site is defined by railings and faces Joicey Road. There are residential properties located on the north side of Joicey Road at Chesters Close and Chesters Park, as well as the more recent apartments, built on Ashfield Court; on the site of the former Springs Health Club.

- 1.4 The area specific to this application relates to the area to the rear of the school which was subject to the new build element of the 2009 application. However due to the introduction of the nursery onto the site and other amendments it is no longer possible to implement this element of the permission, although as highlighted the internal road which allows access to this part of the site is in situ.
- 1.5 The old school buildings comprising the main T-shaped building, an L-shaped external building along with three external pavilions and a former caretaker's house. There was a modern gymnasium but that has been demolished. There is also a new build children's nursery within the grounds granted planning permission in 2011 (DC/11/00692/FUL). Part of the site is also identified as forming part of the area's provision of urban green space.
- 1.6 **BACKGROUND**
In terms of history, construction began on the school in 1935 and it opened in 1937. Its purpose was as an open air school for "delicate" children. Classes were conducted in the open air (unless there was inclement weather) through the use of folding windows. The open air movement was founded in Switzerland in the late 19th century.
- 1.7 The site ran as Joicey Road School until 1997 when the buildings served as a temporary home for the Joseph Swan School and the Gladstone Terrace Youth and Community College. In 2003 the buildings were used as an annex to Gateshead College and vacated in 2005. Since 2005 the buildings were empty and had fallen into disrepair.
- 1.8 Following the granting of planning permission and Listed Building Consent the school has been converted into offices and business units (DC/09/01018/FUL and DC/09/01019/LBC) and the main school is now fully occupied as an established business park, known as Saltwell Business Park. Under the same planning application, permission was granted for new build business units in the grounds to the rear of the school but this element of the development has not commenced, and as referred to above, could not now be implemented
- 1.9 A further application has been granted to allow part of the old school to be used as a dance school and the retention of the caretaker's house as a private residence (DC/11/00342/FUL). Again these are both in operation.
- 1.10 **DESCRIPTION OF THE APPLICATION**

The application is for the erection of new residential units within the grounds of the school/business park, consisting of a three storey L-shaped block providing 16 flats with two bedrooms each.

1.11 There would be 6 apartments at ground floor level, 6 apartments at first floor level and 4 apartments at second floor level. Originally the application proposed 18 units, but the scheme has been amended to remove a unit at each gable end at second floor level, replacing these with external spaces split into private terraces and green roofs. These elements are proposed to be light weight structures extended from the main building to create a domestic 'pergola' effect, and the facade to this area is shown on plans to be screened with climbers on supporting trellis.

1.12 Juliet balconies are proposed at first floor level and external balconies at second floor level, in addition to the private terraces at each gable end. In response to level changes, there is part sunken ground floor proposed, which has been deepened to make it double aspect, with the introduction of a number of light wells ('Zen Gardens'), introduced to provide more natural light.

1.13 The proposed materials are as follows:

External walls: red multi bricks and dark grey metal cladding

Roof: dark grey standing seam roofing

Windows and doors: dark grey

1.14 The access would be from Joicey Road via the existing internal road within the site, which follows around the western, southern and eastern boundaries.

1.15 30 parking spaces are proposed for the site, including three disabled spaces. 10 of these spaces are proposed to be allocated to existing tenants of the wider site.

1.16 RELEVANT PLANNING HISTORY

DC/09/01016/CON - Demolition of former caretaker's house, gym and air raid shelter - Granted 17.11.2009

DC/09/01018/FUL - Conversion of vacant school buildings and erection of new buildings to create business space for creative industries (use class B1) (amended 22.10.09) - Granted 18.11.2009

DC/09/01019/LBC - Conversion of vacant school buildings and the erection of new buildings to create business space for creative industries (use class B1) (amended 22.10.09) - Consent Granted 18.11.2009

DC/10/00754/TPO - Tree works that consist of the removal of 1 holly T281, 1 sycamore T282, 1 ash T283, 1 cherry T303, 1 copper beech T300, in addition a small group identified as group 5 on the plan is proposed for removal this group on the plan consists of sycamore x 3 and 1 x holly. All of the works

were proposed in order to construct a new access to the site - Granted
20.09.2010

DC/11/00088/FUL - Erection of a single storey building to provide children's day nursery (use class D1) to rear of existing school building and creation of new access onto Joicey Road (amended 01/03/11 and 11/04/2011) - Granted
28.04.2011

DC/11/00342/FUL - Refurbishment of existing listed school buildings, change of use of main school buildings and 2 pavilions to office (use class B1), change of use of 1 pavilion to use class A1 or A3, extension of 3 pavilions, change of use of rest barn to dance studio (use class D2) with residential annex (use class C3), refurbishment and extension of existing caretaker's house and construction of new access road and associated car parking as amended by plans received between 04.07.2011 and 07.07.2011 (part retrospective application). (Amended description 08.07.2011) - Granted
08.07.2011

DC/11/00365/LBC - Refurbishment of existing listed school buildings (main school, rest barn and pavilions) and extensions to the 3 pavilions as amended by plans received between 04.07.2011 and 07.07.2011 (Amended description 08.07.2011) - Consent Granted 08.07.2011

DC/11/00692/FUL - Variation of condition 1 of planning permission
DC/11/00088/FUL to allow external alterations including the roof design (amended 04/08/11) - Granted 15.08.2011

DC/11/01437/COU - Change of use from Business Park to Children's Nursery - Granted 14.02.2012 [small amount of land]

DC/11/01456/FUL - Construction of 3 car parking spaces within the children's nursery site (amended 16.03.2012) - Granted 03.05.2012

DC/13/00596/FUL - Erection of new office accommodation in the grounds of Business Park (additional information received 29/11/13 and 07/04/2014) (amended 07.04.2014 and 07/04/2014) - Granted 14.05.2014

DC/17/00459/NMA - NON MATERIAL AMENDMENTS TO CONDITIONS: 7 (remediation), 8 (verification report), 12 (surface water drainage), 14 (materials) and 15 (glazing) of DC/13/00596/FUL to enable amendments to the timescale for compliance - Granted 12.05.2017

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No work required
Tyne And Wear Fire And Rescue Service	No objection
Northumbria Water	Condition recommended

Coal Authority

No objection subject to conditions

3.0 Representations:

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

3.2 An objection was received from Councillor Duggan raising concerns relating to the following:

- Impact on highway safety
- Loss of and impact on trees
- Impact on ecology
- Overshadowing and loss of outlook to the detriment of residential amenity
- Impact on character of the area and Conservation Area and Listed Buildings
- Impact of contaminated land/asbestos

3.3 57 objections were received from members of the public regarding the originally submitted scheme, raising concerns relating to the following:

- Increase in traffic and subsequent impact on highway safety, particularly in relation to the existing narrow and inadequately lit access road within the site, safety at the neighbouring children's nursery and for pedestrians and cyclists in general, the access onto Joicey Road, proximity to Saltwell Park and Crematorium and Joicey Road already being busy (including with larger vehicles)
- Loss of parking provision for the neighbouring units in the business park and impact on parking demand on nearby streets/roads
- The development should be sustainable and carbon neutral, and potential future occupiers need to be encouraged to travel more sustainably
- Electric vehicle charging and cycle parking should be provided, and double length parking spaces would impact on potential for EV charging provision
- Increased pollution from traffic, impact on air quality and carbon dioxide from removed/rotting/burned trees

- Safety concerns regarding footpath access through the site to the nursery, the footpath accessed via the gate from Durham Road on the eastern boundary should be maintained at all times during construction and after completion, and a safe access route should be provided during construction.
- Loss of trees and greenery and inadequate landscaping proposed, resulting in an impact on the character and appearance of the area and wildlife, particularly bats
- Loss of available green space
- Overdevelopment of the site, dominance of car parking and play space not provided
- Impact on character of the area and Conservation Area and Listed Building
- Impact on local and neighbouring businesses
- Increase in noise
- Loss of light and overshadowing at neighbouring premises
- Impact on residential amenity of potential future occupiers of the proposed development in terms of noise from the existing dance school and inappropriate living conditions for future occupiers
- The development would result in overlooking at the neighbouring children's nursery and dance school, which would raise safeguarding concerns
- Impact of noise, dust and heavy machinery associated with the construction would disturb and distress children at the neighbouring nursery, impact on health and safety and impact on neighbours' quality of life
- Existing issues with anti-social behaviour at the business park, and proposed development would worsen this
- Additional residential traffic passing neighbouring property would increase disturbance and affect privacy of occupiers
- More frequent damage to neighbouring property/boundary treatment
- Construction phase would affect access to the neighbouring nursery
- Impact on views from neighbouring properties

- Loss of property value
- Increase in rubbish and subsequent increase in rodents
- Exposure to disturbed asbestos from the site
- Application site not appropriate for residential development
- Units at a nearby residential development have not all been sold and there is not a need for the type of dwelling proposed in this application (ie. not family homes)
- No social housing compensation or affordable housing
- The development is not commonhold
- Nurseries in the area are already oversubscribed

3.4 2 letters of support were received commenting on the following:

- Opportunity to bring more people to the area to add much needed inward investment.
- Positive addition to recent developments in locality

3.5 2 representations neither in support nor in objection were received, making the following comments:

- Increase in traffic on Joicey Road
- Safety for pedestrians and cyclists
- Impact on trees and wildlife

3.6 Amended plans were submitted on 11 December 2020 and 19 objections were received, raising concerns regarding the following:

- Concerns not addressed
- Units at a nearby residential development have not all been sold and there is not a need for further apartments in the area
- No affordable homes
- Increase in traffic (and congestion) and subsequent impact on highway safety, particularly at the existing access road within the site, at Joicey Road and the vehicle access to Anderson Green, and increased pollution

- New access should be provided onto Durham Road, otherwise traffic should avoid peak drop off/pick up times for the nursery
- Construction works affecting access to site, parking on site and safety on site
- Increased parking demand
- New parking should be provided underground
- Loss of parking provision for wider site
- Inaccurate presentation of parking provision at nursery
- Inappropriate cycle parking proposed
- Grey standing seam roof and cladding inappropriate and modern design not in keeping with the Conservation Area and listed buildings on the wider site
- 'Zen Gardens' welcomed but could have been avoided through an alternative design showing a split level development
- Landscaping and design approach and quality could be much improved upon
- Loss of privacy (and safeguarding impacts) at neighbouring nursery and children will be affected by noise, dust, smell, overshadowing, traffic and loss of green space
- Loss of privacy
- Loss of light
- Noise and dust
- Loss of and impact on trees and habitats, and impact on Climate Change
- Loss of views
- Increased litter and subsequent rodent issues
- The development is not commonhold
- The building energy rating should be A.
- There is no mention of accessibility provisions and this should be M4
- Exposure to disturbed asbestos from the site

3.7 Further amended plans were submitted on 16 July 2021 and 12 objections were received, raising concerns regarding the following:

- Concerns still stand
- Units at a nearby residential development have not all been sold and there is not a need for further apartments in the area; site is a business park and residential use would not be appropriate
- Design not in keeping with the Conservation Area and listed buildings on the wider site, in particular the standing seam roof element
- Increase in traffic (and congestion) and subsequent impact on highway safety, particularly at the existing access road within the site, at Joicey Road and the vehicle access to Anderson Green, and pollution
- Displacement of parking spaces for existing users on site, and insufficient parking provision proposed
- There is no provision for car sharing
- Electric vehicle charging should be available for every unit
- There is no provision for underground car parking
- Cycle parking should be secure
- Need for Travel Plan
- Impact on safeguarding and loss of privacy at nursery and dance school; private terraces shown on amended plans could worsen this rather than improve, and planting at the green roofs should be maintained
- Impact on amenity at neighbouring business uses in terms of traffic, noise, dust, and vibration
- Loss of and damage to trees
- Insufficient information submitted in relation to impact on ecology
- There is no sustainability statement and energy source or rating
- All new developments in Gateshead should be freehold or commonhold
- Inaccurate Viability Assessment, as the developer already holds the land

- Exposure to disturbed asbestos from the site
- Increased rodent infestation due to storage of rubbish

3.8 1 Representation neither in support nor in objection was received, making the following comments:

- Query which parking spaces existing businesses would be allocated
- Impact of construction phase on deliveries and visitors associated with existing businesses on wider site
- Increase in traffic on access road
- Lack of maintenance of existing wider site and access road

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP1 Employment Land Supply

MSGP4 Loss of Employment Land

MSGP8 Digital Infrastructure

MSGP10 Accessible and Adaptable Dwellings

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment of the Proposal:

5.1 The main planning issues in this case are considered to be the principle of development, design and heritage assets, highway safety and parking, residential amenity, ground conditions, drainage and flood risk, ecology, trees, and any other matters raised.

5.2 PRINCIPLE

The site is allocated for employment use (defined as B1 (now Class E(g)), B2 and B8) by local plan policy MSGP1. The evidence that informed employment site allocations (the Council's 2018 Employment Land Review) notes that planning permission was granted in 2014 for new office development on the site, and that it represents "an attractive edge-of centre location close to Low Fell District Centre, with good public transport links". On this basis, the site was considered suitable and available for class B use development. No objections to the site's allocation in MSGP were received during the plan's preparation or its examination.

5.3 However, the site is relatively modest in scale, with an estimated 0.66ha net developable area identified in MSGP1. In quantitative terms, the site does not make a significant contribution to the amount of employment land available in the Borough, and its loss would not result in a quantitative under-supply of employment land. The site is not situated within a defined employment area, and in this respect, development for non-employment use would not affect the character or function of other employment sites. The provisions of MSGP4, which relate to the loss of employment land in defined employment areas, would not be applicable to this site.

5.4 Therefore, it is considered that the principle of the use of the site for residential development rather than employment use would be acceptable.

5.5 HOUSING POLICY

Whilst the amended plan shows a reduction in the number of homes proposed, it will still have the potential to increase housing delivery, which is a positive factor.

5.6 Local Plan policy CS11 of the CSUCP requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). Whilst this is a Borough-wide target, no part of the scheme would have three or more bedrooms. This area is considered to be a suitable location for family homes with three or more bedrooms, where they should be encouraged if the plan-wide target is to be achieved. The submitted Design and Access Statement states that the proposal would deliver family housing in the form of two-bedroomed apartments, and although the proposal would not fully comply with the policy requirement for delivery of homes with three bedrooms, which is not ideal, this would not be a refusal reason in itself.

5.7 Policy MSGP10 of MSGP requires that on housing developments of 15 or more dwellings, 25% will be constructed to meet M4(2) of the Building Regulations. This policy has been formulated taking into account viability. It is recommended that a condition be imposed requiring compliance with this policy requirement.

5.8 Policy CS11 requires 15% affordable homes on all developments of 15 or more dwellings subject to development viability. The application is accompanied by an Affordable Housing Statement which sets out that the provision of affordable housing is unviable and refers to a viability assessment that has been submitted. This has been assessed and officers are satisfied that the information submitted demonstrates that inclusion of affordable homes on site would make the development unviable.

5.9 Although the proposal would not provide family homes with three or more bedrooms or affordable homes, it would contribute to housing stock in the borough and the principle of residential use on site would be acceptable.

5.10 NATIONALLY DESCRIBED SPACE STANDARDS

Policy CS11 requires adequate space inside and outside the home to meet the needs of residents. Policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). This policy has been formulated taking into account viability.

5.11 The applicant has submitted floor plans and details demonstrating compliance with the NDSS, and has confirmed that, due to the size of the bedrooms indicated as 'Bed 2' in flat types A, B and E, (which are illustratively shown on floor plans as accommodating double beds, but only actually meet the criteria for single bedrooms) that the development's type A, B and E units are 2B(bed) 3P(person) and the type C and D units are 2B4P. Given that split of accommodation across the units, the development complies with all the minimum requirements of the NDSS and therefore also with MSGP12 of the Local Plan.

- 5.12 However, a double and a single room in these flat types is acceptable
- 5.13 **OPEN SPACE AND PLAY**
The proposed site is within the Low Fell ward which is deficient in the provision of public open space, and of play facilities for children and young people when considered against the standards set out in policy MSGP40.
- 5.14 Accordingly, MSGP40 requires that at least the equivalent of 1.99ha of recreational public open space per 1,000 anticipated residents on sites of at least 0.05ha in size should be provided, along with the provision of play facilities to the equivalent of 0.07ha per 1,000 residents.
- 5.15 The proposed scheme incorporates a central communal garden, which would contribute towards open space for residents of this development. Additionally, whilst the areas of open space proposed within this development do not appear to accommodate children's play space, given the quantity of open space provision provided within this scheme, it should be feasible to accommodate an area of dedicated (albeit perhaps unequipped) play space within this development that would meet the requirements of MSGP40. As such, it is recommended that conditions be imposed requiring final details of dedicated play space to be submitted to the Local Planning Authority for consideration, and implementation of the approved scheme.
- 5.16 **DESIGN/SETTING OF LISTED BUILDING/CONSERVATION AREA**
The application site is within the grounds and setting of the Grade II Listed former Joicey Road School and forms part of the Saltwell Conservation Area. It also forms part of a larger green area that includes Saltwell Park and is within the locally listed Whinney House Gardens.
- 5.17 In addition to the above, there is Grade II Listed Whinney House Lodge and Grade II Listed Whinney House, both of which are visually separated from the proposed site by Whinney House Dene, and the stone boundary to Durham Road, which is within the conservation area and pre-dates the open-air school, instead relating to the former grounds of Whinney House, and is considered to be a non-designated heritage asset.
- 5.18 Paragraph 197 of the NPPF states:
- In determining applications, local planning authorities should take account of:*
- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

(c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.19 Paragraphs 199 and 200 of the NPPF continue:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 5.20 The National Design Guide builds on national policy and advises that well designed places should be based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design, integrated into their surroundings so they relate well to them, influenced by and influence their context positively, and responsive to local history, culture and heritage. (paragraph 39).
- 5.21 Local Plan policy CS15 of the CSUCP requires development to contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character and creating safe and inclusive environments.
- 5.22 The reflection of the existing L shape barn of the proposed building helps to link it to the wider site and the location of the proposal within the existing perimeter road is also considered appropriate from a heritage perspective. Additionally, it is considered that the proposed residential use in principle would not cause harm to the significance of the identified heritage assets.
- 5.23 Amended plans received show a reduction in height of the proposed building and a reduction in units to allow for lightweight structures at each gable end at second floor level. The amended design also proposes a mansard roof with standing seam, and this would visually reduce the perception of the height of the building further and give the appearance a more horizontal emphasis.
- 5.24 The amended design is considered to be appropriate, and it is recommended that conditions be imposed requiring final details of the external materials and further details of the second floor metal frameworks for each end of the building (ie. materials, sections) to fully understand its final appearance and to ensure a visually lightweight nature with slim sections and greater voids to the structure in its design and construction.
- 5.25 Additionally, amended plans enable a reduction in the number of parking bays and amended arrangement of the external area that allows for an appropriate

balance of hardstanding and green space, which would not cause harm to relevant heritage assets.

- 5.26 Further, given the sensitive setting, it is recommended that a condition be imposed removing permitted development rights for boundary treatment, so the LPA would be able to fully consider proposals for new/different treatment in the future.
- 5.27 Through amendments, it is considered that the proposed scheme has improved its response to the historic environment sufficiently to mitigate any harm arising through the loss of setting. Subject to conditions, the proposal would comply with the aims and requirements of the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan.
- 5.28 **PARKING/HIGHWAY SAFETY**
The applicant has submitted details of the predicted vehicle trip generation for the proposal, and whilst this is considered to be marginally on the low side, officers are confident that the uplift in trips arising from the development would have a low impact. The figures are also well below the threshold for considering highway improvement works to existing junctions on the road network. The impact on existing junctions and the local road network is therefore considered to be acceptable.
- 5.29 Additionally, in terms of parking provision, 30 spaces are proposed for the site, including three disabled spaces. 16 of these spaces are proposed to be allocated to residents of the new development with the remaining spaces for visitors and re-allocated to the existing tenants, as their existing spaces would be lost in order to facilitate this development.
- 5.30 Primary pedestrian access is achieved via Durham Road. Whilst ideally the short section of path (east of the existing 'dance school' turning head heading up onto Durham Road) should be altered so as to provide a reduced gradient, it is accepted that this is not feasible due to the limited embankment width and the inability to install a ramp without impacting on existing trees and planting. However, it is considered necessary to require handrails to be provided to both sides of this part of the path; these are shown on amended plans, and it is recommended that a condition be imposed requiring their installation before occupation of the flats.
- 5.31 Amended plans also show the footpath being continued west, beyond the turning head, along the edge of the open green space, and linking to the existing wider site beyond parking bay number 20. This arrangement is considered acceptable, and it is recommended that conditions include final details of measures for the maintenance of a footpath link through the site at all times (including during construction), and for the new footpath arrangement to be completed before the flats are occupied.
- 5.32 In respect of the main building, it is considered that the submitted amended arrangement for the pedestrian entrance to the north-eastern corner of the building, now including a build-out further east is acceptable, and it is

recommended that a condition be imposed requiring its installation/completion before occupation of the flats.

- 5.33 In terms of the width of the circulatory access road, the applicant has now submitted swept-path analysis drawings showing the movements of a large twin rear axle refuse waggon set against the opposing flow/movements of a typical private car. Although the cars will have to stop at certain 'passing places' around the site, officers are satisfied that in such circumstances the car driver will have a good view of any oncoming refuse waggon.
- 5.34 The exception to this may be at the bend to the rear of the nursery where, should a car meet a refuse waggon, it may be necessary for the car or refuse waggon to reverse to the nearest passing place. Whilst not ideal, speeds will be very low, vehicle movements will be very low and the road is not a through-route: the likelihood of this occurring will therefore be low and very infrequent.
- 5.35 Whilst having a car or refuse waggon reverse a short distance would not be ideal, it is not uncommon for refuse waggons to have to do this (or request a private car to reverse) on a day-to-day basis on many historically tight streets in the borough. It would not be reasonable to require significant widening of the bend due to the existing nursery building, adverse gradients, and adjacent protected trees. It is considered that, on balance, there is not such significant harm as to warrant a planning refusal on this occasion.
- 5.36 To ensure that indiscriminate parking does not occur on the circulatory access road and possibly restrict vehicular flows and/or compromise pedestrian movements, waiting restrictions and parking control measures would need to be implemented along the access road. It is recommended that conditions are imposed requiring a Car Park Management Plan (CPMP) to be submitted, and implementation of the approved scheme.
- 5.37 Officers are aware that the wider Anderson Green site has a CPMP to deter indiscriminate parking already. This should either be extended to cover the proposed development or, alternatively, a new standalone CPMP created. The former would be preferable to ensure continuity of measures across all parts of the site. The CPMP would need to include:
- The allocation of parking bays (private, visitor and for existing tenants)
 - Provision of flexible visitor parking
 - Measures for parking for existing tenants during the construction phase
 - Waiting restrictions and/or parking control measures to the access roads
- 5.38 Provision of birdsmouth fencing to deter off-road verge parking alongside the access road (or half-on/half-off, which may obstruct movements along the road) is also recommended to be required by condition.
- 5.39 Cycle storage is shown indicatively on proposed plans, and it is recommended that conditions be imposed requiring final details of individual, fully enclosed cycle stores for each property, and implementation of the approved scheme.

- 5.40 Conditions are also recommended to be imposed requiring details and implementation of street lighting within the development, which is key to pedestrian safety and promoting sustainable travel on foot, and also final details and implementation of provision of electric vehicle charging points.
- 5.41 Finally, a condition is also recommended to require the submission and implementation of an appropriate travel plan relating to the development.
- 5.42 Subject to conditions, it is considered that the proposal would not result in an unacceptable impact on highway safety, and would comply with the aims and requirements of the NPPF and policies CS13 and MSGP15 of the Local Plan.
- 5.43 **RESIDENTIAL AMENITY**
Policy CS14 of the CSUCP requires that the wellbeing and health of communities will be maintained and improved by [amongst others]:
- 1. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:*
 - i. Creating an inclusive built and natural environment,*
 - ii. Promoting and facilitating active and healthy lifestyles,*
 - iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality,*
 - iv. Providing good access for all to health and social care facilities, and*
 - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.*
- 5.44 It is understood that the wider site contains a mix of residential and commercial uses, although it is predominantly the latter. Given the distance from dwellings at 10 Telford Close and Joicey House and that there are commercial uses between these and the specific proposal site, it is considered that the proposed development would not result in noise, loss of light, loss of privacy, loss of outlook or have an overbearing impact that would result in an unacceptable impact on residential amenity at these neighbours.
- 5.45 It is also considered that the proposal would not have an unacceptable impact on the amenity of occupiers of commercial units on site, including the nursery, in relation to the material considerations within planning. In terms of the proposed private terraces shown on amended plans, these would be set back from the ends of the buildings and would be screened by the proposed planting at the green roofs. It is recommended that conditions be imposed requiring details of maintenance and management of the planting to ensure continuation of the screening as far as practicable.
- 5.46 Similarly, given the change in levels, screening from trees and distance from the site, it is considered that the proposed development would not result in an unacceptable impact on residential amenity for occupiers of dwellings to the south and east.

- 5.47 It is recommended that a condition be imposed restricting hours of construction, to ensure noise and disturbance from the construction phase would not result in an unacceptable impact on neighbouring occupiers. It is also recommended that a condition be imposed requiring a specific construction management plan to control noise and dust.
- 5.48 In terms of living conditions for future residents, it is considered that the proposal would provide adequate space for the day to day living needs of residents, sufficient light and privacy at dwellings.
- 5.49 Subject to conditions, the proposal would not result in an unacceptable impact on residential amenity, and would comply with the aims and requirements of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan.
- 5.50 **DRAINAGE AND FLOOD RISK**
Whilst the site is in flood zone 1, it is also within a critical drainage area and the Team Valley catchment area. Paragraph 169 of the NPPF states that:

Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;*
- (b) have appropriate proposed minimum operational standards;*
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- (d) where possible, provide multifunctional benefits.*

- 5.51 Updated drainage information has been submitted by the applicant, and whilst the proposed drainage scheme is considered appropriate in principle, it is recommended that conditions be imposed requiring the following:

- A CCTV camera survey of the existing drainage between the proposed development drainage and NWL chamber 6601, together with a scaled plan that identifies chamber invert and cover levels together with pipe sizes. This information is required to demonstrate that the existing private pipeline is in good working order and therefore suitable to service the proposed development.

- A report detailing the condition and confirming the construction of the existing no dig porous paving (shown in green hatching on drawing JCC20-134-C-GA-100-D, within Drainage Strategy), together with the results of infiltration testing to be undertaken at several locations along the route. Calculations to demonstrate whether there will be no run-off from this area under 1in100year+40% rainfall events should be provided. If there is reliance on the use of existing gullies to drain the access within the development site red line boundary, calculations demonstrating that the receiving system can

manage runoff from the access under 1in100year+40% rainfall in addition to any other existing flows contributing to the existing drainage system must be provided. For the avoidance of doubt, all runoff generated within the site red line boundary must be accounted for and managed in line with DEFRA's non-statutory technical standards for SuDS to the satisfaction of the LLFA.

- A detailed topographical survey for the route of drainage between proposed attenuation tank and existing chamber CW2 (shown on drawing JCC20-134-C-GA-100-D) and should include all ground level features so that the overland exceedance flow route can be clearly defined and to demonstrate that there is viable access both for construction of the proposed combined water pipeline and also for long term maintenance of this infrastructure.

- Cross sections in two orthogonal directions through the SuDS storage facilities (both the geo-cellular units and the permeable paving that are identified as providing storage within the hydraulic calculations provided in support of the application).

5.52 Northumbrian Water have also recommended that the Drainage Strategy be listed as an approved document.

5.53 Subject to conditions, it is considered that the proposal would be acceptable in terms of drainage and would comply with the aims and requirements of the NPPF and policy CS17 of the Local Plan.

5.54 ECOLOGY

The proposal site is located within 2km of several Local Wildlife Sites (LWS) including Saltwell Park Lake LWS located approx. 670m to north west. The site is also located partially within a designated Wildlife Corridor. Aerial photography indicates the site comprises area(s) of grassland, hardstandings, ornamental hedging/shrub planting, individual and groups of trees. Built development incorporating existing buildings and hardstanding is located immediately to the north and west of the site. Habitats within and immediately adjacent the site have the potential to support statutorily protected and priority/notable species, and the site is suitable habitat for Dingy Skipper butterfly.

5.55 Paragraph 174 of the NPPF states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

5.56 Paragraph 180 of the NPPF also states:

When determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

5.57 A Preliminary Ecology Appraisal and Bat Survey report and a Biodiversity Net Gain report have been submitted with the application. The Biodiversity Net Gain report does not account for the most recent amendments to the scheme. Whilst it is considered the proposed development is unlikely to have a significant adverse impact on designated nature conservation sites, the proposed development would result in a net-loss of biodiversity.

5.58 As above, a Viability Assessment has been submitted, this has been assessed and officers are satisfied that the information submitted demonstrates that a financial contribution towards Biodiversity Net Gains would make the development unviable.

5.59 However, it is recommended that conditions be imposed requiring the following:

- Final details of on-site habitat creation and enhancement of existing retained habitats/features
- Implementation ,management/maintenance and monitoring of on-site habitat creation and enhancement measures,
- Final details of a biodiversity method statement and implementation of approved scheme
- Final details of external lighting and implementation of approved scheme
- Final details of boundary treatment (birdsmouth fencing) between development and woodland area to south and east (as above also relating to Highway Safety).

5.60 Subject to conditions, it is considered that the proposal would not cause unacceptable harm to ecology and would comply with the aims and requirements of the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

5.61 TREES

Trees on site are protected by TPO157 and are also benefit from protection by being within the Conservation Area. The application proposes the removal of one tree in the south east corner of the site on the inside bend of the road (T209) to facilitate the installation of parking spaces. The submitted tree survey refers to the beech tree as a moderate quality tree in fair condition, and new tree planting proposed further into the site.

- 5.62 Although the proposed removal of the moderate quality tree on the inside of the bend (T209) is not ideal, on balance, this is considered acceptable. It is also considered that the proposed parking spaces on the outside of the bend would likely result in increased pressure to remove trees in this location over time, which would not be ideal. However, it is acknowledged that this arrangement (the parking on the outside of the bend) was accepted in permission DC/13/00596/FUL, and tree protection measures are recommended to be secured by conditions.
- 5.63 Therefore, it is considered that on balance, the proposal would not have an unacceptable impact on trees that would warrant refusal of this application. The proposal would not conflict with the aims and requirements of the NPPF and policies CS18 and MSGP36 of the Local Plan.
- 5.64 **GROUND CONDITIONS**
The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. It is possible that the development area will be affected by ground contamination, possibly through in any historic made ground deposits present, from imported fill materials and material used to construct a development platform for the site and buildings, and from materials e.g. asbestos used in former buildings.
- 5.65 A preliminary risk assessment has been submitted with the application and officers agree with the recommendations of the report as to the requirement for a Phase II site investigation to investigate potential contamination issues at the site. It is recommended that conditions be imposed requiring details of further site investigations, Phase II Risk Assessment and remediation measures where required, the implementation of approved remediation measures and the submission of a verification report(s) demonstrating their effectiveness.
- 5.66 A Coal Mining Risk Assessment has also submitted with the application. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and conditions are recommended requiring further site investigations and remediation measures where required, to be submitted for consideration, and implementation of approved remediation.
- 5.67 Subject to conditions, the proposal would not result in an unacceptable impact on ground conditions, and would comply with the aims and requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan.
- 5.68 **SUSTAINABILITY**
The site is not near a decentralised energy scheme or any planned scheme, the next option would be to install renewable energy solutions. In addition, in accordance with policy CS16 of the CSUCP, all development is required to use a good standard of building fabric, passive design and landscaping

measures to minimise demand and achieve a good level of sustainability, as required by national standards and also reduce its whole life CO2 emissions.

5.69 The applicant has submitted a sustainability statement, which refers to some building/materiality measures and this is considered appropriate.

5.70 DIGITAL INFRASTRUCTURE

MSGP8 states that 'The necessary physical infrastructure to enable access to information and digital communication networks will be integrated into all appropriate new developments.' The supporting text clarifies that all proposals for new dwellings and new business premises will be required to demonstrate that engagement has taken place with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development. The requirements of this policy will be satisfied by the submission of a statement (required either at application stage or through a planning condition) explaining the outcome of this engagement. As such, it is recommended that a relevant condition be imposed to satisfy this requirement.

5.71 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for qualifying housing related. The site is within Residential CIL Zone B, which has a charge of £30 per sqm.

5.72 OTHER MATTERS

The ownership status (i.e. commonhold, leasehold etc) of proposed units, loss of property value, impact on views from neighbouring occupiers, and the subscription/capacity of local nurseries are not material planning considerations.

5.73 Planning cannot control adeptness of drivers using the road and whether damage would occur (outside of overall highway safety impact of the proposal), or the responsibilities of the landowner in terms of maintenance of the wider site.

5.74 Existing issues with anti-social behaviour at the business park are also not a planning matter, and in terms of a potential increase, overall, the proposal does not raise significant concerns relating to the perception of safety on site that could not be controlled by condition.

5.75 The proposal includes provision for waste management and it is considered that it would not result in an unacceptable increase in rubbish or rodents. Bin stores are shown on plans and it is recommended that final details are required by condition.

6.0 CONCLUSION

- 6.1 Whilst the proposal would not provide affordable homes or financial contributions for Biodiversity Net Gains, it would add to the housing stock in the borough, and overall is considered to be acceptable, subject to conditions.
- 6.2 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and in terms of housing policy, open space and play, highway safety and parking, design, residential amenity, drainage, ecology, trees, ground conditions, and digital infrastructure, and would comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary

1

Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below -

ANDG-RYD-00-XX-DR-A-0002-S2-P6-Location Plan (received 11.12.2020)

ANDG-RYD-00-XX-DR-L-2100-S2-P15-Landscape Masterplan (received 11.02.2022)

ANDG-RYD-00-01-DR-A-9204-S2-P21-Proposed parking plan (received 11.02.2022)

ANDG-RYD-00-XX-DR-L-4801-S2-P1-Northern Entrance Call Out (received 14.02.2022)

ANDG-RYD-00-ZZ-DR-A-3601-S2-P12-GA Elevations - North and South (received 16.07.2021)

ANDG-RYD-00-ZZ-DR-A-3602-S2-P12-GA Elevations - East and West(received 16.07.2021)

ANDG-RYD-00-00-DR-A-3001-S2-P16-Proposed Level 00 Plan (received 24.02.2022)

ANDG-RYD-00-01-DR-A-3002-S2-P16-Proposed Level 01 Plan (received 24.02.2022)

ANDG-RYD-00-02-DR-A-3003-S2-P16-Proposed Level 02 Plan (received 24.02.2022)

ANDG-RYD-00-XX-SC-A-3012-S2-P2-Apartment Gross Internal Floor Areas (received 24.02.2022)

ANDG-RYD-00-XX-DR-A-3804-S2-P1-Long sections (received 14.01.2021)

ANDG-RYD-00-ZZ-DR-A-3801-S2-P11-GA Sections Sheet 1 of 2
(received 16.07.2021)
ANDG-RYD-00-ZZ-DR-A-3803-S2-P3-GA Sections Sheet 2 of 2
(received 16.07.2021)
ANDG-RYD-00-XX-DR-A-3805-S2-P3-Long sections (received
24.01.2022)

20-106-N Anderson Green, Low Fell, Gateshead Drawing TK18 Rev C
(1 OF 3) (received 16.02.2022)
20-106-N Anderson Green, Low Fell, Gateshead Drawing TK19 Rev C
(2 OF 3) (received 16.02.2022)
20-106-N Anderson Green, Low Fell, Gateshead Drawing TK20 Rev C
(3 OF 3) (received 16.02.2022)

865-06 Rootplate protection low impact surfacing detail (received
30.07.2020)
865-03 Tree Constraints Plan (received 30.07.2020)
865-02 Tree Survey Plan (received 30.07.2020)
865-04 Tree Impact and Protection Plan Rev A (received 30.07.2020)

865 Anderson Green Tree Survey (received 30.07.2020)
20182 BNG v2 (received 11.12.2020)
20182 PEA v2 (received 16.07.2021)
JCC20_134_C_02_02_Drainage Strategy (received 16.07.2021)
JCC20-134-C-GA-101-B-Proposed Timber Stake and Board Retaining
Wall to Avoid Tree Roots (received 16.07.2021)

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

Notwithstanding the approved plans, no new external materials or
metal frameworks at second floor level associated with the private

terraces and green roofs shall be used on site until final details and samples of these have been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area, and to ensure that the proposed development does not have an adverse effect upon heritage assets or the appearance of the street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.

4

The details approved under condition 3 shall be implemented in full accordance with the approved details and retained as such for the lifetime of the development.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon heritage assets or the appearance of the street scene, and to ensure the proposal would provide an appropriate level of privacy for future occupiers, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.

5

All external works associated with the development hereby permitted, including the use of equipment on the site, shall be carried out only between 08:00 hours and 18:00 hours on Mondays to Saturdays and at no time on Sundays or Bank Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan.

6

No dwelling hereby approved shall not be occupied until a statement explaining the outcome of engagement with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure necessary physical infrastructure to enable access to information and digital communication networks at the new development, in accordance with the NPPF and policy MSGP8 of the Local Plan.

7

At least 4 of dwellings hereby approved shall be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards.

Reason

To ensure the proposal would provide appropriate range and choice of housing in accordance with the NPPF and policy MSGP10 of the Local Plan.

8

All windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass at a level three or greater (in accordance with the levels set by Pilkington). The obscure glazing shall be installed prior to occupation of the respective dwellings hereby approved and retained thereafter.

Reason

To ensure the proposal would provide an appropriate level of privacy for future occupiers, in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan.

9

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

The Plan shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) A Construction Traffic Management Plan which includes further details of the management of vehicles arriving at and leaving the site during construction;
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) Measures to control noise and vibration during construction
- (h) A scheme for recycling/disposing of waste resulting from construction works.
- (i) Measures to maintain continuous pedestrian access east to west through the site during construction

(j) Measures to manage vehicle access, parking and deliveries for existing users of the site during construction

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

Pre-commencement reason

To ensure that construction details can be approved prior to on-site works thereby avoiding any abortive work and preventing harm to nearby sensitive receptors due to uncontrolled construction and harm to highway safety which could otherwise occur.

10

The development hereby approved shall be implemented wholly in accordance with Construction Management Plan measures approved under condition 9 at all times during construction.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

11

No dwelling hereby approved shall be occupied until a Car Park Management Plan, including the following measures, has been submitted to and approved in writing by the Local Planning Authority:

- The allocation of parking bays (private, visitor and for existing tenants)
- Provision of flexible visitor parking
- Waiting restrictions and/or parking control measures to the access roads
- Provision of birdsmouth fencing to deter off-road verge parking alongside the access road (or half-on/half-off, which may obstruct movements along the road),

Reason

To ensure appropriate car park management for occupiers, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

12

The management plan approved under condition 11 shall be implemented in full accordance with the approved details and timescales, and maintained as such thereafter

Reason

To ensure appropriate car park management for occupiers, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

13

No dwelling hereby approved shall be occupied until final details of the footpath running east to west (including the section joining to Durham Road to be widened), the build out to the east of the building and the handrails as shown on plan ANDG-RYD-00-XX-DR-L-2100-S2-P15-Landscape Masterplan, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate pedestrian access on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

14

The details approved under condition 13 shall be implemented in full accordance with the approved details before the first dwelling is occupied, and retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate pedestrian access on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

15

No dwelling hereby approved shall be occupied until final details of individual, fully enclosed, secure and weatherproof cycle storage for each dwelling and final details of bin storage for that dwelling have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate cycle parking and bin storage provision on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

16

The storage details approved under condition 15 shall be implemented in full accordance with the approved details before each respective dwelling is occupied, and retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate cycle parking and bin storage provision on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

17

No dwelling hereby approved shall be occupied until a scheme for lighting of the access road and parking areas has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate lighting for safe vehicle movements on site, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

18

The scheme approved under condition 17 shall be implemented in accordance with the approved details before the first dwelling is occupied and the lighting shall be retained and maintained as such thereafter.

Reason

To ensure appropriate lighting for movements on site, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

19

No dwelling hereby approved shall be occupied until a scheme relating to electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate provision for electric vehicles in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

20

The scheme approved under condition 19 shall be implemented in accordance with the approved details before the first dwelling is occupied and the electric vehicle infrastructure shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate provision for electric vehicles in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

21

No dwelling hereby approved shall be occupied until a Travel Plan for future occupiers has been submitted to the Local Planning Authority for consideration. The Travel Plan shall include:

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car

use and possible improvements to encourage walking, cycling and bus use.

- Appointment of a travel plan co-ordinator and identification of associated budget
- Clearly defined objectives, targets and indicators
- Details of proposed measures
- 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.
- Commitment to the use of the Council's preferred monitoring database

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

22

Within 24 months of the date of approval of condition 21, evidence of the implementation of the Travel Plan approved under condition 21 over a minimum period of 12 months, and any revisions, shall be submitted to the Local Planning Authority for consideration.

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

23

The Travel Plan and any revisions approved under conditions 21 and 22 shall be wholly implemented in accordance with the approved details for the lifetime of the development.

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

24

No dwelling hereby approved shall be occupied until final details of the green roofs and trellis/vertical planting, including measures and timescales for maintenance and management have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate screening and maintenance at each gable end of the building, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.

25

The scheme approved under condition 24 shall be implemented in accordance with the approved details before the first dwelling is occupied shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate screening and maintenance at each gable end of the building, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.

26

No dwelling hereby approved shall be occupied until final details of an appropriate play area space, timescales for its laying out and long term maintenance, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate and appropriate play provision in accordance with the NPPF and policy MSGP40 of the Local Plan.

27

The play area approved under condition 26 shall be implemented in accordance with the approved details and maintained as such for the lifetime of the development.

Reason

To ensure adequate and appropriate play provision in accordance with the NPPF and policy MSGP40 of the Local Plan.

28

No development or other operations shall commence on site in connection with the development hereby approved, (including, soil moving or any operations involving the use of motorised vehicles or construction machinery) until the submitted tree protection scheme (as detailed in 865-04 Tree Impact and Protection Plan Rev A and 865 Anderson Green Tree Survey (received 30.07.2020)) is implemented under the supervision of the applicant's Arboricultural Consultant. The approved protection scheme must be implemented in full and, in the case of the protective fencing, must be retained intact for the full duration of the development and there shall be no access, storage, ground disturbance or contamination within the protected areas without the prior written approval of the local planning authority.

The approved tree protection plan shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked daily with a record of the daily checks being kept on file in the

site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the Local Planning Authority being obtained, all construction operations shall cease until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason

In order to maintain the health and visual amenity of the tree(s) concerned in the interests of the visual amenity of the area and in accordance with the NPPF and policies CS18 and MSGP36 of the Local Plan.

Reason for pre-commencement condition

To ensure appropriate tree protection is in place before works that would pose a risk to retained trees commence.

29

No dwelling hereby approved shall be occupied and no breaking of ground in relation to road widening shall commence until final details of the road widening (including precise details of no-dig construction) and the retaining wall at western end have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate protection for trees and ecology during construction and in the future, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

30

The details approved under condition 29 shall be implemented in full accordance with the approved details before the first dwelling is occupied, and retained and maintained as such thereafter.

Reason

To ensure appropriate protection for trees and ecology during construction and in the future, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

31

No dwelling hereby approved shall be occupied until final details of the precise location and specification of boundary treatment (birdsmouth fencing) between development and wooded area to south and east have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate and clear boundaries between developed and undeveloped areas, and to provide appropriate protection for trees and

ecology, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

32

The details approved under condition 31 shall be implemented in full accordance with the approved details before the first dwelling is occupied, and retained and maintained as such thereafter.

Reason

To ensure appropriate and clear boundaries between developed and undeveloped areas, and to provide appropriate protection for trees and ecology, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

33

No new external lighting associated with the development hereby approved (including lighting for the access road) shall be installed until full details (including the number, specification, precise location, operation and lighting contour plan(s)) to be provided on site have been submitted to and approved in writing by the local planning authority.

Reason

To ensure light spill would not cause unacceptable harm to biodiversity and ecological connectivity in accordance with policies CS18 and MSGP37 of the Local Plan and the NPPF.

34

The lighting approved under condition 33 shall be installed, operated and maintained in strict accordance with the approved details at all times.

Reason

To ensure light spill would not cause unacceptable harm to biodiversity and ecological connectivity in accordance with policies CS18 and MSGP37 of the Local Plan and the NPPF.

35

No works associated with the development (including site/vegetation clearance and soil stripping) shall commence on site until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Method Statement shall include full details of the measures to be implemented to avoid/minimise the risk of harm to biodiversity including statutorily protected and priority species and retained habitats during the site clearance and construction phase, and to provide suitable opportunities for biodiversity, including statutorily protected and priority species (i.e. roosting bats, breeding birds and hedgehog) on site post development.

Reason

To avoid, mitigate and compensate for the impacts of the development on biodiversity including statutorily protected and priority species and retained habitats/features within and/or immediately outwith the proposed development site, to provide enhanced opportunities for biodiversity, in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

36

The development hereby approved shall be implemented in full accordance with the biodiversity method statement approved under condition 35 at all times during works on site associated with the development and until final completion.

Reason

To avoid, mitigate and compensate for the impacts of the development on biodiversity including statutorily protected and priority species and retained habitats/features within and/or immediately outwith the proposed development site, and to provide enhanced opportunities for biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

37

Notwithstanding the submitted information, the development hereby approved shall not progress beyond the damp course layer until full details of the soft landscaping, areas of on site habitat creation and enhancement of existing retained habitats/features, including timescales for implementation, measures for management, maintenance and monitoring, have been submitted to and approved in writing by the local planning authority.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

38

The scheme approved under condition 37 shall be implemented in full accordance with the approved measures and timescales, and maintained thereafter for a minimum of 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

39

No new hard landscaping shall be used on site until final details of the appearance of the hard landscaping on site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timescale for its implementation.

Reason

To safeguard the visual amenities of the area, and to ensure that the proposed development does not have an adverse effect upon the appearance of the street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

40

The hard landscaping details approved under condition 39 shall be implemented in accordance with the approved details, including the approved timescale, and retained as such for the lifetime of the development.

Reason

To safeguard the visual amenities of the area, and to ensure that the proposed development does not have an adverse effect upon the appearance of the street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

41

The development hereby approved shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- A CCTV camera survey of the existing drainage between the proposed development drainage and NWL chamber 6601, together with a scaled plan that identifies chamber invert and cover levels together with pipe sizes.

- A report detailing the condition and confirming the construction of the existing no dig porous paving (shown in green hatching on drawing JCC20-134-C-GA-100-D, within Drainage Strategy), together with the results of infiltration testing to be undertaken at several locations along the route. Calculations to demonstrate whether there will be no run-off from this area under 1in100year+40% rainfall events should be provided. If there is reliance on the use of existing gullies to drain the access within the development site red line boundary, calculations demonstrating that the receiving system can manage runoff from the access under 1in100year+40% rainfall in addition to any other existing flows contributing to the existing drainage system must be provided. For the avoidance of doubt, all runoff generated within the site red line boundary must be accounted for and managed in line with DEFRA's non-statutory technical standards for SuDS to the satisfaction of the LLFA.

- A detailed topographical survey for the route of drainage between proposed attenuation tank and existing chamber CW2 (shown on drawing JCC20-134-C-GA-100-D) and should include all ground level

features so that the overland exceedance flow route can be clearly defined and to demonstrate that there is viable access both for construction of the proposed combined water pipeline and also for long term maintenance of this infrastructure.

- Cross sections in two orthogonal directions through the SuDS storage facilities (both the geo-cellular units and the permeable paving that are identified as providing storage within the hydraulic calculations provided in support of the application).

Reason

To prevent the increased risk of flooding from any sources and to ensure an appropriate drainage strategy in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan

Reason for pre-commencement condition

To ensure that an adequate and appropriate strategy can be provided on site before building works commence.

42

The development hereby approved shall be implemented in accordance with the details approved under condition 41 and the Drainage Strategy (JCC20_134_C_02_02_Drainage Strategy (received 16.07.2021)) at all times and retained and maintained as such for the lifetime of the development.

Reason

To prevent the increased risk of flooding from any sources and to ensure an appropriate drainage strategy in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan

43

The development hereby approved shall not commence until a report of intrusive site investigations in relation to coal mining legacy, and where required, measures and timescales for remediation, monitoring, and verification reports has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the site is made safe and stable for the development proposed, in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

Reason for pre-commencement condition

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

44

The remediation and monitoring measures approved under condition 43 shall be implemented in full accordance with the approved timescales and the approved details.

Reason

To ensure that the site is made safe and stable for the development proposed, in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

45

The development hereby approved shall not commence until a report of findings arising from further intrusive site investigations and a Phase II Detailed Risk Assessment (to assess potential contamination at the site) have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

Reason for prior to commencement condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation scheme suitable for the sensitive end use is identified and approved prior to commencement of the development, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, from the beginning of the works.

46

Where required, the remediation and monitoring measures approved under Condition 45 shall be implemented in accordance with the details and timescales approved and in full accordance with the approved details.

Reason

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

to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

47

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

The works shall not continue until a Risk Assessment and, if required, remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

48

The remediation and monitoring measures approved under condition 47 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

49

Where remediation is required (under conditions 43-48) following completion of the approved remediation and monitoring measures, no dwelling hereby approved shall be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Where this is carried out in phases, no dwellings within the relevant phase shall be occupied until a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the Local Planning Authority.

The Verification report(s) shall also include cross sectional diagrams of the foundations and details of the approved gas protection measures,

details of integrity testing of gas membranes and any test certificates produced.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

50

With the exception of the birdsmouth boundary treatment, the details of which are to be submitted under Condition 31 and subsequently implemented under Condition 32, and notwithstanding Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting, substituting, amending, extending, consolidating replacing or modifying that Order) no further walls, fences or gates shall be erected within the application site, except in the event that a further planning permission is expressly granted for that development.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon heritage assets or the appearance of the development in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.



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Committee Report

Application No:	DC/21/00153/COU
Case Officer	David Morton
Date Application Valid	27 April 2021
Applicant	c/o Agent
Site:	Former Evans Halshaw Car Showroom Tyne Street Blaydon NE21 4JB
Ward:	Blaydon
Proposal:	Proposed part-demolition of existing car showroom, formation of new drive through lane, amendments to car parking arrangements and provision of new hard and soft landscaping; resulting in the creation of two commercial units (Class E[a] or Class E[b]) (amended 10/08/21, 06/12/21 and 24/01/22).
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application relates to the site of a former, recently vacated, Evans Halshaw car showroom located to the north of Bridge Street, Blaydon.

1.2 The application site has a total area of approximately 0.3 hectares and is located approximately 400 metres to the west of Blaydon District Centre, in an edge-of-centre location. It is the site of the former Evans Halshaw car showroom and currently includes the vacant showroom unit and associated parking areas.

1.3 The site is bounded by a Shell Petrol Filling Station (PFS) to the east, the B6317 Bridge Street to the south, Co-operative Funeral Centre and associated car park to the west and railway lines to the north.

1.4 Access is currently taken from the B6317 Bridge Street on the southern site boundary (in only). Egress is through the adjacent PFS site to the east and directly onto Blaydon roundabout, located just to the south-east of the site, where traffic leaving the site and the PFS gives way to the traffic on the circulatory carriageway.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for the part-demolition of existing car showroom, formation of a new drive through lane, amendments to car parking arrangements and provision of new hard and soft landscaping. The

development would result in the creation of two commercial units to use used for either of the purposes;

- Class E[a] display or retail sale of goods, other than hot food; or
- Class E[b] sale of food and drink for consumption (mostly) on the premises.

1.6 The application proposes the demolition of 158sqm. of the existing building's total 486sqm floorspace. This demolition is from the central section of the building resulting in the formation of two self-contained units one of which would have a drive thru lane.

1.7 It is proposed for the units to be made good with cladding to match the existing building and the addition of two serving 'pods' totalling 10 sqm of new floorspace. The total gross internal floorspace for proposed Class E uses is 318 sqm, with one unit of 170 sqm and the other of 148sqm.

1.8 The application also proposes the creation of areas of landscaping, a carpark comprising of 32 spaces, electric vehicle charging space, cycle parking, loading/servicing bays and outside seating areas.

1.9 The following documents have been submitted by the applicant in support of the application:

- Planning Statement;
- Retail Sequential Test & Impact Assessment; and
- Transport Assessment & Travel Plan.

1.10 PLANNING HISTORY

The relevant planning history of the application site summarised as follows;

- 00821/97; Planning permission granted for 'Erection of car showroom and garage with associated car parking and external vehicle display area.' Date; 08 September 1997.
- 01017/97; Planning permission granted for 'Erection of car showroom and garage with associated car parking, external used car sales display area and construction of access to classified road (revised application).' Date; 05 November 1997.
- 01266/97; Planning permission granted for 'Erection of car showroom and garage with associated car parking and vehicle display area and construction of access to classified road (revised application).' Date; 02 February 1998.
- DC/05/01468/FUL; Planning permission granted for 'Recladding of car showroom.' Date; 08 November 2005.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development

Management Procedure) Order 2015. A total of six responses have been received; one letter of support and five letters of objection, including one objection from a Ward Councillor (Councillor Malcolm Brain).

3.2 A summary of objections is set out below;

- The development would lead to issues with vehicle access and road safety;
- The proposed development would lead to highway safety issues at an already busy roundabout;
- The proposal would lead to an increase in traffic leaving the PFS;
- There is no indicate as to what the units will be used for;
- The increase in traffic using the PFS to leave the site would impact on highway safety;
- There is potential for queuing into the site to 'back up' to the roundabout;
- The proposed development would result in the creation of litter; and
- There is already a proliferation of hot food takeaways in the area and this proposal should be resisted.

3.3 A summary of the letter of support is set out below;#

- The proposed development would bring extra footfall and would benefit existing businesses surrounding the site.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP7 Retail and Leisure Impact Assessment

MSGP15 Transport Aspects of Design of Dev

MSGP20 Land Contamination/Stability

MSGP20 Land Contamination/Stability

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The main planning issues in this case are considered to be the principle of development and the impact on design, amenity, highways, contaminated land, CIL and other material planning considerations.
- 5.2 PRINCIPLE OF THE DEVELOPMENT
- 5.3 Retail Policy/Sequential Test
The site in question is marginally on the edge of Blaydon District Centre and the proposal is for the creation of two Class E uses. The total gross internal floorspace for proposed Class E uses is 318 square metres, with one unit of 170 sqm and the other of 148 sqm - which is a reduction of 158sqm of the building's total 486 sqm floorspace.
- 5.4 One unit will be for Class E[a] display or retail sale of goods, other than hot food; and one unit will be Class E[b] sale of food and drink for consumption (mostly) on the premises.
- 5.5 The proposal is below the threshold for considering retail impact as set out in policy MSGP7. Policy CS7 and the NPPF require a sequential test to be undertaken to consider the availability, suitability and viability of alternative in-centre sites within the catchment of the proposal. The applicant has undertaken a sequential test on the basis of the uses proposed which are intended to primarily serve passing visitors using the highway network (A695/B6317) - the drive-through element of the proposal is intrinsic to the business model and ensures that the redevelopment of this vacant site is viable. The sequential assessment considers alternative opportunities in the main nearby district centres (Blaydon and Ryton).
- 5.6 In terms of Blaydon Centre a number of vacant units have been identified, assessed and discounted on the basis of being unsuitable. Whilst only Units 16 and 19 have sufficient unit floorspace to accommodate the proposed units, none of the currently vacant units have sufficient space to accommodate the drive-through element and road circulation space required. In this case, it is considered that there are currently no in centre opportunities to accommodate the proposed development as a whole.
- 5.7 In terms of Ryton Centre the assessment identified no potential opportunities either in terms of units or sites. Whilst the Council's last survey of the centre (December 2021) identified two vacant units, both of these are smaller than either of the units proposed.
- 5.8 Based on the above, it is considered that the proposed development is acceptable, subject to a condition limiting the use of the premises to those particularised in the application (Class E[a] and Class E[b] (Condition 3)) and in accordance with the NPPF and Policies CS7 and MSGP7 of the Local Plan for Gateshead.

5.9 DESIGN

- 5.10 Policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character. Further, Policy MSGP24 of MSGP requires that all new development ought to be considered against the following criteria; the development compatibility with the surrounding area, layout and access, spacing and public realm, detailing and materials and landscaping.
- 5.11 The proposed development allows for an appropriate level of planting, would reduce the amount of built development and would parts of the existing hardstanding. It is considered that the proposed development takes on a commercial form which is consistent with the site, surrounding uses and its edge-of-centre location. The overall form of the development is considered to be acceptable.
- 5.12 It is considered necessary to condition the submission of final materials (Conditions 4 and 5) and final details, implementation and maintenance of the landscaping scheme (Condition 6 - 8).
- 5.13 Subject to the above conditions, it is considered that the application would deliver an appropriate design solution given the nature and context of the site. The development would fully accord with the aims and requirements of the NPPF, Policy CS15 and MSGP24 of the Local Plan for Gateshead and the Gateshead Placemaking SPD.
- ## 5.14 HIGHWAYS
- 5.15 **Traffic Impact/Highway Safety**
The planning application has been supported by a Transport Assessment (TA) and a Travel Plan (TP), as requested by the Council. The submitted information has been subject to a number of amendments and reviews, Officers are comfortable that the level of information submitted is appropriate.
- 5.16 Throughout the assessment of the application, amendments were made to the proposed development to address officer concerns, the TA now describes Unit One as a coffee shop with a drive through facility and Unit Two as a food and drink unit with no drive through facility. As a result of the changes made officers are satisfied that the proposals are unlikely to result in queuing from the development backing onto the highway.
- 5.17 The TA includes surveys from similar developments and detailed traffic modelling of the part signal controlled Blaydon Roundabout, access and egress to the proposals. The submitted information has been verified by the Council's on-call consultants and concludes that the proposals will not have a severe impact on the operation of the roundabout. It is considered, based on the information submitted and following review by Officers, that while the proposed development would lead to an increase in traffic leaving the PFS; this would not lead to highway safety concerns.

- 5.18 The only residual safety concern is for the potential of a shunt type accident involving vehicles waiting to turn right into the site from B6317 Bridge Street close to the exit of Blaydon roundabout. The traffic modelling shows a mean maximum queue of between 5 and 6 vehicles during the peak periods. It is accepted that the likelihood of the queue extending to the circularity flow on the roundabout is low. Furthermore, forward visibility around this part of the highway network is good and any right turning queue would be clearly seen by approaching vehicles. Also there are existing yellow box markings in front of the site access which should keep this area clear. Therefore, although the residual risk cannot be wholly eliminated on balance it is considered that the application is acceptable from a transport perspective.
- 5.19 **Parking/Servicing/Layout**
The internal layout has been amended following discussion with Officers, it is now considered that the layout is broadly acceptable. The elimination of one of the drive thru lanes and reorientation of the other one has significantly bettered the internal site arrangement. Further, the proposed levels of parking are considered to be appropriate for the nature of the uses proposed.
- 5.20 Further to the above, conditions are required pertaining to;
- Final details of the proposed access, ramp, and retaining walls (Conditions 9 and 10);
 - Final details of the proposed pedestrian access and internal pedestrian crossing point (Conditions 11 and 12);
 - Submission of a servicing and refuse collection strategy (Conditions 13 and 14);
 - Final details of cycle parking (Conditions 15 and 16);
 - Final details of motorcycle parking (Conditions 17 and 18);
 - Final details of EV charging (Conditions 19 and 20); and
 - Final details of internal traffic calming measures (Conditions 21 and 22).
- 5.21 **Travel Plan**
A TP has been submitted in draft form, this is considered to be broadly acceptable, however the final TP needs to be secured by planning condition (Condition 23 and 24).
- 5.22 Subject to the above condition, it is considered by Officers that the development complies with the aims and requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan for Gateshead. aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.
- 5.23 **AMENITY**
The application site is located within a largely commercial area in an edge-of-centre location, there are no sensitive noise receptors within the immediate vicinity. This said, there are other commercial operations within the immediate area, however it is considered that neither physical form of the development nor its operation would have an unacceptable level of impact on adjacent businesses. It is considered that the proposal may result in some impact during construction, as such it is considered necessary to attach

conditions requiring the submission of a demolition and construction management plan ((DCMP) Conditions 25 and 26).

5.24 Based on the above assessment, it is considered that the development is acceptable from an amenity point of view and accords with the aims and objectives of the NPPF, Policies CS14 and MSGP17 of the Local Plan for Gateshead.

5.25 CONTAMINATED LAND

The application site has been assessed and inspected under the Council's Contaminated Land strategy and has not been classified as "contaminated land". However, the site situated on potentially contaminated land based on previous historic uses, i.e. The site has been utilised for continuous industrial/commercial use since at least 1856 with the site containing former buildings used as an iron foundry, iron works and engineering works for example before the site was cleared circa 1980s with the current site layout constructed in 1999.

5.26 Therefore, considering the above, planning conditions will be required to secure the submission of a Preliminary Risk Assessment, an intrusive site investigation with a Phase II Detailed Risk Assessment, and if required for remediation, Gas Monitoring and Verification Reports (Conditions 27 to 31).

5.27 Subject to the above condition, the development is considered to comply with the requirements of Policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.28 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for retail warehouse development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.

5.29 OTHER MATTERS

The following matters have been raised by objectors;

- Highway safety - these matters have been fully considered and addressed within the main body of the report;
- Use - it was suggested that the end user hasn't been specified. Firstly, this isn't correct the potential end users have been provided by the applicant, and secondly, this isn't a material planning consideration;
- Litter - it is accepted that the form of use proposed, however it is considered though an appropriate delivery/refuse collection strategy these matters can be limited as far as possible (Condition x); and
- Health - neither of the proposed uses are considered to form a hot food takeaway use, as such they cannot be assessed under the Council's Hot Food Takeaways SPD.

6.0 CONCLUSION

6.1 The proposed development would result in the redevelopment of previously developed land. The application would result in the creation of a development which is appropriate in the context of the application site and the wider area. The development is considered to 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 Service Director of Climate Change, Compliance, Planning and Transport 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 -

L020080-004B Proposed Floor Plans and Elevations

L020080-005 Proposed Bin Store

L020080-002E Proposed Site Plan

21-238-004.01 Highways Technical Note - Response to Highways Comments (21st Jan 2022)

21-238-003.02 Transport Assessment with Appendices (December 2021)

Preliminary Horizontal & Vertical Design (drawing number 21/238/TR/003 Rev A)

Swept Path Analysis of Servicing Vehicle (drawing number 21/238/ATR/004 Rev B)

Swept Path Analysis of Refuse Vehicle (drawing number 21/238/ATR/005 Rev B)

Swept Path Analysis of Fire Tender (drawing number 21/238/ATR/006 Rev A)

Swept Path Analysis of Large Car (drawing number 21/238/ATR/007 Rev A)

Swept Path Analysis of Drive Thru Route (drawing number 21/238/ATR/008)

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the units hereby approved shall only be used for uses falling within Class E(a) or Class E[b] as defined by Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Reason

In order to protect the vitality and viability of existing centres and in the interests of highway safety in accordance with the NPPF and Policies CS7, CS13, MSGP7, and MSGP15 of the Local Plan for Gateshead.

4

The development hereby approved shall not progress above damp proof course until an external materials schedule has been submitted to and approved in writing by the Local Planning Authority and (where requested) samples of the materials, colours and finishes to be used on the external surfaces have been made available for inspection on site and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

5

The development hereby approved shall be undertaken in accordance with the materials schedule approved at condition 4.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

6

Notwithstanding the submitted plans, prior to the first use of either unit hereby permitted a final landscaping scheme and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

Report

To safeguard the visual amenities of the area in accordance with the NPPF, policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

7

The final landscaping scheme approved under Condition 6 shall be implemented in full in accordance with the approved timetable for implementation.

Report

To safeguard the visual amenities of the area in accordance with the NPPF, policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

8

The landscaping scheme approved under Condition 6 shall be maintained in accordance with British Standard 4428 (1989) 'Code of Practice for General Landscape Operations' for a period of 5 years commencing on the date of planting and during this period any trees which die, become diseased or are removed shall be replaced in the first subsequent planting season (October to March) with others of a similar size and species.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

9

Notwithstanding the approved plans, neither unit hereby approved shall be open to the public until the final details of the amended site access, ramp, retaining walls (including a timetable for implementation) have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

10

The site access, ramp and retaining walls details approved under Condition 9 shall be completed in full accordance with the approved details and timetable for implementation.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

11

Notwithstanding the approved plans, neither unit hereby approved shall be open to the public until the final details of the proposed pedestrian access and internal crossing point (including a timetable for implementation) have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

12

The proposed pedestrian access and internal crossing point details approved under Condition 9 shall be completed in full accordance with the approved details and timetable for implementation.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

13

Notwithstanding the approved plans, neither unit hereby approved shall be open to the public until a servicing plan for both proposed unit units has been submitted to and approved in writing by the Local Planning Authority. This shall clearly set out but not be limited to:

Delivery times

Routing within the site

Maximum size of vehicle

Signage

Number and location of private and public bins

Frequency of litter collections (both of public bins and commercial storage)

Enforcement monitoring and control

Reason

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of highway safety in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.

14

The development shall be serviced in full accordance with the servicing plan approved under Condition 13 for the lifetime of the development.

Reason

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of highway safety in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.

15

Notwithstanding the approved plans, neither unit hereby approved shall be open to the public until the final details, including number, location and form, of long and short-stay cycle parking provision and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of sustainability and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

16

The long and short-term cycle parking provision approved under Condition 15 shall be completed in full accordance with the approved details and timetable for implementation.

Reason

In the interests of sustainability and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

17

Notwithstanding the approved plans, neither unit hereby approved shall be open to the public until the final details, including number, location and form, of motorcycle parking spaces, associated anchor point and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of sustainability and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

18

The motorcycle parking approved under Condition 17 shall be completed in full accordance with the approved details and timetable for implementation.

Reason

In the interests of sustainability and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

19

Notwithstanding the approved plans, prior to any works associated with the carpark taking place, final details of electric vehicle charging spaces/points, (including number, location, form and passive infrastructure) has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of sustainability and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

20

The electric vehicle charging spaces/points approved under Condition 19 shall be completed in full accordance with the approved details and timetable for implementation.

Reason

In the interests of sustainability and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

21

Notwithstanding the approved plans, neither unit hereby approved shall be open to the public until the final details of internal traffic calming measures (including a timetable for implementation) have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

22

The proposed internal traffic calming measures approved under Condition 21 shall be completed in full accordance with the approved details and timetable for implementation.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

23

No later than six months prior to the occupation of the bulky goods unit hereby permitted a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include: An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.

Clearly defined objectives, targets and indicators.

Details of proposed measures.

Detailed timetable for implementing measures.

Proposals for maintaining momentum and publicising success.

A 5 year review programme of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Commitment to use the councils preferred survey/monitoring database (currently Jambusters).

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

Reason

In order to promote sustainable travel and accord with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

24

The Travel Plan approved under Condition 23 shall be wholly implemented in accordance with the approved details.

Reason

To ensure sustainable travel and in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

25

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

The DCMP shall include:

- a. a dust management plan
- b. a noise management plan
- c. contractor parking

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

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the demolition and construction phases of the development can be carried out in a manner which minimises nuisance to surrounding residents and businesses. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of demolition and construction works and the manner in which they are undertaken could affect adjacent occupiers.

26

The development shall be implemented in accordance with the Demolition and Construction Management Plan measures approved at condition 25.

Reason

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of highway safety during the demolition and construction phases of the development in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.

27

Prior to the commencement of the demolition hereby approved, a Preliminary Risk Assessment and a Phase II Detailed Risk Assessment must be submitted to and approved in writing, by the Local Planning Authority. Following demolition, and prior to the commencement of any underground works associated with the development, an intrusive site investigation shall be undertaken, and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, soil sampling, chemical laboratory testing, to assess potential contamination issues.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to the environment, future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

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

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the NPPF, Policy CS14 of the CSUCP and Policy MSGP20 of MSGP.

28

Prior to commencement of the development hereby permitted (excluding demolition), where required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

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

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF, policies CS14 and MSGP20 of the Local Plan for Gateshead.

29

The details of remediation measures approved under condition 28 shall be implemented in full prior to commencement of the development hereby permitted (excluding demolition) and maintained for the life of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF, policies CS14 and MSGP20 of the Local Plan for Gateshead.

30

Following completion of the remediation measures approved under condition 28 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF, policies CS14 and MSGP20 of the Local Plan for Gateshead.

31

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

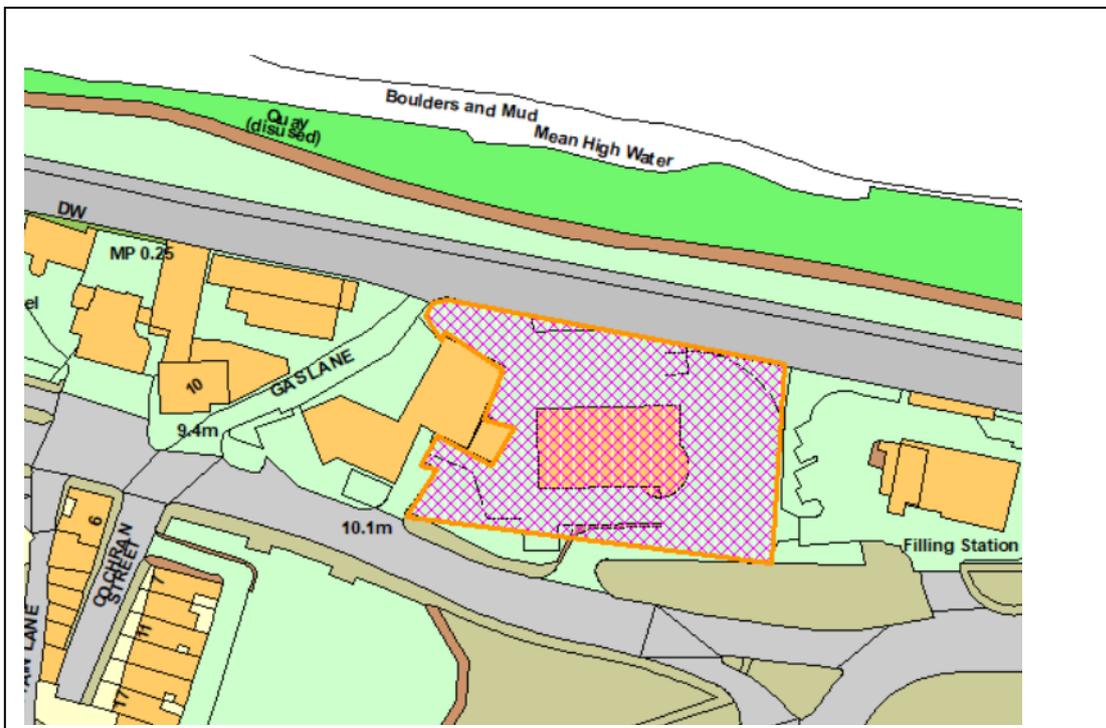
Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning

Authority in writing until this condition has been complied with in relation to that contamination.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF, policies CS14 and MSGP20 of the Local Plan for Gateshead.



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Committee Report

Application No:	DC/21/01245/COU
Case Officer	Rebecca Norman
Date Application Valid	6 December 2021
Applicant	Mr Mahfuz Ali
Site:	3-4 The Square Whickham NE16 4JB
Ward:	Whickham North
Proposal:	Change of use of public highway area and construction of glazed extension to south elevation of restaurant (amended plan 27.01.2022)
Recommendation:	REFUSE
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application relates to an area of land approximately 66sqm in size that is located to the south of 3-4 The Square, Whickham. The premises are currently occupied by Jamdani Restaurant.

1.2 The area of land comprises an existing outdoor seating area associated with the restaurant (approx. 24sqm) and an area of adopted public footpath (approx. 42sqm).

1.3 The properties known as 'The Square' are arranged in a U-shape around a paved pedestrianised area, with an access from Front Street and a car park to the south. Units 3-4 The Square and the application site sit to the north eastern side of the pedestrianised area. The units are occupied by a variety of commercial uses; directly to the east of the application site and existing seating area is a pizza takeaway (Units 1-2), and to the north west and west are a public house (Unit 5), bookmakers (Unit 6), funeral directors (Unit 7) and an estate agents (Units 8-10). To the south of the site beyond the car park is Front Street and residential properties including three Grade II listed buildings.

1.4 The site is situated within Whickham Conservation Area and Whickham District Centre.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the change of use of the public highway (part of the pedestrianised area) and erection of a glazed extension to the south elevation of the restaurant, incorporating and replacing the existing outdoor seating area.

- 1.6 The proposed extension would extend across the full width of Units 3-4 for 13m with a maximum depth of 6.3m to the eastern side, abutting the western elevation of Units 1-2. The proposed extension would then step inwards to a depth of 3.6m at the western side in order to accommodate an existing planter within the pedestrianised area.
- 1.7 The proposed extension would be formed from a rendered dwarf wall with white uPVC glazing above and a uPVC glazed shallow pitched sloping roof, with a grey uPVC door to the south elevation. The proposed plans indicate that the extension would provide additional dining space for the restaurant.
- 1.8 The application has been amended during its course to correct a discrepancy with the red line boundary.
- 1.9 **RELEVANT PLANNING HISTORY**
 887/83 - Change of use from shop to coffee room for the sale of coffee and snacks. Planning permission granted 08.09.1983.
 685/84 - Change of use from D.I.Y shop to Indian Restaurant. Planning permission granted 20.08.1984.
 876/01 - Erection of single-storey extension at front of restaurant (use class A3) to provide enlarged dining area, new bar area, storeroom and new entrance lobby. Planning permission granted 18.09.2001.
 DC/05/01099/COU - Change of use of paved forecourt area at front of restaurant to external sitting area (occasional use by restaurant customers only). Temporary consent granted 06.09.2005.
 DC/05/01965/COU - Change of use from shop (Use Class A1) to restaurant (Use Class A3) in connection with existing restaurant at no 3 The Square. Planning permission granted 19.01.2006.
 DC/06/00061/COU - Continued use of paved forecourt area at front of restaurant to external sitting area (occasional use by restaurant customers only). Temporary consent granted 07.03.2006.
 DC/06/00494/CPE - CERTIFICATE OF LAWFULNESS: for use as restaurant with hot food takeaway facility. Approved 28.06.2006.
 DC/06/01251/COU - Continued use of paved forecourt area at front of restaurant to external sitting area (occasional use by restaurant customers only). Temporary consent granted 25.09.2006.
 DC/07/01214/COU - Continued use of paved forecourt area at front of restaurant to external sitting area (occasional use by restaurant customers only) (renewal permission). Temporary consent granted 17.09.2007.

DC/12/00127/COU - Change of use of paved forecourt area at front of restaurant to provide an external sitting area for patrons. Planning permission granted 18.04.2012.

DC/12/00753/COU - Change of use of paved forecourt area at front of restaurant to provide an external sitting area for patrons (occasional use by restaurant customers only) (resubmission). Planning permission granted 16.08.2012.

2.0 Consultation Responses:

The Coal Authority Objection

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, including the display of press and site notices.

3.2 One letter of objection has been received from Councillor Craig which can be summarised as follows:

- Highways issues
- The proposed extension would completely block off the pavement adjacent to the restaurant; the pavement to the south of the planters would then need to be used to accommodate all pedestrian movements however this is of insufficient width due to parked cars overhanging the footpath
- The removal of the existing planters to accommodate the proposed extension would not be supported

3.3 Two letters of objection have been received which raise the following matters:

- Additional/excessive noise
- Increase in traffic will reduce available parking
- Loss of privacy
- Out of character with streetscene/character of this area of Whickham
- Overdevelopment
- Overbearing impact
- The proposed reduction in the pavement area is inappropriate
- A glazed extension full of diners/partygoers would be incompatible with the adjacent use of the Funeral Directors and would impact upon the privacy of persons attending the Funeral Directors
- The business should look to relocate to other suitable premises in Whickham rather than extending

- The proposed extension would set a precedent for other businesses in The Square
- If a precedent were to follow then access to the adjacent Funeral Directors and William Hill Bookmakers would be restricted to steps only which would impact on disabled access
- Works will be required to address existing drainage channels
- How can a change of use of the pavement be allowed if the Council own this?

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

5.0 Assessment of the Proposal:

5.1 The main issues to be taken into consideration in the assessment of this application are the principle of the development, impacts upon visual amenity, heritage considerations, impacts upon residential amenity, highway safety and access, coal mining legacy, contaminated land, CIL and any other matters.

5.2 **THE PRINCIPLE OF THE DEVELOPMENT**
 The application site is situated within Whickham District Centre, as defined by policy CS7 of the Local Plan for Gateshead. This policy seeks to maintain and enhance the vitality and viability of retail centres, which provide a focal point for uses, services and facilities to serve the surrounding population, as supported by Chapter 7 of the National Planning Policy Framework (NPPF).

- 5.3 The application proposes the change of use of an area of public footway and erection of an extension which would facilitate the expansion of an existing business. Officers consider that this would be acceptable in retail policy terms in accordance with the aims and objectives of the NPPF and Local Plan policy CS7. The principle of the proposed extension is therefore considered to be acceptable, subject to all other material planning considerations being satisfied.
- 5.4 IMPACTS UPON VISUAL AMENITY
NPPF Paragraph 126 makes clear that *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”*. It goes on to state that *“good design is a key aspect of sustainable development...”*.
- 5.5 Paragraph 131 further states that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*.
- 5.6 Policy CS15 of the Local Plan for Gateshead refers to place making and the need for new development to demonstrate high and consistent design standards and requires development to contribute to good place making. This is supported by Local Plan policy MSGP24 which states that the design quality of proposals will be assessed with regards to criteria including: the proposal’s compatibility with local character including scale, massing, proportions and form; layout and access; and materials.
- 5.7 The Square is formed from an L-shaped single storey building with a two storey building to the western side, forming a U-shape around a central pedestrianised area. The building line of the units is clearly defined around the pedestrianised area; there is an existing outdoor seating area with glass/metal balustrades and planting to the eastern side of the pedestrianised area that is associated with 3-4 The Square, however owing to its small size and overall nature this has minimal visual impact upon the area and does not interrupt the established building line.
- 5.8 Officers consider that as a result of its form, scale, materials and position the proposed extension would appear as an incongruous, obtrusive and poorly designed addition, effectively amounting to a large uPVC conservatory, within its setting relative to its surroundings and would be out of keeping with the character, appearance and established arrangement and building line of units within The Square. Officers therefore consider that the development would have a detrimental impact upon the general character and appearance of the wider streetscene.

- 5.9 Planning permission was previously granted under application 876/01 for the erection of a single storey extension to the south elevation of the restaurant. This permission was however not implemented and has therefore expired. Officers have assessed this application however consider that minimal weight can be afforded to this previous approval in considering this application, as this was of a considerably smaller size and alternative design, materials and position on the building than the scheme proposed by this application; as such, this would not justify the grant of permission in this instance.
- 5.10 It is therefore considered that the proposed development is unacceptable in terms of design and impact upon visual amenity and would be contrary to the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.11 HERITAGE CONSIDERATIONS
The application site is located within Whickham Conservation Area. There are three Grade II listed buildings to the south of the site beyond Front Street (Salisbury House and nos. 69 and 67 Front Street) and locally listed buildings (3-5 Jasmine Villas) to the west beyond the modern commercial buildings. The application is not accompanied by a Heritage Statement.
- 5.12 NPPF Paragraph 197 states that *“in determining applications, local planning authorities should take account of:*
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness”.*
- 5.13 NPPF Paragraph 199 continues by stating that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.*
- 5.14 As at NPPF Paragraph 202, *“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”.*

- 5.15 Local Plan policy CS15 requires development to contribute to the conservation and enhancement of the historic environment, and to take a proactive approach in supporting, safeguarding and sustaining the historic environment in a manner appropriate to the significance of the relevant heritage asset. This is supported by Local Plan policy MSGP25 which permits the alteration, extension or restoration of heritage assets where it sustains, conserves and, where appropriate, enhances the significance, appearance, character and setting of the identified heritage assets in a manner appropriate to their conservation, and the surrounding historic environment.
- 5.16 The Square is a mid to late c20th shopping precinct surrounded by a mix of late c20th developments and traditional c18th buildings, including listed and locally listed building. The application site is located to the western end of the Conservation Area which contains a number of inappropriate buildings, including The Square, which are not considered to reflect the prevailing historic character of the Conservation Area.
- 5.17 The proposed development would permanently extend a building in an architectural style which Officers consider to be inappropriate in its position within the Conservation Area. Whilst Officers consider The Square to represent an inappropriate building within the Conservation Area it is considered that this established inappropriateness would not justify the proposed extension. It is considered that the proposed development, by virtue of its location and appearance, would not sustain, conserve or enhance the significance, appearance and character of the Conservation Area and would not conserve and enhance the spaces between and around buildings. Officers therefore consider that the proposed development would result in less than substantial harm to the significance of the heritage asset.
- 5.18 In accordance with NPPF Paragraph 202 it is necessary to balance the harm against any public benefits from the proposal. No public benefits have been offered as part of the application and Officers consider that no such public benefits would arise.
- 5.19 It is therefore recommended that planning permission be refused for the proposal on the grounds of less than substantial harm to the Whickham Conservation Area which would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF and policies CS15 and MSGP25 of the Local Plan for Gateshead.
- 5.20 **IMPACTS UPON RESIDENTIAL AMENITY**
The application site is located some distance from the closest residential properties which are around 30m to the south, beyond Front Street. Given the established commercial nature of the area and this distance it is considered that the proposed development would not give rise to any unacceptable impact upon residential amenity in

terms of any overlooking, loss of privacy, overbearing impact, loss of outlook, overshadowing or loss of light.

- 5.21 Whilst significant impacts of such a nature are anticipated to be unlikely, were planning permission to be granted it is considered that conditions could be attached in respect of the hours of use of the proposed extension and to require the submission of a noise management plan for guests, in order to ensure that the proposed development would not give rise to detrimental impacts in terms of noise and disturbance to nearby occupiers.
- 5.22 Concerns have been raised that the proposed development would result in a loss of privacy to bereaved families attending the adjacent funeral directors at 7 The Square as they would be overlooked by diners from within the extension. These comments are acknowledged however in view of the nature of the existing site as outdoor public/private seating areas within an established commercial area it is considered that the proposed development could not be concluded to be incompatible, in principle, within this area or to result in such a significant detrimental impact upon privacy of those attending the funeral directors to warrant refusal of the application on these grounds. It is noted that the existing restaurant incorporates areas of obscure glazing to the windows within the south elevation; therefore, were planning permission to be granted it is also considered that conditions could be attached requiring the installation of obscure glazing were this considered to be necessary in the interests of privacy.
- 5.23 Subject to the recommended conditions the development would be acceptable in terms of impact upon amenity and would comply with the aims and requirements of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.24 **HIGHWAY SAFETY AND ACCESS**
The application site comprises an existing outdoor seating area which has previously been stopped up and part of a pedestrianised area which is adopted highway. The pedestrianised area includes a large permanent brick planter to the centre and a smaller planter to the western side which effectively split the area into two footways: one to the north of the planters and one to the south. There is also a bench adjacent to each planter and public recycling bins to the south of the central planter, between this and the car park.
- 5.25 The proposed extension would abut two sides of the central planter and would therefore remove the northern pedestrian route through the area. The remaining pedestrian route would therefore be the southern route, which passes between the recycling bins and parking bays. At this point the footway is approx. 1.4m wide; during visits to the site Officers have however observed parked cars overhanging this

footway which further reduces the usable footway width, and this is also cited in letters of representation that have been received.

- 5.26 Officers accept that the recycling bins could, in theory, be relocated. It is however considered that there is not an equally commodious alternative location for these to be moved to: the bins are intended to be a convenient facility for patrons of the adjacent shops which include food outlets, as well as people arriving to recycle by car, as observed by Officers during site visits. Furthermore, were the bins to be removed, the resulting footway width would only be 2.3m, which is still below the 3m desirable width in areas of higher pedestrian patronage, as referenced in Gateshead Council's Highway Design Guide, which includes The Square. It is acknowledged that the existing arrangement does not provide for a single clear footway width of 3m however this is offset by there being two pedestrian routes through the area.
- 5.27 The site is within a District Centre where it is important that pedestrian movements are prioritised. Officers consider that the northern pedestrian route through the area is important for pedestrians moving through a public realm area that is subject to paraphernalia such as bins, recycling bins, benches and planters. The removal of this route and thus an important part of the pedestrian circulatory space as a result of the proposed extension is therefore considered unacceptable in principle, as it would be detrimental to pedestrian movements and safety.
- 5.28 Having regard to the above the proposed development is considered to be unacceptable in highways terms as it would not provide for direct, safe, secure and continuous pedestrian links, as required by Local Plan policy CS13, and would have an unacceptable impact on the safe operation of the transport network. The application therefore fails to accord with the NPPF and Local Plan policies CS13 and MSGP15.
- 5.29 Concerns have been raised that the proposed development would result in an increase in traffic which would reduce available parking. Whilst the proposed extension would accommodate additional customers which has the potential to generate additional highway movements associated with the restaurant the site is located within a sustainable area which benefits from good pedestrian links and access to public transport and there are public car parks within the vicinity of the site; as such Officers do not consider that these concerns would represent a reason for the refusal of the application.
- 5.30 Were planning permission to be granted a Stopping Up Order would be required to be submitted to the Department for Transport for consideration, as part of which consideration would be given to any underground utility apparatus present within the area.

- 5.31 The area of public footway contains a number of existing highway drainage channels and gullies. Were planning permission to be granted a highway drainage scheme would also be required to be designed around the proposed extension to accommodate changes to the existing highway drainage visible within the pavement and any associated pipes/sewers below ground level. A section 278 legal agreement would be required and all design work and physical works on site would be required to be completed at the applicant's expense.
- 5.32 **COAL MINING LEGACY**
The application site is located within a Coal Authority Development High Risk Area. There are therefore coal mining features and hazards which need to be considered in relation to the determination of the application.
- 5.33 The Coal Authority has been consulted and has identified that a Coal Mining Risk Assessment (or equivalent report) is required to accompany the application. Based on the Coal Authority records the site is indicated to lie in an area of probable unrecorded underground coal mine workings at shallow depth, which may pose a potential risk to surface stability and public safety. The application does not include a Coal Mining Risk Assessment to support the proposed development, in the absence of which the Coal Authority has raised an objection to the application.
- 5.34 As such, it is considered that insufficient information has been submitted with the application to demonstrate that the application would not pose a potential risk to surface stability and public safety. The application therefore fails to comply with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead in this respect.
- 5.35 **CONTAMINATED LAND**
Officers have assessed the proposed development and based on the works proposed consider that the level of contamination potentially being a hazard to site operatives and future site users is low. As such, there is no requirement for the provision of a land contamination Preliminary Risk Assessment in this instance.
- 5.36 It is possible that the development area may be affected by ground contamination; therefore, should planning permission be granted it is considered reasonable that conditions be imposed requiring that further ground contamination investigations only be undertaken in the event that previously undiscovered contamination is found during construction.
- 5.37 Subject to the above condition the development would comply with the aims and requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead in respect of land contamination.

- 5.38 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not qualifying retail or housing related development. Therefore, this proposal would not be charged.
- 5.39 **ANY OTHER MATTERS**
One letter of objection has queried how a change of use can be allowed if the Council owns the land; the ownership of the land does not however preclude the submission of an application for planning permission or to remove highway rights over land.
- 5.40 Concerns have been raised in letters of objection that the proposed development would set a precedent for similar developments; this is not however a reason for refusal and any application is to be considered on the basis of its own merits.
- 5.41 One letter of objection has suggested that the business should relocate to other suitable premises rather than extending; whilst this view is acknowledged the LPA must determine this application on its merits, rather than suggesting alternative measures to the applicant.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account including the representations received it is considered that the application is unacceptable as the proposed development would result in harm to the visual amenity of the surrounding area and would result in less than substantial harm to the designated heritage asset, in this case the Whickham Conservation Area, which would not be outweighed by public benefits.
- 6.2 Furthermore, Officers consider that the proposed development would be detrimental to pedestrian movements and safety. Insufficient information in the form of a Coal Mining Risk Assessment has also been submitted in order to assess the risks posed to the proposed development.
- 6.3 It is therefore considered that the proposed development is unacceptable and is contrary to the aims and objectives of both national and local planning policies and it is therefore recommended that planning permission be refused.

7.0 Recommendation:

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

1

By virtue of its form, scale and location and materials the proposed extension would appear as incongruous, obtrusive and poorly designed addition within its setting relative to its surroundings and would be out of keeping with the character, appearance and established arrangement and building line of The Square. The development would therefore have a detrimental impact upon the general character and appearance of the wider streetscene, contrary to the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

2

The proposed development would result in less than substantial harm to the Whickham Conservation Area which would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF and policies CS15 and MSGP25 of the Local Plan for Gateshead.

3

The proposed development would be detrimental to pedestrian movements and safety as it would impede the footway and remove an important part of the pedestrian circulatory space and cause pedestrian movements through The Square to be directed via of footway of substandard width. The development therefore fails to accord with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

4

The application site falls within the Coal Authority defined Development High Risk Area and insufficient information in the form of a Coal Mining Risk Assessment has been submitted in order to fully assess the risks posed by probable unrecorded underground coal mine workings at shallow depth. The development therefore fails to comply with the requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.



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Committee Report

Application No:	DC/21/01364/COU
Case Officer	Amy Dunbar
Date Application Valid	25 November 2021
Applicant	Gateshead Council
Site:	16 Church Road Gateshead NE9 5RD
Ward:	High Fell
Proposal:	Change of use from dwellinghouse (use class C3) to residential children's home (use class C2) and erection of fence along west boundary of site (additional plans received 21.01.2021).
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF SITE

16 Church Road is 6-bedroom, detached residential dwelling. The property is a bungalow however it has been altered to allow for accommodation within the loft space.

1.2 The front boundary, facing onto Church Road, is bound by a red brick wall/timber fencing as well as one set of iron gates and one set of timber gates, both of which lead to a driveway. The west boundary, facing onto Church Drive, is bound by a tradition stone build wall which spans the length of Church Drive.

1.3 The application site is situated within a residential area set within the Sheriff Hill Conservation Area. St Johns Church, a Grade II Listed Building, is situated opposite the application site.

1.4 DESCRIPTION OF APPLICATION

The application proposes to change the use of 16 Church Drive from a residential dwelling (use class C3) to a residential children's home (use class C2). The proposed children's home would accommodate three to four children at any one time with staff providing 24-hour care on a shift basis.

1.5 At anyone time, up to five members of staff would be on site during the daytime which would reduce to two members of staff after 10:30pm.

1.6 The application also proposes to construct a 2-metre high, close boarded timber fence adjacent to the western boundary of the site. For clarity the fence would be positioned behind the existing stone wall that runs along Church Drive, inside the garden area of no.16.

1.7 RELEVANT PLANNING HISTORY

CS15 Place Making

MSGP11 Housing for Specific Groups

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when considering this planning application are the principle of the development, designated heritage assets, visual amenity, residential amenity and highway safety.
- 5.2 **PRINCIPLE OF DEVELOPMENT- HOUSING POLICY**
Policy CS9 identifies that there is a shortage of family sized homes within Gateshead. Part 1 of policy CS9 seeks to maintain a range of housing types and sizes while part 4 of the same policy seeks to prevent the loss of family homes through change of use development.
- 5.3 The proposed change of use would result in the loss of a family sized residential dwelling. Based upon policy CS9 alone the proposed change of use could be interpreted as conflicting with local planning policy.
- 5.4 However, consideration has been given to the requirements of Policy CS11 which aims to promote lifetime neighbourhoods with a range and choice of accommodation, services and facilities to meet varied and changing needs. Part 3 of this policy requires an increase in the choice of suitable accommodation for those with specialist needs including extra care accommodation. Policy MSGP11 addresses standards that should be achieved where applications propose specialist and supported accommodation.
- 5.5 Although the proposed change of use would result in the loss of one family sized dwelling, it would provide specialist accommodation for children and in this respect would, to a certain extent, help to maintain a range of house types. It is considered that the location of the site would be appropriate for a development of this nature as there is good accessibility to public transport as well as shops, services, community facilities and open space.
- 5.6 On balance it is considered that the principle of the change of use of this site is acceptable subject to all other material planning considerations being satisfied.
- 5.7 **IMPACT ON DESIGNATED HERITAGE ASSETS/ VISUAL AMENITY**

The application does not propose to carry out any external alterations to the building however it does propose to construct a close boarded timber fence parallel to the west boundary of the site.

- 5.8 The traditional stone boundary wall along Church Drive, dating back to c.1857, has been largely unaltered and contributes towards the historic character of the Conservation Area. Originally, the application proposed to construct the timber fence on top of this stone wall however amended plans were submitted on 21st January 2022 to demonstrate that the fence would instead be positioned behind the wall within the garden of the host property.
- 5.9 Given that the fence would not be physically attached to the wall, the built fabric of the wall would be conserved. A condition has been attached to ensure that the fence is constructed in accordance with the amended plans. Overall, it is not considered that the addition of a timber fence along this boundary would have a harmful impact on designated heritage assets and therefore does not conflict with policies CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.
- 5.10 **RESIDENTIAL AMENITY**
Objections have been raised regarding the potential increase in noise disturbance and disturbance during early mornings and late evenings.
- 5.11 The property is detached from neighbouring properties and would have a limited occupancy of a maximum of four children who would be managed by staff 24 hours a day. It is acknowledged that a level of domestic noise may be generated as a result of the change of use however taking into account the above factors, it is not considered that this level of noise would be unduly different to that associated with the use of the property as a six bedroomed residential dwelling.
- 5.12 Concerns were also raised about the position of the proposed fence along Church Drive having an overbearing impact on nearby dwellings. The position of the fence has been amended and it is considered that the location of the fence within the garden of 16 Church Drive, rather than on top of the wall, would not have an overbearing impact on nearby properties.
- 5.13 Overall, it is considered that the proposed development would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook, privacy and noise. Therefore, it is considered that the proposal is in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.14 **TRANSPORT/ HIGHWAY SAFETY**
The site would be accessed via the existing vehicle accesses off Church Road. The site features a double garage and areas of hardstanding where up to three cars can be stored.
- 5.15 In terms of parking, Gateshead Council's Making Spaces for Growing Places (MSGP) Local Plan Document sets out minimum car parking requirements for

all use classes. In this case, a premises falling under use class C2 would require a minimum provision of one car parking space per three residents. Furthermore, two cycle parking spaces should be provided per fifteen non-residential staff.

- 5.16 The existing site layout, including the onsite parking arrangement, would remain unchanged therefore the car parking provision at this site would satisfy the minimum requirement for a development falling within use class C2.
- 5.17 The proposed plans do not demonstrate that cycle parking facilities have been included therefore provision should be made to accommodate weatherproof and secure cycle storage with the capacity to store at least four bicycles in accordance with Gateshead Council's cycle parking minimum requirements (Condition 4). It is anticipated that this can be comfortably accommodated within the existing double garage.
- 5.18 Objections have been raised concerning parking, traffic and highway safety on Church Road. As previously mentioned, it is not anticipated that vehicles associated with the application site will create an unacceptable demand for street parking given the onsite parking provision that is available. It is noted that Church Road is an unrestricted road therefore any concerns regarding potential indiscriminate parking are outside of the control of the Local Planning Authority.
- 5.19 It is not considered that the change of use of this site would have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.20 OTHER MATTERS
Objections have been raised regarding the potential for the use of the site to generate an increase in anti-social behaviour. Northumbria Police have been consulted and have confirmed that they have no objections to the proposed change of use at this location.
- 5.21 Objectors have also suggested that the use of the site be contained to providing care specifically for children with learning disabilities and not become a "regular children's home" as objectors are of the view that this would increase the risk of anti-social behaviour, police visits, disruption at night, young people gathering and crime. The planning system deals with the use and development of land rather than the identity and background of any particular future resident. Officers are of the view that any such planning restriction would be unreasonable given that the proposed use of the building would comply with relevant planning policy.
- 5.22 COMMUNITY INFRASTRUCTURE LEVY
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not qualifying housing related development.

6.0 CONCLUSION

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

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary

1

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

Site Location Plan (Scale 1:1250)

AL(20)101 Proposed Ground Floor Plan

AL(20)102 Proposed First Floor Plan

AL(20)103 Proposed Roof Plan

AL(20)104 Proposed Elevations

AL(90)101 Revision A Proposed Site Plan

AC(90)001

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 timber fence hereby permitted shall be constructed entirely in accordance with plan number AC(90)001.

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.

4

Prior to the first use of the premises, secure and weatherproof cycle storage with the capacity to store four bicycles, shall be provided on site and thereafter permanently retained.

Reason

To promote the use of sustainable transport and in order to ensure adequate provision for cyclists in compliance with Policies CS13 and MSGP15 of the Local Plan for Gateshead.



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Committee Report

Application No:	DC/21/01436/FUL
Case Officer	Andrew C Softley
Date Application Valid	15 December 2021
Applicant	C/O Agent
Site:	Site Bounded By Mill Road, Hawks Road And South Shore Road Gateshead
Ward:	Bridges
Proposal:	Variation of conditions 1 (approved plans); 43 (hotel materials); 44 (artwork opportunities); 48 (external lighting); 52 (wind mitigation); 56 (off site biodiversity); 65 (noise mitigation); and 67 (waiting restrictions) of planning permission DC/20/00323/FUL for erection of indoor events arena (use class D2), conference and exhibition centre including meeting rooms and associated facilities (use classes D1 and D2), dual branded hotel with roof top bar (use class C1), provision of retail and leisure floorspace (use classes A1, A3 and A4) and outside performance square with landscaping, public realm and infrastructure works as well as associated engineering operations, security measures and signalised crossing (additional information and amended plans received 15/09/20 and amended 12/10/20).
Recommendation:	GRANT
Application Type	Full Application

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

The application site covers an area of approximately 5.3 hectares and is located immediately to the south of the River Tyne and HMS Calliope (a Royal Navy training base), with the north-eastern part of the site providing the landing point of the Millennium Bridge. South Shore Road runs through the northern part of the site, separating the southern and larger part of the site from the river bank and the Millennium Bridge. The site is bound to the west by the Grade II listed 'Coal Drops', the Sage Gateshead concert venue and associated car park, to the southwest by the railway line, to the south by Hawks Road and Gateshead College directly beyond this, and to the east is the Baltic-Quays residential apartments.

1.2 From north to south, the site largely comprises the southern bank landing point of the Gateshead Millennium Bridge, which is made up of a large paved area on the Quays (Baltic Square) with steps up to South Shore Road.

Beyond the road, at grade, is surface car parking, and then a higher level of surface parking, that together make up the South Shore Road Car Park. South of this, and at a higher plateau level (prior to the enabling works commencing) is the larger Mill Road Car Park, that is surrounded to the west and south by green open space. Beyond that, the southernmost part of the site comprises vacant former industrial land, which is fenced off from entry. There is a 23m increase in site grades from the north to the south of the site, which results in a series of plateaus.

- 1.3 Construction of the current site plateaus and car parks took place in the 1990s following site clearance and extensive earthworks. The former industrial land that makes up the southern part of the application site was cleared of buildings in 2013/2014.
- 1.4 The application site is considered a 'Key Site' under policy QB2 (Gateshead Quays Key Site) of the Core Strategy and Urban Core Plan (CSUCP) and has been allocated for mixed-use development comprising: Office (B1); Leisure and Conferencing Facilities (D1, D2); Hotel (C1); and Residential (C3) with ancillary Retail (A1, A2, A3, A4) uses where development is to provide a "cultural and commercial focus".
- 1.5 The application site also lies within the Gateshead Newcastle Urban Core and is therefore subject to policy CS1 (Spatial Strategy for Sustainable Growth) of the CSUCP which prioritises the Urban Core as the location for major leisure, culture and tourism development.
- 1.6 The application site is additionally subject to policy CS2 (Spatial Strategy for the Urban Core), which requires development to maintain and enhance its vibrancy by supporting developments which enhance and diversify culture, leisure and tourism facilities.
- 1.7 The application site is subject to The Gateshead Quays Development Framework (GQDF), which requires development of Plot QB2-A to complete the river frontage, address Hawks Road and Mill Road and have a positive relationship with the Coal Drops. The Framework also confirms that the size and location of the two parcels of land within Plot QB2-A provides an opportunity to deliver larger footprint uses, such as leisure and cultural landmarks, to be supplemented and supported by retail and commercial uses.
- 1.8 **DESCRIPTION OF THE APPLICATION**
This application proposes the variation of conditions 1 (approved plans); 43 (hotel materials); 44 (artwork opportunities); 48 (external lighting); 52 (wind mitigation); 56 (off site biodiversity); 65 (noise mitigation); and 67 (waiting restrictions) of planning permission DC/20/00323/FUL, which is for the erection of an indoor events arena (use class D2), conference and exhibition centre including meeting rooms and associated facilities (use classes D1 and D2), dual branded hotel with roof top bar (use class C1), provision of retail and leisure floorspace (use classes A1, A3 and A4) and outside performance square with landscaping, public realm and infrastructure works as well as associated engineering operations, security measures and signalised crossing

(additional information and amended plans received 15/09/20 and amended 12/10/20).

1.9 Following the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the above uses now fall under Use Class E (formerly A1, A3 and D1) and Sui Generis (formerly A4 and D2). There has been no amendment to Use Class C1. The Use Classes set out in the original description of development are proposed to be amended as part of this application.

1.10 This "Section 73" application proposes to bring forward minor material amendments to planning permission reference DC/20/00323/FUL, which was granted 4th December 2020. The scope of amendments sought through this application are as follows:

1.11 ARENA

- Operators office relocated from stand alone building to be housed within Arena massing.
- Tyneside VIP entrance pushed out and reduced.
- Podium reduced with retaining wall moved in so Corten now comes down to pavement along Hawks road.
- Smoking terrace relocated.
- Glazing reduced opposite Galleria.
- Green roofs omitted.
- Change of some brick areas to precast.

1.12 CoEx

- Relocation of subterranean meeting rooms previously located under Performance Square into the Galleria.
- Smaller Conference Facilities relocated to CX01.
- Plant areas relocated to CX05 CoEx and top of Galleria.
- Reduction in Exhibition Hall 1, 45m wide to 36m wide.
- Changes to west elevation of the Galleria.
- Green roof to exhibition halls changed to ballast, PVs added.
- Riverfront Corten balustrade changed to PPC.
- Galleria Roof changed from metal shingles to metal standing seam roof.
- Concrete wall cladding to exhibition halls changed to composite panel cladding.

1.13 HOTEL

- The Hotel building massing has been revised to help reduce the overall impact of the development within its context. The southern end of the building has been extended and raised to allow for 2 floors to be removed from the northern element of the hotel, positioning it lower than the previous application along the river frontage.

- The terracotta panels across the facade at the upper levels have been replaced with an aluminium alternative. Whilst the materiality of the facade has changed the colours and finish is seeking to retain the original design concept.
- Brickwork has been introduced at the lower levels to help integrate the building at the pedestrian level and to tie into the landscape and strata of the CoEx and Arena.
- As a result of the revised massing the external plant has been rationalised to be located primarily on the roof at Level 03 and Level 11.
- Internal design efficiency allows for removal of the basement, the repositioning of the fire escape (previously located south of the northern core), and the removal of the service stair.
- Internal Skybar removed and replaced with external glazed sky terrace.

1.14 SOUTH SHORE ROAD

- Reduction in street trees to meet the constraints of retained utilities and enable safe queuing areas for the venue and external steps.
- Adjustments to street furniture and bus shelter locations to address crowd movement requirement and reflect the updated security strategy.
- Amendments to the location of highway build outs to ease crowd movement and enable street planting.
- Adjustments to surface materials and distribution to meet amended architectural layouts.
- Partial retention/relocation of the HMS Calliope parking bays within the secure line.
- Increased lay-by length and geometry to enable adequate servicing provision.

1.15 PERFORMANCE SQUARE

- Removal of below ground accommodation has enabled the creation of a more gently terraced Performance Square which has enabled increased seating provision, greater pedestrian permeability, improved visual and physical connection to the CoEx and Sage and ultimately enhanced flexibility of use.
- Feature paving has been used to provide focus to the performance areas.
- Event day queuing lanes are incorporated within the public realm out of main pedestrian flow routes.
- Adjustment to the alignment of the feature steps from South Shore Road to Lower Performance Square to create a new entry point to the CoEx at level +18.00 and to facilitate the partial retention of the existing bank.

1.16 COAL DROPS

- Adjustment of surface materials and distribution to accommodate changes to the Arena footprint.

- Removal of podium steps and the introduction of a raised planter to take up level changes, control pedestrian movement and accommodate wind baffles.
- Minor adjustments to the planter layout to reflect levels adjustments.
- Inclusion of the Transforming Cities Fund bid design to Hawks Road: substantial widening of the footway and the adjustment to the pedestrian crossing.

1.17 ARRIVAL PLAZA

- Re-design of the arrival plaza, responding to architectural changes, has resulted in a much larger and dynamic arrival space.
- Adjustment to podium steps to address main pedestrian flows
- Formalised approach to the admin building and inclusion of delivery bay.
- Inclusion of the Transforming Cities Fund bid design to Hawks Road: substantial widening of the footway and the adjustment to the pedestrian crossing.
- Removal of green roof areas.

1.18 HOTEL CHARE

- Removal of Co-Ex emergency access steps resulting in increased areas of planting.
- Rationalised design of the main hotel access steps to meet adjusted levels and buildability.
- Extents of public realm amended to reflect architectural changes and access arrangements.

1.19 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The Council considers that this proposed mixed use development falls within Part 10 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, of which Part 10(b) relates to urban development projects, including on sites of more than 1 hectare. For such developments, EIA is required where significant environmental effects are likely, which is considered to be the case here. As such the original application (DC/20/00323/FUL) was considered to be EIA development and was submitted with an Environmental Statement (ES). This new application is considered to represent a "subsequent application" under the EIA Regulations 2017 and as such is submitted with a Supplementary ES.

1.20 The Supplementary ES includes chapters relating to:

- Townscape and Views
- Transport and Accessibility
- Air Quality
- Noise and Vibration
- Socio-Economics
- Built Heritage
- Archaeology

- Water Resources and Flood Risk
- Ground Conditions, Soils and Contamination
- Ecology and Nature Conservation
- Wind Environment
- Daylight, Sunlight and Overshadowing
- Climate Change and Resilience
- Health and Wellbeing
- Waste and Recycling
- Cumulative Impact Assessment

1.21 Gateshead Council is the majority landowner for this development . As required by regulation 64 of the 2017 EIA Regulations, the Council has appropriate administrative arrangements in place to ensure that there is a functional separation, between the persons bringing forward this proposal for development (the applicant) and the persons responsible for determining this proposal i.e. the Local Planning Authority.

1.22 RELEVANT PLANNING HISTORY

20/00323/DOC1: Discharge of conditions application approved for conditions 3 (Construction Management Plan -- amended 09/03/21 (including CEMP), 5 (Archaeological Field Work), 8 (Land Contamination Assessment), and 59 (Construction Training Plan) of planning approval DC/20/00323/FUL (amended 19/08/21 and 06/12/2021). The application was approved on 7th December 2021.

DC/21/01242/NMA: Non-Material Amendment of planning application DC/20/00323/FUL to allow the amendment of the wording of Condition 14 (Drainage construction method statement). The application was approved on 11th November 2021.

20/00323/DOC2: Discharge of conditions application approved for conditions 11 (Coal Mining Legacy) and 12 (Remediation Scheme) of planning approval DC/20/00323/FUL. The application was approved on 9th July 2021.

DC/20/00323/FUL: Planning permission granted for the erection of an indoor events arena (use class D2), conference and exhibition centre including meeting rooms and associated facilities (use classes D1 and D2), dual branded hotel with roof top bar (use class C1), provision of retail and leisure floorspace (use classes A1, A3 and A4) and outside performance square with landscaping, public realm and infrastructure works as well as associated engineering operations, security measures and signalised crossing (additional information and amended plans received 15/09/20 and amended 12/10/20). The application was heard by Planning and Development Committee on 11th November 2020 and was recommended for approval following consultation with the National Planning Casework Unit. The application was ultimately approved on 4th December 2020 following conclusion of consultation with the National Planning Casework Unit.

DC/20/00698/FUL: Planning permission granted for erection of a new ten-storey multi-storey car park, electricity substation and vehicular access

including landscaping and other associated works (amended 09/10/20). The application was approved by Planning and Development Committee on 28th October 2020.

DC/20/00694/FUL: Planning permission granted for proposed link road, cycleway and footpaths connecting Hawks Road and Albany Road including provision of signalised junctions, landscaping and drainage. The application was approved by Planning and Development Committee on 7th October 2020.

DC/13/00854/DEM: Prior approval approve for demolition of all industrial units on the site (Hawks Road Industrial Estate).

DC/04/01841/GBC: Planning permission granted for temporary change of use of land to two car parks, permanent construction of a public square and associated vehicular and pedestrian accesses, paths and steps and land east of the Sage Gateshead.

997/02: Hybrid planning permission granted, with detailed permission for stage 1, for a leisure devt. (A3/D2) including temp. car parking/hoardings, landscaping & Maidens Walk access & outline appn. for future mixed use devt. including leisure uses (A3/D2), local convenience store (A1 up to 600sqm gross), hotel (C1), residential (C3) & multi-storey car park.

581/00: Reserved matters approved for erection of a leisure complex comprising leisure units/cinema (use class D2), restaurant/bar units (use class A3) and hotel (use class C1) with associated multi-storey car park, access and landscaping.

580/00: Planning permission granted for development of land to provide 237 residential apartments, car parking, access and hard & soft landscaping (amended 6/11/00 and 5/12/00).

1334/98: Planning permission granted for development of 4.3 acres of land for leisure (D2), food and drink (A3) and hotel (C1) uses with associated car parking facilities.

762/98: Planning permission granted for reclamation of derelict industrial site including erection of retaining wall fronting South Shore Road, erection of 1.9m high security fence along northern and eastern boundaries of site and provision of facilities for crushing of excavated materials on site.

1155/97: Planning permission granted for erection of a regional music centre (use class D2) including concert halls, music school and children's centre with associated roads and paths, car parking facilities and open space (revised application).

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No comments or objections.
Coal Authority	No objections.
National Highways	No objections.
Historic England	No objections.
Marine Management Organisation	Any works within the marine area require a licence from the Marine Management Organisation and it is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.
Natural England	No comments.
CE Electric UK	No objections.
Northern Gas Networks	No objections.
Northumbria Water	No comments.
Port Of Tyne	Any work planned for the river/quay wall as part of the design and construction requires a River Works Licence.

3.0 Representations:

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

3.2 4 letters of objection to the application have been received from neighbouring occupiers, residents and interested parties and a summary of the key concerns raised is as follows:

- The loss of sunlight to neighbouring occupiers.
- The size and length of the hotel building have increased, which will have a negative impact upon the Tyne Gorge Study.
- Windows on the hotel would result in a loss of privacy to residents in Baltic Quay flats.
- Open air platform would allow overlooking into neighbouring bedrooms.
- Daylight/Sunlight Assessment has not followed current BRE guidance and not considered all the relevant windows within Baltic Quay Flats.
- The communal garden and courtyard serving Baltic Quay Flats will be harmed.

- Access to the communal garden and courtyard for emergency appliances could be lost.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

QB1 Quays and Baltic Sub-Area

QB2 Gateshead Quays Key site

QB3 Quays and Baltic Dev Opportunity Sites

UC11 Gateways and Arrival Points

UC12 Urban Design

UC13 Respecting and Managing Views

UC14 Heritage

UC15 Urban Green Infrastructure

UC16 Public Realm

UC17 Public Art

CS2 Spatial Strategy for Urban Core

CS8 Leisure, Culture and Tourism

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP19 Air Quality

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP27 Archaeology

MSGP28 Renewable and Low Carbon Energy

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

IPA4 Tyne Gorge Study

GPGSPD Gateshead Placemaking Guide SPD

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main issues to be considered as part of this application are whether the variation of conditions 1, 43, 44, 48, 52, 56, 65 and 67 of planning permission DC/20/00323/FUL is acceptable in planning terms.

5.2 Condition 1 - Approved Plans

The proposed alterations to the appearance and materiality of the development have been considered in detail and are deemed to maintain a high quality development that is in accordance with national and local planning policies. The changes are therefore considered acceptable by officers, subject to reapplying the conditions that were attached to the current planning permission.

5.3

The landscaping scheme has been revisited across the site and further opportunities have been identified as a result of moving the meeting rooms previously proposed beneath Performance Square to within the arena building. This places less constraints onto Performance Square, resulting in it increasing in size and functionality and the opportunity to introduce further landscaping into this part of the site. The relationship between the site and the Coal Drops remains important and therefore agreeing a final landscaping scheme remains crucial and is addressed by conditions.

- 5.4 The changes to the scale and mass of the hotel building result in an improvement from a townscape perspective, as its height and prominence in respect of the Tyne Gorge is reduced. The modest increase in the height of the southern element of the hotel building and the modest increase in its depth in a southerly direction does result in a modest increase in the level of daylight and sunlight impact upon the adjacent Baltic Quay Flats. However, the additional impacts are not considered to significantly alter the overall impact beyond that considered acceptable previously, which combined with townscape benefits from the proposed changes and the extensive explanation set out in the previous application, on balance the proposed changes remain acceptable.
- 5.5 With regard to the proposed change from an enclosed 'skybar' to an open top terrace, it is considered that the design and layout has been arranged to prevent any overlooking potential towards the neighbouring Baltic Quay Flats. Furthermore, the location, limited weather dependent use, and existing background noise should prevent any noise associated with use of the terrace from being a significant issue.
- 5.6 Replacement of the green roofs with brown roofs (ballast) and the introduction of the solar pv panels to the roof of the CoEx is considered to be acceptable from a visual perspective. From an ecological perspective, the loss of the green roofs impacts upon the biodiversity offsetting that can be achieved on-site. However, condition 56 (see below) deals specifically with this issue and can be revised to provide added offsetting off-site.
- 5.7 From a transport perspective, changes to the method of construction of the arena would result in additional structural columns being required, some of which impact upon the proposed service yard. Tracking plots have been provided and officers are satisfied that adequate space would still be provided to allow safe manoeuvrability and maintain highway safety as a result.
- 5.8 Furthermore, additional Stopping Up Orders are required to address the changes to Maidens Walk, the proposed slight relocation (moved 10m west) of the parking spaces that belong to HMS Calliope, and two further areas on Hawks Road and South Shore Road have been identified. Subject to agreeing suitable alternative provision, which can be addressed by condition, the proposals are considered acceptable in planning terms.
- 5.9 The other transport related issues raised previously remain outstanding and thus all conditions should be reviewed and reattached/amended where appropriate.
- 5.10 Condition 43 - Implement hotel cladding material

Condition 43 of the approved scheme specifies the use of a glazed blue/green terracotta effect tile for the northern element of the hotel. This new application looks to replace the terracotta effect tile with an aluminium alternative that achieves a similar colour and finish. This is considered to be acceptable and hence it is considered appropriate to amend the condition accordingly.

5.11 Condition 44 - Public art scheme approval

The Public Art Opportunities document prepared by "Planit-IE" that forms part of the approved scheme has been updated/ revised to reflect the various design, landscaping and facade changes put forward as part of this application, whilst still seeking to provide a similar level of public art provision. The condition wording therefore needs to be revised to reflect the updated document.

5.12 Condition 48 - External lighting strategy approval

The light strategy plan prepared by "Planit-IE" that forms part of the approved scheme will be revised to reflect design, landscaping and facade changes put forward as part of this application, with final details to be agreed. The condition wording therefore needs to be revised to remove reference to the superseded plan.

5.13 Condition 52 - Implement wind mitigation measures

The wind mitigation strategy that forms part of the approved scheme has been revised slightly to reflect the various design, landscaping and facade changes put forward as part of this application. The changes are considered to be acceptable and do not alter the findings of the original ES and associated wind modelling. The condition wording therefore needs to be revised to reflect the updated documents.

5.14 Condition 56 - Biodiversity scheme approval

Removal of the green roofs that forms part of the approved scheme means that the extent of off-site ecological mitigation needs to increase in order to still achieve a similar level of measurable net gain. The wording of the condition shall therefore be amended accordingly.

5.15 Condition 65 - Noise mitigation signage approval

The condition wording needs updating to make reference to the Supplementary ES.

5.16 Condition 67 - Waiting restrictions review approval

Notwithstanding the submission of the Supplementary ES, the condition remains valid and necessary, save for updating the policy wording to reflect the adoption of the Making Spaces for Growing Places document, which forms part 2 of the Local Plan for Gateshead.

5.17 Of the other conditions attached to the previous permission (DC/20/00323/FUL), conditions 3 (Construction Management Plan -- amended 09/03/21 (including CEMP), 5 (Archaeological Field Work), 8 (Land Contamination Assessment), 11 (Coal Mining Legacy), 12 (Coal Remediation Scheme) and 59 (Construction Training Plan) have been submitted and

approved and hence can be removed, with their associated implementation conditions (conditions 4, 6, 9, 13 and 60) amended to take account of the approved details.

- 5.18 All other conditions attached to the previous permission remain valid and therefore should be reattached. Furthermore, Making Spaces for Growing Places, which forms part 2 of the Local Plan for Gateshead, and replaces the saved policies from the Unitary Development Plan has been adopted since the previous approval was granted. Therefore, all conditions should be updated to reflect the latest Local Plan policies where relevant.

6.0 CONCLUSION

- 6.1 The Environmental Information contained with the Supplementary ES submitted with this application has been examined in association with the approved ES and the significant effects of the proposed development on the environment taken into consideration by the Council in coming to its decision.
- 6.2 The Council is satisfied that the reasoned conclusion to grant planning permission subject to conditions is up to date and addressed the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development.
- 6.3 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, overall the development accords with the relevant development policies and should therefore be granted unless material considerations indicate otherwise. Here the material considerations also indicate that permission should be granted and so it is recommended that permission is granted subject to appropriate conditions.
- 6.4 Therefore taking into account all the relevant material planning considerations, including the environmental information contained with the Supplementary ES and approved ES and the comments made by consultees and third parties, it is considered that the proposal is acceptable and accords with the aims and objectives of Regulation 26 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and both national and local planning policies.
- 6.5 It is therefore recommended that this variation of condition application should be granted planning permission subject to the recommended planning conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following conditions and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary

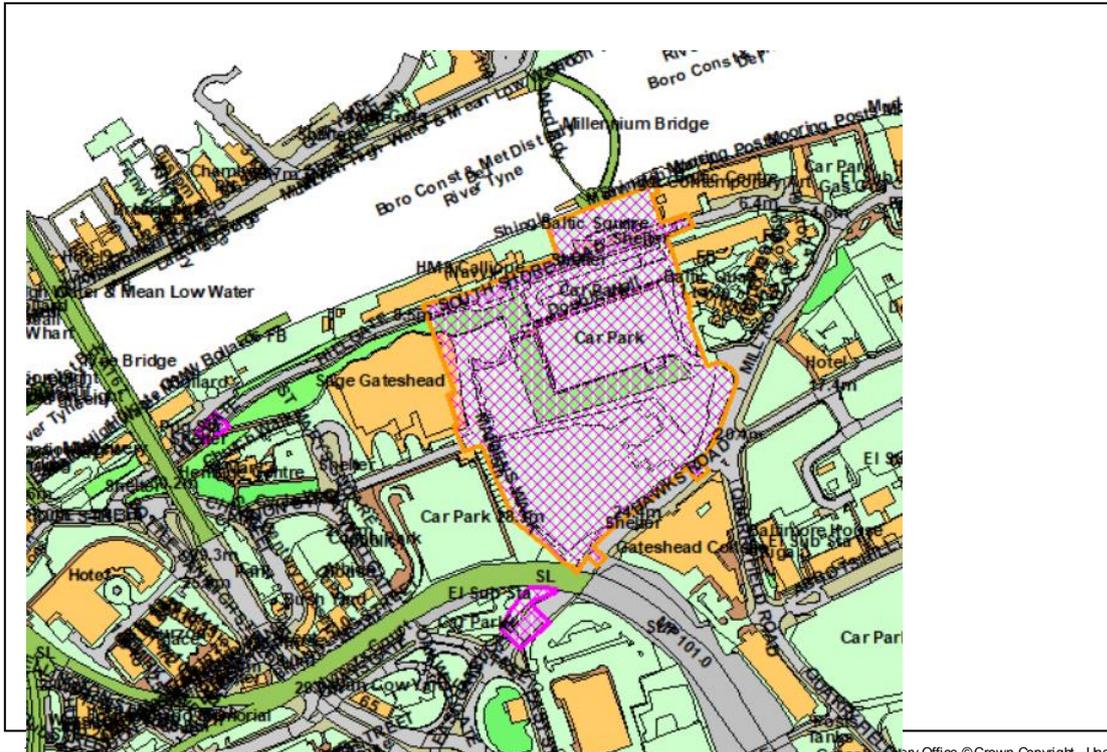
Condition 1 – In accordance with plans.

Condition 2 – Implement Construction Environment Management Plan

- Condition 3 – Final report of the results of the archaeological fieldwork
- Condition 4 – Implement contamination remediation strategy
- Condition 5 – Contamination not previously identified
- Condition 6 – Implement coal mining legacy remediation scheme
- Condition 7 – Drainage construction method statement
- Condition 8 – Implement drainage construction method statement
- Condition 9 – SuDS and drainage maintenance plan
- Condition 10 – Implement SuDS and drainage maintenance plan
- Condition 11 – Details of traffic management measures
- Condition 12 – Implement traffic management measures
- Condition 13 – Coach Parking strategy
- Condition 14 – Implement Coach Parking Strategy.
- Condition 15 – Taxi infrastructure provision
- Condition 16 – Implement taxi infrastructure provision
- Condition 17 – Preferred taxi supplier arrangement
- Condition 18– Implement preferred taxi supplier arrangement
- Condition 19 – Pedestrian improvement measures
- Condition 20 – Implement pedestrian improvement measures
- Condition 21 – internal lifts maintained 24 hours
- Condition 22 – the external handrails
- Condition 23 – Implement the external handrails
- Condition 24 – Strategy to manage access to Maidens Walk
- Condition 25 – Implement strategy to manage access to Maidens Walk
- Condition 26 – Cycle Parking and facilities

- Condition 27 – Implement Cycle Parking and facilities
- Condition 28 – Public transport strategy
- Condition 29 – Implement public transport strategy
- Condition 30 – Improvements to bus stops
- Condition 31 – Implement improvements to bus stops
- Condition 32 – Servicing management plan
- Condition 33 – Implement service management plan
- Condition 34 – Travel Plan
- Condition 35 – Implement Travel Plan
- Condition 36 –Materials hotel
- Condition 37 – Public Art
- Condition 38– Implement Public Art
- Condition 39 –Materials
- Condition 40 – Implement Materials
- Condition 41 – External lighting strategy,
- Condition 42– Implement external lighting strategy,
- Condition 43 – Details of external plant, machinery or equipment
- Condition 44 – Implement details of external plant, machinery or equipment
- Condition 45 – Implement wind mitigation details
- Condition 46 – Landscaping
- Condition 47– Implement Landscaping
- Condition 48 –Maintain Landscaping for 5 years.
- Condition 49 – Scheme to secure the off-site biodiversity net gains
- Condition 50 – Implement scheme to secure the off-site biodiversity net gains
- Condition 51– No vegetation clearance works shall be undertaken during the bird breeding season

- Condition 52 – Implement employment and Training Plan - construction
- Condition 53 – Employment and Training Plan – operation
- Condition 54 – Implement employment and Training Plan – operation
- Condition 55 – Details of COEX/Hotel servicing plan
- Condition 56 – Implementation of COEX/Hotel servicing plan
- Condition 57 – Noise mitigation signage approval
- Condition 58 – Implement noise mitigation signage
- Condition 59 – Waiting restrictions review approval
- Condition 60 – Implement waiting restrictions review
- Condition 61 – HVM measures approval
- Condition 62 – Implement HVM measures
- Condition 63 – MSCP and Link Road operational first
- Condition 64 – Acc' with Coal Drops mitigation measures



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Committee Report

Application No:	DC/21/01454/FUL
Case Officer	Ryan Cowley
Date Application Valid	17 December 2021
Applicant	The Metrocentre Partnership
Site:	Former Toys R Us Unit Metro Retail Park Pinetree Way Gateshead NE11 9XU
Ward:	Whickham North
Proposal:	Demolition of existing retail unit and erection of a replacement retail unit(s) with associated parking, delivery and service areas.
Recommendation:	GRANT subject to the resolution of outstanding highway and drainage matters
Application Type	Full Application

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

The application site is unit 6, a vacant retail unit at the south end of the terrace of retail units which form Metro Retail Park at the Metrocentre. The unit was last occupied by 'Toys 'R' Us'. The unit became vacant in April 2018, when 'Toys 'R' Us' ceased trading.

1.2 DESCRIPTION OF APPLICATION

This planning application has been submitted on behalf of The Metrocentre Partnership to demolish the vacant Toys R Us retail unit and replace it with a row of 3no. replacement retail units (Units A, B and C).

1.3 The supporting Planning Statement submitted with the application explains that the applicant has marketed the site since it became vacant and that interest has been expressed from retailers wishing to occupy this location in new replacement units. This application has been submitted to respond to this interest.

1.4 The replacement building is of a contemporary design, featuring double height glazing to the front and side with dark granite vertical piers, metal louvres and bronze coloured flat cladding panels. The proposal also features a contemporary flat roof design with canopy and has a total height of approximately 8.8 metres, matching that of the existing retail units in the retail park.

1.5 The replacement building measures approximately 43.5 metres by 57.5 metres externally, however will have a smaller footprint overall than that of the existing building. The existing building covers a ground floor area (measured externally) of approximately 4,150 sqm, whereas the replacement building covers a

ground floor area (measured externally) of just 2,500 sqm (approx.), within the existing footprint.

- 1.6 Each of the replacement units will however include a larger internal mezzanine floor which will be used as retail floorspace, compared to the smaller mezzanine installed in the existing unit and used as storage. The existing retail unit measures 5,034 sqm (gross internal area, including mezzanine). The proposed replacement retail units will have a combined gross internal area of 4,411 sqm split across the three units as follows;

Unit A - 1,765 sqm (929 sqm ground floor, 836 sqm mezzanine)

Unit B - 1,323 sqm (696 sqm ground floor, 627 sqm mezzanine)

Unit C - 1,323 sqm (696 sqm ground floor, 627 sqm mezzanine)

- 1.7 Despite the additional mezzanine floor space, the replacement units will in fact constitute a reduction in the overall gross internal area of the building of approximately 623 sqm.

- 1.8 The planning application has been submitted with the following supporting information.

- Planning and Economics Statement
- CIL forms
- Design and Access Statement
- Flood Risk Assessment
- Drainage Strategy
- Preliminary Geo-environmental Risk Assessment
- Transport Statement

1.9 PLANNING HISTORY

The Toys R Us unit was built as part of the Metro Retail Park which was constructed under the terms of the Gateshead No2 (Cross Lane/Dunston) Enterprise Zone scheme. The Enterprise Zone scheme limits the sale of food, drink and tobacco within shop units to no more than 250 square metres. Otherwise there is currently no restriction or limitation on the retail use of this site, the range of goods permitted to be sold or the size of the retail unit.

- 1.10 The following recent planning history is considered to be relevant to the current application;

DC/19/00773/FUL - Planning permission was granted on 7th November 2019 for demolition of existing retail unit and erection of new retail unit, extension of existing service yard and other associated works. This permission has not been implemented however remains valid for 3 years (until November 2022).

2.0 Consultation Responses:

Northumbria Water No representations received.

Northumbria Police	No representations received.
Tyne And Wear Fire and Rescue Service	The Fire Authority have no objections to this proposal. Advice provided with respect to building regulations requirements and fire safety measures. Further comment will be made on receipt of a Building Regulations submission.
National Highways	The proposed development has no greater trip making potential than both the former and consented uses and, therefore, National Highways would not wish to offer any objection to the proposals.
Coal Authority	As the site falls within the Development Low Risk Area (DLRA) there is no requirement for The Coal Authority to be consulted. If foundations are required, such as piles, which disturb or pass-through coal seams then this may require a permit from the Coal Authority Permissions and Licensing team. As part of the permit process the technical matters associated with proposals are considered.

3.0 Representations:

- 3.1 The Council sent neighbour notification letters to 24 surrounding businesses, as well as displaying 2 site notices in January 2022. A notice also appeared in the press on 26th January 2022.
- 3.2 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

AOC2 Metrogreen

MSGP6 Retail and Other Uses in Centres

MSGP7 Retail and Leisure Impact Assessment

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP37 Biodiversity and Geodiversity

MSGP48 Waste Management Facilities - New Dev

5.0 Assessment of the Proposal:

- 5.1 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, the impact on highway and pedestrian safety, the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, ecology and nature conservation, flood risk and drainage and contaminated land. These and all other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

Site Allocations and Retail Planning Policy

- 5.2 The site is situated within Metro Retail Park, adjacent to the Metrocentre, which is not identified as a centre in the Council's retail hierarchy as set out in policy CS7 of the CSUCP. Policy CS7 does however acknowledge the role of the Metrocentre, as an existing out-of-centre regional shopping destination and stipulates that this will be sustained and supported with proposals being assessed in line with national policy.

- 5.3 This planning application proposes the replacement of a single existing retail unit formerly occupied by Toys R Us with 3 smaller retail units. The proposal would therefore result in 2 additional retail units at the Metrocentre / Retail Park, albeit there would be a reduction in the overall retail floor space.
- 5.4 The site is in an out of centre location. Therefore Local Plan policies CS7 and MSGP7 require a proportionate assessment of retail impacts for the proposal. A supporting Planning and Economics Statement has been submitted as part of the planning application which includes a sequential assessment which considers if the proposal could be accommodated on a more sequentially preferable site, as well as a retail impact assessment that considers the impact of the proposed development on the vitality and viability of existing centres.
- 5.5 In terms of the sequential test the submitted supporting statement examines whether the proposal could be accommodated on a more sequentially preferable site including within Gateshead Town Centre and Blaydon District Centre. The applicant notes the difference in the role of the Metrocentre compared to the Town Centre and Blaydon District Centre. The latter serving smaller more localised catchments and therefore not suitable locations in terms of serving the needs of the potential occupiers that the proposed unit is aimed at. On this basis Council officers accept that there are no sequentially preferable units or sites within the town centre or Blaydon Centre.
- 5.6 In terms of the potential impact from the proposed development on existing centres, the starting point is to understand the potential turnover from bringing the vacant site back into retail use. The submitted information estimates that the replacement retail floorspace could generate around £29.8 million per annum based on an average turnover density of £6,760 (which would be less for bulky goods retailers). The supporting information compares this with impacts arising from similar proposals for retail development at the Metrocentre and conclude that typically such development have been found to have a very limited or negligible impact. Overall, it is concluded that diversion in expenditure will be dispersed given the extent of the Metrocentre catchment area, including facilities in similar out of centre retail parks. National planning guidance notes that retail uses tend to compete with their most comparable competitive facilities. It is also noted that the amount of retail floorspace that is proposed is also lower than the vacant unit, and lower than that previously approved.
- 5.7 Council officers are overall satisfied with the finding of the impact assessment and sequential test, particularly when taking into account the existence of the current unit on the site which could be re-opened at any time and the extant planning permission. Council officers therefore consider the proposed development to be acceptable from a retail policy point of view. The potential impact on existing centres is likely to be minimal and there are no suitable sequentially preferable sites. It is therefore considered that the proposal accords with the aims and objectives of the NPPF and policies CS7 and MSGP7 of the Local Plan.

Metro Green Area of Change

- 5.8 The site is situated within the Metro Green Area of Change. Policy AOC2 of the CSUCP relates to the Metro Green Area of Change and sets a commitment to preparing an Area Action Plan (AAP) to guide development of the land in the area for residential, commercial and office uses. The AAP has not been produced to-date. Policy AOC2 states that proposals in advance of the AAP should not prejudice the development of the area. Given the nature of this proposal as a replacement retail unit Council officers are of the opinion that the proposal will not have any material impact on or prejudice the completion of the Area Action Plan or the delivery of the Metro Green vision.

Use Class

- 5.9 It is noted that since the previous planning permission for this site, The Town and Country Planning (Use Classes) Order 1987 has been amended to introduce Use Class E, which now encompasses a range of uses previously considered separate to one another and that were defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e).
- 5.10 Retail uses, such as the use proposed in this instance, would previously have fell under Use Class A1 however now fall under Use Class E(a). As Use Class E now covers a broader range of uses, the unit once operational would have the ability to change use to any number of other uses within the same use class without planning permission, unless restricted by planning condition.
- 5.11 The application and the impact of the proposed development have been considered on the basis of the units being in retail use, and so Council officers consider that limitations on the use of the unit should be applied in this instance to prevent other Class E uses from using the unit, without subsequent planning permission. In particular, it is considered that if Class E(d) leisure/recreation uses were to come forward these could have implications for the extent of the sequential test (ie the Urban Core and not just the retail area) and impact assessment. A condition to restrict the use to Class E(a) retail use only, as per the previous permission, is therefore recommended in order to define the permission, protect the viability and vitality of other centres and to limit the impact on the highway network.

Principle of Development Summary

- 5.12 In view of the above, the principle of the development is considered to be acceptable, subject to the identified planning condition(s) and the consideration of all other relevant material planning considerations, as set out in further detail below.

HIGHWAY AND PEDESTRIAN SAFETY

- 5.13 A Transport Statement dated December 2021 has been submitted with the planning application. This Transport Statement assessed the expected trip demands associated with the proposed development.

- 5.14 National Highways have been consulted as the site is adjacent to the A1 and have confirmed that as the proposed development has no greater trip making potential than both the former and consented uses, they would not wish to offer any objection to the proposals.
- 5.15 Notwithstanding this, whilst Council officers also considered the applicant's assessment of trip generation is acceptable due to the reduction in overall floor area, officers have requested alterations to the existing car park and further information on the proposed service yard and access arrangements. Discussions are still ongoing regarding these matters between the applicant and Council officers.
- 5.16 An update on the outstanding highway issues will be reported to the Planning Committee.

FLOOD RISK AND DRAINAGE

- 5.17 A Flood Risk Assessment and Drainage Strategy have been submitted as part of this planning application. National and local planning policies advise that development should be directed towards the areas at the lowest risk of flooding. The application site is located within Flood Zone 1 (area of lowest risk for flooding from rivers and the sea). The submitted Flood Risk Assessment identifies however that there is a low, medium and high risk of surface water flooding to the service yard area and a low and medium risk of surface water flooding to the car park area.
- 5.18 No comments or objections have been received from Northumbrian Water.
- 5.19 Notwithstanding this, Council officers have reviewed the submitted flood risk and drainage details and have requested further clarification from the application with regard to the modelling of the existing drainage networks and the proposed drainage arrangement. Discussions are still ongoing regarding these matters between the applicant and Council officers.
- 5.20 An update on the outstanding drainage issues will be reported to the Planning Committee.

VISUAL AMENITY OF THE SITE AND CHARACTER AND APPEARANCE OF SURROUNDING AREA (INCL. LANDSCAPING)

- 5.21 The submitted Design and Access Statement explains the design approach to the proposed new building and shows how the development will result in improvements to the character and appearance of the site and surrounding area. The statement explains that the redevelopment of this site will create an opportunity for 3 new modern units, that will attract new tenants
- 5.22 The proposed building is of a contemporary and modern design, featuring double height glazing to the front and side with dark granite vertical piers, metal louvres and bronze coloured flat cladding panels. The proposals also features a contemporary flat roof design with high level canopy feature and is of a height

matching that of the existing retail units in the retail park. The proposed new building reduces the footprint of the existing building however maintains a frontage in a similar position to the existing. Customer entrances are provided serving each of the three units along the main frontage on the east elevation. The existing service yard to the rear is to be enlarged and re-configured to include additional parking and new landscaping. A strip of new landscaping is also proposed to the front (east) of the units, adjacent to the existing car park, and to the rear (west) to delineate the rear service yard area. Small areas of existing planting will be lost along the southern elevation of the existing building and within the existing car park to the south.

- 5.23 Overall, it is considered that the proposed scale, design, materials and landscaping of the proposed development will result in a high quality design which is appropriate for a new commercial retail building, within a commercial area of the Metrocentre. Architecturally the building is generally considered to be of a better quality design than the existing, in terms of both its appearance and materiality, and the units create active frontages along the two main elevations providing a welcoming environment for patrons. Furthermore, the proposed landscaping improves the quality of the public realm at the main frontage of the building and provides an attractive screen separating parking areas from the rear service yard.
- 5.24 A planning condition has been recommended to ensure that the external materials specified on the submitted plans and details are used in the interest of good design. Subject to the identified planning condition, it is considered that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), and in accordance with policies CS15 and MSGP24 of the development plan and relevant paragraphs of the NPPF.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

- 5.25 The proposed development is for a replacement retail building, within an established retail park, surrounded by other commercial and retail uses and with no sensitive (i.e. residential) land uses in the immediate vicinity. In view of this, it is considered that the proposals would not have a significant detrimental impact on the amenity and privacy of neighbouring land users by way of overshadowing, any overbearing effect, poor outlook, overlooking or undue noise and disturbance. In this context it is considered that it is not necessary to control the hours of opening by planning condition, and this is in line with the extant permission for this site.
- 5.26 The proposal is therefore considered to be acceptable with respect to the impact on the amenity and privacy of neighbour land users, and in accordance with policies CS14, MSGP17 and MSGP18 of the development plan and the relevant paragraphs of the NPPF.

ECOLOGY AND NATURE CONSERVATION

- 5.27 The site is located within 500 metres of 3 Local Wildlife Sites (Tidal River Derwent, The River Tyne and Cross Lane Meadows), and is partly located within a designated Wildlife Corridor which links the River Tyne to Cross Lane Meadows LWS and LNR and Washingwell Woods/Watergate Forest Park to the south. No ecological information has been submitted with the planning application.
- 5.28 The Council's Ecologist has assessed the proposed development and has advised the proposed development is unlikely to have a significant adverse impact (either directly or indirectly) on designated sites and/or ecological connectivity, although there may be opportunities to enhance ecological connectivity via the provision of net gains for biodiversity within the site in accordance with the NPPF and Local Plan policies CS18 and MSGP37.
- 5.29 The site itself is considered to be of low ecological value, given that it is dominated by a single large retail building of modern construction with areas of hardstanding. Limited areas of more substantial amenity tree and shrub planting are situated immediately west of the proposed development site off Maple Row. Habitats within and immediately adjacent to the proposed development site afford limited opportunities for a narrow range of statutorily protected and/or priority species including breeding and foraging birds, foraging and commuting bats and small mammals (incl. hedgehog). Owing to its recent modern construction, the lack of nearby high quality foraging habitat and the impact of existing artificial lighting; the existing building (to be demolished) is likely to pose a negligible risk for a bat maternity roost(s) and a negligible to low risk for roosts containing individual/small groups of non-breeding bats.
- 5.30 In order to address any potential residual risks to statutorily protected and/or priority species associated with the site clearance/demolition phases of the development, and demonstrate how the development provides net gains for biodiversity, Council officers are of the view that the development should be supported by and carried out in accordance with an agreed Biodiversity Method Statement to address these matters, and a planning condition is therefore recommended to secure this accordingly, prior to commencement of development.
- 5.31 Subject to imposition of the above condition it is considered that the proposed development can be achieved within acceptable ecological limits and in accordance with national and local planning policies.
- 5.32 It is therefore considered that, subject to the identified condition, the proposal is acceptable with respect to the impact on ecology and nature conservation and in accordance with policies CS18, MSGP32 and MSGP37 of the development plan and relevant paragraph of the NPPF.

CONTAMINATED LAND

- 5.33 With respect to the risk from contaminated land, a Preliminary Geoenvironmental Risk Assessment has been submitted as part of the

planning application. This report considers the ground conditions at the site and the potential for land contamination.

- 5.34 Council officers are satisfied with the findings of the report and ultimately it is considered that there are no requirements for any further planning conditions with reference to a Preliminary Risk Assessment, intrusive site investigation with a Phase II Detailed Risk Assessment or remediation and gas monitoring / risk assessment.
- 5.35 Notwithstanding this, the submitted reports notes that sources of ground gas derived from both the made ground (both on and off site) and alluvium were identified and quantified. As a result, the site was classified as Characteristic Situation 2 (CS2) under which scenario ground gas protection will be required in new structures commensurate with the identified risks. In line with these conclusions, the Council's Contaminated Land Officer has requested details of gas protection measures, as well as a detailed remediation and verification strategy including verification proving those measures have been correctly installed. Conditions are also requested to deal with the treatment of any unexpected contamination encountered during the works and an asbestos survey (and plan detailing methods, controls and management procedures if found) for the existing building. These planning conditions are recommended accordingly.
- 5.36 Subject to these conditions, it is considered the proposed development would be acceptable from a contaminated land point of view and would accord with the aims and objectives of the NPPF, and policies CS14 and MSGP20 of the development plan.

OTHER PLANNING MATTERS

Community Infrastructure Levy

- 5.37 On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is a retail development which is located within Commercial Charging Zone 2. Currently there is a levy of £50 per square metre for this type of development for any additional floorspace to be created. The application has been accompanied by the requisite CIL forms and the CIL charge has been calculated as £0.00 as the proposal results in a net reduction in floor space.

Waste Management

- 5.38 Council officers have assessed this application from a waste servicing perspective and there are considered to be no issues in this respect There is ample space within the enclosed rear service for the storage of wheeled bins, with easy access for the HGV bin lorries to service them with minimal reversing. The application is therefore considered to be acceptable with respect to waste management issues and in accordance with Local Plan policy MSGP48.

Safety and Security

- 5.39 No comments or concerns have been received from Northumbria Police, the application is therefore considered to be acceptable with respect to matters of safety and security.

RESIDUAL MATTERS

Fire Safety and Building Regulations

- 5.40 Tyne and Wear Fire and Rescue has confirmed that they have no objections to the proposal, however have provided advice with respect to Building Regulations requirements and fire safety measures. Tyne and Wear Fire and Rescue will make further comment through the Building Regulations process. A suitable informative note to make the applicant aware of this is recommended accordingly.

Coal Authority Permit

- 5.41 The application site falls within the Development Low Risk Area with respect to coal mining risk and so there is no requirement for The Coal Authority to be consulted. However, the applicant has indicated in their submission that, whilst the associated risk from coal mining is considered to be low for the current foundation proposals, should the proposed development scheme change, or loads require piles to extend to and derive capacity from bedrock, further assessment of the mining risk will be required.
- 5.42 The Coal Authority has therefore been consulted in this instance and has advised if foundations are required, such as piles, which disturb or pass through coal seams then this may require a permit from the Coal Authority Permissions and Licensing team. As part of the permit process the technical matters associated with proposals are considered and so it is not considered necessary to duplicate this process through this planning application. An informative note is recommended however to make the applicant aware of the Coal Authority permitting requirements.

6.0 CONCLUSION

- 6.1 The application is considered to be acceptable with respect to the above-mentioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF. The development is therefore recommended for approval subject to the planning conditions set out below.

7.0 Recommendation:

That permission be GRANTED subject to the resolution of the outstanding highway and drainage matters and the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport 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 -

17412-100	Location Plan
17412-104	Proposed Site Plan
17412-105	Proposed GA Plan
17412-106 Rev B	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

No development shall take place (including any demolition, ground works, site clearance) until a method statement for the demolition, site/vegetation clearance, aftercare and long term maintenance has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives, including:
 - measures to be implemented to avoid/minimise potential residual adverse impacts on statutorily protected and/or priority species; and
 - biodiversity enhancements proposed to provide net gains for biodiversity as part of the proposed development (e.g. integrated bat and bird boxes, all new landscaping to be locally native species of local provenance, lighting design strategy for biodiversity);
- c) extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

Reason

To avoid harm to statutorily protected and/or priority species and provided enhanced opportunities (net-gains) for biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the demolition and construction phases of the development can be carried out in a manner which minimises residual adverse impacts on statutorily protected and/or priority species.

4

The works agreed under condition 3 shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason

To avoid harm to statutorily protected and/or priority species and provided enhanced opportunities (net-gains) for biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

5

No development (including demolition) shall commence until the developer either submits evidence that the building was built post 2000 or carries out an intrusive pre-demolition asbestos survey in accordance with HSG264 (second edition) and provides a mitigation plan (detailing methods, controls and management procedures in the event asbestos is found) to reduce risks to potential workers, neighbours and other offsite receptors to be approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the demolition phases of the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6

Where required, the development shall be implemented in accordance with the asbestos mitigation plan approved at condition 5.

Reason:

To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

7

Prior to the commencement of development, details of land gas protection measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land gas to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the development can be carried out safely without unacceptable risks to future users of the land, workers, neighbours and other offsite receptors.

8

The development shall be implemented in accordance with the gas protection measures approved at condition 7.

Reason:

To ensure that risks from land gas to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

9

Prior to the commencement of development, a Detailed Remediation and Verification Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details on:

- How to manage risks to human health in the permanent case via the permeation of potable water supplies.
- How to manage risks to human health and the built environment in the permanent case associated with hazardous ground gasses.

- How to manage risks to human health in the temporary case associated with hazardous ground gasses.
- How to manage risks to human health in the temporary case associated with ingestion, direct contact or inhalation of made ground derived soils.
- How to manage risks associated with unforeseen contamination discovered during construction.
- How to manage and control soils / fill imported and / or exported to and / or from the site.
- Verification documentation which proves that the gas protection measures have been correctly installed by an appropriately qualified installation contractor

Reason:

To ensure that risks from land contamination and gases are minimised in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the development can be carried out safely without unacceptable risks to future users of the land, workers, neighbours and other offsite receptors.

10

The development shall be implemented in accordance with the detailed Remediation and Verification Strategy approved at condition 9.

Reason:

To ensure that risks from land contamination and gases are minimised in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

11

Notwithstanding the submitted details, the construction works associated with the development hereby approved shall not progress beyond the damp course layer until full details of hard and soft landscaping have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of visual amenity and in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan.

12

The hard and soft landscaping scheme approved under condition 11 shall be implemented in full accordance with the approved details prior to the occupation of the units hereby approved and shall be maintained thereafter for a minimum of 5 years.

Reason

In the interests of visual amenity and in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan.

13

In the event that contamination is found at any time when carrying out the development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination.

Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and implemented. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination are minimised in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

14

The development hereby permitted shall be constructed entirely of the external materials detailed in the following plans and documents:

17412-106 Rev B Proposed Elevations
17412 Design and Access Statement (November 2021)

Reason

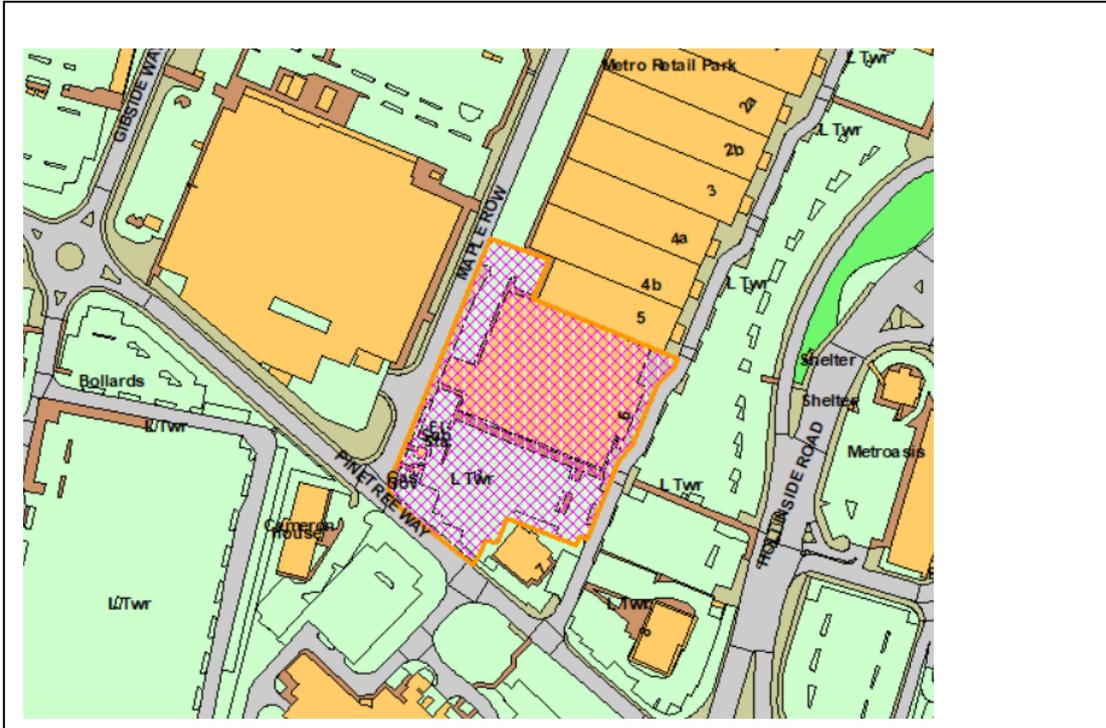
To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Policy CS15 of the Core Strategy and Urban Core Plan.

15

The development hereby approved shall be used for Class E(a) retail use(s) for the sale of any goods (except food, drink or tobacco for consumption off the premises where such sales exceed 250sqm of gross floor area of the retail unit), and not for any other use, including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order. The operation of any café or restaurant selling hot or cold food and drinks for consumption on or off the premises shall at all times remain ancillary to the Class E(a) retail use of the unit.

Reason:

In order to protect the viability and vitality of retail centres and to limit the impact on the highway network in accordance with the NPPF and the adopted Core Strategy and Urban Core Plan.



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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

16 March 2022

TITLE OF REPORT: Placemaking SPD and Specialist and Supported Housing SPD

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

Purpose of the Report

1. To inform Planning and Development Committee about two Supplementary Planning Documents (SPD) the updated Specialist and Supporting Housing SPD, and Placemaking SPD. Reports on both SPD's have also been presented to Environment and Transport Portfolio, and reports on the Specialist and Supported Housing SPD were also taken to Housing and Economy, and Joint Adults and Health Portfolios.

Background

2. Government guidance on plan making states that SPD's should build upon and provide more detailed advice on policies in an adopted local plan; an SPD cannot introduce new planning policies. SPD, however, are a material consideration in decision making. They should not add unnecessary burdens on development.
3. The Placemaking SPD was first adopted in 2012. An update is required following the adoption of Making Spaces for Growing Places (MSGP) in March 2021, which resulted in the related deletion of saved policies from the Unitary Development Plan. This SPD includes updated information on Areas of Special Character and Routeways and Gateways and provides sign posting to national design guidance. The updated SPD also takes account of the emerging changes in the national planning system.
4. The Specialist and Supported Accommodation SPD is a new SPD that builds upon, and is consistent with, policies contained within both The Core Strategy and Urban Core Plan (CSUCP) and Making Spaces for Growing Places (MSGP). It will also work in conjunction with the Council's Social Care Market Position Statement (MPS), and evidence within both the Joint Strategic Needs Assessment (JSNA) and the Strategic Housing Market Assessment (SHMA).

This SPD provides guidance to those intending to develop and seek planning permission for specialist and supported accommodation in Gateshead. It sets out:

- what the Council takes into account when considering the suitability of specialist and supported accommodation.
- expected general standards for development.
- matters of consideration relating to specific types of accommodation.

Consultation and SPD Update

5. The SPDs have undergone an initial six week public consultation, from 1 October to 12 November, with amendments made to the document where appropriate to reflect comments submitted. Consultation reports have also been prepared summarising and responding to each comment, which were published alongside the updated draft SPD's.

The adoption process

6. Both SPDs were approved for consultation by Environment and Transport Portfolio; the Specialist and Supported Housing SPD was also approved for consultation by the Housing & Economy, and Joint Adults and Health Portfolios.
7. The SPDs have been publicised for comment for a period of four weeks from 13 January to 10 February. The consultation statements on the initial consultation, which provides responses to comments have also been published on the Council's website.
8. Once comments on the draft SPDs have been received and analysed, consideration will be given to whether, and how, the draft SPDs may be further revised to address the issues raised. Notification of any amendments will then be sent out along with a statement setting out the representations received and how those representations have been addressed.
9. Following this, the SPD's will be taken to Cabinet for approval and subsequently to Council for adoption. As soon as practical following its adoption, the SPDs will be made available for inspection and published on the Council's website, together with an adoption statement.

Recommendation

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

Contact: Emma Lucas Ext: 3747

1. FINANCIAL IMPLICATIONS

2. Nil

3. RISK MANAGEMENT IMPLICATIONS

Nil

4. HUMAN RESOURCES IMPLICATIONS

Nil

5. EQUALITY AND DIVERSITY IMPLICATIONS

The Specialist and Supported Housing SPD will provide guidance on assessing planning applications for housing to meet the needs specific groups, including elderly and disabled people. This will help to facilitate provision of quality housing for people with one or both of those protected characteristics.

6. CRIME AND DISORDER IMPLICATIONS

Nil

7. SUSTAINABILITY IMPLICATIONS

Nil

8. HUMAN RIGHTS IMPLICATIONS

Nil

9. WARD IMPLICATIONS

All wards

BACKGROUND INFORMATION

link to

[Placemaking SPD](#)

[Specialist and Supported Housing SPD](#)

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TITLE OF REPORT: Enforcement Team Activity

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

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 01.02.22 and ending 02.03.22 the enforcement team has received 126 new service requests.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	42	33	59	1
HIGHWAYS	19	14	14	0
ABANDONED VEHICLES	56	20 active cases remain	77	0
WASTE	9	9	0	2
TOTALS	126	76	150	3

COURT HEARINGS

Previously reported pending prosecutions have been reviewed with Legal and Democratic Services. Of the 46 pending cases reported, 32 were

withdrawn, for a variety of reasons including public interest test, compliance, cautions issued as an alternative. 14 were successfully prosecuted. The Enforcement Team attended one Court Hearing, relating to advertising contraventions. The defendant failed to attend, and the case has been adjourned.



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
16th March 2022

TITLE OF REPORT: Enforcement Action

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

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 landowner 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 New castle 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	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. 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	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016 29 th Sep 2018	<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 landowner 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> <p>Update requested by Councillor Ord at planning committee 16 February 2022 as problem recurring.</p>
4.	Blaydon Quarry , Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	<p>Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter or leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays.</p> <p>A site visit was undertaken on the 20th June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.</p>
5.	Blaydon Quarry Lead Road, Gateshead	Craw crook 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>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
								<p>A discharge of condition application has been submitted in relation to condition 23 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p>
6.	Blaydon Quarry Lead Road, Gateshead	Craw crook 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>
7.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 th July 2019	25 th July 2019	22 nd August 2019	03 rd October 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.</p> <p>Estimates have been received for the council to do the works in default if the Notice 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>
8.	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> <p>A revised notice was re-served, on the 4th August. The notice was not appealed. The site owners have until the 1st November to demolish the building and clear the land. Notice not complied with. A Demolition method statement is being prepared by construction services. Demolition isn't straight forward due to structural integrity of building and presence of asbestos containing materials.</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
								02 March 2022 NEDL have disconnected the electrical supply to the building. No further update on progress to provide.
9.	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>
10.	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>
11.	Dynamix Albany Road Gateshead	Bridges	Untidy Land	27 th August 2021	27 th August 2021	27 th September 2021	27 th December 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 all waste be removed from the land, the mounds of rubble be removed to ground level and all the graffiti cleaned from the building.</p>



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE 16 March 2022

TITLE OF REPORT: Planning Appeals

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

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/20/00752/FUL - York Road Fish Shop, 28 York Road, Birtley DH3 2BD
Erection of a single storey extension to the existing hot food unit and the formation of new vehicle access to the South of the site (amended description and plans received 16.09.2020).

This was a delegated decision refused on 6 October 2021

Appeal Decisions

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

DC/21/00460/HHA - 3 Home Avenue, Low Fell, Gateshead NE9 6TX
Proposed two storey extension to side elevation, porch to front elevation and construction of detached garage/store within side garden.

This was a committee decision refused on 12 August 2021

Appeal allowed 3 February 2022

DC/21/00732/FUL - Lands At & To The Rear: 21 & 23 Monkridge Gardens With Disused Pavilion & Hardstanding, Off Monkridge Gardens, Dunston Hill, Gateshead Borough NE11 9XE

Proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 & 4 (materials); and Condition 9 (cycle storage); and Conditions 16 & 17 (bird & bat boxes) of extant application GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).

This was a committee decision granted on 7 October 2021

Appeal allowed 8 February 2022

Appeal Costs

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

DC/21/00732/FUL - Lands At & To The Rear: 21 & 23 Monkridge Gardens With Disused Pavilion & Hardstanding, Off Monkridge Gardens, Dunston Hill, Gateshead Borough NE11 9XE

Proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 & 4 (materials); and Condition 9 (cycle storage); and Conditions 16 & 17 (bird & bat boxes) of extant application GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).

This was a committee decision granted on 7 October 2021

Appeal allowed 8 February 2022

The costs have been refused

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 2

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/20/00752/FUL	York Road Fish Shop 28 York Road Birtley DH3 2BD	Erection of a single storey extension to the existing hot food unit and the formation of new vehicle access to the South of the site (amended description and plans received 16.09.2020).	Written	Appeal in Progress
DC/21/00460/HHA	3 Home Avenue Low Fell Gateshead	Proposed two storey extension to side elevation, porch to front elevation and construction of detached garage/store within side garden.	Written	Appeal allowed
DC/21/00525/CPL	Hillcrest Stannerford Road Ryton	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT: Erection of two single-storey buildings within curtilage of existing dwelling to be used as games room and garden store.	Written	Appeal in progress
DC/21/00732/FUL	Lands At & To The Rear: 21 & 23 Monkridge Gardens With Disused Pavilion & Hardstanding Off Monkridge Gardens Dunston Hill	Proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 & 4 (materials); and Condition 9 (cycle storage); and Conditions 16 & 17 (bird & bat boxes) of extant application	Written	Appeal allowed

	Gateshead	GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).		
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Appeal Decision

Site visit made on 18 January 2022

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 February 2022

Appeal Ref: APP/H4505/W/21/3284738

Lands At & To The Rear: 21 & 23 Monkridge Gardens with disused pavilion and hardstanding, off Monkridge Gardens, Dunston Hill, Gateshead NE11 9XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Anthony Lang against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/21/00732/FUL, dated 4 June 2021, was approved on 7 October 2021 and planning permission was granted subject to conditions.
 - The development permitted is proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 & 4 (materials); and Condition 9 (cycle storage); and Conditions 16 & 17 (bird & bat boxes) of extant application GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).
 - The conditions in dispute are Nos 18, 19 and 20 which state that:
 - *Condition 18*
Notwithstanding the submitted details, no dwellinghouse hereby approved shall be occupied until a scheme for the 'blocking up' of the ground floor openings (doors and windows) within the side elevations of both 21 and 23 Monkridge Gardens has been submitted to and approved in writing by the Local Planning Authority.
 - *Condition 19*
The scheme for 'blocking up', approved under condition 18, shall be completed in full prior to the occupation of any dwellinghouse hereby approved and shall be retained as such, unless otherwise approved in writing by the Local Planning Authority.
 - *Condition 20*
Notwithstanding the provisions of Article 3, Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), the permitted development rights of Plots 5-9 (enlargement, improvement or other alteration of a dwellinghouse) are hereby removed
 - The reasons given for the conditions are:
 - *Condition 18*
In the interests of residential amenity and in order to accord with NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
 - *Condition 19*
In the interests of residential amenity and in order to accord with NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
 - *Condition 20*
In the interests of residential amenity and in order to accord with NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
-

Decision

1. The appeal is allowed and the planning permission Ref DC/21/00732/FUL for deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 & 4 (materials); and Condition 9 (cycle storage); and Conditions 16 & 17 (bird & bat boxes) of extant application GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21) at Lands At & To The Rear: 21 & 23 Monkridge Gardens with disused pavilion & hardstanding, Gateshead NE11 9XE granted on 7 October 2021 by Gateshead Metropolitan Borough Council, is varied by deleting conditions 18 and 19.

Applications for costs

2. An application for an award of costs was made by Dr Anton Lang against Gateshead Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. Planning permission was granted by the Council in April 2021 (the first permission) for the erection of nine dwellings on land at / to the rear of 21 and 23 Monkridge Gardens¹, subject to a number of planning conditions. The application from which this appeal derives² sought the removal of some, and the variation of other, conditions imposed upon that permission. The application (the second permission) was approved but did not address some of the conditions that the appellant sought to remove.
4. The appellant has helpfully cross-referenced the condition numbers from the first permission with those set out on the second permission. In the interests of consistency, I have referred to the condition numbers as set out within the second permission in my consideration of this application. As such, it is conditions 18, 19 and 20 of the second permission to which my consideration relates.

Background and Main Issue

5. Access to the development granted planning permission by the second permission would be taken via a new shared-surface access road running between 21 and 23 Monkridge Gardens. The shared-surface access road would narrow in width for that part of it which will run between the two existing houses. These houses have a number of openings on their side elevations, including kitchen doors and larger windows at ground floor and landing and bathroom windows at first floor.
6. The Council, concerned that the proximity of the access road to these properties would cause noise and disturbance to the occupiers thereof, imposed conditions 18 and 19 to mitigate the effects of the proposed development. These conditions required the submission of a scheme showing the blocking up

¹ LPA Ref No: DC/20/01183/FUL

² LPA Ref No: DC/21/00732/FUL

of the existing openings, and then its subsequent implementation and retention.

7. With regard to condition 20, this sought to remove Class A permitted development rights³ for the future extension of the houses at plots 5 to 9. The Council considered the approved layout to be satisfactory in terms of ensuring acceptable living conditions for future occupiers of those plots, and for occupiers of existing properties on Knightside Gardens but were concerned that future permitted development proposals could compromise the living conditions of occupiers of those properties.
8. Having regard to the above, the main issue in the consideration of this appeal is whether or not the disputed conditions are necessary and reasonable in the interests of living conditions, in particular:
 - Conditions 18 and 19 and the living conditions of occupiers of 21 and 23 Monkridge Gardens with particular regard to noise and disturbance and privacy; and
 - Condition 20 and the living conditions of occupiers of existing properties on Knightside Gardens which would back on to plots 5 to 9, and future occupiers of plots 5 to 9, all with particular regard to privacy.

Reasons

Conditions 18 and 19

9. Although the appeal site occupies a large area of land to the rear of a greater number of properties on Monkridge Gardens than just Nos 21 and 23⁴, the sole access to the development would be between these two properties. Serving a total of nine new dwellings, the access would comprise a shared surface access road for its entire length. Directly adjacent to Nos 21 and 23 are what the appellant's Noise Assessment⁵ (NA) refers to as 'buffer areas'. These create a 'pinch point' in the shared surface access road for a length between Nos 21 and 23. At the rear of both, a brick plinth wall with infill timber panels would step out to enclose the rear gardens and separate them from the access.
10. Nos 21 and 23 are essentially 'handed' versions of each other. On each property's side elevation at ground floor level are kitchen doors, larger windows and smaller storeroom doors. At first floor level are landing and bathroom windows. The front door, and windows to the habitable rooms are located on the front and rear facing elevations facing towards and over, respectively, the street and rear gardens.
11. Although the conclusions of the appellant's NA regarding noise and vibration arising from vehicle movements are not disputed, the Council nevertheless include the passing of vehicles in their concern that vehicles and pedestrians will generate intermittent noise. I have no compelling justification before me with regard to the inclusion of vehicles within this area of concern, or further or new areas of dispute in relation to the NA's conclusions.
12. With regard to passing pedestrians, it cannot be guaranteed that they would not be the sources of intermittent noise. However, in the context of a dense

³ Town and Country (General Permitted Development)(England) Order 2015 (as amended)

⁴ It shares a boundary with Nos 9, 11 – 21 and 23 & 25 Monkridge Gardens

⁵ Northburn Acoustics 'Noise Assessment' prepared for Cokain Developments Ltd Report number: 20-51-793

suburban area where houses are set back from roads and pavements behind only small front gardens, I am not persuaded that the resulting arrangements for Nos 21 and 23 would be materially different to elsewhere within the surrounding area. Nor, given the limited number of properties that the access road would serve and within further through-routes, the numbers of passers-by would be correspondingly limited. Any intermittent noises would thus be both limited and transient and therefore any potential disturbance to occupiers of Nos 21 or 23 would be correspondingly limited.

13. Whilst I accept that Nos 21 and 23 both have existing doors at ground floor level and non-habitable room windows at first floor, facing towards the shared access, the reasonably generous buffer areas on either side of the carriageway would distance these from the likely paths of passers-by. Windows on the front elevations of both properties look over short front gardens towards the road and are not therefore entirely private whilst to the rear the proposed brick plinth and timber wall / fence would ensure mitigation of intervisibility between windows on the rear elevations and the access road.
14. None of the openings serve habitable rooms, whilst the larger glazed openings are at first floor level and so any intervisibility between ground level and window would be distanced by height. Moreover, any intervisibility would also be transient as passers-by, whether by vehicle or on foot, would proceed through the entrance to the development past Nos. 21 and 23. The brick wall / timber fence would provide an effective screen to mitigate any potential intervisibility between the private rear faces of Nos 21 and 23 and the access road and would satisfactorily protect the privacy and therefore living conditions of existing and future occupiers of these properties.
15. I am not therefore persuaded that the blocking up of the existing openings is necessary, relevant to the development permitted or reasonable in all other respects in the interests of privacy in terms of either noise and disturbance or privacy. Paragraph 55 of the National Planning Policy Framework (the Framework) states consideration should be given to whether otherwise unacceptable development could be made acceptable through the use of conditions. The Framework goes on to reiterate the 'six tests' for the imposition of planning conditions.
16. For these reasons, I am also satisfied that the removal of conditions 18 and 19 would not cause conflict with the aims, provisions and requirements of either Core Strategy and Urban Core Plan (CSUCP) policy CS14 or Making Space for Growing Places (MSGP) policy MSGP17. Together, these policies seek to secure developments that provide high quality environment and a good standard of amenity for existing and future occupants of land and buildings. For the reasons I have set out, I am satisfied that the removal of these conditions would not result in conflict with these policies.

Condition 20

17. Framework paragraph 54 states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (the Guidance) also states that conditions seeking to restrict the future exercise of permitted development rights may not pass the tests of reasonableness or necessity.

18. The disputed condition specifically cites plots 5 to 9 of the approved scheme as being those for which the application of permitted development rights should be restricted. The appellant describes these plots as being of a decent size with good sized gardens but does not dispute the separation distances cited by the Council between their rear elevations and those of Knightside Gardens.
19. Whilst the rear garden area of plot 9 is more generous than those associated with plots 5 to 8, the separation distance between the rear elevations of opposing properties would be generally consistent and not particularly generous. I have not been directed towards any guidance regarding minimum separation distances between properties, but the short rear garden plots of plots 5 to 9 married to the differences in ground levels here, lead me to share the Council's concerns regarding the potential for harm to living conditions of existing and future occupiers of the opposing properties.
20. Although the exercise of permitted development rights comes with some checks-and-balances, I am satisfied that the particular circumstances of plots 5 to 9 and the relationship of properties therein to those on Knightside Gardens justifies the approach taken by the Council. The retention of condition 20 would not be in conflict with the provisions of the Framework or the Guidance in respect of the use of conditions. Nor would it fail to the 'six tests' applicable to the use of conditions and it would serve a valid planning purpose.
21. I am satisfied that as a consequence, the living conditions of existing and future occupiers of Knightside Gardens and of plots 5 to 9 would be appropriately protected. The retention of this condition would also ensure that the proposal would be compliant with CSUCP policy CS14 and MSGP17, the joint purpose of which is to ensure high quality environments and good standards of amenity for existing and future occupants of land and buildings.

Conditions

22. The scope of the application that led to this appeal was wide in terms of the conditions it sought to address. I have noted that there was considerable discussion between the appellant and the Council during the Council's consideration of the application and that the appellant adopted a pragmatic approach in amending the application such that the disputed conditions were limited to those considered above.

Conclusion

23. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should succeed in respect of conditions 18 and 19 and fail in respect of condition 20. Thus, the permission granted by application reference DC/21/00732/FUL is varied by deleting conditions 18 and 19.

G Robbie

INSPECTOR

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Costs Decision

Site visit made on 18 January 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 February 2022

**Costs application in relation to Appeal Ref: APP/H4505/W/21/3284738
Lands At & To The Rear: 21 & 23 Monkridge Gardens with disused pavilion
and hardstanding, off Monkridge Gardens, Dunston Hill, Gateshead NE11
9XE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Dr Anton Lang for a full award of costs against Gateshead Council.
- The appeal was against the grant subject to conditions of planning permission for proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 & 4 (materials); and Condition 9 (cycle storage); and Conditions 16 & 17 (bird & bat boxes) of extant application GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).

Decision

1. The application is refused.

Reasons

2. Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and in so doing caused the party applying for costs to incur unnecessary expense in the appeal process. The Guidance also indicates that local planning authorities will be at risk of an award being made against them if they rely upon vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by objective analysis or where conditions are imposed that fail the 'six tests' of conditions.
3. Whilst I do not agree with the Council's reasoning and conclusions in respect of conditions 18 and 19, I do not consider that the Council's actions were unreasonable. Although the findings of the appellant's Noise Assessment (NA)¹ were not the subject of dispute between the parties, its scope was limited to noise and vibration arising from vehicles.
4. Given the relationship between 21 and 23 Monkridge Gardens and the access road to the appeal site, I do not consider it was unreasonable of the Council to seek to protect living conditions by the imposition of conditions 18 and 19. Nor should the Council be criticised in exercising their judgement on this matter. The appellant cites the NA to support the argument that the Council relied upon

¹ Northburn Acoustics 'Noise Assessment' prepared for Cokain Developments Ltd Report number: 20-51-793

vague, generalised and subjective opinion rather than the evidence presented by the NA. However, I am persuaded by the Council's counterargument that this amounts to nothing more than a difference of professional judgement.

5. I am satisfied that the Council's Statement of Case sets out the justification for the approach that was taken and the reasoning behind it. Whilst I do not agree with the Council in this respect, as set out in my decision on the planning matters thus concluding that the condition was not necessary, I am not persuaded that that is sufficient to amount to unreasonable behaviour.
6. With regard to condition 20, I am satisfied that the Council adequately demonstrated the justification for the imposition of this condition, mindful of the advice and guidance set out in the Framework and the Guidance about the restriction of permitted development rights. As I have set out elsewhere, I consider this condition to be reasonable and necessary in order to safeguard living conditions of existing and future occupants of land and buildings. The Council did not act unreasonably in relation to their approach to condition 20.

Conclusion

7. For the reasons I have set out, the Council did not act unreasonably in reaching their decision in respect of the appeal proposal. As such, it cannot be the case that the appellant has incurred unnecessary expense and the application for an award of costs therefore fails.

G Robbie

INSPECTOR



Appeal Decision

Site visit made on 11 January 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2022

Appeal Ref: APP/H4505/D/21/3285902

3 Home Avenue, Low Fell, Gateshead NE9 6TX

- 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 Miss Zoe Mulvenna against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/21/00460/HHA, dated 5 April 2021, was refused by notice dated 12 August 2021.
 - The development proposed is "Proposed two storey side extension and front porch making the property double fronted. Rebuild of existing single detached side garage/store".
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension and replacement detached single garage at 3 Home Avenue, Low Fell, Gateshead NE9 6TX in accordance with the terms of the application, Ref DC/21/00460/HHA, dated 5 April 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3HOMEAVE/01F Rev 0/- Location Plan; 3HOMEAVE/03F Rev 0/- Topographical Site Survey and Sections; 3HOMEAVE/04F Rev 0/- Existing Conditions Drawing; 3HOMEAVE/04F Rev 0/- Proposed Conditions Drawing.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The Council have referred to 'The Local Plan for Gateshead' in their officer report and refusal reason, however neither policy document I have been supplied with has that title. The policies referred to are contained within the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne entitled 'Planning for the Future' (CS) (2015) and the Site Allocations and Development Management Policies document entitled 'Making Spaces for Growing Places (MSGP) (2021). I have considered the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the surrounding area.

Reasons

4. The appeal property is a modest semi-detached property on Home Avenue. The property sits on a wedge-shaped plot at the junction of the Avenue with Cherrytree Gardens, tapering towards the rear. This means that the property has a wider frontage than many of the others in the area. The area is characterised by similar modestly sized semi-detached houses and bungalows. Due to the changes in ground levels within the appeal site, there are several steps up to the front door of the property.
5. Guidelines on side extensions are set out in chapter 9 of the Council's Householder Alterations and Extensions Supplementary Planning Document (2011) (SPD). In general, it is expected that two storey side extensions should incorporate a setback from the principal elevation and also a lower ridge height in order to avoid a terracing effect with neighbouring properties. However, the SPD recognises specific circumstances where this would not be appropriate. I am satisfied that this is a situation whereby this would be the case. The orientation and distance between the appeal property and its neighbour at 1 Cherrytree Gardens and also the difference in ground levels between the appeal property and this property would mean that there would be no unacceptable harm caused by the extension of the property. A gap between the two properties would be maintained by the intervening single storey garage and the boundary arrangements between the two.
6. The Council are concerned about the width of the extension which is not in line with the general guidelines in the SPD regarding the size of side extensions. However, given the width of the frontage and the proportions of the original house, the proposed extension would not overly dominate the host dwelling or appear out of character with the surrounding area. The proposed extension would also not adversely affect the open character of the estate given the size of the plot and the gap which would be retained between the appeal property and the Gardens around the corner, particularly when viewed from the south.
7. The appearance of the appeal property and the adjoining property is currently unbalanced by the large single storey extension on the side of No 1. The stepped arrangement of the two houses exacerbates their unsymmetrical appearance. Therefore, I consider the proposed extension would not further worsen that effect to such an extent that it would be unacceptable.
8. Consequently, I find that the proposal would not unacceptably harm the character and appearance of the host dwelling or the surrounding area and would be in accordance with the requirements of CS Policy CS15 and MSGP Policy MSGP24 which seek to ensure that development is of a high quality and despite technical breaches of the SPD's guidance, the site-specific circumstances of this appeal mean that the scheme would still comply with the overall amenity and design aims of the document and the development plan as a whole.

Conditions

9. I have considered the conditions suggested by the Council against the Framework and Planning Practice Guidance. I agree that a plans condition is necessary and reasonable to give certainty. A condition to ensure that the facing materials of the proposed single storey side extension and the garage match those of the main house is also necessary in the interests of the character and appearance of the host property and the surrounding area.

Conclusion

10. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Katherine Robbie

INSPECTOR

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

16 March 2022

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 March 2022.

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