



# *PLANNING AND DEVELOPMENT COMMITTEE AGENDA*

**Wednesday, 22 February 2023 at 6.00 pm in the Bridges Room - Civic Centre**

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held 21 December 2022 (copy previously circulated).
<b>2</b>	<b>Apologies for Absence</b>
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
<b>4</b>	<b>Planning Applications (Pages 3 - 4)</b>  Report of the Service Director, Climate Change, Compliance, Planning & Transport
<b>4i</b>	<b>No. 1 - Valley View Residential Home, Burn Road NE21 6DY (Pages 5 - 16)</b>
<b>4ii</b>	<b>No. 2 - Jump Giants, Forge Road, Gateshead NE8 2RB (Pages 17 - 34)</b>
<b>6</b>	<b>Enforcement Team Activity (Pages 35 - 36)</b>  Report of the Service Director, Climate Change, Compliance, Planning & Transport
<b>7</b>	<b>Enforcement Action (Pages 37 - 42)</b>  Report of the Service Director, Climate Change, Compliance, Planning & Transport
<b>8</b>	<b>Planning Appeals (Pages 43 - 52)</b>  Report of the Service Director, Climate Change, Compliance, Planning & Transport
<b>9</b>	<b>Planning Obligations (Pages 53 - 54)</b>  Report of the Service Director, Climate Change, Compliance, Planning & Transport

Contact: Helen Wade - Email: [Helenwade@gateshead.gov.uk](mailto:Helenwade@gateshead.gov.uk), Tel: 0191 433 3993  
Date: Tuesday, 14 February 2023

**TITLE OF REPORT:** Planning applications for consideration

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

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### **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**

<b>Application No:</b>	<b>DC/22/00490/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>9 May 2022</b>
<b>Applicant</b>	<b>Mr John Deshi</b>
<b>Site:</b>	<b>Valley View Residential Home Burn Road NE21 6DY</b>
<b>Ward:</b>	<b>Winlaton And High Spen</b>
<b>Proposal:</b>	<b>Conversion of former residential care home to 13 flats (use class C3) (Phase 2) (amended 29/05/22, 12/06/22, 29/06/22, 05/09/22 and 09/01/23, and additional information received 21/07/22 and 21/12/22).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application relates to part of the former Valley View Residential Home. The application site is located on the corner of Burn Road and North Street in Winlaton. Land levels on site are flat and both pedestrians and vehicles access the site via a single access to the north via Burn Road.

1.2 The buildings on site are two-storey in a height and are of traditional construction finished in render and tile. There are residential properties located to the west of the applications site and a mixture of commercial and residential properties to the south.

**1.3 DESCRIPTION OF THE PROPOSAL**

The application seeks full planning permission for the conversion of part of the former residential care home to 13 flats. The application describes the proposal as 'Phase 2', owing to the fact planning permission has already been secured for the conversion of the western wing of the building into 18 assisted living units (Use Class C3) in 2019 (DC/18/01101/COU). Application DC/18/01101/COU remains extant as a lawful commencement has taken place, as a result of demolition work to the rear of the building.

1.4 The application proposes only minor alterations to the externals of the premises, these include the removal of a door and window within the front elevation and the replacement with a new entrance door, the removal and repositioning of an access door, the installation of three security doors, and repair (where necessary). There are, however, changes to the site access and car park proposed, including the demolition of a detached garage located to the south of the existing building.

1.5 The application is accompanied by the following documents:

- Design and Access Statement; and
- Flood Risk and Drainage Assessment.

1.6 PLANNING HISTORY

The planning history relevant to the current application is set out below;

- DC/18/01101/COU; Planning permission granted for 'Part Change of use and conversion from Care Home to 18 Assisted Living Units (Use Class C3)' Date; 21 February 2019.

**2.0 Consultation Responses:**

Northumbria Police No objection.

Tyne and Wear Fire and Rescue No objection.

**3.0 Representations:**

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

3.2 No representations have been received.

**4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS17 Flood Risk and Waste Management

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

MSGP29 Flood Risk Management

## **5.0 Assessment:**

- 5.1 The detailed planning considerations are the principle of the proposed development, the impact on design, residential amenity, flood risk, drainage, highway safety, open space and play area provision and CIL.
- 5.2 **PRINCIPLE**  
The site, in question, is not allocated for any specific use, and therefore the development of the site for residential purposes would form a windfall site.
- 5.3 In order to promote the development of a good mix of sites, paragraph 69(c) of the NPPF advises that local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 5.4 The latest results of the Housing Delivery Test (HDT) show that 87% of homes required are being delivered in the Borough. The proposed development would provide additional dwellings which would be a positive factor.
- 5.5 **Reuse of Empty Property**  
Part 3 of policy CS9 of Local Plan seeks to bring empty properties back into use. The proposed conversion of the former care home into flats would be consistent with this aim.
- 5.6 **Range and Choice of Housing**  
Local Plan policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The proposal is for the change of use from a care home to 13 one-bedroomed flats, which does not satisfy this policy objective. However, it is acknowledged that the scope for increasing the number of bedrooms is constrained by the footprint of the existing building and the potential viability of the scheme. As such, while the proposal couldn't be considered to fully accord with Policy CS11, it is not considered to be harmful and/or prejudicial to the delivery of the Local Plan.
- 5.7 **Space standards**  
Policy CS11(4) of the Local Plan requires adequate space inside and outside of the home to meet the needs of residents and Policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). The proposed development would fully comply with NDSS and would comply with the requirements of Policy CS11(4) and MSGP12.
- 5.8 **DESIGN ISSUES**  
The application does not propose any significant alterations to the building, nor does it propose any significant alterations to the carpark. It does result in the loss of a small area of landscaping to the rear of the premises to accommodate an area of additional parking. However it is considered that the development is

sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result. The scheme is acceptable from a design perspective and accords with the design aims and objectives of the NPPF, and policies CS15 and MSGP24 of the Local Plan.

#### 5.9 RESIDENTIAL AMENITY ISSUES

As referenced within the design section above, the application does not seek to make any significant changes to the fabric of the existing building. As such, the application does not propose the insertion/installation of any additional windows or doors.

5.10 In terms of the impact on 15 and 16 Riding Lea located to the west of the site, the building on site is located approximately 19.5 metres from the main rear elevations of these properties. However, it is noted that the windows in the elevations facing these properties formally served bedrooms, both at ground and first floor levels. Further, it was noted from a site visit that there is a strong boundary treatment of high planting which exists along the shared boundary between the site and these properties. As such, it is considered that the former arrangement would have resulted in some level of impact on the amenity of the occupiers of 15 and 16 Riding Lea, although not to an unacceptable degree.

5.11 Further to the above, the application proposes the removal of an area of landscaping to the rear of the premises, this is to allow the provision of 11 parking spaces. It is proposed that these spaces would be accessed via an access to the south of the building, following the demolition of an existing detached garage. It is considered that physical works associated with the creation of the car parking area are unlikely to impact on the amenities of existing and/or future occupiers.

5.12 However, it is noted that the carparking area would introduce a level of vehicle movements and the 'comings and goings' associated with these movements. As such, it is considered some impact on existing occupiers of 15 and 16 Riding Lea and future occupiers of the development. It is the view of officers, that the impact of these movements on the occupiers of 15 and 16 Riding Lea could be limited to an acceptable degree through the retention of the existing boundary treatment and associated planting. Further, it is considered that occupiers of proposed development would be aware of the proposed parking solution prior to occupying, this plus the fact the carpark is unlikely to be used to a significant extent during sensitive hours is adequate to ensure no unacceptable impact would occur.

5.13 The submitted plans do not currently show the retention of the planting and as such a conditions are required, these conditions are to require the submission of a new parking layout showing the retention of the hedge, the retention of an appropriate parking space size and circulation aisle, and grading of land (as required) (Conditions 14 – 17).

5.14 Following on from the above, it is considered that the change of use to apartments would have a similar level of impact on the occupiers of 15 and 16 Riding Lea in terms of overlooking and noise production. As such, it is



considered that the development couldn't be considered to worsen any existing impacts and the proposal would be acceptable on this basis.

- 5.15 In terms of impact on 43 and 45 North Street, it is considered that the proposed development would not impact to any unacceptable degree on these properties or their occupiers. This is because of the offset relationship with the application site.
- 5.16 Furthermore, there is a commercial premises located to the south of the site in a form of a petrol filling station and repair garage. It is considered that the separation afforded between the building on the application site and the commercial use is adequate to ensure that no unacceptable impact would occur. This view also takes into consideration the trading hours of the garage i.e. between 0700 and 1900 Monday to Saturday and between 0900 and 1800 on a Sunday.
- 5.17 It is considered that construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would limit the construction hours of the development (Condition 3).
- 5.18 Based on the above, it is considered that the development is acceptable on balance from a residential amenity point of view and accords with the aims and objectives of the NPPF, and Policies CS14 and MSGP17 of the Local Plan.
- 5.19 **TRANSPORT ISSUES**  
The application site has good accessibility to Winlaton Local Shopping Centre and local public transport services.
- 5.20 It would usually be expected for residential development to provide parking at a minimum ratio of one space per dwelling and visitor parking at a ratio of one space per four dwellings. Therefore, based on the combined number of units across Phases 1 and 2, there would an expectation for a total of 31 spaces plus eight visitor spaces. The layout provided by the applicant provides a combined total of 30 spaces. As set out in the amenity section above, it is considered that the rear carparking area needs to be amended to protect residential amenity. It is considered that these changes are acceptable from a highways perspective subject to the submission and approval of an amended layout plan (Conditions 14 – 17).
- 5.21 However, Officers note the fact that the applicant has omitted a single unit from the development in order to provide 32 secure cycle spaces, three electric vehicle charging spaces are to be provided and that the applicant intends to make changes to rationalise and improve the site access; all of which could be secured via planning conditions (Conditions 4 to 9).
- 5.22 Therefore, while the development would fall short on parking levels, when appropriate weight it afforded to the location of the site in relate to the local centre and public transport connections, and the sustainability credentials of

the development it is considered that the development is acceptable in transport terms.

5.23 Based on the above assessment and subject to conditions, it is considered that the proposed development would comply with the requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.

#### 5.24 FLOOD RISK/DRAINAGE

A drainage assessment has been submitted and it has been demonstrated that a workable drainage solution for the site is achievable, as such the delivery of the drainage system should be secured through planning conditions (Condition 10 and 13).

5.25 Subject to the above planning condition the proposal is considered to be acceptable from a flood risk and NPPF and Policies CS17 and MSGP29 of the Local Plan for Gateshead.

#### 5.26 OPEN SPACE/PLAY PROVISION

The site is within a ward (Winlaton and High Spen) which is not deficient in public open space, and the relevant accessibility standards are also met given the location nearby areas of public open space. As such this is in accordance with the policy requirements of MSGP40 and it is unlikely that open space contributions would be required.

5.27 Within the ward there is a small deficiency of play space, MSGP40.1b requires the provision of play facilities to the equivalent of 0.07ha per 1,000 residents therefore there is a requirement for approx. 8sqm of play space when calculated using the play space standard. Given the complexities of the site i.e., the need to parking levels to achieved and the fact the proposal requires the conversation of an existing building, limited usable green spaces has been provided.

5.28 While limited green space has been provided, for the reasons set out above it is considered that the proposal would not fully comply with Policy MSGP40 of the Local Plan, but remains acceptable.

#### 5.29 COMMUNITY INFRASTRUCTURE LEVY

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

## 6.0 CONCLUSION

6.1 It is considered that the development would bring about a number of benefits such as the reuse of a vacant building and a boost to the borough's housing stock. Taking all other relevant issues into account, it is considered that the proposed development is acceptable; the proposal (subject to planning

conditions) is considered to accord with the aims and objectives of both national and local planning policies.

6.2 Given the above, it is recommended that planning permission be granted subject to the planning conditions set out below.

**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 attached to this permission, the development shall be carried out in complete accordance with the approved plan(s) as detailed below -

03B - Proposed South Block Ground Floor Plans

04A - Proposed South Block First Floor Plans

05A - Existing & Proposed Elevations

05B - Existing & Proposed North Elevations

SD02B - Proposed Site Plan

SD02 C - Site Access 1:100

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

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

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

Reason

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

4

Notwithstanding the approved plans, prior to the first occupation of any unit hereby approved final details of the amended site access shall be submitted to and subsequently approved in writing by the Local Planning Authority. The details shall include details of levels, details surface finishes, an autotrack drawing showing the access can accommodate a standard car turning left into the site and a timetable for implementation.

Reason

In the interests of highway safety and to comply with the requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.

5

The site access shall be installed in full accordance with the details and timetable for implementation approved under Condition 4.

Reason

In the interests of highway safety and to comply with the requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.

6

Notwithstanding the submitted details, prior to the first occupation of any unit hereby approved final details of cycle storage include details of the locking mechanism, anchor point and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

7

The cycle storage provision shall be installed in accordance with the details and timetable for implementation approved under Condition 6.

Reason

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

8

Notwithstanding the submitted details, prior to the first occupation of any unit hereby approved detailed specifications of the electric vehicle charging units/points, spaces and a timetable for implementation shall be submitted for approval by the Local Planning Authority.

Reason

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

9

The electric vehicle charging facilities shall accordance with the details and timetable for implementation approved under Condition 8.

Reason

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

10

Prior to occupation of any unit hereby approved, a detailed drainage scheme shall be submitted to the Local Planning Authority for approval. An accompanying report shall present the findings of investigation and assessment of existing drainage at the site to confirm the level of service it currently provides. The proposed drainage scheme shall ensure that runoff from all existing and proposed runoff areas are managed in line with current best practice with no flooding for 1in30year return period rainfall events and the safe accommodation of runoff for 1in100year return period rainfall events, allowing for the predicted effects of climate change over the lifetime of the development.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and Policies CS17 and MSGP29 of the Local Plan for Gateshead.

11

The development shall be undertaken in full accordance with the drainage scheme approved at condition 10.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and Policies CS17 and MSGP29 of the Local Plan for Gateshead.

12

Prior to first occupation of any unit hereby approved a Drainage Maintenance Plan (DMP) shall be submitted to and agreed by the Local Planning Authority. The DMP should include a site plan identifying ownership and responsibility for all drainage components together with a maintenance schedule and inspection checklist. The DMP should identify any drainage components that may require replacement within the lifetime of development and a strategy for their renewal.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and Policies CS17 and MSGP29 of the Local Plan for Gateshead.

13

The drainage system approved under Condition 10 shall be managed and maintained in full accordance DMP approved under Condition 12.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and Policies CS17 and MSGP29 of the Local Plan for Gateshead.

14

Notwithstanding the approved plans, prior to the commencement of the development hereby approved, final details of the carparking for the site shall be submitted to and subsequently approved in writing by the Local Planning Authority. In regard to the parking area to the rear of the premises, the submitted details shall clearly demonstrate the retention of existing boundary treatments and planting, an appropriate parking bay and circulation aisle size and regrading of land (where required) and a timetable for implementation.

Reason

In the interests of highway safety and to comply with the requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.

15

The site access shall be installed in full accordance with the details and timetable for implementation approved under Condition 14.

Reason

In the interests of highway safety and to comply with the requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.

16

Prior to the first use of the rear carparking area, a maintenance schedule for the retained planting shall be submitted to and approved in writing by the Local Planning Authority.

Reason

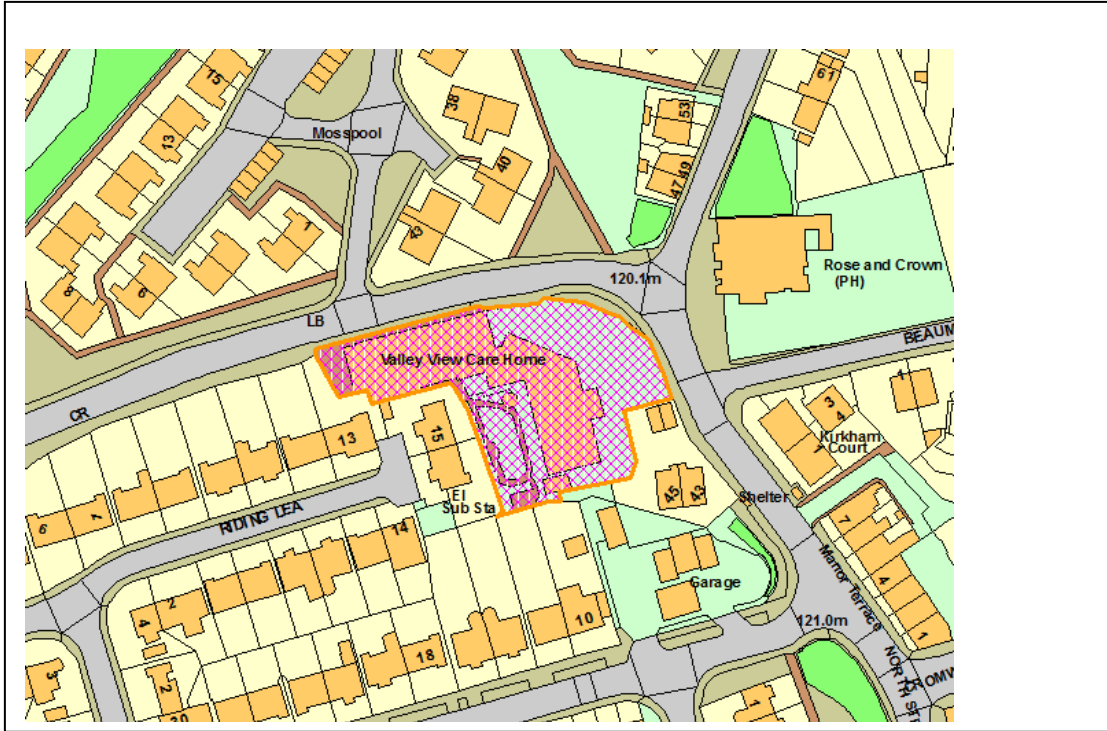
In the interests of highway safety and to comply with the requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.

17

The retained planting shall be maintained and managed in full accordance with the maintenance schedule approved under Condition 16 for the lifetime of the development.

Reason

In the interests of highway safety and to comply with the requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.



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## REPORT NO 2

**Committee Report**

<b>Application No:</b>	<b>DC/22/01135/COU</b>
<b>Case Officer</b>	<b>Rebecca Norman</b>
<b>Date Application Valid</b>	<b>11 October 2022</b>
<b>Applicant</b>	<b>Mr Sohail Khan</b>
<b>Site:</b>	<b>Jump Giants Forge Road Gateshead NE8 2RB</b>
<b>Ward:</b>	<b>Dunston And Teams</b>
<b>Proposal:</b>	<b>Partial change of use of trampoline park (Use Class E (d)) to motorcycle showroom with external alterations to front elevation with creation of new entrance doors and external cladding with associated access and landscape works (amended description 14.11.2022) (amended plans 14.11.2022, 04.01.2023).</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO A S106 AGREEMENT</b>
<b>Application Type</b>	<b>Change of Use</b>

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

The application relates to part of a building situated to the northern side of Forge Road in Dunston that is currently occupied by 'Jump Giants' as an indoor trampoline park. The application site also includes the yard to the western end of the building and areas of landscaping along Forge Road.

1.2 The building was previously used as an exhibition centre then later as a kitchen manufacturer and retailing premises prior to its conversion to an indoor Go Kart track in around 1995. The yard area to the western side of the site was also previously used as a motorcycle training school in around 2004. The building has operated solely as an indoor trampoline park since around 2017.

1.3 The existing building is single storey with an industrial appearance and is formed from brick with a dual-pitched metal sheet roof. The application site is level and is enclosed by trees/shrubs. The yard to the western end of the building has a gated access onto Forge Road. This access and yard have previously been used in connection with the building and for the motorcycle training centre however are not currently used by Jump Giants.

1.4 The site is situated within a mixed commercial and residential area. To the north of the site is a railway line and Teams Cycleway with Lookers Ford and Harley Davidson premises beyond. To the eastern

end of the building is the Jump Giants car park with the A184 and Vance Business Park beyond. To the south and west of the site beyond Forge Road are residential properties along Thornhill Close, Appleton Close and Rochester Gardens, beyond which is the A1.

- 1.5 The site is not allocated for any specific purpose on the Council's Local Plan policies map.
- 1.6 **DESCRIPTION OF THE APPLICATION**  
The application seeks planning permission for the change of use of the western portion of the building from an indoor trampoline park (Use Class E(d)) to a motorcycle showroom (Sui Generis).
- 1.7 Floor plans submitted with the application illustrate that the proposed showroom and associated storeroom and w/cs would have an internal floor area of around 445m<sup>2</sup> and would be separated internally from the trampoline park. An existing overhead canopy to the west elevation would be utilised for deliveries and access. The remainder of the building (around 3500m<sup>2</sup>) would continue to operate as a trampoline park.
- 1.8 The application proposes external alterations to the building comprising the installation of new cladding and entrance doors to the west elevation together with external works within the yard area to introduce a car and motorcycle parking layout. Vehicle access would be provided via the existing entrance from Forge Road and the existing entrance gates would be set back slightly into the site. The application also proposes to create a pedestrian entrance from Forge Road, alongside landscaping works to improve visibility at the access.
- 1.9 The submitted Planning Statement sets out that the showroom would be operated as a KTM and Royal Enfield motorcycle dealership which would complement the applicant's existing Harley Davidson showroom on Ellison Road, around 140m north of the site.
- 1.10 The application does not include any workshop/servicing facilities for motorcycles and states that these would be carried out at the applicant's existing Harley Davidson workshop at Ellison Road.
- 1.11 The proposed opening hours are 0800-1800. The applicant has confirmed that the showroom would be open 5 days per week and would be closed on either Saturday or Sunday.
- 1.12 **RELEVANT PLANNING HISTORY**  
DC/17/00574/COU - Change of use from Go Kart Track (Sui Generis - use class) to Indoor Trampoline Park (leisure use class - D2). Planning permission granted 05.10.2017.

DC/17/00035/FUL - Installation of metal sheeting clad facade on south elevation. Planning permission granted 02.03.2017.

DC/04/01202/COU - Change of use of vacant land at west side of existing building to provide motorcycle training school. Planning permission granted 01.11.2004.

67/98 - RENEWAL OF PERMISSION: Continued use of former kitchen manufacturing and retail premises as indoor go-karting track (sui generis use). Planning permission granted 16.03.1998; amended by appeal 16.12.1998.

154/95 - Change of use from former kitchen manufacturing and retailing premises to indoor go-karting track (sui generis use) (amended 28/3/95). Temporary planning permission granted 03.04.1995.

## **2.0 Consultation Responses:**

Northumbria Police

No comments received

## **3.0 Representations:**

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

3.2 A letter of representation has been received from Councillor Haley which raises the following matters:

- While I accept there have been previous users of the site where the sound of engines has been an issue, most notably while the site was a karting track, these sounds were indoor by nature.
- The potential for repeated engine noise along Forge Road from potential customers of a motorcycle retailer to cause disturbance to residents would be a concern for me.
- Potential for traffic priorities to be altered to give priority for residential and physical measures to slow traffic down at the junction
- Concerns have been raised by local residents regarding highway safety and noise

3.3 A total of 14no. letters of objection have been received which raise the following matters:

- The development would not be in keeping with the residential character of the area
- The development will have a significant impact on the area
- Loss of privacy
- Additional noise in proximity to residential properties
- Disturbance early mornings/late evenings

- Operation of the business 7 days a week would spoil weekends
  - Overbearing impact
  - Noise impacts from customers using Forge Road to test drive motorbikes
  - Allowing a motorbike shop close to homes is unfair and will affect people's mental health, contrary to the Council's Thrive agenda
  - Impacts of noise pollution and road pollution on amenity, contrary to the Council's green/clean air agenda
  - Excessive noise from Harley Davidson motorcycles
- Traffic/highways concerns
  - No safe access
  - Potential traffic accidents on the corner as a result of extra traffic
  - Inadequate car parking would result in parking on nearby roads (Appleton Close and Thornhill Close)
  - Increase in traffic
  - Highway safety concerns over increase in traffic on a blind corner, creating a hazard for cars using the junction to Thornhill Close, increase in accidents
  - Potential safety hazard to pedestrians and an increase in accidents
  - Existing highway safety issues along Forge Road from users of the trampoline park speeding along the middle of the road
  - Parked cars would prevent children playing on the grass area opposite the site
  - Increase in traffic will affect access to Appleton Close
  - Concerns about proximity of development to primary school and children coming and going, as parents use Forge Road to pick up and drop off children
  - Forge Road is busy around school opening and closing time and cars double park; excess traffic will cause further problems
  - Any new development should be subject to a reduced speed limit, speed bumps, appropriate waste facilities and noise limits
- Loss of trees and bushes
  - Impacts on biodiversity from increased traffic and pollution
- Potential to result in undesirable antisocial behaviour, vandalism and break ins
  - Devaluation of property
  - There are many unused commercial sites that could be used for this development
  - No need for the development
  - Development has started on site without planning permission
  - Lack of public consultation

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

## **5.0 Assessment of the Proposal:**

5.1 The key considerations in the assessment of this application are the principle of the development, design/visual amenity, residential amenity, highway safety and parking, ecology/trees, CIL, and any other matters.

5.2 **THE PRINCIPLE OF THE DEVELOPMENT**  
The application site is not allocated for any specific purpose in the Council's Local Plan. The principle of the change of use of the site from an indoor trampoline park to a motorcycle showroom is therefore considered to be acceptable, subject to all other material planning matters being satisfied.

5.3 **DESIGN/VISUAL AMENITY**  
The host building is industrial in appearance and has previously been subject to alterations to the east elevation which serves as the entrance to Jump Giants.

5.4 The application proposes the installation of grey cladding and new entrance doors to the west elevation of the building which would face towards the car park for the premises. Officers consider that the proposed alterations would be in keeping with the appearance of the building and would not adversely affect the character of the wider area. It is recommended that conditions be imposed in respect of final details of materials to be used.

- 5.5 In terms of landscaping, the application proposes to cut back vegetation at the site entrance to improve visibility and to provide a pedestrian access to the premises. The vegetation is within Council ownership and therefore these works would be required to be undertaken by the applicant under licence from the Council; the Council's Property Services team have indicated agreement to the proposed works.
- 5.6 The vegetation to the eastern side of the access along the frontage with Forge Road is already maintained at a low height and therefore the application would not significantly alter its current appearance. The vegetation to the western side of the access is however very overgrown and is therefore required to be cut back more significantly to achieve satisfactory visibility. Having regard to the established appearance of the low vegetation along the frontage of the building, and when taking into account the requirement for the works to provide improve visibility at the site entrance, Officers are of the view that, on balance, the proposed landscaping works are acceptable and would not be detrimental to the character or appearance of the wider area, and would reflect the established arrangement to the eastern side of the access. It is considered that these changes would not result in the site appearing unacceptably prominent within the locality nor from nearby residential properties, given their orientation and relationship to the site and screening vegetation along the southern side of Forge Road.
- 5.7 It is recommended that the extent of landscaping works to be undertaken is conditioned.
- 5.8 Subject to the above conditions it is considered that the proposed development would be acceptable in terms of design/visual amenity and impact upon local character, in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.9 **RESIDENTIAL AMENITY**  
The application site is within a mixed commercial and residential area in proximity to the A1 and A184 and has supported a range of uses in the past and at present. The closest residential properties are to the south of the site along Thornhill Close, which are accessed via a junction with Forge Road. The rear/side elevations of these properties face north towards Forge Road, separated by their gardens and a row of mature trees/vegetation.
- 5.10 Letters of objection have been received from Councillor Haley and local residents which raise concerns in relation to noise and disturbance from the operation of the business; traffic visiting the site and customers test riding motorbikes along Forge Road; the overbearing impact of the proposal; and the appropriateness of the use in proximity to residential properties. Officers also note that the

representations received indicate that there are existing problems with antisocial behaviour along Forge Road.

- 5.11 In response to the issues raised the applicant has provided the following details about the operation of the proposed development in support of the application:
- The business will follow an online-first model: sales are generated online and delivered direct to customers, therefore low footfall and traffic are expected at the site.
  - No bikes will be 'on show' outside the site for storage or display. Videos of bikes are taken inside and sent to customers for home viewing.
  - The business is EV-focussed, and no motorbike engines will be 'revved' in the yard. Service and aftersales facilities are not proposed on this site, therefore there will be no noise from tools or testing motorcycles up and down Forge Road.
  - Test drives devalue products and these are therefore minimised wherever possible.
  - Vehicle deliveries will take place in small transit style vans. Traditional car transporters cannot be used for the delivery of motorcycles and could not access this site in any event due to the low railway bridge over Forge Road.
  - The application site is experiencing frequent anti-social behaviour including fly tipping and fires, requiring regular police attendance. The development would include 24-hour security and occupation of the premises would provide surveillance and deter anti-social behaviour.
- 5.12 The applicant has also provided information in relation to anticipated sale and visitor numbers to the premises. The business plan for the premises indicates target unit sales for 2023 of 72 new units. A third-party market share report has also been provided for comparison which shows sales figures for other brands within the same sales region. The supporting information sets out that established industry averages for the motor trade indicate that 1 in 3 customers who visit a dealership in person make a purchase, and statistical analysis evidences a declining trend in footfall for retail sales at motorcycle dealers coupled with a rise of ecommerce sales from 2002 onwards. Based on the current industry average as a hypothetical, the applicant has therefore outlined that the proposed development is anticipated to attract 216 retail customers per year, which equates to 0.8 customers per day (over a 5 day week).
- 5.13 The proposed opening hours are 0800-1800 Monday to Sunday, however the applicant has confirmed that the showroom would be open 5 days per week and would be closed either Saturday or Sunday.

- 5.14 In view of the mixed commercial and residential character of the area and current and previous uses of the building, Officers are of the view that the proposed motorcycle showroom is not an inappropriate use for this site.
- 5.15 The applicant has asserted that there would be no external display or storage of motorbikes, this is recommended to be secured through conditions. On the basis that all motorcycles would be contained within the proposed showroom, Officers are of the view that the proposed development would be small in scale. Taking the overall scale into account together with the operational analysis undertaken by the applicant and anticipated sales and customer figures, Officers are of the view that the proposed development is unlikely to attract a significant number of visitors and is therefore unlikely to result in an unacceptable level of noise and disturbance or overbearing impact upon nearby residential uses.
- 5.16 In response to concerns raised in relation to noise and disturbance from test driving motorbikes, the applicant has clarified that test drives are, in principle, minimised where possible due to their impact upon the value of products. Were any test drives to take place, Officers are of the view that because of their anticipated infrequent regularity and that these would only occur during business hours, the impact of these in terms of noise or disturbance to nearby residential properties would be limited.
- 5.17 It is recommended that conditions be imposed to restrict the opening hours of the development to 0800-1800 Monday to Saturday only, with no opening on Sundays, Bank Holiday or Public Holidays. It is also recommended that a condition be imposed requiring the submission of a Noise Management Plan, in order to control noise during operation of the business to prevent issues of noise and disturbance to neighbouring residential properties.
- 5.18 The Council's Environmental Health team have reviewed the application and are satisfied that the proposed development is acceptable subject to conditions.
- 5.19 It is considered that the proposed development would not result in a loss of privacy or any overlooking of neighbouring uses.
- 5.20 Having due regard for the representations received it is considered that, subject to the conditions recommended above, that the proposed development would not have an unacceptable impact upon the amenity of neighbouring occupiers and would therefore comply with the aims and objectives of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.21 HIGHWAY SAFETY AND PARKING



NPPF Paragraph states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

- 5.22 Letters of objection have been received from Councillor Haley and local residents which raise concerns in relation to highway and pedestrian safety, parking and traffic generation. Suggestions have been made in letters of representation as to highways improvement works that the application should include.
- 5.23 Based on the information submitted with the application Officers are satisfied that the scale of the proposed development is such that this is unlikely to have a material impact upon the safety and operation of the wider highway network.
- 5.24 The application proposes to utilise the existing access from Forge Road which leads to a service yard. The service yard was used by the previous occupier in association with the use of the building as a Go Karting centre and for a motorcycle training centre however is currently unused by Jump Giants as this does not generate a requirement for a service yard; this business also has a separate car park to the eastern end of the building. Therefore, Officers are satisfied that the loss of the existing off-road service area is acceptable.
- 5.25 The existing vehicular access is bordered on either side by vegetation which limits visibility. There is therefore a requirement to improve visibility and provide a 2.4m x 43m visibility splay at the site access and a 2m x 2m visibility splay for pedestrians crossing the access, with no vegetation over 0.6m high within the splays. The red line boundary on the submitted plans includes the visibility splays and proposes to reduce the vegetation within the splays to 0.6m in height. The submitted plans also propose to create a 2m wide pedestrian footway and gated entrance into the site to segregate pedestrian movements from the access junction and remove potential conflict between cars and pedestrians, which would require the removal of vegetation.
- 5.26 As the Council’s Property Services team have indicated agreement to the works to Council-owned vegetation, Officers are satisfied that the proposed visibility splay and pedestrian access can be achieved. Conditions can therefore be imposed as to final details of the proposed works and their delivery and maintenance, to include clarification of the location of the tree to the west of the site access to determine the feasibility of its retention.
- 5.27 The application also proposes to relocate the entrance gates further into the site to ensure that waiting vehicles can be accommodated off the highway and do not block pedestrian movements. Officers are

satisfied with the details shown and recommend that this be secured by condition.

- 5.28 The submitted site plan proposes the creation of 12no. parking spaces (including 2no. disabled bays) and 4no. motorbike spaces. Officers consider that the level of parking proposed to serve the development is acceptable and conditions are recommended requiring that this be provided prior to first use of the development.
- 5.29 The scheme does not include provision of visitor or staff cycle storage; conditions are therefore recommended to secure the submission of such details.
- 5.30 Officers have sought clarification from the applicant as to delivery arrangements for the site to ensure that any delivery vehicles could be accommodated within the site without loading or unloading on Forge Road. Clarification has also been sought as to the requirement for any outdoor storage and display areas, to ensure that any such areas could be accommodated alongside parking, servicing and delivery requirements for the site. The applicant has confirmed that deliveries would take place within the site using small vans only, and that no outdoor storage or display is proposed. Officers are satisfied with the details submitted and recommend that a condition be imposed requiring the submission and implementation of a Servicing Management Plan which includes these details.
- 5.31 Officers have had regard for suggestions raised in objections as to potential highways improvements including altered priorities at the junction of Forge Road and Thornhill Close however the geometry of the bend and junction is such that the priorities cannot readily be altered. Whilst existing issues in relation to anti-social behaviour by drivers speeding along Forge Road are noted, given the level of additional traffic and movements that Officers consider would be associated with the proposed development it is considered that these would not materially worsen the existing issues and therefore it would be unreasonable to require the applicant to implement improvement works to seek to overcome the existing problems.
- 5.32 Having due regard for the representations received Officers are satisfied that the proposed scheme, subject to the recommended conditions, would be acceptable in terms of highway safety and would comply with the aims and requirements of the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.33 **TREES/ECOLOGY**  
The application proposes works to Council-owned vegetation at the site entrance to provide the necessary visibility splay and pedestrian access. The submitted site layout plan identifies the visibility splays and proposes to reduce the vegetation within the splays to 0.6m in height. Final details as to the works to be carried out are however

required, including clarification as to the feasibility of the retention of a tree to the western side of the access, which can be sought through conditions.

- 5.34 Whilst the loss of vegetation at the site is undesirable, these works are necessary to ensure that adequate visibility for drivers and pedestrians can be achieved at the site access. Furthermore, in order to compensate for the works, the applicant has agreed to pay the Council a financial contribution towards the planting of two new trees on an area of Council owned land to the west of the site (based on a charge per heavy standard tree of £596.61). Officers therefore consider that, on balance, the proposed works are not unacceptable in ecology terms and that appropriate compensation measures can be secured through the S106 and planning conditions. It is therefore considered that the proposed development is acceptable on balance from an ecology point of view and would accord with the ecology aims, objectives and mitigation hierarchy of the NPPF and policies CS18 and MSGP37 of the Local Plan for Gateshead.
- 5.35 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL not chargeable development as it is not relevant retail or housing related. The development would therefore not be charged.
- 5.36 **ANY OTHER MATTERS**  
Matters raised in letters of representation relating to the need for the development, the availability of alternative sites and devaluation of property are not material planning matters.
- 5.37 There is no evidence that the proposed development would lead to an increase in anti-social behaviour, vandalism or burglaries.
- 5.38 In response to comments made regarding a lack of public consultation on the application, Officers are satisfied that extent of publicity for the application has been carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 5.39 It is considered that all other material planning considerations have been addressed within the body of the report.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues into account and having regard for the representations received it is considered that the proposed development is acceptable in terms of visual amenity/design, residential amenity, highway safety and trees/ecology and would

comply with the aims and objectives of the NPPF and the relevant policies of the Local Plan for Gateshead.

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

**7.0 Recommendation:**

**GRANT SUBJECT TO A SECTION 106 AGREEMENT:**

- 1) The agreement shall include the following obligations:
  - A financial contribution to the Council of £1,193.22 for the planting of two new trees (based on a tariff of £596.61 per heavy standard tree). The financial contribution would be used by the Council for the planting and maintenance of two new trees on Council owned land.
- 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:

1

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

Dwg. No. 001B 'TPS001B – Full Plans'

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

Reason

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

2

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

Reason

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

3

The development hereby approved shall be constructed entirely of the materials detailed within the application form and Planning Support Statement (August 2022), as shown on Dwg. No. 001B 'TPS001B – Full Plans'

Reason

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

4

The development hereby approved shall only be open to the public between 0800 and 1800 Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

In the interests of the amenity of nearby residents, in accordance with the NPPF and Local Plan policies CS14, MSGP17 and MSGP18.

5

No storage or display of motorcycles shall take place other than within the building on the site.

Reason

In the interests of the amenity of nearby residents and highway safety, in accordance with the NPPF and Local Plan policies CS13, CS14, MSGPMSGP17 and MSGP18.

6

Notwithstanding the details shown on Dwg. No. 001B 'TPS001B – Full Plans', prior to any works being undertaken to cut back vegetation within the visibility splay the following details shall be submitted to and approved in writing by the Local Planning Authority:

- A) Final details of the works to be undertaken to achieve the 2.4m x 43m visibility splay and pedestrian access shown on 'Dwg. No. 001B';
- B) Clarification as to the location of the tree to the north western side of the access;
- C) A maintenance regime for vegetation clearance to retain the 2.4m x 43m visibility splay and pedestrian access under A) for the lifetime of the development

Reason

In the interests of clarity and highway safety by ensuring appropriate visibility at the site access and in the interests of the biodiversity value of the area, in accordance with the NPPF and policies CS13, CS15, CS18, MSGP15, MSGP24, MSGP36 and MSGP37.

7

The works to vegetation approved under condition 6 shall be implemented in full prior to first use of the development hereby approved.

Thereafter the development shall be maintained in accordance with the maintenance regime approved under condition 6.

Reason

In the interests of clarity and highway safety by ensuring appropriate visibility at the site access and in the interests of the biodiversity value of the area, in accordance with the NPPF and policies CS13, CS15, CS18, MSGP15, MSGP24, MSGP36 and MSGP37.

8

Notwithstanding the details shown on Dwg. No. 001B 'TPS001B – Full Plans' prior to first use of the development hereby approved final details of the repositioned entrance gates shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of clarity and highway safety and to ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS13, CS15, MSGP15 and MSGP24 of the Local Plan for Gateshead.

9

The details approved under condition 8 shall be implemented in full prior first use of the development hereby approved.

Reason

In the interests of clarity and highway safety and to ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS13, CS15, MSGP15 and MSGP24 of the Local Plan for Gateshead.

10

Prior to first use of the development hereby approved details of secure and weatherproof cycle storage for staff and visitors shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate provision for cyclists in accordance with the NPPF, policies CS13 and MSGP15 of the Local Plan for Gateshead and the Council's Cycling Strategy.

11

The details approved under condition 10 shall be implemented in accordance with the approved details prior to first use of the

development hereby approved and shall be retained as such for the lifetime of the development.

Reason

To ensure adequate provision for cyclists in accordance with the NPPF, policies CS13 and MSGP15 of the Local Plan for Gateshead and the Council's Cycling Strategy.

12

Prior to first use of the development hereby approved final details of works to the highway to provide a pedestrian connection into the site and dropped kerb crossing on the existing access junction radius for pedestrians crossing the access junction shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate provision for pedestrians in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

13

The details approved under condition 12 shall be implemented in full accordance with the approved details before the development hereby approved is first brought into use and shall be retained as such in for the lifetime of the development.

Reason

To ensure adequate provision for pedestrians in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

14

Prior to first use of the development hereby approved a Servicing Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

15

The Servicing Management Plan approved under condition 14 shall be adhered to in full for the lifetime of the development.

Reason

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

16

Prior to first use of the development hereby approved a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the use would not result in an unacceptable level of noise and disturbance to neighbouring residential properties in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

17

The Noise Management Plan approved under condition 16 shall be adhered to in full for the lifetime of the development.

Reason

To ensure that the use would not result in an unacceptable level of noise and disturbance to neighbouring residential properties in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

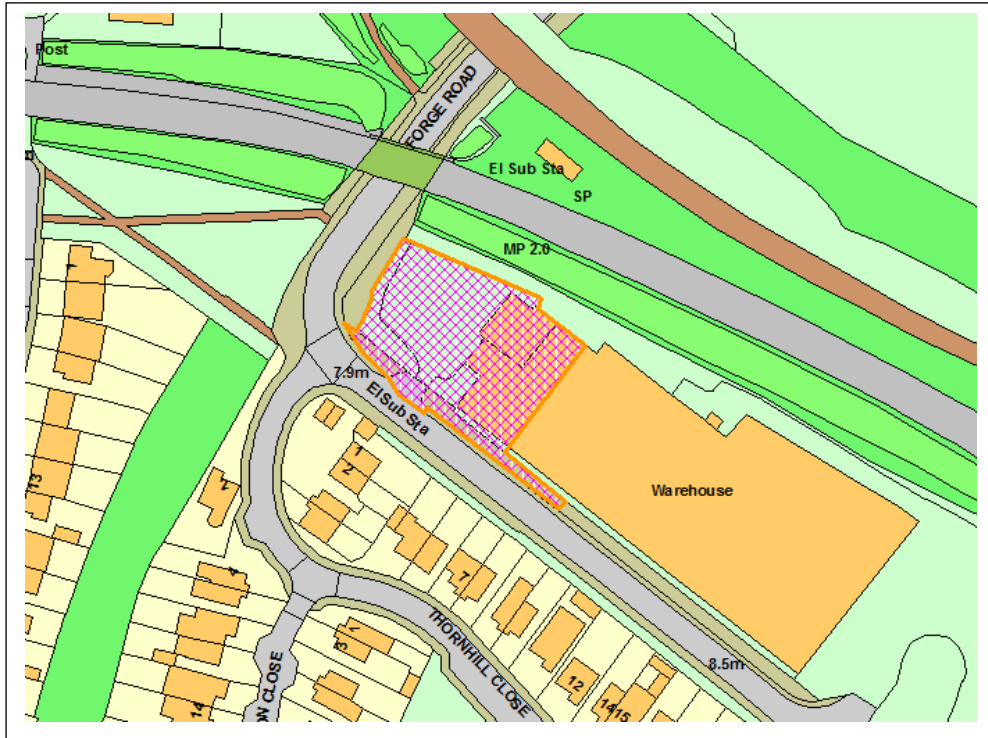
18

Prior to first use of the development hereby approved the car and motorcycle parking layout shown on 'Dwg. No. 001B' shall be marked out in complete accordance with the layout shown on the approved plan and shall be maintained as such for the lifetime of the development.

Reason

To ensure that appropriate parking provision is made for the development prior to first operation and in the interests of highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.





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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 08.12.22 and ending 08.02.23 (8-week period) the enforcement team has received 221 new service requests. The enforcement team currently has 489 cases under investigation.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
<b>PLANNING</b>	80	54	91	1
<b>HIGHWAYS</b>	39	20	30	0
<b>ABANDONED VEHICLES</b>	59	59	57	0
<b>WASTE</b>	43	43	23	1 (one case has been withdrawn as deemed not to be in the public interest to prosecute. A new case file has been submitted for a fly tipping offence).
<b>TOTALS</b>	221	128	201	2

<b>COURT HEARINGS</b>
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No court hearings have occurred during this monitoring period.
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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**

**22<sup>nd</sup> February 2023**

**TITLE OF REPORT: Enforcement Action**

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

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**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> <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 26<sup>th</sup> April 2019 at Gateshead Magistrates Court.</p> <p>The court date has been re issued for the 10<sup>th</sup> June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.</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	<p>The Court date has been adjourned until 24<sup>th</sup> 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 29<sup>th</sup> 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 24<sup>th</sup> September 2019</p>
								29 <sup>th</sup> Sep 2018

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>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><b>Update 08.02.2023 – Site visit has been undertaken. Owners instructed to tidy the site and remove vehicles not actively being used on the farm. The EA confirms exemption in place for handling of green waste. No evidence of car repair business on site. EA cancelled arranged site meeting and working to rearrange.</b></p>
2.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 <sup>nd</sup> May 2019	24 <sup>th</sup> May 2019	28 <sup>th</sup> June 2019	28 <sup>th</sup> 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 4<sup>th</sup> 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 <sup>nd</sup> May 2019	24 <sup>th</sup> May 2019	28 <sup>th</sup> June 2019	28 <sup>th</sup> 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> <p><b>Update 08.02.2023 Development management have engaged a minerals and landfill specialist consultant to consider the current planning status of this development and determine an appropriate course of action should further enforcement activity be required.</b></p>
4.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 <sup>th</sup> July 2019	25 <sup>th</sup> July 2019	22 <sup>nd</sup> August 2019	03 <sup>rd</sup> 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><b>Update 08.02.2023 - Building work has commenced at the rear of the property. Old kitchen has been demolished in preparation for the new development. Gable wall is being repointed.</b></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
5.	High Spen Excelsior Social Club Ramsay Street Rowlands Gill NE39 2EL	Winlaton and High Spen	Untidy Land	10 <sup>th</sup> February 2020	10 <sup>th</sup> February 2020	13 <sup>th</sup> March 2020	13 <sup>th</sup> 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><b>Update 08.02.2023 – The site has been fenced off but delays have occurred due to road works undertaken by utility company and issues surrounding Traffic management and Street works permits. These should now be in place and demolition works are imminent.</b></p>
6.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 <sup>th</sup> October 2020	13 <sup>th</sup> October 2020	17 <sup>th</sup> November 2020	18 <sup>th</sup> May 2021	<p>Complaints have been received regarding the change of use from a vacant warehouse to a mixed use comprising skate park, residential planning unit and storage of building and scrap materials therefore, an Enforcement Notice has been issued requiring the unauthorised use of the land to cease and all materials and vehicles be removed from the land</p> <p>The occupier of the site has appealed the notice to the planning inspectorate</p> <p>The Appeal has been determined and the Notice has been upheld.</p> <p><b>Update 08.02.2023 Section 330 Notices have been served to determine interests in land by all parties known to be involved with the site. This information will be used as the basis for further enforcement action.</b></p>
7.	Dynamix Albany Road Gateshead	Bridges	Untidy Land	27 <sup>th</sup> August 2021	27 <sup>th</sup> August 2021	27 <sup>th</sup> September 2021	27 <sup>th</sup> 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><b>Update 08.02.2023 Section 330 Notices have been served to determine interests in land by all parties known to be involved with the site. This information will be used as the basis for further enforcement action.</b></p>
8.	Land at Dunston Mech Club House, Dunston Road.	Dunston and Teams	Untidy Land	10 <sup>th</sup> October 2022	10 <sup>th</sup> October 2022	10 <sup>th</sup> 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><b>Update 08.02.2023 – The majority of vehicles have been removed, Removal of the waste has started but following recent visit appears to have stalled. Owner has been contacted for update but hasn't yet</b></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
								<b>responded. Compliance monitoring ongoing.</b>
9.	Kwik Save, High Street, Felling	Felling	Building and land in ruinous and dilapidated condition	27 <sup>th</sup> April 2022	27 <sup>th</sup> April 2022	18 <sup>th</sup> May 2022	5 <sup>th</sup> 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 &amp; 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>Works progressing to determine costs of demolition and consideration being given to issuing community protection warning in conjunction with TWFRS and Northumbria Police</p> <p><b>Update 08.02.2023 – Construction services instructed to progress to tendering stage for demolition</b></p>



**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE  
22 February 2023**

**TITLE OF REPORT:** Planning Appeals

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

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## **Purpose of the Report**

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

## **New Appeals**

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

DC/22/00971/TDPA - Coatsworth Road (west Of Coatsworth Court), Gateshead, NE8 1PU  
DETERMINATION OF PRIOR APPROVAL: Installation 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.  
This was a delegated decision refused on 19 October 2022.

## **Appeal Decisions**

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

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.  
This was a delegated decision refused on 8 April 2022  
Appeal dismissed 7 December 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/21/00916/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/21/00977/FUL	Pear Trees Orchard Road Rowlands Gill NE39 1DN	Demolition of existing bungalow and garage and construction of two new dwelling with vehicular and pedestrian access (Resubmission)	Written	Appeal in Progress
<b>DC/21/01447/OUT</b>	<b>Telephone Exchange Whickham Bank Whickham NE16 4AJ</b>	<b>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.</b>	<b>Written</b>	<b>Appeal dismissed</b>
DC/22/00635/CPE	Allotment Gardens West Of Pelaw Youth Centre Shields Road Felling Gateshead NE10 0YH	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OR DEVELOPMENT: Use of land as private general amenity space (Sui Generis). (Additional information received on 15/07/2022 and 10/08/2022)	Written	Appeal in Progress

<b>DC/22/00971/TDPA</b>	<b>Coatsworth Road (west Of Coatsworth Court) Gateshead NE8 1PU</b>	<b>DETERMINATION OF PRIOR APPROVAL: Installation 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.</b>	<b>Written</b>	<b>Appeal in Progress</b>
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# Appeal Decision

Site visit made on 15 November 2022

**by K L Robbie BA (Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> December 2022**

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**Appeal Ref: APP/H4505/W/22/3306505**

**Telephone Exchange, Whickham Bank, Whickham NE16 4AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Peter Sinkinson against the decision of Gateshead Metropolitan Borough Council.
  - The application Ref DC/21/01447/OUT, dated 13 December 2021, was refused by notice dated 8 April 2022.
  - The development proposed is 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.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was made in outline with matters of scale, appearance and landscaping as reserved matters to be determined at a later stage. I have assessed the proposal on this basis and treated the drawings as being an illustration of how the site could be landscaped in relation to the indication of the proposed location of replacement trees within the site.

## Main Issues

3. The main issues are the effect of the development on:
  - highway safety; and
  - biodiversity

## Reasons

### *Highway Safety*

4. Whickham Bank is a steeply inclined road with several bends along its length. It leads to busy traffic light controlled junctions at the top and bottom of the hill. The Council advise that traffic stands stationary on the bank at peak times, particularly in the afternoon. At the time of my site visit the road was busy and traffic was free flowing. However, given its location in the urban area, I have no reason to dispute that the road is much busier at peak times during the day. The appeal site is close to a bend in the road. No other dwellings are located onto this section of the road.
5. Vehicular access to the appeal site would be moved from its current location to a position approximately 40 metres further north, away from the bend. The proposed gradient of the access at the point which it meets the highway would be 11.3% by the Council's calculation. The Council's highways design standards

indicate that gradients at junctions are particularly important for highway safety reasons. At a junction the gradient of any non-priority road should not exceed 4%. Although the proposal is for a private driveway, rather than a road, the need to facilitate safe refuse collection from the proposed dwelling means that the driveway has been designed to accommodate such vehicles and therefore highway standards should be applied.

6. I note that the Council has indicated that a smaller refuse vehicle could be used to service the site. However, this could not be reasonably conditioned and therefore could not be guaranteed. It is therefore not certain that the proposed access would be suitable for refuse vehicles or any other larger vehicles which may have cause to access the appeal site.
7. No pedestrian footway is provided on this side of the road in either direction leading from the appeal site. Pedestrians would therefore need to cross the road to reach the footway opposite to reach nearby services and amenities. The Council is concerned that pedestrians would be crossing the road in a location where drivers would not expect to encounter pedestrians. They may also need to cross the road through stationary traffic queueing to the traffic lights at the top of the hill. Their presence would therefore be concealed from oncoming traffic travelling in the opposite direction downhill.
8. A safety risk assessment has been carried out by the appellant which concludes that any pedestrian safety concern is perceived rather than actual, as no accidents have occurred involving pedestrians in the most recent data available. Nevertheless, the risk assessment does indicate that several accidents have occurred close to the appeal site involving both vehicles and cyclists. Some of the accidents have been serious. In this context and with the concerns outlined above, the appeal would create an undue risk to highway safety.
9. The proposal would therefore conflict with Core Strategy and Urban Core Plan<sup>1</sup> Policy CS13 and Making Spaces for Growing Places Policy (Local Plan) Policy MSGP15, which seek to ensure that development is safe for both vehicular and pedestrian users. The proposal would also conflict with paragraph 111 of the Framework in this respect.

### *Biodiversity*

10. The proposal involves the demolition of the existing telephone exchange building and the removal of trees and vegetation from the site to facilitate the construction of the proposed access. No ecology survey or biodiversity net gain assessment has been submitted with the appeal. Therefore, it has not been established what habitats may be present on the site, including those of protected species which may be affected by the proposal.
11. The presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before any planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

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<sup>1</sup> Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 -2030

12. I acknowledge that the Council did not request either a survey or net gain assessment to be submitted during the application. Nevertheless, Local Plan Policy MSGP37 is clear that development proposals must demonstrate how they would avoid or minimise any adverse impacts on biodiversity and must also provide net gains in biodiversity. To this end, I consider that sufficient evidence has not been put forward to ensure that there would be no harm to either protected species or the natural environment in general nor how any net gain for biodiversity would be provided.
13. I therefore conclude on this issue that in the absence of surveys, there cannot be any certainty as to whether the proposal would have any effect on the biodiversity of the site, including whether there would be impacts on protected species and on what basis that might be. Consequently, it is not possible to ensure that any required mitigation measures would specifically address any potential harm. It would not therefore be reasonable to condition further surveys in this instance. The proposal would therefore conflict with Local Plan Policy MSGP37 which, amongst other things, seeks to ensure that development avoids or minimises any adverse effects on biodiversity and provide biodiversity net gain where appropriate through mitigation or compensation.

### **Other Matters**

14. The proposal would provide one additional house and would represent an efficient use of land in an area where there are good transport connections, and it is within easy reach of nearby local centres. Given the small scale of the scheme any contribution towards housing supply or mix would be limited. Consequently, I attach little weight to these benefits. These factors are not sufficient to outweigh harm that I have identified above.

### **Conclusion**

15. For the above reasons, having considered the development plan as a whole, I conclude that the appeal should be dismissed.

*K L Robbie*

INSPECTOR

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**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

**22 February 2023**

**TITLE OF REPORT: Planning Obligations**

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

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**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 22 February 2023.

**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