



PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 23 November 2022 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 26 October 2022 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 4) Report of the Service Director, Climate Change, Compliance, Planning and Transport
4i	No. 1 - Land at Station Road/Reay Street, Bill Quay, Gateshead NE10 0UA (Pages 5 - 28)
5	No. 2 - Unit 3 Beaconsfield Industrial Estate, Station Lane, Birtley, DH3 1DB (Pages 29 - 46)
7	Enforcement Team Activity (Pages 47 - 48) Report of the Service Director, Climate Change, Compliance, Planning and Transport
8	Enforcement Action (Pages 49 - 56) Report of the Service Director, Climate Change, Compliance, Planning and Transport
9	Planning Appeals (Pages 57 - 66) Report of the Service Director, Climate Change, Compliance, Planning and Transport

10 | **Planning Obligations** (Pages 67 - 68)

Report of the Service Director, Climate Change, Compliance, Planning and Transport



PLANNING AND DEVELOPMENT
COMMITTEE
23 November 2022

TITLE OF REPORT: Planning applications for consideration

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

Purpose of the Report

1. The Committee is requested to consider the attached schedule of miscellaneous planning applications, which are presented as follows:-

PART ONE:

Planning Applications
Applications for Express Consent under the Advertisement Regulations
Proposals for the Council's own development
Proposals for the development of land vested in the Council
Proposals upon which the Council's observations are sought
Any other items of planning control

PART TWO: FOR INFORMATION ONLY

Applications determined in accordance with the powers delegated under Part 3, Schedule 2 (delegations to managers), of the Council Constitution.

Recommendations

2. Recommendations are specified in the schedule.

The Human Rights Implications of the recommendations have been considered. Unless specified there are no implications that outweigh the material planning considerations.

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Committee Report

Application No:	DC/20/01095/FUL
Applicant	Mr David Marshall
Date Application Valid	23 December 2020
Site:	Land At Station Road/Reay Street Bill Quay Gateshead NE10 0UA
Ward:	Pelaw And Heworth
Proposal:	Construction of 3no. dwellinghouses (description amended 07.01.21, 19.11.21 and 21.10.2022, amended plans received 04.11.21, 23.04.22 and 11.10.2022 and additional information received 18.01.22)
Recommendation:	MINDED TO GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site is located at the corner of Station Road and Reay Street in Bill Quay, and is a fairly square piece of land between these two roads to the west and south east respectively, existing residential properties to the north at Hoyson Villas and existing residential development to the north east at the Former Albion Inn.

1.2 The site has been cleared although over time has become vegetated again. In terms of land levels, the site generally slopes down from south to north, following Station Road, and within the site land is built up so it is higher than ground level at the neighbouring site at the Former Albion Inn to the north east.

1.3 Public right of way FE/16/1 runs to the south east of the site along Reay Street and continues east. Public right of way FE/51/4 runs to the south west on the opposite side of Station Road/Cromwell Road and continues further west. Public right of way FE/50/1 is located further south of Reay Street and runs east from Joel Terrace.

1.4 DESCRIPTION OF APPLICATION

The application proposes the construction of 3 detached dwellinghouses, which would each have 3 storeys and 4 bedrooms each. The ground floor of each dwelling extends out to the rear further than the other two floors, and at first floor there would be a rear balcony above this, rear, single storey projection.

- 1.5 The dwellings would face south east onto Reay Street and there would be rear gardens to the north/north west. Dedicated off-street car parking would be provided for each dwelling, with driveways for units 2 and 3 accessed from Reay Street and the driveway for unit 1 accessed from Station Road.
- 1.6 Plans also show the reduction of land levels on site so they would be more reflective of the existing road level.
- 1.7 The application does not confirm final details of proposed materials, and the submitted Design and Access Statement states that these would be conventional materials with tiled roofs and brick walling.
- 1.8 The application has been amended, following concerns raised by officers to reduce the proposed number of dwellings from 5 to 4 and then from 4 to 3.

1.9 RELEVANT PLANNING HISTORY

552/91 - Erection of detached garage/workshop for domestic use - Refused 04.07 1991.

681/91 - Erection of two detached bungalows (use class C3) - Refused 29.08.1991.

1.10 At neighbouring site Former Albion Inn:

DC/16/01157/FUL - Conversion of former public house to 5 dwellinghouses (Additional Info 13/12/16 and amended 11/01/17, 19/01/17 and 20/01/17) - Granted 30.01.2017

DC/18/00125/COU - Change of use of land to south of former Albion Inn to residential garden land and re-use of former public house car park to 7 spaces (amended 12.10.18 and description amended 23.10.2018) - Granted 26.11.2018

DC/19/00686/FUL - Erection of two dormer bungalows and extension to No. 5 Reay Street - Refused 07.08.2019 and Appeal Allowed 16.03.2020

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No work required
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Northumbrian Water	No objection
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3.0 Representations:

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

- 3.2 An objection has been received from Councillor Patterson, raising the following concerns:
- Over development of restricted corner site.
 - Impact on residential amenity at the dwellings at the former Albion Inn (1 to 5 Reay Street) and at Hoyson Villas due to the site being at a higher level than neighbouring sites.
 - Impact on highway safety in terms of proposed access points to the site being across both accesses to the Keelman's Way and South Bank further east; Reay Street is not very wide and there is concern regarding access for emergency services to existing properties.
 - The site is adjacent both the existing Fairfield Industrial Estate and the smaller units on the river frontage, and heavy traffic uses Station Road for transits in and out, and the proposal would compound an already saturated road network in Bill Quay.
- 3.3 An objection has also been received from an interested party, relating to the schemes for 5 and then 4 houses, raising the below concerns:
- No objection to principle of proposal but concerns relate to poor design in terms of layout, design and impact on highway safety.
 - Impact on highway safety, including concerns relating to access and parking arrangements in a previously proposed layout showing 5 dwellings facing onto Station Road, which was amended to 4 dwellings facing onto Reay Street. Updated comments relating to impact on highway safety in relation to inappropriate reversing distances from driveways onto Reay Street, refuse collection, visitor parking and street lighting.
 - The complex nature of the surrounding highway network, combined with the substandard proposals for access and parking would result in a significant risk to highway safety
 - Insufficient information regarding the detail and materials of the proposal, specifically the way the proposal relates to the surrounding area
 - Inappropriate location for bin stores
 - Loss of privacy at neighbouring dwelling on Reay Street particularly in terms of proposed balconies, although note that amended plans provide an improvement
 - Loss of outlook at properties at Hoyson Villas, although note that amended plans provide an improvement
 - Overbearing impact, although note that amended plans provide an improvement
- 3.4 A letter of support has also been received from the applicant stating that there is a shortage of housing and the development is much needed.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

MSGP8 Digital Infrastructure

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP37 Biodiversity and Geodiversity

GPGSPD Gateshead Placemaking Guide SPG

POSPD Planning Obligations SPD

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are housing policy, visual amenity/design, residential amenity, highway safety and parking, ecology, ground conditions and digital infrastructure.

5.2 HOUSING POLICY

The latest results of the Housing Delivery Test (HDT) show that only 87% of Gateshead's Local Housing Need (LHN) is being delivered in the Borough. The proposed scheme will therefore have the potential to increase delivery which is a positive factor.

- 5.3 Policy CS11 requires that 60% of new private housing across the plan area and within the plan period will be required to be of 3 or more bedrooms. This proposal is for 3 homes, each with 4 bedrooms, and would therefore contribute positively to the achievement of the target.
- 5.4 Policy CS11 also requires adequate space inside and outside the home to meet the needs of residents and policy MSGP12 sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). The proposal would comply with the requirements of the NDSS and it is considered that the development would provide appropriate internal and external space for residents.
- 5.5 VISUAL AMENITY/DESIGN
It is considered that the application proposes an appropriate density for the site and would not represent overdevelopment. The proposed design approach is of a more contemporary style, whilst keeping this understated by retaining a more traditional form and shape of building and employing traditional materials that would match with the local palette for the built form. The application does not specify particular materials in detail and it is recommended that conditions be imposed requiring final details of materials to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.6 The south western elevation of plot 1, fronting onto Station Road, is shown on plans to include four small windows and composite panel detailing. This design approach to address the street is welcome, and whilst the windows would only serve circulation space within the dwelling (rather than habitable rooms), it is considered that the proposal would provide sufficient visual interest and levels of (albeit potentially more perception of) natural surveillance.
- 5.7 Further, the submitted amended plans proposing a reduction to 3 dwellings to be provided on site show the north eastern boundary of plot 3 to not extend to the south western boundary of the neighbouring land to the north east (ie. there would be a parcel of land between the two boundaries). The plans do not confirm a proposed new use of this land, and it is currently informally vegetated. Plans indicate the existing close boarded timber fencing on the north eastern boundary, and the same is proposed on the north western (rear) boundary. In terms of appearance of the street scene on Reay Street to the south east, it is recommended that conditions are imposed requiring final details of front boundary treatment for this part of the land (in line with the front elevation of the dwelling at plot 3) and final details of landscaping and management to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.8 It is also considered that the bin stores are proposed in an appropriate location in terms of visual amenity of the street scene.

- 5.9 Subject to conditions, the proposal would not result in an unacceptable impact on visual amenity, and would comply with the aims and requirements of the NPPF and policies CS15 and MSGP24 of the Local Plan.
- 5.10 **RESIDENTIAL AMENITY**
There are existing residential properties to the north at Hoyson Villas and existing residential development to the north east at the Former Albion Inn.
- 5.11 The proposed dwelling at plot 3 would be 12m from the existing dwellings further north east on Reay Street, as approved under DC/16/01157/FUL. It is noted that the south western elevation of the dormers at the adjacent development include windows, and whilst these were not shown on the originally approved plans, the permission did not remove permitted development rights from the properties.
- 5.12 It is understood from approved floorplans that these windows serve bedrooms and would be secondary to larger full height openings on the north western elevation. The existing and proposed dwellings are orientated so that the proposed plot 3 would be west of those existing on Reay Street and would be set further back from Reay Street, thereby resulting in an offset further north west. In addition, the proposed second floor window on the north eastern (side) elevation of plot 3 would serve an en-suite and would be required by condition be appropriately obscurely glazed. Given this arrangement, it is considered that the proposal would not result in an unacceptable loss of light, loss of privacy, loss of outlook, overshadowing or overbearing impact at these neighbouring habitable rooms.
- 5.13 The approved plans for the neighbouring conversion DC/16/01157/FUL also show rear gardens to the north west of the existing dwellings on Reay Street. A further permission DC/19/00686/FUL, was allowed on appeal and can still be implemented (until 15 March 2023). This appeal approved plans for a further two dwellings behind the existing conversion to the north west and a link, via an extension, to the existing south-easternmost property. The approved plans for this appeal application, show the proposed dwellings and single storey link extension (with terrace above) running along the shared boundary with this application site.
- 5.14 The applicant in this current application has indicated that there is a boundary dispute with the neighbouring site to the north east. This is a civil law matter and in terms of planning process, there is an extant permission as a result of an allowed appeal on the neighbouring site, and that permission is a material planning consideration for the proposal in this current application.
- 5.15 The plans approved at appeal for the neighbouring site show blank walls on the south western elevations of the link extension and two dwellings. The terrace above the neighbouring extension is shown on approved plans to have a balustrade but this is not confirmed to be obscurely glazed, and at the time of writing, the condition requiring final details of materials for the development has not been formally discharged. Therefore, it would not be reasonable to assume that the balustrade would be obscurely glazed, up to a

height of 1.1m. Additionally, the dwellings approved to the rear would be dormer bungalows and would each have a rooflight serving two bedrooms, totalling 4 rooflights on the north western roof slope facing the application site.

- 5.16 Taking into account the indicative outline of the development approved under DC/19/00686/FUL (the neighbouring appeal application) and the amended plans submitted for this application under consideration, it is considered that the proposal would provide adequate external space for occupiers. In terms of the relationship with neighbouring development to the north east, the facing elevation at proposed plot 3 would be 11.7m away (with a parcel of land between the respective boundaries) and would only include a utility door and bathroom window at ground floor level and an en-suite window at second floor level on the elevation facing the neighbour.
- 5.17 It is recommended that all windows serving bathrooms, en-suites and WCs are required to be appropriately obscurely glazed by condition. Therefore, it is considered that these proposed openings in the north eastern elevation would not result in an unacceptable loss of privacy at neighbouring properties.
- 5.18 Further, in terms of the balconies at first floor level at the rear of the dwellings proposed in this application, the applicant has confirmed that there would be 1.8m screen walls to the sides of these.. Given this arrangement, the orientation and both the off setting and set back of the proposed dwellings, it is considered that the proposed balconies would not result in an unacceptable impact on privacy at each of the proposed dwellings themselves or neighbouring properties to the north east.
- 5.19 It is also considered that the proposal would not result in an unacceptable loss of light, loss of outlook, overshadowing or overbearing impact at neighbouring properties to the north east.
- 5.20 In the event that DC/19/00686/FUL (the neighbouring appeal application) is not lawfully implemented, it is understood that the land to the rear/north west of the existing dwellings on Reay Street would remain a communal garden/amenity area. Similar to the above, given orientations, off setting and set back of properties, it is considered that the proposal would not result in an unacceptable loss of privacy, loss of light, loss of outlook, overshadowing or overbearing impact at neighbouring land/property to the north east.
- 5.21 Land to the south east across Reay Street also benefited from planning permission DC/18/00125/COU for the change of use of land to residential garden land and re-use of former public house car park to 7 spaces. Whilst there are outstanding conditions requiring details to be submitted relating to the garden land, it is understood that the car parking spaces have been marked out and are in use. That said, it is considered that the proposal in this current application would not result in an unacceptable impact on amenity at the land to the south if this was lawfully brought into use as residential garden land.

- 5.22 Turning to properties to the north at Hoyson Villas, the applicant has demonstrated on submitted plans that there would be at least 21m between the rear elevations of existing and proposed properties, and although the proposed dwellings would be three storey and at a higher level further south up Station Road, given the level reductions proposed on site, that these neighbouring properties already experience changes in levels in garden areas, the separation distances and the differences in orientation (ie. the rear elevations would not directly face each other) it is considered that the proposal would not result in an unacceptable loss of privacy, loss of light, loss of outlook, overshadowing or overbearing impact at neighbouring land/property to the north/north west.
- 5.23 In terms of future occupiers, as above, it is considered that the proposal would provide adequate internal and external space and for privacy it is recommended that all windows serving bathrooms, en-suites and WCs are required to be appropriately obscurely glazed by condition.
- 5.24 The latest amendment to the design still shows a crank in the alignment of rear garden spaces when compared to associated dwellings. Whilst amendments indicate an improvement to this arrangement, there remain concerns relating to unnecessary risk of overlooking/perceived overlooking and loss of privacy in gardens. As an acceptable solution, it is considered that the proposed fence lines could be further realigned in order to improve this scenario and reduce the crank in the gardens. Conditions are recommended to secure this.
- 5.25 In terms of noise arising from the construction phase, it is recommended that a condition be imposed appropriately restricting hours of works.
- 5.26 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.
- 5.27 **HIGHWAY SAFETY AND PARKING**
The proposal would provide adequate car parking, and whilst no formal visitor parking is proposed to be provided, this is considered acceptable in this location and case. It is also considered that the bin stores would be in an appropriate location in terms of highway safety, that the application is acceptable in terms of existing movements/road use in the immediate area, and that the proposal would not result in an impact on public rights of way.
- 5.28 The amended plans indicate that a 2m wide footway with street lighting would be provided around the site boundary, the road carriageway on Reay Street would be widened to 5.5m to accommodate the increased traffic flows along Reay Street and provide manoeuvring space for the proposed driveways (where the road narrows back down, the footway would be chamfered and a reflective bollard installed), and driveways would be spaced appropriately and have adequate visibility splays.

- 5.29 In relation to the latter point, the boundary treatment to the north west of the driveway for plot 1 is shown on amended plans to be 0.6m post and rail fencing, and this is recommended to be secured by condition.
- 5.30 Further, an appropriate visibility splay is shown at the junction of Reay Street with Station Road, and it is recommended that a condition is imposed requiring this to be maintained.
- 5.31 The off-site highway works required for this development are:
- (a) The widened section of road carriageway to have either a crossfall or camber that ties into the existing crossfall or camber along Reay Street, with appropriate drainage channels and gulleys as required.
 - (b) A footway with a 1:40 crossfall, falling from the rear of the footway towards the carriageway (to ensure that all surface water runs off the public footway and onto the public carriageway).
- 5.32 Conditions are recommended requiring final details of a full and detailed engineering design for the off-site highway works (the proposed footway, widened carriageway and street lighting).
- 5.33 Finally, it is recommended that conditions be imposed requiring final details of secure and weatherproof cycle parking for each dwelling be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.34 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.
- 5.35 ECOLOGY
- The site is not within or immediately adjacent to any statutory or non-statutory designated nature conservation sites. Bill Quay Local Wildlife Site (LWS) lies approximately 240 m north east of the site and is designated for supporting lowland mixed deciduous woodland and river, Species of Principal Importance in England under the NERC Act and Birds of Conservation Concern (BoCC) Red and Amber listed species.
- 5.36 The River Tyne Extension LWS is located 200 m north of the site and is designated for supporting otter (European Protected Species) and assemblages of wading birds. Redshank numbers reach 200 and winter curlew flocks reach 70. Lapwings are present throughout the year while greenshank, common sandpiper and green sandpiper visit as passage migrants and small numbers of dunlin and golden plover over-winter.
- 5.37 Intertidal mud present within the LWS are important components of the River Tyne Wildlife Corridor, which follows, in Gateshead, the River Tyne from Wylam to Bill Quay. The site itself falls within this designated Wildlife Corridor.

- 5.38 The submitted Preliminary Ecological Appraisal identified 'locally and nationally common and widespread' habitats including bramble scrub, other hedgerow, and other neutral grassland. The proposed development was considered to have the potential to impact upon moderate suitability foraging and commuting habitat for bats (European Protected Species (EPS)), nesting and foraging habitat for an assemblage of locally common bird species and loss of foraging habitat for, and impact on a NERC Act listed species (Hedgehog).
- 5.39 In accordance with the requirements of the NPPF and MSGP37, the proposed development should follow the mitigation hierarchy and deliver measurable net gain for biodiversity. Where the baseline value of a site has been affected negatively prior to assessment the LPA can require an assessment of the site based on its condition before such an occurrence. This may need to be based on previous aerial photos and/or historic information held by the Council and if there is any doubt regarding the Distinctiveness or Condition of habitats/features it will be assumed that the highest likely value will apply.
- 5.40 The submitted Biodiversity Net Gain (BNG) assessment takes into account recent clearance activities within the site and uses the highest likely value of each habitat type currently present or present prior to clearance.
- 5.41 The Council is currently offering a tariff-based system for formal adoption whereby developers are able to purchase biodiversity credits from the Council where a development is unable to fully mitigate biodiversity loss on site and the applicant is unable to secure or make available suitable alternative land 'locally' on which to deliver the required BNG obligations.
- 5.42 Working with its partners and having regard to the existing arrangements in place within a number of other local planning authorities, the Council has set a tariff of £15,000 per habitat unit to be charged via a developer contribution to cover the costs of designing, implementing, monitoring and maintaining for a 30 year period, an appropriate biodiversity offset which delivers the required number of biodiversity units and of the required habitat(s) necessary to achieve measurable net gain. This would be secured via a Section 106 legal agreement.
- 5.43 This is offered on an interim basis only to assist in the expedition of applications and where the applicant is seeking assistance from the Council in utilising its landholding and expertise for the delivery of offsite biodiversity net gain measures.
- 5.44 The application is supported by a BNG assessment using the small sites metric, which has assessed the pre-development site as having a biodiversity value of 0.9158 biodiversity units. The assessment of the post-development biodiversity units on site predicted the post-development site to support as having a biodiversity value of 0.0236 biodiversity units, a net loss in biodiversity of -97.43%. This assessment does not take into account the amendments to the scheme to reduce the number of units from 4 to 3, and the

applicant has confirmed they do not intend to update the BNG information submitted.

- 5.45 The applicant has confirmed they wish to purchase biodiversity credits from the Council to secure the offsite delivery of the relevant habitat units required to enable the proposed development to achieve biodiversity net gain.
- 5.46 The submitted Biodiversity Net Gains calculation proposes a target of a 10% net gain in biodiversity, to create a total site value of 0.9838 units (rounded to 0.98). This is based on the previous scheme for 4 units; the applicant has confirmed they do not wish to submit updated BNG information based on the amended scheme for 3 units (ie. with potential to increase the value on site). Therefore, this would result in a developer contribution of £14,700 (£15,000 per habitat unit).
- 5.47 Updated BNG detail is required in relation to amended plans and final units delivered on site. A condition is recommended to require final details to be submitted to the LPA for consideration, and implementation, maintenance and management of the approved scheme. Any legal agreement would need to also include flexibility to allow for the final number of habitat units, and the corresponding value of the developer contribution, to be adjusted up or down depending on the results of the updated BNG metric.
- 5.48 It is recommended that Planning Committee resolve to grant the application subject to a legal agreement securing the relevant final contribution.
- 5.49 In addition to the above, it is recommended that conditions be imposed requiring final details of a construction environmental management plan, bat roost and bird nesting features, new external lighting and boundary treatment including hedgehog highways to be submitted to the LPA for consideration, and implementation of the approved schemes.
- 5.50 Subject to conditions and a legal agreement securing biodiversity net gain, the proposal would comply with the aims and requirements of policies CS18 and MSGP37 of the Local Plan.
- 5.51 **GROUND CONDITIONS**
The site is not in a Coal Authority defined high risk area.
- 5.52 The application site is situated on potentially contaminated land based on previous historic uses. Details have been submitted relating to land contamination risk, and conditions are recommended to be imposed requiring final details of a report of intrusive site investigations with a Phase II Detailed Risk Assessment, and where required, remediation measures, the implementation of approved remediation measures and the submission of verification report(s) demonstrating their effectiveness.
- 5.53 Subject to conditions, the proposal would comply with the aims and requirements of policies CS14 and MSGP20 of the Local Plan.

5.54 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.

5.55 COMMUNITY INFRASTRUCTURE LEVY (CIL)

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This proposal has been assessed against the Council's CIL charging schedule and the development is within residential CIL Zone C, which has a charge of £0 per sqm.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and in terms of housing policy, visual amenity/design, residential amenity, highway safety and parking, ecology, ground conditions and digital infrastructure, and would comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan.

6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions and subject to a legal agreement securing a developer contribution for biodiversity net gain.

7.0 Recommendation:

MINDED TO GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

Biodiversity net gain compensation

2) That the Service Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include:

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

Site Location Plan 'Station Rd BQ 1-1250'

Proposed housing at Station Road/Reay Street, Bill Quay Drg No 1 (received 23.04.2022)

Proposed housing at Station Road/Reay Street, Bill Quay Drg No 2_Rev A 21/4/22 (received 23.04.2022)

Proposed housing at Station Road/Reay Street, Bill Quay Drg No 3_Rev B 10/10/22 (received 11.10.2022)

Proposed housing at Station Road/Reay Street, Bill Quay Drg No 4_Rev A 10/10/22(received 11.10.2022)

Proposed housing at Station Road/Reay Street, Bill Quay Drg No 5_Rev A 21/4/22 (received 11.10.2022)

'Plans/Side Elevation Plot 1 Only' (received 11.10.2022)

'Retaining Wall Detail' (received 11.10.2022)

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 external materials shall be used on site until final details of these have been submitted to an approved in writing by the Local Planning Authority.

Reason

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

All windows serving bathrooms, en-suites and WCs, and 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 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, and to ensure the proposal would provide an appropriate level of privacy for future and existing occupiers, in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan

5

All external works associated with the development hereby permitted, including the use of any 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 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

Notwithstanding the approved plans, no new boundary treatments shall be used on site until full details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

(a) measures for close boarded timber fences to facilitate the movement of hedgehog within the site, including between individual private gardens.

(b) final details of boundary treatment at the south eastern part of the site between plot 3 and neighbouring land to the north east (ie. facing onto Reay Street), which shall be in line with the front elevation of the dwelling at plot 3.

Reason

To avoid harm and provided enhanced opportunities for biodiversity including protected and priority species, and 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, CS18, MSGP17, MSGP24 and MSGP37 of the Local Plan.

8

The final boundary treatment/enclosure details approved under condition 7 shall be implemented in accordance with the approved details before the respective dwelling(s) hereby approved are occupied and retained as such for the lifetime of the development.

Reason

To avoid harm and provided enhanced opportunities for biodiversity including protected and priority species, and 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, CS18, MSGP17, MSGP24 and MSGP37 of the Local Plan.

9

The dwellings hereby approved shall not be occupied until final details of the realignment of rear garden fence lines, to further reduce the severity of the crank/angle in the garden boundaries, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the proposed development does not have an adverse effect residential amenity of future occupiers in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

10

The details approved under condition 9 shall be implemented in accordance with the approved details before each respective dwelling is occupied, and shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure that the proposed development does not have an adverse effect on residential amenity of future occupiers in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

11

The visibility splay at the junction of Reay Street and the driveway for plot 1 on Station Road, as shown on plan 'Proposed housing at Station Road/Reay Street, Bill Quay Drg No 5_Rev A 21/4/22' (received 11.10.2022), shall both be maintained for the lifetime of the development.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting, substituting, amending, extending, consolidating replacing or modifying that Order), no buildings within Part 1, Class E of Schedule 2 and no gates, fences or walls that would be above 0.6m high above ground level, within Part 2, Class A of the same Schedule, shall be erected/installed within the visibility splays at the junction of Reay Street and the driveway for plot 1 on Station Road.

Reason

To ensure that an appropriate visibility splay can be retained in perpetuity and to ensure the scheme would not have an unacceptable impact on the highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

12

The approved detailing and windows on the south west elevation of plot 1, as shown on 'Plans/Side Elevation Plot 1 Only' (received 11.10.2022), shall be installed prior to occupation of the dwelling at plot 1 hereby approved and retained and maintained in accordance with the approved details 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, in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan.

13

No dwelling hereby approved shall be occupied until a full and detailed engineering design for the off-site highway works, including the following features/matters, has been submitted to and approved in writing by the Local Planning Authority:

- (a) the proposed new footway, with a 1:40 crossfall, falling from the rear of the footway towards the carriageway
- (b) the proposed widened carriageway, to a minimum width of 5.5m wide and to have either a crossfall or camber that ties into the existing crossfall or camber along Reay Street, with drainage channels and gulleys, to ensure that surface water is addressed within the public carriageway
- (c) the proposed street lighting
- (d) new highway dedication areas, including appropriate gradients and full level information

Reason

In the interests of highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

14

The details approved under condition 13 shall be implemented in full accordance with the approved scheme prior to first occupation of the development.

Reason

In the interests of highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

15

No dwelling hereby approved shall be occupied until final details of secure and weatherproof cycle parking for that dwelling have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

16

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

Reason

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

17

No development hereby approved (including any groundworks or site clearance) shall commence until a detailed landscaping and ecology design strategy for the site has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall include information and details relating to hard landscaping, any existing habitat features that are to be retained on site, measures for habitat creation and planting plans including species/planting mix, details of substrate and a timetable for their implementation.

The strategy shall include final details of landscaping immediately north west of Reay Street, in front of each dwelling and forward/south east of the boundary treatment required under condition 7(b) above (ie. between the boundary of plot 3 and the neighbouring land to the north east).

The strategy shall include an updated biodiversity net gain post enhancement calculation, using the same version of the metric used to calculate the original site baseline value, to determine the on site biodiversity units to be delivered by the development and the need or otherwise to increase or decrease the level of off site biodiversity units required to achieve biodiversity net gain.

Reason

To ensure the development achieves biodiversity net gain and to ensure impacts on biodiversity are mitigated/compensated for by verifying the on site post enhancement biodiversity net gain figure in accordance with the NPPF and policies CS15, CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

Reason for pre-commencement condition

To satisfy the Local Planning Authority that the development can be carried out in a manner that achieves biodiversity net gain. This information is fundamental to the development and requires approval prior to development starting on the site as the development provided on site including the number of on site biodiversity units will affect the number of off site biodiversity units.

18

The on-site landscaping and ecology design strategy approved under Condition 17 shall be implemented in full accordance with the approved measures and timescales, and maintained thereafter for the life of the development or a period of no less than 30 years from the date of the completion of the development.

Reason

To ensure the development achieves biodiversity net gain and to ensure impacts on biodiversity are mitigated/compensated for by verifying the on site post enhancement biodiversity net gain figure in

accordance with the NPPF and policies CS15, CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

19

No development hereby approved (including ground works and/or vegetation clearance) shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of any "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements e.g. measures to protect wildlife from becoming trapped in any excavations/pipes during construction;
- d) The location and timing of sensitive works to avoid harm to biodiversity features. e.g. no vegetation clearance to be undertaken between March and September (inclusive) unless immediately preceded by a nesting bird check undertaken by a suitably qualified ecologist.
- e) The times during construction when specialist ecologists need to be present on site to oversee works e.g. nesting bird checks
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of any protective fences, exclusion barriers and warning signs.

Reason

To avoid/minimise adverse impacts on biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

Reason for pre-commencement condition

To avoid/minimise harm to biodiversity at all times during works and construction.

20

The development hereby approved shall be implemented in full accordance with the Construction Environmental Management Plan approved under condition 19 at all times during works on site associated with the development and until final completion.

Reason

To avoid/minimise adverse impacts on biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

21

Notwithstanding the submitted information, the development hereby approved shall not progress beyond damp proof course until full details, including the specification and precise location (as identified on a plan and elevation drawing of the property) of the integrated potential bat roost features (minimum 2no) and bird nesting features (minimum 3no) and timescales for implementation, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To maintain and enhance the favourable conservation status of the local bat population(s) and priority bird species at or above current levels in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

22

The details approved under condition 21 shall be implemented in full accordance with the approved details and timescales and retained and maintained as such for the lifetime of the development.

Reason

To maintain and enhance the favourable conservation status of the local bat population(s) and priority bird species at or above current levels in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

23

No new external lighting shall be installed on site until a lighting design strategy to avoid/minimise adverse impacts on biodiversity including light spill onto areas of retained and/or newly created habitat and features (including tree/pole mounted and integrated bats boxes) has been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- (a) Lighting contour plan(s)
- (b) Number, specification and precise location (including height) of proposed external lighting to be provided on site

Reason

To avoid / minimise adverse impacts on biodiversity including protected and priority species in accordance with the NPPF and policies CS18 and MSGP37 and the Local Plan.

24

The external lighting shall be installed and maintained wholly in accordance with the approved details under condition 23 and retained thereafter for the life of the development.

Reason

To maintain the value and function of the site for roosting, foraging and commuting bats in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan, and the NPPF.

25

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 pre-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.

26

Where required, the remediation and monitoring measures approved under Condition 25 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.

27

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.

28

The remediation and monitoring measures approved under condition 27 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

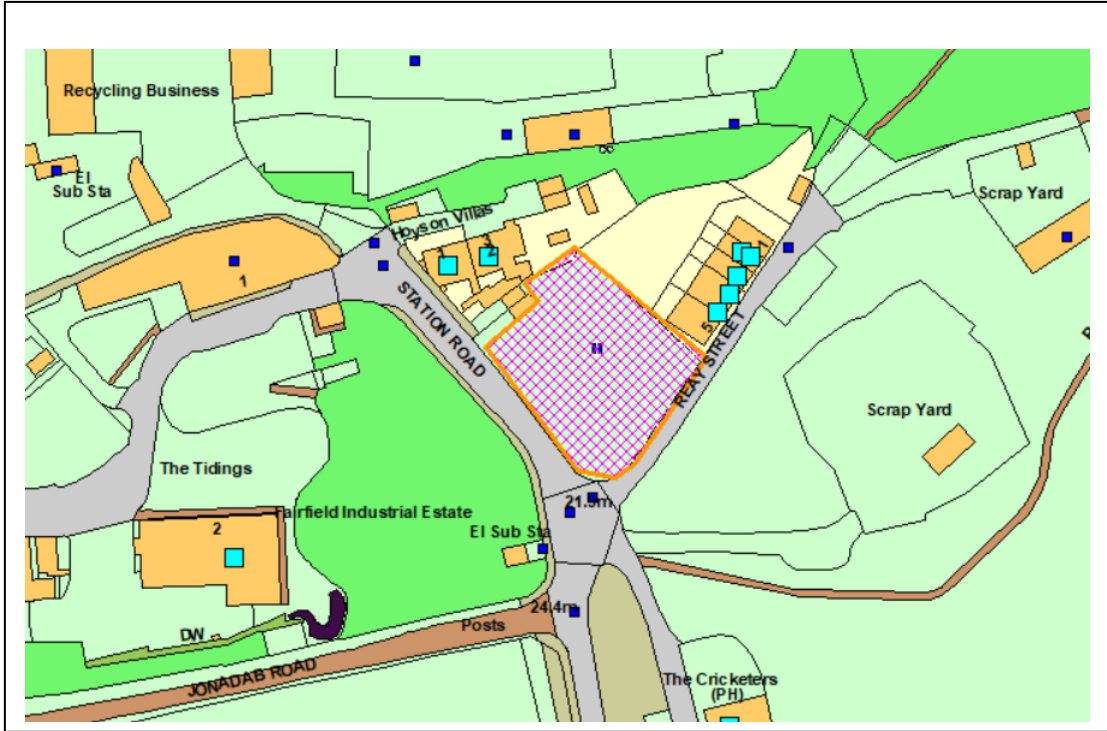
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and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

29

Where remediation is required (under conditions 25-28), following completion of the approved remediation and monitoring measures, no dwelling hereby approved shall occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

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



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Committee Report

Application No:	DC/22/00759/COU
Case Officer	Amy Williamson
Date Application Valid	2 August 2022
Applicant	Mr Andrew Blacklock
Site:	Unit 3 Beaconsfield Industrial Estate Station Lane Birtley DH3 1DB
Ward:	Birtley
Proposal:	Change of use from garage use (Use Class B2) to Sui Generis mixed use comprising of garage use (Use Class B2) and breaking and recycling of vehicles (Sui Generis) & Metals to unit and open area adjacent, also including enclosed yard adjacent (additional information received 4 October 2022)
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The site comprises an existing industrial unit and external yard areas within the Beaconsfield Industrial Estate, Birtley. The industrial estate forms part of the wider Durham Road Main Employment Area and is allocated under policy MSGP3 for B1 c and d (now Class E Part g ii and iii), B2 and B8 uses.

1.2 The existing industrial unit is located within a block of 3 small units and is situated to the southern end of the block. A small yard area immediately to the south of the building is currently used by the applicant's business. A larger yard area, which also forms the vehicle access to the site lies to the east of the block of units. This is used for parking by occupiers of the other adjacent units, including HGVs by an oil distribution company.

1.3 Vehicle access to the site from the public highway is off Beaconsfield Terrace to the north of the site. There is a gated access into the industrial estate leading to a private shared yard/access used by other occupiers of the block of units.

1.4 At present the applicant operates a vehicle repair business, which falls within the B2 (general industrial) use class, from the existing unit and small yard immediately to the south, which is used for external storage and parking. The applicant is the sole full time employee currently, with support from a part time administration worker. He has operated the existing business from this premises for around 8-9 years.

- 1.5 Within the extent of the application site boundary, lies a further yard area to the south west detached from the industrial unit. This is enclosed with palisade fencing and is accessed by a track from the yard immediately to the south of the unit. The applicant is currently using this for storage of vehicles and equipment.
- 1.6 Other industrial buildings lie to the north and west of the site. Existing terraced housing on Station Lane lies to the north, north east and north west of industrial estate, the closest dwelling is approximately 45m from the unit subject to this application. An area of open space lies to the east of the site and land used for storage by Komatsu lies to the south, separated by a belt of trees.
- 1.7 DESCRIPTION OF THE APPLICATION**
Planning permission is sought for a change of use of the existing building, external yard immediately to the south and the detached yard to the south west to a mixed use comprising the existing vehicle repair business and for the breaking and recycling of end of life vehicles and metals. The new mixed use would be a sui generis planning use.
- 1.8 In terms of the proposed vehicle breaking arm of the business, a dedicated vehicle de-pollution bay would be constructed within the existing unit which would remove all fluids from end of life vehicles and ensure these are safely stored without potential for leakage. Within the unit vehicles would then be broken down and parts removed for future sale. Breaking would be undertaken using hand tools only. There would be no baling, cutting up or shredding of vehicle body shells at the premises.
- 1.9 The detached yard and that immediately to the south of the unit would be used for storage of end of life vehicles, body shells of those that have been broken down and vehicle parts. Around 5 skips would be located in the detached yard which would be used for storage of different metals and materials. End of life vehicles and parts would be transported between the existing unit and the detached yard using a fork lift truck. As the business develops the applicant also intends to purchase cantilevered racking for the detached yard to provide increased storage.
- 1.10 The new use would not involve any external alterations to the existing building or ground/resurfacing works to the external areas. Vehicle access would remain as existing.
- 1.11 At present around 20-30 vehicles are stored on site, it is anticipated that once the new use is fully operational this could increase to 40-60 vehicles being stored.
- 1.12 Parts from broken end of life vehicles would be typically sold online, with daily collections from couriers to send the items to customers. There would be a very low level of local customers attending the site to collect items. The applicant would also take separated metals stripped from the vehicles to larger local scrap yards for onwards recycling.

- 1.13 At present the applicant states there is between 1-10 car and 1-10 light commercial vehicle (3.5 ton vans or similar) vehicle movements at the site per day. It is envisaged that vehicle movements would remain at a similar level once the new use is implemented. At present the applicant brings in and stores end of life vehicles to be sold as a whole to customers (typically scrap yards or other breakers) but would now intend to dismantle them himself. The applicant brings vehicles to the site on his own recovery trucks.
- 1.14 It is anticipated that the number of full time employees would rise from 1 to 3 as the business develops, however this would take some time once the new mixed use becomes grows.
- 1.15 Operational hours would be 8.30am - 5.30pm Monday to Friday and 9am - 1pm on Saturdays, with no working on Sundays.

1.16 PLANNING HISTORY

There are no records of any planning applications relating to the current application site. However the following applications have been approved relating to immediately adjacent areas of the industrial estate:

896/67 - Siting of modular steel building for use as office unit and erection of covered loading area to south of existing bunded tankage area on fuel distribution depot - approved 15 October 1997

DC/14/00155/COU - Change of use from private car valeting to public car valeting - approved 31 July 2014

DC/20/00653/DEM - DETERMINATION OF PRIOR APPROVAL - Demolition and removal of four horizontal steel fuel storage tanks, one bottom loading skid/gantry, one off loading headers/cabinet, concrete bundwall and upstand, and stairs, walkways and all associated pipe work and loading equipment - Prior approval required and granted 24 August 2020

2.0 Consultation Responses:

Tyne And Wear Fire And Rescue Service Raise no objections

Northumbria Water Have no comments on the application

Environment Agency Raise no objections

3.0 Representations:

- 3.1 Neighbour notification and publicity of the application was carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

NPPW National Planning Policy for Waste

MSGP1 Employment Land Supply

MSGP3 Other Employment Areas

MSGP4 Loss of Employment Land

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP19 Air Quality

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP44 Env Impact - Minerals and Waste

MSGP45 Minerals/Waste Development - Noise

MSGP47 Waste Management Facilities

CS5 Employment-Economic Growth Priorities

CS6 Employment Land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS21 Waste

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, transport, residential amenity, flooding and drainage, impacts on the character of the surroundings, ecology/biodiversity, ground conditions and waste management.

5.2 ENVIRONMENTAL IMPACT ASSESSMENT

The development does not fall within the criteria listed in schedule 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as such an Environmental Impact Assessment is not required in relation to this application.

5.3 PRINCIPLE OF DEVELOPMENT

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Core Strategy and Urban Core Plan and Making Spaces for Growing Places constitute the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.

5.4 Part 1 Section 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) defines waste development as any operational development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials. As the proposed use involves the breaking and recycling of end of life vehicles, it constitutes waste development having regard to the above definition. Part 1 Section 2 of the DMPO also establishes that all waste development is a major development.

5.5 The Government's waste and resources strategy, national waste management plan and current waste planning policies are supportive towards sustainable waste management initiatives and seek to promote the movement of materials up the waste hierarchy. "Our Waste, Our Resources: A Strategy for England" (December 2018) sets out how England will preserve material resources by minimising waste, promoting resource efficiency, and moving towards a circular economy. The strategy is framed by acknowledgement of the significant value

of natural capital (air, land, water and natural resources) and guided by two overarching objectives, to maximise the value of resource use; and to minimise waste and its impact on the environment. The resource strategy seeks by 2030 to maximise prevention, preparing for use, recycling i.e., turning waste into a new substance or product, followed by other recovery and minimise disposal i.e., landfill and incineration without energy recovery. The resource strategy aims towards sustainable production and increased recovery of value from waste and improved waste management.

- 5.6 The Government's National Waste Management Plan for England (January 2021) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management and towards a 'zero waste economy' in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort. It has the waste hierarchy at its heart, which is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The waste hierarchy gives top priority to waste prevention, followed by preparing for reuse, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill).
- 5.7 Policy CS21 states that solutions and proposals which allow waste to be managed sustainably and which encourage the waste hierarchy of prevention, reuse, recycling, recovery and only then safe disposal will be encouraged. This will be achieved by the assessment of proposals for waste management facilities in regard to the achievement of the following locational criteria onsite management of waste, expansion of existing waste management facilities, co-location of waste facilities, provision within appropriate employment areas and the use of previously developed land. Waste development should not have an adverse impact on the environment and human health.
- 5.8 The site is in the Durham Road, Birtley Main Employment Area where B1b and B1c (now class E part g ii and iii), B2 and B8 uses will be supported under policy MSGP3. The garage use (Use Class B2) would be in accordance with the uses in policy MSGP3. The proposed use that involves the breaking and recycling of vehicles and metals is a sui generis use, as such this does not fall within the uses for main employment areas in policy MSGP3. However the vehicle breaking and recycling is of an industrial nature and would be combined with the applicants existing vehicle repair business. Furthermore policy CS21 supports waste development within appropriate employment areas. As such it is not considered that the proposal would have a significant conflict with the aims of policy MSGP3.
- 5.9 The proposed operation would involve recycling of end of life vehicles, situated within a main employment area. The impacts of the development are considered in detail below, however the principle of the proposal would accord with the general aims of policy CS21 and the Government's waste and resources strategy, national waste management plan and is acceptable in principle.

5.10 TRANSPORT

The number and type of vehicle movements associated with the proposed use would be similar to the existing vehicle repair use. The applicant states there is between 1-10 car and 1-10 light commercial vehicle (3.5 ton vans or similar) vehicle movements at the site per day. The applicant would bring end of life vehicles to the site on his own recovery trucks.

- 5.11 Initially the applicant would remain the only full time employee but would look to employ 2 further full time workers as the business develops following the proposed change of use.
- 5.12 Parts from broken end of life vehicles would be typically sold online, with daily collections from couriers to send the items to customers. There would be a very low level of local customers attending the site to collect items. The applicant would also take separated metals stripped from the vehicles to larger local scrap yards for onwards recycling.
- 5.13 At present around 20-30 vehicles are stored on site, it is anticipated that once the new use is fully operational this could increase to 40-60 vehicles being stored.
- 5.14 The applicant has confirmed that the use of the site will be similar to the current use in so far as vehicle movements to and from the site are concerned. The change of use will enable the break- up of vehicles that are already recovered to the current premises. Therefore, the dwell time of recovered vehicles will be longer, hence additional storage requirements, with breaking activities done on site rather than by other businesses. This could result in a reduction of movements to and from the site with more efficient recycling and storage on-site than piecemeal removal of material as existing. The number of employees at the site would not significantly increase. The size of recovery vehicle would remain the same, with the frequency of movements of this vehicles, along with refuse and other servicing to remain as existing.
- 5.15 In respect to the existing access arrangements to the highway, these are not in accordance with current standards, but this access has been operating for a number of years and there would be no material change to the operation of the access by the applicant. A review of the most recent five years of personal injury collision data held by TADU indicates that there are no inherent highway safety issues or collisions that could be linked to the operations of the current or adjacent businesses and vehicle movements. There have been no recorded injury collisions at the site access or on the short link of Beaconsfield Terrace to Station Road.
- 5.16 Given the small scale of the business and the number of employees, a travel plan and sustainable travel measures are not considered necessary in this instance.
- 5.17 As such considering that there is unlikely to be a material change in vehicular movements or types resultant from the proposed change of use, it is not considered the proposal would result in any adverse impacts upon highway

safety and would accord with Local Plan Policies CS13, CS21, MSGP14 and MSGP15 and Part 9 of the NPPF.

5.18 RESIDENTIAL AMENITY

The closest residential properties are located around 45m from the industrial unit on Beaconsfield Terrace and around 107m from the detached yard area to the south west. The applicant has provided a plan demonstrating that the proposed skips within the detached area would be 138m from the closest dwelling on Beaconsfield Terrace.

- 5.19 The proposed business would operate during day time hours from 8.30am - 5.30pm Monday to Friday and 9am - 1pm on Saturdays, with no working on Sundays.
- 5.20 The Environmental Health Officer initially raised some concerns about the potential for noise generation from the proposed use. However the applicant has provided additional information about proposed activities that would take place on the site which, subject to appropriate conditions, have addressed the concerns initially raised by the Environmental Health Officer and it is considered that a noise assessment is no longer necessary.
- 5.21 Concern was initially raised about noise generated by works to break up the end of life vehicles, such as hammering, drilling, sawing etc. The applicant has advised these works would take place solely inside the industrial unit and would be carried out using hand held tools. The eastern door of the building, which faces towards some of the closest residential properties would remain closed when these works are taking place to minimise noise beyond the building. The breaking works intended to be carried out would not be dissimilar to those currently undertaken in the vehicle repair business and as such are considered to generate similar levels of noise.
- 5.22 The action of throwing metal items into metal skips was also considered a potential source of noise generation. The applicant has provided an amended plan showing that there would only be 5 skips which would be sited at the furthest extent of the detached south western yard, around 138m from the closest residential property on Beaconsfield Terrace. Given the day time working hours, relatively small number of skips, separation distance and intervening buildings and structures which would act as a buffer, it is not considered that the action of throwing metal items into the skips in the detached south western yard would generate significant and adverse levels of noise to residents of Beaconsfield Terrace. Other land uses surrounding the location of the proposed skips are industrial and would not experience any detrimental noise from the proposed use.
- 5.23 The removal and replacement of the skips from the site could generate some noise. However given the small scale of the business it is expected that skips would not be removed and replaced on a frequent basis. As above given their number, location and the day time working hours, it is not anticipated the removal and replacement of skips would be significantly noise generating.

- 5.24 Use of a forklift truck also has potential to generate some noise, in particular if metal items were being carried and banging against the metal forks. The applicant advises that forklift trucks are currently used on the site and no complaints have been received about noise from them. They have no reversing or other noise generating alarms. In terms of the issue of metal on metal noise, the applicant states this would not happen, as to generate such noise items would be being carried in a dangerous manner and would likely damage the items being moved. As such it is in the operator's interest to ensure items are carefully stacked in a safe and secure manner, that would not generate a metal on metal noise.
- 5.25 It is acknowledged that parts of the yard immediately adjacent to the industrial unit and the detached, south western yard have some pot holes and do not have an even surface. This could cause a banging noise when loaded forklift trucks or other vehicles pass over the uneven surface. A condition is considered appropriate to require the infilling of pot holes and providing an even surface to all yard areas and the access track between them, which should be maintained for the lifetime of the development. This would ensure the surface is fit for purpose and does not generate any banging noise. The applicant also advises that pot holes and an uneven surface could cause damage to his own vehicles and parts being transported so it would also be in his interest to ensure to is always in good condition.
- 5.26 The applicant advises there would be no baling, cutting up or shredding of vehicle bodysells on site with these being sold or removed from the site in their entirety once other parts are stripped.
- 5.27 The applicant states that he has operated a vehicle repair business from the site for around 8-9 years. During this period he operated a 24 hour vehicle recovery business for around 6 years where vehicles were loaded and unloaded to the site at all times of the day and night without any complaints. He is local to the area with family members residing in Beaconsfield Terrace and as such is mindful to minimise noise.
- 5.28 The Council's Environmental Health Team have received previous complaints about another business operating from an adjacent industrial unit, which concerned the loading and pumping of fuels into tankers very early in the morning. This is entirely separate to the current proposal and the Environmental Health Team have not received any complaints about the applicant's business.
- 5.29 The proposed business would be of a relatively small scale, although potentially growing from storing 20-30 vehicles currently to 40-60 and employing up to 3 full time staff over time, the site area is small which would constrain the extent to how much the business could expand in this location. The applicant acknowledged during discussions on site that an alternative location was likely to be required if the business were to expand beyond the levels specified in the application. In the interests of highway safety, preventing a cluttered appearance to the site and residential amenity a condition to limit

the storage of no more than 60 vehicles on the site at any one time is considered appropriate.

- 5.30 It is recommended that conditions are imposed in relation to working hours, breaking of vehicles solely within the building, the eastern door of the unit to remain closed while works are taking place internally, only 5 skips to be located in the location indicated in the detached, south west yard as shown on drawing no. 22-102 11 Rev A, for no baling, cutting up or shredding of vehicle bodyshells to take place, requiring the infilling of pot holes and providing an even surface to all external hard surfaced areas and for no more than 60 vehicles to be stored on the site at any one time.
- 5.31 Fluids, such as petrol, oil, brake fluid etc would be removed from vehicles within the building in a dedicated decontamination bay. Removed fluids would be carefully stored in accordance with relevant environmental legislation. A spill kit would be on hand to contain any rare leaks that may occur. The Environment Agency raise no objections to the application and note that a separate environmental permit would need to be sought by the applicant before the use commences. The applicant is aware of this and intends to apply for a permit if planning permission is granted. The permit would control aspects of the use with potential to cause pollution and ensure this does not occur.
- 5.32 The proposals would not exceed the triggers requiring submission of an Air Quality Assessment as set out in relevant guidance. Given the small scale of the use and as all breaking works would take place internally within the building, it is not anticipated the proposal would have any adverse impacts on air quality.
- 5.33 Given the small scale nature of the operation, the requirement for an environmental permit, the additional information provided by the applicant in relation to noise and the above recommended conditions, officers are satisfied that the proposed vehicle breaking business could be accommodated on the site without any adverse impacts upon residential amenity, in accordance with Local Plan policies CS14, CS21, MSGP17, MSGP18, MSGP19, MSGP44 and MSGP45 and Parts 12 and 15 of the NPPF.
- 5.34 FLOODING AND DRAINAGE**
To mitigate the risks of pollution on site the applicant states he would carry out breaking work to industry standard and in line with Environment Agency requirements and safe practices, all vehicles deemed to be recycled or broken for parts would be depolluted as soon as they arrive on site inside the industrial unit. All fluids, oils and hazardous materials will be removed for safe storage of the vehicle until it is stripped down. This would be done in purpose-built depollution bays located inside the building using industry approved equipment and methods. This will leave the vehicles in a non-hazardous condition and a very low risk of contamination for storage.
- 5.35 The building internally is totally sealed to drainage so if there were any spillages during the depollution process these would be contained using spill kits and not able to drain to surface water or foul sewers. All fluids removed will be stored in industry approved and bunded tanks and these will be stored undercover to

stop any rainwater from washing any residual fluids off them into surface water courses, again due to the site size the applicant will hold small storage facilities and emptied frequently by licensed collectors. All metals would be stored in sealed bins rather than open loose piles, to help prevent any possible runoff from parts.

- 5.36 A drawing detailing drainage arrangements for the site has been provided. Surface water from buildings and hard standings would utilise gullies and channels within hard standings across the wider industrial estate to connect to surface water sewers. The site drainage includes 3 oil separator interceptors to collect any oil run off both from the proposed use and other uses in this part of the industrial estate.
- 5.37 An area to the west side of the detached, south western yard is identified as being at a high risk of surface water flooding. The applicant acknowledges this issue and advises they would intend to install some new gullies and channels here to improve surface water drainage. Officers consider a condition is appropriate to initially require an assessment of the flood hazard rating in this area, to determine the probability of an event happening and the consequences if it occurred, in line with Planning Practice Guidance on Flooding. If this concludes the area has a high flood hazard rating, then an improved surface water drainage scheme would need to be agreed and implemented.
- 5.38 As the proposal represents a small scale change to the use of the site with limited external alterations, there is no requirement for the applicant to provide any SuDs as part of the development. Subject to a condition to assess the flood hazard rating in the detached, south western yard and agree and implement additional surface water drainage, as necessary, it is considered overall that the development will not be at risk of flooding, would not worsen flood risk off site and would not lead to any water pollution, in accordance with Local Plan policies MSGP29, MSGP30, MSGP44, CS16 and CS17 and Part 14 of the NPPF.

5.39 IMPACT ON THE CHARACTER OF THE SURROUNDING AREA

No external alterations to the building or the hard surfaced area, other than repairs and maintenance, are proposed. Storage of the end of life vehicles would primarily take place in the detached, south west yard area and to a lesser extent given its size, to the yard immediately to the south of the building. Public views of these areas would be very limited due to their siting and screening provided by boundary treatments, trees and hedging and other intervening features. There may be some longer distance views from the corner of Beaconsfield Terrace looking through the access gates into this part of the industrial estate. However overall the existing industrial character of the site would not substantially change following the proposed use. All trees and hedging are outside the boundary of the application site and as no significant ground works or alterations are proposed these would not be affected by the proposals.

5.40 It is noted that the applicant is considering purchasing cantilevered racks to store cars one above the other in the detached, south western yard area. A condition is considered appropriate to prevent no more than 3 cars or vehicle body shells being stored vertically above one another in the yard, so that they are not excessively high and detrimental to the appearance of the surroundings.

5.41 Subject to the above condition, there would be no adverse visual impacts or impacts on the character and appearance of the surroundings, in accordance with Local Plan policies CS15, CS21, MSGP24 and MSGP44 and Part 12 of the NPPF.

5.42 ECOLOGY/BIODIVERSITY

The site comprises the existing industrial unit and areas of hard standing. No alterations are proposed to them. The site is not of any ecological or biodiversity value and there are no designated sites in proximity. As the proposal represents a small scale change to the use of the site with limited external alterations it is not considered appropriate to seek a biodiversity net gain in this instance. The development is not considered to result in any adverse impacts upon protected/priority species, areas of ecological interest or biodiversity, in accordance with Local Plan policies CS21, MSGP37 and MSGP44 and Part 15 of the NPPF.

5.43 GROUND CONDITIONS

The proposed development would not involve any ground works, with the existing building and hard surfacing to be retained as existing. As such it is not considered there would be any impacts in terms of land contamination or instability and the proposal would accord with Local Plan policy MSGP20 and Part 15 of the NPPF in this regard.

5.44 As set out above, a depollution bay would be used to ensure the development does not generate any contamination itself. This would be further controlled by the Environment Agency through the environmental permit required for the use.

5.45 WASTE MANAGEMENT

Following stripping down vehicle body shells would be taken off site to larger scrap metal premises for processing. Other parts would be sold or disposed of in skips. There is room within the site to allow access for skip lorries to remove and replace skips in the detached, south western yard. As such it is considered waste management arrangements are acceptable and would accord with Local Plan policy MSGP47.

5.46 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 a CIL chargeable development, as no new floor space is being created.

6.0 CONCLUSION

- 6.1 The proposal would involve change of use of an existing, small scale vehicle repair business to allow the applicant to break end of life vehicles at the premises. As the use involves the processing and recycling of end of life vehicles it constitutes waste development and therefore major development. The site is situated within a main employment area. Policy MSGP3 does not normally support sui generis uses in main employment areas, however the proposed use is a modest variation on the existing vehicle repair use. As such and having regard to national and local plan policies for waste management, the proposal is considered acceptable in principle and would accord with the waste hierarchy.
- 6.2 Subject to appropriate conditions, no adverse impacts are identified in terms of transport, residential amenity, flooding and drainage, the character of the surrounding area, ecology/biodiversity, ground conditions and waste management, in accordance with relevant policies from the Local Plan for Gateshead and the NPPF.
- 6.3 There are no material considerations which indicate otherwise and the application is recommended for approval.

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

Drawing no. 22-102-01 Rev A - Location and Block Plan
Drawing no. 22-102 010 - Existing and Proposed Site Plan
Drawing no. 22-102 11 Rev A - Existing Drainage Plan and Proposed Skip Locations/Vehicle Storage
Drawing no. DS1247 Pages 1 and 2 - Oil Separator Interceptors Specification

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

Reason

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

2

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

Reason

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

3

Prior to the commencement of the vehicle breaking and recycling use, an assessment of the hazard presented due to the high risk of surface water flooding shown on Environment Agency (EA) mapping to the detached, south western yard area, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall determine a flood hazard rating in accordance with Defra/EA guidance (Table 13.1 of FD2320/TR2). If a scheme of improved surface water drainage is required to reduce the flooding hazard, details shall be submitted within 1 month of the commencement of the vehicle breaking and recycling use, including management and maintenance of drainage features and a timetable for delivery.

Reason

To provide improved surface water drainage in this area which has been identified as being at higher risk of surface water flooding and to ensure this does not result in pollution or worsened flood risk off site, in accordance with policies MSGP29, MSGP30, MSGP44, CS16 and CS17 of the Local Plan for Gateshead and Part 14 of the NPPF.

Pre-commencement reason

To ensure an assessment of the flood hazard rating is made before the use commences.

4

The development hereby approved shall be undertaken in complete accordance with the assessment of the flood risk hazard and if necessary the improved surface water drainage and timetable approved at condition 3 and maintained for the lifetime of the development.

Reason

To provide improved surface water drainage in this area which has been identified as being at higher risk of surface water flooding and to ensure this does not result in pollution or worsened flood risk off site, in accordance with policies MSGP29, MSGP30, MSGP44, CS16 and CS17 of the Local Plan for Gateshead and Part 14 of the NPPF.

5

Prior to the commencement of the vehicle breaking and recycling use, all pot holes or areas of uneven surfacing within external hard standings shall be repaired to a good standard. External hard standings shall thereafter be maintained for the lifetime of the development to a good standard with any pot holes or areas of uneven surfacing repaired as soon as possible.

Reason

In the interest of residential amenity and highway safety, in accordance with policies CS13, CS14, CS21, MSGP14, MSGP15, MSGP17, MSGP18, MSGP44 and MSGP45 of the Local Plan for Gateshead and Parts 9, 12 and 15 of the NPPF.

Pre-commencement reason

To ensure hard surfaces are in a good condition prior to the use commencing so as not to generate adverse noise and disturbance to local residents.

6

The mixed sui generis use comprising vehicle repair and vehicle breaking and recycling, including deliveries, loading and unloading of vehicles, shall not operate at the site outside the hours 8.30am - 5.30pm Monday to Friday and 9am - 1pm on Saturdays. There shall be no working at the site whatsoever on Sundays or Bank Holidays.

Reason

In the interest of residential amenity, in accordance with policies CS14, CS21, MSGP17, MSGP18, MSGP44 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

7

All major dismantling and vehicle stripping works shall take place inside the existing building, with the exception of removal of minor parts which may take place in external areas as set out on page 5 of the document titled 'Responses to Items raised by Consultants' (Thornton Architectural, September 2022).

Reason

In the interest of residential amenity, in accordance with policies CS14, CS21, MSGP17, MSGP18, MSGP44 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

8

The external roller shutter door to the east elevation of the existing building shall remain closed at all times when major dismantling, vehicle stripping and vehicle repair works are taking place internally.

Reason

In the interest of residential amenity, in accordance with policies CS14, CS21, MSGP17, MSGP18, MSGP44 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

9

Skips shall be kept in the location in the detached, south west yard shown on drawing no. 22-102 11 Rev A (Existing Drainage Plan and Proposed Skip Locations/Vehicle Storage). There shall be no more than 5 skips kept on the site at any one time unless otherwise agreed in writing with the Local Planning Authority in advance of additional skips being brought on to site.

Reason

In the interest of residential amenity and highway safety, in accordance with policies CS13, CS14, CS21, MSGP14, MSGP15, MSGP17, MSGP18, MSGP44 and MSGP45 of the Local Plan for Gateshead and Parts 9, 12 and 15 of the NPPF.

10

No baling, cutting up or shredding of vehicle bodysHELLS shall take place whatsoever on any part of the site, unless otherwise agreed in writing with the Local Planning Authority, including submission of a noise assessment in relation to this specific operation, prior to the commencement of any such use.

Reason

In the interest of residential amenity, in accordance with policies CS14, CS21, MSGP17, MSGP18, MSGP44 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

11

No more than 60 end of life vehicles or bodysHELLS shall be stored on the site at any one time.

Reason

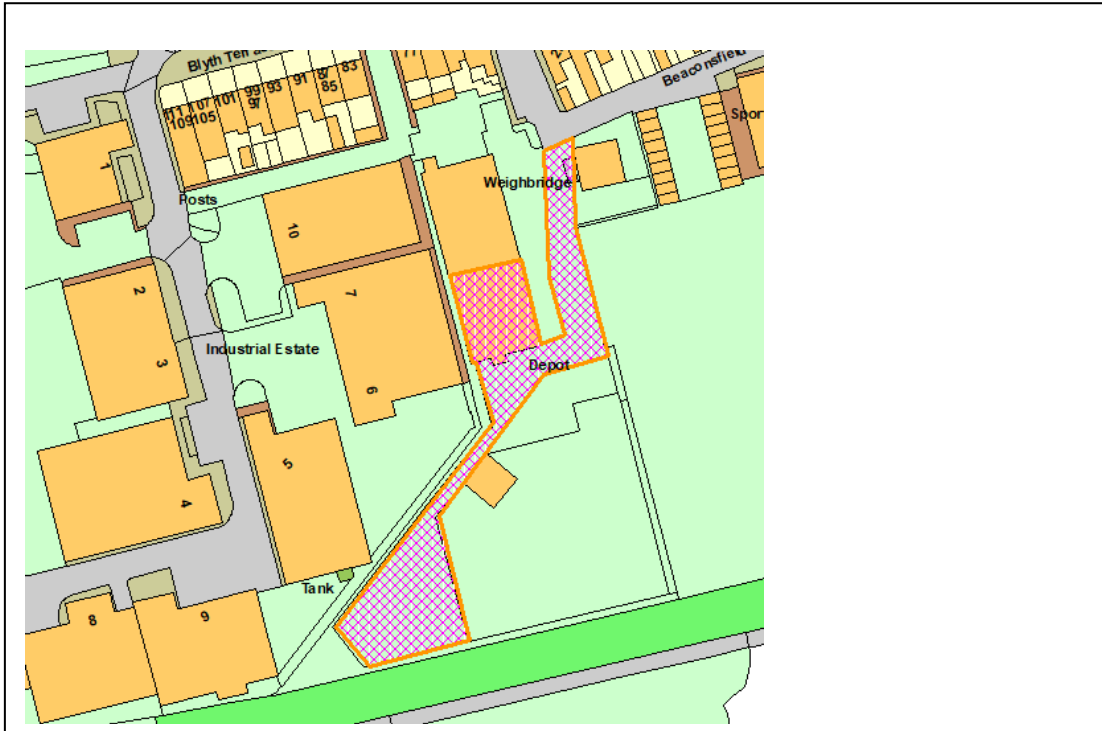
In the interest of residential amenity and highway safety, in accordance with policies CS13, CS14, CS21, MSGP14, MSGP15, MSGP17, MSGP18, MSGP44 and MSGP45 of the Local Plan for Gateshead and Parts 9, 12 and 15 of the NPPF.

12

No more than 3 vehicles or body shells shall be stored vertically above one other on the ground or on any cantilevered racking in any external areas.

Reason

In the interest of visual amenity and the character of the surrounding area, in accordance with policies CS15, CS21, MSGP24 and MSGP44 of the Local Plan for Gateshead and Part 12 of the NPPF.



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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 13.10.22 and ending 09.11.22 the enforcement team has received 93 new service requests. The enforcement team currently has 540 cases under investigation.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	28	16	31	1
HIGHWAYS	17	8	23	0
ABANDONED VEHICLES	34	9 active cases remain	36	0
WASTE	14	14	65	1
TOTALS	93	47	155	2

COURT HEARINGS
No court hearings have occurred during this monitoring period.



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
23rd November 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 at Woodhouse Lane, Swalwell (Known as South West Farm Site One)	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	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016	<p>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.</p> <p>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.</p> <p>The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.</p>
	Known as South West Farm Site Two)	Swalwell	Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed 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.	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016	<p>Both defendants pleaded guilty at Newcastle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months.</p> <p>The site has recently been revisited and it is likely further action will be required.</p>
	(Known as South West Farm Site Three)	Swalwell	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 Councils legal department.</p> <p>A court date has been issued for the 26th April 2019 at Gateshead Magistrates Court.</p> <p>The court date has been re issued for the 10th June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.</p> <p>The Court date has been adjourned until 24th June at 10am, discussions are to take place with the land owner prior to the court date to progress with the clearance of the land.</p> <p>A site visit was undertaken on the 29th June, two of the areas of land have been significantly cleared, efforts are being made by the owners to clear the third piece of land prior to the court date.</p> <p>The trial date has been arranged for the 24th September 2019</p> <p>On the 20th January Mr J Tate and Mr M Tate pleaded guilty to failing to comply with the enforcement notices. The Magistrates fined both Tate's £500.00 each with cost of £300.00 each and a victim surcharge of £50.00 each. A total of £850.00 each.</p>

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>Update requested by Councillor Ord at planning committee 16 February 2022 as problem recurring</p> <p>Allocated to enforcement officer and investigations ongoing. The Environment Agency have been approached for additional support with this investigation and the enforcement team awaiting confirmation of a joint visit.</p> <p>10.11.2022 No further update</p>
2.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A site visit was undertaken on the 4th June, where drainage works had commenced. Officers are working closely with the Operator of the quarry to ensure compliance.</p> <p>A discharge of condition application has been submitted in relation to condition 23 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p>
3.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p> <p>Wardell Armstrong on behalf of the Operator has withdrawn the Enforcement Appeal.</p>
4.	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>

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>Update 27.4.2022 Property has since been sold. New owner has submitted a planning application DC/22/00244/HHA. Some work started on the property which has resulted in building waste which has been left in the rear yard for several weeks now. Community Protection Warning has been issued, requiring removal of waste.</p> <p>Update 26.5.2022 Owners have been in contact and given assurances the waste will be cleared. Estimate this will be next week.</p> <p>Update 23.06.2022 waste in rear of property has been removed following Community protection warning and Community protection notice.</p> <p>The longstanding issue remains the external condition. Boarded up windows, damage to the roof of the front bay window, guttering etc.</p> <p>Planning application DC/22/00244/HHA - Proposed Part Two/Part Single Storey Rear Extension, Rear Dormer Window and Insertion of Roof Lights to the Front Roof Slope has been validated so it is anticipated that works to the property will commence soon after approval.</p> <p>Complaints had also been made about the condition of the hedge at the front of the property. This has been cut back but has the disadvantage of exposing the condition of the front of the property.</p> <p>10.11.2022 No further update</p>
5.	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. 02 March 2022 NEDL have disconnected the electrical supply to the building.</p> <p>Update 25.5.2022 from Simon Whitehead, Construction Services Manager: As with a lot of the major demolition projects, progress in the scheme development has been slowed down by significant public utility complexities, further compounded in terms of access by the presence of asbestos containing materials.</p> <p>The updates with the key items on the project are as follows;</p> <p>Northern Powergrid (NPG);</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>The order has been placed (and paid) for the disconnection.</p> <p>NPG initially agreed to make the initial visit via a Sub-Contractor, however once we informed them of the presence of visible damaged asbestos containing material debris, the Sub-Contractor declined the visit and passed the work back to NPG. We have since been in contact with NPG a number of times, we have received returned written comms that this job is allocated and booked in, but with no date given. We will, of course, continue to pursue NPG for dates.</p> <p>BT (Openreach); BT have a cluster of live cables attached to the building, but which are not serving the building, but piggy-backed onto Excelsior as a point of support / change in direction for their apparatus, using Excelsior as a mid-span point of support between cables further down the road in both directions.</p> <p>We will be meeting BT on site at a time to be determined by BT, to discuss disconnections and diversions of cables that serve the surrounding buildings. Once this meeting takes place, we will be in receipt of a BT quotation and in a place to raise an order for their works. We continue to pursue BT for dates.</p> <p>Gas / Water; The gas and water main supplies to Excelsior are already disconnected and made safe. We have correspondence from Northern Gas Networks advising such.</p> <p>Party Wall notices; As you will be aware there is some surrounding allotment land that abuts the boundary with Excelsior, we have tried to establish land ownership and written to those we think are owners with Party Wall notices. We are awaiting returns to this communication. We will be following up with additional comms in due course.</p> <p>We are frustrated, as we always are on complex demolition projects, that the expedience of the scheme development is always hindered by outside influences that we have no control over.</p> <p>Rest assured the design and specification work is ongoing in the background and will be ready to go to the Quantity Surveying department for tender activities as soon as all external bodies have completed works / signed notices / fulfilled their duties back to us.</p> <p>10.11.2022 – No further update</p>
6.	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>

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>The Appeal has been determined and the Notice has been upheld.</p> <p>Update 10.11.2022 – Case progressing to prosecution for non-compliance. Site visit arranged undertaken 03.11.2022 and some compliance but further enforcement notice to be issued for additional issues identified.</p>
7.	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> <p>Update 10.11.2022 – Case progressing to prosecution for non-compliance. Site visit arranged undertaken 03.11.2022 and some compliance but further enforcement notice to be issued for additional issues identified.</p>
8.	Land at Dunston Mech Club House, Dunston Road.	Dunston and Teams	Untidy Land	10 th October 2022	10 th October 2022	10 th October 2022	31 October 2022	<p>Complaints have been received regarding the condition of the land due to the storage of vehicles in various states of disrepair. This is a complex site with multiple landowners and non-registered land. Notices have been issued pursuant to section 43 of the Anti Social Behaviour, Crime and Policing Act 2014 on one land owner and one occupier requiring certain steps to be taken to prevent nuisance or detriment to the amenity of others.</p> <p>Update 10.11.2022 – a large number of vehicles have been removed, compliance monitoring ongoing.</p>
9.	Kwik Save, High Street, Felling	Felling	Building and land in ruinous and dilapidated condition	27 th April 2022	27 th April 2022	18 th May 2022	5 th September 2022	<p>Complaints have been received regarding the condition of the property and the adjoining land. The site has been subject to a number of arson attacks, fly tipping and other anti-social behaviour. A Notice has been issued pursuant to section 79 (1) of the Building Act 1984 requiring the recipient to either carry out such works of restoration or carry out demolition and remove the resultant rubbish or other materials from the site as specified in the notice. This has been the subject of an appeal. Work is ongoing with Northumbria Police and Tyne and Wear Fire & Rescue service to expedite a resolution. Construction services have also been requested to provide a method statement and costings for demolition, should the local authority be required to undertake works in default. –</p> <p>Update 10.11.2022 - works progressing to determine costs of demolition and consideration being given to issuing community protection warning in conjunction with TWFRS and Northumbria Police</p>

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

Appeal Decisions

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

DC/21/00897/HHA – Gavna, Westfield Lane, Ryton
Erection of 1.5 storey detached garage with office/gym in roof space (amended
21.03.22).

This was a delegated decision refused on 20 May 2022
Appeal dismissed 26 August 2022

Appeal Costs

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

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/21/00897/HHA	Gavna Westfield Lane Ryton NE40 3QE	Erection of 1.5 storey detached garage with office/gym in roof space (amended 21.03.22).	Written	Appeal in Progress
DC/21/00916/FUL	Jack And Jo's Nursery Garden Middle Hedgefield Farm Stella Road Ryton	Erection of timber building to provide cafe with associated raised deck and creation of additional parking (retrospective) (revised description 30.11.2021) (amended plans 21.02.2022)	Written	Appeal in Progress
DC/21/01150/HHA	29 Hartside Crescent Winlaton Blaydon	Two storey side extension.	Written	Appeal in Progress
DC/21/01447/OUT	Telephone Exchange Whickham Bank Whickham NE16 4AJ	Outline Planning Application for the demolition of the existing telephone exchange (sui generis) and development of 1 no C3 residential dwelling with creation of a new vehicular access from Whickham Bank.	Written	Appeal in Progress



Appeal Decision

Site visit made on 22 August 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/H4505/D/22/3301860

Gavna, Westfield Lane, Ryton Central, Ryton NE40 3QE

- 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 Ellie McParlin against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/21/00897/HHA, dated 14 July 2021, was refused by notice dated 20 May 2022.
 - The development proposed is erection of 1.5 storey detached garage with office/gym in roof space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was amended during the application process and the appeal was made with the amended plans. I have determined the appeal on that basis.

Main Issues

3. As the appeal site is located within the Green Belt, the main issues are:
 - Whether the proposal amounts to inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - The effect on trees;
 - Whether the development would preserve or enhance the character or appearance of the Ryton Conservation Area; and
 - If the proposal is inappropriate development, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

4. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a number of listed exceptions. Policy CS19 of the Core Strategy and Urban Core Plan for

Gateshead and Newcastle upon Tyne 2010 – 2030 (2015) (the CS) identifies that the Green Belt will be protected in accordance with national policy.

5. It is the view of the Council that the proposal, as a new detached building, does not fall within any of the Framework exceptions, and on that basis, represents inappropriate development. However, case law has established that an outbuilding may be considered as an extension to the house even when it is not physically connected. Indeed, this was the approach followed by the Inspector in the Bracknell Forest decision put before me by the appellant.
6. In this case, the proposal would be related functionally, and have a close physical and visual relationship with the existing house. It is therefore logical and appropriate that the proposal should be assessed against paragraph 149 c) of the Framework, which provides for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. The Framework defines an original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. However, it does not specify what might be considered a disproportionate addition over and above the size of the original building. There is some assistance from the Council's Household Alterations and Extensions Supplementary Planning Document (2011) (the SPD), which advises that once a property has been extended by more than one third of its original volume, any further increase in volume will likely have an adverse effect on the Green Belt. It is nevertheless important to take into account the precise nature of the site and the proposal. This is ultimately a matter of planning judgement for the decision maker.
8. According to the appellant's figures, the proposal would, together with previous extensions, amount to an increase of around 35% of the original building's volume. As such, the proposal exceeds the threshold referred to in the SPD, albeit not greatly. However, even putting aside a purely numerical assessment, the proposal would, though its length, width, height, and proximity, add significant bulk and massing at the front of the house. Together with previous extension, the original plan form and core shape of the building would be fundamentally altered. Thus, in considering the overall increase in the size of the original building reasonably and objectively, and with reference to the specific context of the site, the proposal would, in my judgement, result in a disproportionate addition.
9. I note the appellant's suggestion that the proposal does not conflict with the purposes of the Green Belt. However, an assessment of the proposal against the five purposes of the Green Belt is not a matter that affects the consideration as to whether it is inappropriate or not.
10. Accordingly, I find that the proposal is inappropriate development in the Green Belt, which is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

11. The essential characteristics of Green Belts are their openness and permanence. Openness has generally been held to be the absence of development and it has both a spatial and visual aspect.

12. The proposal would bring built development forward of the front of the house and close to the road, where presently none exists. Whilst the screening currently provided by the roadside vegetation may help to reduce the visual impact on openness, it would not remove it. There would be glimpsed views of the development from the east and down the driveway. It would also have more visibility during the winter months when the deciduous trees at the front of the site are not in leaf. Moreover, despite the protection afforded by the conservation area designation, this vegetation could still be reduced in height through normal maintenance, or even die, so it is not a factor which could be permanently relied on to screen the development.
13. In addition, the erosion of three-dimensional space arising from the physical presence of the development would, in itself, unavoidably result in a reduction of the spatial openness of the site, regardless of any views. Consequently, the development would result in this part of the Green Belt being less open than it is at present, both spatially and visually.
14. Therefore, and on consideration of the scale of the development, I conclude that there would be moderate harm to Green Belt openness, which is in addition to the harm arising from inappropriateness.

Trees

15. There are a number of trees within influence of the development. These include two Cherry trees located within the front garden (identified as T1 and T2 in the appellant's Arboricultural Implications Assessment) and a Sweet Chestnut along the front boundary (T3 in the AIA).
16. The Council has not objected to the removal of Trees T1 and T2, which have been identified as having low retention value and could be replaced elsewhere within the site. However, Tree T3 is a very large and prominent category A specimen, which the appellant acknowledges is a 'Veteran Tree'. The AIA does not propose removal of Tree T3 and the revised Site Plan provides for an amendment to the position of the proposed building. However, it remains the case that the building would be constructed within the root protection area (RPA) of this tree.
17. Whilst various special construction techniques and protection measures have been proposed, albeit with little detail, the default position of BS 5837:2012 is that structures should be located outside of RPAs, and only where there is an overriding justification for construction within the RPA should technical solutions be considered to prevent root damage. I have not been provided with such an overriding justification for the development to be taken into the RPA. Nor is there any specific, technical information to demonstrate that such works, even if undertaken carefully, would not cause significant disturbance and damage to the sensitive rooting environment around this veteran tree.
18. In any event, the development is contrary to the Government's Planning Practice Guidance and The Natural England/Forestry Commission Standing Advice for veteran trees, which requires a buffer zone of at least 15 times larger than the diameter of the tree to create a minimum RPA, and that development within the buffer zone should not be approved.

19. The need for pruning of overhanging branches to maintain clearance to the building is yet further indication of the unacceptably close relationship of the development to the veteran tree.
20. Therefore, notwithstanding the technical construction solutions suggested, and the subsequent supporting information provided, I consider that the construction of the development so close to the veteran tree and within its RPA would be unacceptable, and would risk the long-term health and survival prospects of the tree. Given the nature of the development, there are no exceptional public benefits to clearly outweigh this harm. As such, the proposal conflicts with Policy MSGP36 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021) (the LPD). There is also conflict with Paragraph 180 c) of the Framework which advises that development resulting in the loss or deterioration of irreplaceable habitats (such as veteran trees) should be refused, unless there are wholly exceptional reasons. Footnote 63 indicates types of exceptional examples, which the proposal is clearly not.

Ryton Conservation Area

21. The appeal site lies within the Ryton Conservation Area (RCA). It is the last of a short row of more modern houses on the south side of Westfield Lane. To the north is the Tyneside Golf Club and to the west are open fields. Whilst the houses vary in size and appearance, they are set back from the road by a similar amount in spacious plots with mature planting. As a result, the appeal site and its surroundings have a spacious and verdant character, which also contributes positively to the essential character of this part of the RCA and its significance as a whole.
22. The proposed building could be constructed in materials to closely match the existing house and would maintain a degree of visual subservience due to its lower height. I also note that the scheme was amended to remove an external staircase. Nonetheless, garages placed forward of the front elevation are not a characteristic feature of the houses in Westfield Lane which maintain spacious open frontages. In this context, and having regard to its size and proximity to the road, the development would be incongruous. In addition, its gabled roof design and dormer windows would, in my view, add further to the incongruousness of the development given such features are not part of the existing house.
23. I have already set out in relation to the Green Belt that the vegetation along the roadside boundary would not completely remove the visual impact of the development. In any case, the requirement for development proposals to preserve or enhance the character or appearance of the RCA applies irrespective of whether development is prominent, or in public view. The erosion of the spacious character at the front of the site would harmfully diminish the site's positive contribution to the character and appearance of the RCA.
24. I have also found that the development would risk the long-term health and survival prospects of a veteran tree at the front of the site (Tree T3), which due to its size and prominence, currently makes a significant positive contribution to the character and appearance of the RCA in its own right. There would be further harm to the character and appearance of the RCA in this regard.

25. Given the above, the development would not preserve or enhance the character or appearance of the RCA, and thus would cause harm to its significance. Whilst the degree of harm would be classed as 'less than substantial' this does not equate to a less than substantial planning objection, especially where the statutory test is not met. Furthermore, heritage assets are irreplaceable and great weight should be given to their conservation. Having regard to paragraph 202 of the Framework, there are no public benefits in this case that would outweigh the harm to the significance of the RCA. Thus, the proposal conflicts with Policy CS15 of the CS, and Policies MSGP24 and MSGP25 of the LPD, which collectively seek good design that is compatible with local character, and the conservation and enhancement of the historic environment. The proposal also conflicts with the SPD in this regard. For the same reasons, it does not accord with the design and heritage protection objectives of the Framework.

Whether very special circumstances exist

26. For the reasons stated, I consider that the proposal would be inappropriate development, and would also result in moderate harm to Green Belt openness. Furthermore, it would cause harm to the significance of the RCA and a veteran tree contrary to statutory requirements and Policies CS15 of the CS, as well as Policies MSGP24, MSGP25 and MSGP36 of the LPD. These matters attract substantial weight.

27. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist. The proposal therefore also conflicts with Policy CS19 of the CS which seeks to protect the Green Belt.

Conclusion

28. The proposal conflicts with the development plan as a whole and there are no other considerations, including the Framework, to indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

23 November 2022

TITLE OF REPORT: Planning Obligations

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

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. 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 23 November 2022.

Recommendations

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

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