



## **PLANNING AND DEVELOPMENT COMMITTEE AGENDA**

**Wednesday, 9 August 2023 at 10.00 am 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>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held on 12 July 2023 (copy previously circulated).
<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
4i	<b>No. 1 - Site of Play area and former Sunderland Road Library and land to the North West of King James Hospital, Sunderland Road, Gateshead (Pages 5 - 44)</b>
4ii	<b>No. 2 - Land at Highfield Road, Rowlands Gill (Pages 45 - 60)</b>
4iii	<b>No. 3 - Jack and Jo's Nursery Garden, Middle Hedgefield Farm, Stella Road, Ryton NE21 4NN (Pages 61 - 76)</b>
4iv	<b>No. 4 - Oakfield House, Gateshead Road, Sunnyside, NE16 5LQ (Pages 77 - 84)</b>
4v	<b>No. 5 - Land to the west of Sainbury's Supermarket, Eleventh Avenue, Team Valley, Gateshead (Pages 85 - 112)</b>
5i	<b>No. 6 - Former Parkdale Press Premises, Clavering Road, Whickham NE16 3BX (Pages 113 - 128)</b>
<b>7</b>	<b>Enforcement Team Activity (Pages 129 - 130)</b>  Report of the Strategic Director, Climate Change, Compliance, Planning & Transport

**8 Enforcement Action (Pages 131 - 138)**

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

**9 Planning Enforcement Action (Pages 139 - 142)**

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

**10 Planning Appeals (Pages 143 - 148)**

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

**11 Planning Obligations (Pages 149 - 150)**

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



PLANNING AND DEVELOPMENT  
COMMITTEE  
**9 August 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/22/00299/FUL</b>
<b>Case Officer</b>	<b>Amy Williamson</b>
<b>Date Application Valid</b>	<b>4 May 2022</b>
<b>Applicant</b>	<b>Christine Mottershead</b>
<b>Site:</b>	<b>Site Of Play Area And Former Sunderland Road Library And Land To The North West Of King James Hospital, Sunderland Road, Gateshead</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Demolition of existing library, removal of existing play area and hard standings. Erection of apartment block comprising 43 no. affordable rented flats and communal facilities and 12 no. affordable rented bungalows with associated access, parking, hard and soft landscaping. Installation of new play equipment and associated works between King James Hospital and Salvation Army, Sunderland Road (amended description 29.11.2022, 13.07.2023) (amended plans and additional information received 29.11.22, 22.02.2023, 06.04.2023, 13.07.2023)</b>
<b>Recommendation:</b>	<b>MINDED TO GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application relates to two parcels of land situated to the north and south of Sunderland Road, Gateshead.

1.2 The larger parcel of land is 0.8ha in area and is located to the southern side of Sunderland Road. The eastern side of the site is occupied by the former Sunderland Road Library and car park which is accessed from Herbert Street. The building is currently vacant following closure of the library in 2017.

1.3 The site is split over two levels to accommodate land levels and is divided across the centre by a sloped embankment with trees. The lower level is adjacent to Sunderland Road and includes a public footpath, grass and trees and a large area of hardstanding containing a play area. The upper level is also hard surfaced and contains a multi-use games area (MUGA) and library car park.

1.4 The site is bounded to the south and west by Gateshead East Cemetery and is bordered by substantial high stone walls. Gateshead East Cemetery and the Cemetery Lodge to the west of the site are both locally listed.

- 1.5 The site is bordered to the north and east by Sunderland Road and Herbert Street respectively, with residential properties beyond. The northern boundary of the site is formed from a stone plinth wall topped with modern railings that includes public entrances at either end. To the centre of this wall is a Victorian drinking fountain which is also locally listed.
- 1.6 The smaller parcel of land is 0.3ha and sits to the northern side of Sunderland Road. This site is part of a grassed area of open space with trees that sits between the King James Hospital Almshouses and the Salvation Army building. The site is set back from Sunderland Road behind a row of garages and is bordered to the north by trees and fencing which separate it from the Metro line beyond.
- 1.7 The sites are not allocated for any specific purpose in the Council's Local Plan.
- 1.8 **DESCRIPTION OF APPLICATION**  
The application proposes the redevelopment of the larger site to provide 55no. dwellinghouses. The scheme would necessitate the demolition of the existing library building and removal of the existing play area, MUGA and hardstandings.
- 1.9 A replacement play area is proposed to be created on the smaller parcel of land to the north of Sunderland Road, between the King James Hospital Almshouses and the Salvation Army. A proposed scheme for the new play area is included in this application.
- 1.10 The proposed dwellings would comprise 43no. flats and 12no. bungalows, with associated access, parking and landscaping. The application includes a SuDS basin and communal garden to the western boundary. The scheme also includes the installation of air source heat pumps and solar panels.
- 1.11 The 43no. flats would be contained within a 3-4 storey L-shaped block to the western side of the site. The bungalows would be arranged in three blocks to the eastern side of the site, to accommodate topography. The overall housing mix would be as follows:
- 10no. 1 bedroom, 2 person bungalows
  - 2no. 2 bedroom, 3 person bungalows
  - 35no. 1 bedroom, 2 person apartments
  - 8no. 2 bedroom, 3 person apartments
- 1.12 The applicant proposes that the development would deliver 100% affordable rented homes, for occupation by over 55 year olds.
- 1.13 Vehicular access to the site would be from Herbert Street to the east and the application proposes the creation of 24no. parking spaces to serve the development. Pedestrian access would also be from Herbert Street and from Sunderland Road via the existing entrances; a new entrance would also be created within the northern boundary.

- 1.14 The application has been amended at various points during its course including minor revisions to layout and the number of units proposed.
- 1.15 **RELEVANT PLANNING HISTORY**  
 DC/05/00237/GBC - Improvement of existing play area consisting of erection of boundary railings, resurfacing footpaths, land regrading, construction of retaining walls and ramps, removal of redundant walls. Planning permission granted 17.05.2005.
- 1014/95 - Installation of roller shutter to staff door at side of library. Planning permission granted 30.11.1995.

**2.0 Consultation Responses:**

Tyne And Wear Fire And Rescue Service	No objection
Coal Authority	No objection, informative requested
Tyne And Wear Archaeology Officer	No objections, no archaeological work is required
Northumbria Water	No objection subject to conditions requiring implementation in accordance with the submitted drainage strategy
Northumbria Police	No objection
CE Electric UK	No objection
Northern Gas Networks	No objection
Nexus	Updated comments made, original recommendation for two pre-loaded Pop Pay as You Go cards to be provided per dwelling withdrawn

**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 the display of site notices. There have been three rounds of publicity; initially in May 2022, then December 2022 and most recently in July 2023. The most recent round of publicity included details of the play area on the smaller site. The final date for representations to be received is 9 August 2023.
- 3.2 4no. letters neither in support/objection have been received raising the following

matters:

- No objection to affordable housing scheme
- The development will mainly benefit residents over 55 who require assisted living
- There are no plans to reinstate the lost play area
- Investment should be made into new play facilities in the area
- Suggestions made about where a replacement play area could be situated
- A tree next to the library would be cut down to facilitate the build
- The green space/path alongside Sunderland Road would be gated off
- The development could be fully supported if there was a clear proposal for a replacement play area and plans were visible for the land currently in use for the Hospital of King James

3.3 4 no. letters of objection has been receiving raising the following matters:

- It is not a good idea to demolish good buildings that can easily be used to make way for others; the library is a good, usable building
- The development would overshadow and block light for the flats opposite on Sunderland Road
- Support is given to the charity, but the development would be better suited elsewhere
- The site identified for the play area has evidence of drug use
- It will take a long time to clean and level the site, so the play park will be lost which is not good for local children and the community
- Loss of play area
- The site has been neglected after the library was closed
- Sunderland Road is already too busy with traffic and the majority of motorists use it as a thoroughfare
- There is already an increase in population in the area, it doesn't need increasing and overcrowding
- Gateshead is a low income area and the rental properties will most likely be out of reach of those that need housing
- We do not require any more high rise buildings
- Disruption to roads during construction works
- Noise and disturbance during construction
- There is brownfield land elsewhere that could be developed
- Insufficient car parking is provided
- The development will result in a loss of trees

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS3 Spatial Strategy for Neighbourhood Area



CS7 Retail and Centres

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP8 Digital Infrastructure

MSGP10 Accessible and Adaptable Dwellings

MSGP11 Housing for Specific Groups

MSGP12 Housing Space Standards

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP27 Archaeology

MSGP28 Renewable and Low Carbon Energy

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP39 Protecting Open Space/Sport/Recreation

MSGP40 Provide/Enhance Open Space/Sport/Rec

MSGP48 Waste Management Facilities - New Dev

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

- 5.1 The key considerations to be taken into account in the assessment of this application are the principle of the development, open space and play, visual amenity, heritage/archaeology, residential amenity, transport and waste management, drainage, ecology, trees, ground conditions, digital infrastructure, CIL and any other matters.
- 5.2 **THE PRINCIPLE OF THE DEVELOPMENT  
LOSS OF COMMUNITY FACILITY**  
NPPF Paragraph 93 states that in order to provide the social, recreational and cultural facilities and services the community needs, planning decisions should "c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs".
- 5.3 Local Plan policy CS7 seeks to maintain and enhance the vitality and viability of retail centres. Outside the retail hierarchy, policy CS7 states that "local community facilities ... will be retained where they provide an important service to the local community and remain viable". This is supported by policy CS9, which seeks to ensure that existing communities are sustainable places of quality and choice by maintaining and improving facilities and services.
- 5.4 The application proposes the demolition of the existing library building. The building has been vacant since 2017, in which time no alternative uses have come forward and this is now in a deteriorated condition. Alternative library services are available at Gateshead Central Library and Felling Library, around 0.9km and 1.4km from the site. Officers therefore consider that the loss of the building to facilitate the proposed development would not be contrary to the aims and objectives of the NPPF or Local Plan policies CS7 or CS9.
- 5.5 **HOUSING POLICY**  
Housing Sites Allocation / Growth  
The site is not allocated for housing within the Council's Local Plan.
- 5.6 Local Plan policy CS1 sets out the spatial strategy for sustainable growth. As a result of population and economic growth, there is a need to plan for 30,000 new homes within Gateshead and Newcastle up to 2030, and Local Plan policy

CS10 sets out a net provision of 8,500 homes in Gateshead to contribute to the 30,000 total up to 2030.

- 5.7 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 55no. additional dwellings in the Borough, which would be a positive factor.
- 5.8 Range and Choice of Housing  
Local Plan policy CS11(1) requires 60% of new private housing across the plan area to be suitable and attractive to families, with a minimum target of 16,000 new homes to have 3 or more bedrooms. As the development is for 100% affordable rented housing and not private housing this policy would not apply.
- 5.9 Accessible and Adaptable Dwellings  
Local Plan policy CS11(2) encourages the provision of Lifetime Homes and Wheelchair-Accessible Homes. Whilst there is no explicit requirement, any contribution is welcomed.
- 5.10 Local Plan policy MSGP10 relates to accessible and adaptable dwellings and requires that on housing developments of 15 or more dwellings, 25% of dwellings will be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards. The application confirms that all of the proposed dwellings are M4(2) compliant.
- 5.11 Specialist and Supported Accommodation  
Local Plan policy CS11(3) seeks to increase the choice of suitable accommodation for the elderly population and those with special needs including bungalows, sheltered accommodation and extra care accommodation.
- 5.12 Local Plan policy MSGP11 states that specialist and supported accommodation and care schemes will be expected to provide on- site, or have good accessibility to, shops, services, community facilities and open space appropriate to the needs of the intended occupiers, their carers and visitors; and/or have good accessibility to public transport routes.
- 5.13 The application proposes the provision of 55no. affordable rented homes that would provide independent supported living (as defined by the Council's Specialist and Supported Housing Supplementary Planning Document). The development would have open space within the site for the use of residents and is adjacent to Sunderland Road which has regular buses and is within reasonable distance of shops, services and facilities. Therefore, the development would be in accordance with policies CS11(3) and MSGP11.
- 5.14 Affordable Housing  
Local Plan policy CS11(5) requires 15% of all homes on developments of 15 or more dwellings to be affordable, subject to development viability. Of these, the

SHMA recommends that 65% should be for subsidised rent and 35% for subsidised home ownership.

- 5.15 The scheme proposed by the application is for 100% affordable rented homes. Therefore, the proposal would meet and exceed the requirements of policy CS11(5).
- 5.16 Based on the number of dwellings proposed, 9no. dwellings would be required to be affordable homes under Local Plan policy CS11(5). This policy requirement would normally be delivered through a S106 Agreement to secure affordable provision in perpetuity.
- 5.17 A viability assessment has been submitted with the application. This demonstrates that the viability of the proposed development for 100% affordable rented homes is reliant on funding from Homes England, based on funding of £62,309 per unit. The appraisal explains that imposing a S106 Agreement to deliver 9no. affordable homes would result in Homes England not offering funding for those 9no. dwellings, as their funding cannot be secured on homes subject to an affordable housing S106. The submitted viability assessment demonstrates that the implications of this loss of grant funding are that the development would be unviable.
- 5.18 Officers have examined the submitted viability assessment and have determined that the development would be unviable if a requirement for 15% affordable homes were to be imposed due to the loss of funding. Officers have also undertaken analysis of additional scenarios involving a restriction being imposed for 10% and 5% affordable homes and have concluded that these lesser amounts of affordable homes would also result in the development being unviable.
- 5.19 As such, Officers consider that the application has demonstrated that, whilst ultimately proposing 100% affordable rented homes, the imposition of a restriction upon the application to provide a percentage of affordable homes would result in the development being unviable. As such, the application demonstrates that there is no requirement for affordable homes in this instance, in accordance with the requirements of Local Plan policy CS11(5).
- 5.20 Space Standards  
Local Plan policy CS11(4) requires adequate space inside and outside of the home to meet the needs of residents. Local Plan policy MSGP12 sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS).
- 5.21 Information submitted as part of the application confirms that the proposed dwellings would meet with NDSS, and Officers are satisfied that the development would provide adequate internal and external space for future residents.
- 5.22 LOSS OF PLAY AREA

Local Plan policy MSGP39 seeks to protect and prevent the loss of open space, sports and recreation facilities unless there is a surplus of provision both in terms of quantity and quality, or alternative provision is made.

- 5.23 The application site is in Bridges ward which is identified as being deficient in both open space and play space provision against the recommended minimum standards set out in policies MSGP39, MSGP40 and Appendix 18 to MSGP.
- 5.24 The existing site is shown on the Council's Open Space Assessment has having an area of 0.48ha and includes a play area and multi-use games area (MUGA) which would be removed to facilitate the redevelopment of the site. Whilst the play and games areas are in poor condition, there is a deficiency in provision within the Ward and the site still offers some recreational value for the local community. As such, the site cannot be considered surplus to requirements and in accordance with the requirements of policy MSGP39, the loss of the site is required to be replaced by equivalent or better provision in terms of quantity and quality, in a suitable location.
- 5.25 In order to offset the loss of the existing site and address the requirements of policy MSGP39 the application includes an area of Council-owned land to the north of Sunderland Road (approximately 200m east of the existing site) that is proposed to be used to create a replacement play area. A scheme for a play area forms part of the application which includes a range of equipment for teen, junior and toddler age groups.
- 5.26 Officers consider that the location of this replacement site is acceptable in principle as it is close to the current site and is easily accessible from Sunderland Road. The proposed replacement equipment scheme is also considered by Officers to be acceptable in principle. Conditions would be imposed to secure the provision of the new play area in conjunction with the removal of the existing play area.
- 5.27 At the time of writing this report the proposed play area scheme is out for public consultation and, if representations are received, Members will be advised through a written update.
- 5.28 Officers recognise that the proposed replacement play area does not include a new multi-use games area (MUGA), however taking into account that the new play area would significantly improve upon the quality of the current play area, and the scheme would deliver 55no. independent supported living homes, this is considered to be acceptable on balance. To this end, conditions would be imposed in respect of the nature of the accommodation to be provided.
- 5.29 **OPEN SPACE AND PLAY**  
Local Plan policy MSGP40 states that new developments of 10 dwellings or more will be expected to provide new public open space, play facilities and sports facilities in order to meet identified needs.
- 5.30 The application site is in Bridges ward which is identified as being deficient in play space and open space. There is therefore a policy requirement for the

proposed development to provide new open space and play facilities, as addressed below; this is in addition to the requirement to replace the existing play facilities, as addressed above.

5.31 Play Space

Local Plan policy MSGP40 requires the provision of play facilities to the equivalent of 0.07ha per 1,000 residents unless the relevant quantitative and accessibility standards are exceeded. In this case, there is a requirement for approximately 145sqm of new play space when calculated using the play space standard. This is in addition to the replacement of the existing play area that would be removed as part of the development.

5.32 The submitted plans do not propose the inclusion of new play facilities to be accommodated on site. However in this instance, as the intended occupiers of the proposed development would be over 55s who in themselves may not generate a need for play space as typical family households, and acknowledging the replacement play area that would be created as part of the application, Officers are satisfied that discretion can be exercised and on balance, subject to a condition to secure occupation by over 55s only, it is considered that new play space is not required to be provided.

5.33 Open Space

Local Plan policy MSGP40 requires the provision of public open space to the equivalent of 1.99ha per 1,000 residents. In this case there is therefore a requirement for approximately 0.14ha of public open space when calculated using the open space standard.

5.34 The submitted plans include a communal garden which is approximately 200sqm together with other landscaped areas around the site, which are welcomed. It is recommended that conditions be imposed requiring submission of a scheme detailing how requirements for the provision of new open space as part of the proposed development would be addressed either on or off site.

5.35 Subject to imposition of the recommended conditions the proposed development would comply with the aims and objectives of the NPPF and Local Plan policy MSGP40.

5.36 VISUAL AMENITY / DESIGN

The application site presents a challenging topography over two distinct levels. Overall, it is considered that the proposed development would be laid out in an appropriate and logical way to accommodate land levels.

5.37 The L-shaped apartment block would be positioned to the western side of the site and would be arranged over four storeys, reducing to three storeys at the rear on the higher part of the site. The bungalows would be positioned to the eastern side of the site and would be arranged in three blocks, again, accommodating the change in levels

5.39 The submitted Design and Access Statement explains that the proposed buildings would be mainly finished in buff-cream brick with elements of neutral

brown brick and contemporary cladding. The apartment block would also incorporate balconies and detailing between and around windows to add visual interest and provide a contemporary edge. The roofs of the buildings would be pitched construction with grey tiles and would incorporate solar PV panels.

- 5.40 The scale, layout and design of the proposed buildings are all considered to be appropriate for a new housing development in this locality. Indicative materials are considered to be appropriate, and it is recommended that conditions be imposed requiring final details/specification of external materials to be submitted to the LPA for consideration and subsequent implementation.
- 5.41 The development includes private and communal open space and landscaping which would provide attractive living spaces for future residents and also incorporates a SuDS area to the western boundary.
- 5.42 Car parking would be provided to the east and south of the site, with footpaths providing pedestrian access across the site, including both ramps and steps to accommodate land levels. A communal bin store would also be created to the south of the site for apartment block residents. The existing footpath and majority of trees along the northern boundary would be retained which would provide an attractive visual buffer between the buildings and Sunderland Road. It is recommended that conditions be imposed requiring final details of hard landscaping areas, soft landscaping and boundary treatments and implementation of the approved details.
- 5.43 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.
- 5.44 HERITAGE / ARCHAEOLOGY  
Archaeology  
The application site is shown on the first edition OS map as occupied in the mid c19 by Claxton Farm. This had been demolished by the late c19 and replaced by a recreation ground with a bandstand, later becoming a playground. The site was later terraced and surfaced with asphalt and the library was constructed in the later c20.
- 5.45 The site of the replacement play area is located within the medieval deer park Bishop's Park (HER 290). Historic OS maps show that in the mid c19th it was in agricultural use, but by the later c19 it had been developed for terraced housing. This was demolished in the later c20 and the site landscaped with a low mound extending into it from the northeast, probably composed of demolition rubble.
- 5.46 The previous demolition and landscaping on both parts of the site is likely to have truncated any earlier deposits and structures. The sites are therefore considered to have low archaeological potential and no archaeological work is required. The proposal is therefore in accordance with the NPPF and policy MSGP27 of the Local Plan for Gateshead.

5.47 Heritage

The application site is bounded to the south and west by Gateshead East Cemetery and Cemetery Lodge, which were developed in c19 and are separated from the site by a substantial stone wall. Gateshead East Cemetery is a locally listed park and garden and the perimeter wall is one of the features of interest. The Cemetery Lodge is also locally listed and is one of several associated with the cemetery.

5.48 To the northern boundary of the site facing Sunderland Road is a Victorian drinking fountain which forms part of an original stone plinth wall with modern railings above. The Victorian drinking fountain is also a locally listed building associated with civic improvements in the locality thought to have been provided for the Recreation Ground which occupied the application site.

5.49 The proposed apartment block is set back sufficiently from the western boundary with Cemetery Lodge and the proposed varied elevations and complementary materials and gable detailing takes account of the character of the existing historic buildings.

5.50 The stone perimeter walls to the south and west boundaries and the Victorian drinking fountain within the northern boundary would be retained. A new pedestrian entrance would be created within the northern boundary, which Officers consider to be acceptable in principle in relation to the drinking fountain. Conditions relating to construction management would be imposed in order to protect the historic features during construction and to secure final details of the new opening within the wall.

5.51 Subject to the above conditions the proposed development is considered to be acceptable in heritage terms and accords with the NPPF and Local Plan policies CS15 and MSGP25.

5.52 RESIDENTIAL AMENITY

NPPF Paragraph 130 requires development to create places with a high standard of amenity for existing and future users. This is supported by Local Plan policies CS14 and MSGP17, which require development to provide a good standard of amenity for existing and future occupiers. Local Plan policy MSGP18 also seeks to prevent adverse impacts in terms of noise.

5.53 EXISTING RESIDENTS

Residential development

This element of the application site is bordered to the south by Gateshead East Cemetery and there are residential properties beyond the site to the north, east and west.

5.54 Officers consider that the proposed development would maintain appropriate separation distances from existing neighbouring dwellings and that the development would not result in an unacceptable loss of privacy/overlooking, loss of light/overshadowing, loss of outlook or overbearing impact at neighbouring properties.



- 5.55 Replacement play area  
The proposed play area would be situated within an area of open space between the Salvation Army Gateshead Community Church and King James Almshouses residential accommodation. The proposed play equipment shown on the submitted plans would be around 25m away from the north west elevation of the residential units.
- 5.56 Officers consider that the proposed introduction of the play equipment into this area would not have an unacceptable impact upon the amenity of neighbouring uses and existing residents, having regard to overlooking/privacy, noise and disturbance, loss of light/overshadowing, outlook and overbearing impact.
- 5.57 At the time of writing this report the proposed play area scheme is out for public consultation and , if representations are received, Members will be advised through a written update.
- 5.58 It is recommended that conditions be imposed to control construction hours in order to minimise disturbance to neighbouring residents, and requiring submission of a Construction Management Plan to the LPA for consideration and subsequent implementation of the approved plan.
- 5.59 Proposed residents  
In terms of potential future occupiers, Officers consider that the proposed development would provide adequate internal and external space and living conditions, and that the proposed layout would provide appropriate separation distances between the new houses.
- 5.60 The application is accompanied by a Noise Impact Assessment which includes recommendations for sound insulation and ventilation in order to protect the amenity of future residents. Conditions would be imposed to secure final details of insulation and ventilation measures to ensure that the development would provide acceptable internal noise levels for future residents.
- 5.61 The application incorporates the installation of air source heat pumps to the western corner of the site within a fenced compound. Conditions would be imposed to secure final details of this element of the scheme to ensure that noise from the heat pumps would not have an unacceptable impact upon nearby residential properties.
- 5.62 Subject to conditions, the proposal would comply with the aims and requirements of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan.
- 5.63 **TRANSPORT AND WASTE MANAGEMENT**  
Vehicle Access  
Vehicle access into the site would be off Herbert Street to the eastern side.
- 5.64 The primary site access would be in a similar position to the existing library car park access in the south east corner. Amended plans have been submitted by the applicant that demonstrate acceptable site visibility, junction radii and width

can be achieved. It will be necessary to remove an existing street lighting column to the south of the access however this can be secured as part of a separate S278 agreement relating to wider highway works. An existing brick utility structure is currently located to the south of the access, which if retained would also impede visibility at this junction. A condition is therefore to be imposed to secure removal of this structure prior to first use of the development to ensure adequate visibility at the junction is provided.

- 5.65 The internal access road within the site from the primary access is adequately designed and would lead to residents parking areas. A turning head is also proposed that is large enough to allow turning by waste collection, emergency services and other larger vehicles.
- 5.66 A second vehicle access is proposed to the north east corner of the site which would lead to a small parking area of 5 spaces. This is also satisfactory in terms of design, site visibility, junction radii and width. The small parking area allows adequate space for turning and manoeuvring of cars using the spaces.
- 5.67 Pedestrian Movement  
The site presents challenging topography in terms of pedestrian movement as the southern part of the site currently sits on an elevated plateau above the lower northern area. In order to overcome this constraint three sets of steps to the east, west and in a central position are proposed, together with a large access ramp in the centre. A series of hard surfaced footpaths would be provided within the site connecting different areas and would ensure a good level of permeability throughout.
- 5.68 Footpaths within the site would link on to Sunderland Road to the north at three separate points and on Herbert Street to the east on two separate points. This would ensure good pedestrian connections to public transport, local services and facilities.
- 5.69 A condition to require details and secure implementation of hard and soft landscaping, including the steps and ramp, is considered appropriate to ensure spaces and connections within the site are well designed to make the development attractive and safe from a pedestrian permeability perspective.
- 5.70 Car Parking  
The amended site layout provides 24 parking spaces, serving 43 apartments and 12 bungalows. The proposed levels of car parking are below Council parking standards for a typical residential flat/apartment scheme. However, Officers note that the properties would be occupied by people aged 55 and over and those requiring independent supported living accommodation, who would have a lower levels of demand for resident and visitor parking than typical residential developments. This is supported by a survey which has been provided by the Hospital of King James of car ownership and visitor parking levels associated with their existing Sunderland Road premises, which estimates a requirement for 25-26 spaces for the development proposed. This is broadly in line with the amount of car parking proposed and any overspill on-street parking is likely to be very minimal. Conditions are recommended to

secure the occupation of the accommodation on this basis, given the lower levels of car parking proposed. Overall car parking is considered acceptable and would not result in any adverse highway safety issues.

5.71 The Sustainability Statement contained within the Planning Statement states that 2 EV charging spaces would be provided, however the location identified is based on an earlier version of the proposed site layout. The Council's Car Parking Standards for major residential developments requires that EV charging spaces are provided. Conditions are therefore to be imposed to agree details of the number, location and specification of EV charging bays within the scheme; based on the submitted details it is expected at least two would be provided.

5.72 Existing parking bays and waiting restrictions

There are existing parking bays on Herbert Street, which were previously associated with the former library. To ensure adequate sightlines at the proposed vehicle accesses, it will be necessary for these to be removed and replaced with no waiting at any time (double yellow line) restrictions, including a new/amended Traffic Regulation Order (TRO). Officers consider their removal is acceptable given the demolition of the library as part of the development.

5.73 The proposed bungalows fronting Sunderland Road are distant from the parking facilities within the site and accessed via a long ramp. As these dwellings are bungalows, they are much more likely to attract car-owning residents than occupiers of the apartments. The long walking distance to parking facilities, combined with the ramp, may lead to residents parking on the double yellow lines on Sunderland Road, which blue badge holders could do for up to three hours. This would be to the detriment of cyclists and other road users on this key transport corridor. As such an upgrade of waiting restrictions on Sunderland Road to introduce a loading ban is considered necessary.

5.74 Planning conditions are considered appropriate to secure the above waiting restrictions and loading ban to ensure a good level of highway safety is provided on roads immediately adjoining the site.

5.75 Cycle Parking

The application identifies that cycle parking would be provided within the apartment building and that separate provision within individual bungalows could also be provided. Overall given the intended nature of the occupiers (over 55s and independent supported living accommodation), which would be secured by conditions, it is considered cycle ownership by residents is likely to be low. Conditions to agree and implement final details of the number, location and specification of cycle parking is considered appropriate.

5.76 Travel Plan

An Interim Travel Plan has been submitted with the application, which sets out proposed measures for promoting sustainable modes of travel. A condition to agree a full travel plan is appropriate to expand on this and detail precisely how sustainable modes of travel will be supported as part of the development.

5.77 Waste Management

A bin store is proposed adjacent to the turning head within the site so a HGV waste servicing vehicle would be able to access it and manoeuvre easily. The bin store would be an adequate size to meet the need of residents of the apartments.

5.78 Bungalows would have individual bins kept within their curtilage. The proposed site plan demonstrates adequate access to conveniently allow residents to put their bins out for collection. The bungalows facing Sunderland Road would have an allocated area adjacent to Sunderland Road where bins would be put out for collection and waste servicing vehicles would stop on Sunderland Road to empty these bins. Other bins would either be put out adjacent to the internal access road or on Herbert Street for the two properties to the east side of the site.

5.79 Whilst details of the communal bin store have been provided a condition to agree and implement individual bin stores within the bungalows is considered appropriate. Subject to this condition it is considered waste management arrangements are acceptable and would accord with Local Plan policy MSGP48.

5.80 Transport Conclusion

Trip generation associated with the proposed development can be adequately accommodated on the local highway network. There are existing bus stops in proximity to the site on Sunderland Road and the site is well connected by sustainable modes of travel. Overall, it is considered the proposal would not result in any adverse impacts upon highway safety and could be accessed by sustainable modes of travel, in accordance with Local Plan policies CS13, MSGP14 and MSGP15 and Part 9 of the NPPF.

5.81 DRAINAGE

The site is situated in Flood Zone 1, with a low risk of flooding and there are no known historical recorded incidences of flooding on the site. The Environment Agency identify a low risk of surface water flooding around the southern and western perimeter of the site and on Herbert Street. Overall, the site is considered to be at a low risk from all sources of flooding.

5.82 A Flood Risk and Drainage Assessment has been submitted with the planning application, which has subsequently updated following Officer's initial comments.

5.83 The scheme incorporates SuDs including a basin to the west side of the site and areas of permeable paving.

5.84 In principle, Officers consider the site is capable of being adequately drained, including SuDs, without being subject to on site flood risk or increasing flood risk elsewhere. However, some minor discrepancies in the technical details of the proposed drainage scheme have been identified. As such a condition is recommended to agree precise details of the final drainage scheme. Additionally, a condition for a drainage management plan is considered

appropriate identifying ownership and responsibility for all drainage components and how these would be maintained for the lifetime of the development.

- 5.85 Due to the proposed detention basin arrangement in proximity to the western boundary and the form of construction using a retaining wall system and partial embankment, a Drainage Construction Method Statement (DCMS) is required to demonstrate that the construction of the basin will be safe and will not adversely affect stability of boundary features including the public highway, the cemetery wall and trees. The DCMS should also detail how surface water runoff is to be managed during construction of the development, particularly if the basin is to be used for temporary sediment control during construction. A condition to agree and implement the DCMS is considered appropriate.
- 5.86 Subject to appropriate conditions as detailed above, it is considered the development can be satisfactorily accommodated without being affected by flood risk or increasing flood risk elsewhere and without resulting in any water quality issues, in accordance with Local Plan policies CS16, CS17, MSGP29 and MSGP30 and Part 14 of the NPPF.
- 5.87 TREES  
It is intended to remove 1no. tree along the Sunderland Road frontage, 1no. tree on the Herbert Street frontage and a series of around 40no. trees within the centre of the site, which are currently located on the embankment between the upper and lower parts of the site. The removal of these trees is essential to facilitate the development layout proposed. 6no. trees along the Sunderland Road frontage would be retained together with trees within the adjacent cemetery to the south and west. Replacement planting is shown indicatively on the proposed site plan and precise details would be agreed as part of a landscaping condition.
- 5.88 A condition requiring implementation of the development in accordance with the tree protection details set out in the Arboricultural Method Statement is considered appropriate to ensure trees indicated as being retained are adequately protected during construction works.
- 5.89 Subject to the above conditions concerning tree protection and replacement planting, on balance the loss of trees in order to facilitate the development is considered acceptable and would accord with Local Plan policy MSGP36 and Part 15 of the NPPF.
- 5.90 ECOLOGY AND BIODIVERSITY  
An Ecological Impact Assessment and Biodiversity Net Gain Assessment has been submitted with the application. This concludes the site is of low ecological value and is dominated by hardstandings and amenity grassland. No protected species surveys are considered necessary, other than consideration of the timing of works around the nesting bird season. It is considered the development would not result in any impacts on priority habitats and there are no designated ecological sites in proximity to the site. It is however noted that

the loss of 42no. trees from the site would result in the loss of habitats of moderate ecological value.

- 5.91 Trees being retained within and adjacent to the site and surrounding features within the cemetery provide habitats for priority and protected species, such as bats and nesting birds. Construction activities and operational use of the site have the potential to impact upon these species via harm and/or disturbance to nesting birds, should works be undertaken in the breeding bird season (March to August inclusive), and the potential to cause loss or degradation, including once the development is operational from increased artificial lighting, of bat commuting and foraging habitats.
- 5.92 A condition to agree and implement a construction environmental management plan (CEMP) is considered appropriate. This would set out how construction works would be managed to minimise impacts on biodiversity, priority and protected species.
- 5.93 Conditions to agree and implement a lighting design strategy for biodiversity are considered appropriate to demonstrate that external lighting as part of the development is sensitive to biodiversity, priority and protected species.
- 5.94 To mitigate the potential degradation of bat commuting and foraging habitats within the site and the loss of trees which may provide nesting opportunities for birds it is considered appropriate that bat roosting and bird nesting features are provided as part of the development. Conditions to agree and implement at least 1no. bat roosting feature and 2no. bird nesting features are considered appropriate.
- 5.95 The above measures would ensure appropriate mitigation is provide to offset the ecological impacts of the development, in accordance with Para. 180 (a) of the NPPF and Local Plan Policy MSGP37.
- 5.96 In terms of biodiversity the proposed residential site currently accommodates a baseline of 4.06 habitat units which is predicted to decrease to 1.81 habitat units following the development, resulting in a net loss of 2.25 units. Local Plan policy MSGP37 and Para. 174 (d) of the NPPF require that new development provides a net gain to biodiversity. The Government's emerging Environment Bill proposes to set a requirement for all new developments to achieve a 10% biodiversity net gain (BNG) using Defra's Biodiversity Metric calculator tool to inform off-site requirements, however as this is currently a draft Bill only and not currently an Act of Parliament, these requirements cannot be enforced at this time and only a net gain is required to be delivered in accordance with the above policies.
- 5.97 Some planting is proposed as part of the development which may allow the applicant to provide some biodiversity enhancements on site, however it is considered likely some off-site enhancements will also be required. Precise details of how BNG would be delivered are unclear at this time; as such, conditions are considered appropriate to require the proposed development would provide BNG and to agree and implement these on and off-site

enhancements. Conditions to agree management, annual maintenance and monitoring of the BNG and ensure its retention for at least 30 years are also appropriate to ensure long term benefits are delivered. This will ensure an appropriate level of biodiversity net gain is delivered in the long term as part of the development, in accordance with policy MSGP37 and Part 15 of the NPPF.

#### 5.98 GROUND CONDITIONS

A Phase 1: Desk Top Study & Coal Mining Risk Assessment (Arc Environmental, ref: 21-767, 4 November 2021), Remediation Statement & Validation Proposal Sheets (Arc Environmental, ref: 21-767, 14 March 2022) and Consultants Coal Mining Report (ref: 51002677327001, produced by the Coal Authority) have been submitted as part of the application.

5.99 The above documents detail site investigations undertaken and remediation works required in relation to contamination and gas risk impacts. Officers agree with the conclusions of these reports and the remediation works required. Conditions are appropriate to require implementation of the remediation works and subsequent approval of a verification report demonstrating the required remediation works have been implemented in full. A condition concerning unexpected contamination is also appropriate, requiring investigation and risk assessment of any unexpected areas of contamination discovered during construction works.

5.100 There is potential for the former library building, intended to be demolished, to contain asbestos. Asbestos surveys and appropriate treatment of any asbestos found will be required. However, this is covered by separate legislation and planning conditions are not necessary in relation to the treatment of asbestos.

5.101 The development is located outside any coal mining Development High Risk areas but is in proximity to mining legacy features. The Coal Mining Risk Assessment (CMRA) indicates that unrecorded mine workings associated with the High Main Coal Seam may pose a risk of instability to the proposed development. The report advises that intrusive site investigations should be carried out to determine this level of risk. The Coal Authority have been consulted and raise no objections, noting that it is for the Local Planning Authority to determine whether it considers the undertaking of the investigatory works recommended in the CMRA are necessary in order to demonstrate that the site is, or can be made, safe and stable for the proposed development.

5.102 The Coal Authority also advise that the design of any SuDS features should consider the implications in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

5.103 The Coal Authority's comments are noted and it is acknowledged they raise no objections. The site is not within a coalfield Development High Risk area, it is unknown whether any coal mining legacy features are present within the site,

although the CMRA indicates there is some potential for this. An informative has been recommended by the Coal Authority requiring the developer to contact them if any coal mining legacy features are encountered during construction works. In this instance, it is considered unnecessary to impose conditions requiring intrusive investigations and remediation of coal mining legacy features. Should the developer encounter any such features the informative and the Coal Industry Act 1994 would require them to work with the Coal Authority to provide the appropriate treatment for any hazards. Furthermore appropriate foundation design would need to be agreed as part of the building regulations approval, which would have regard to features of this nature.

5.104 Overall subject to the remediation and verification conditions and the coal mining informative, it is considered the development is not subject to any unacceptable risks from contamination and land instability, in accordance with Local Plan Policies CS14 and MSGP20 and Part 15 of the NPPF.

#### 5.105 SUSTAINABILITY

The Planning Statement incorporates a Sustainability Statement. The development has been designed with a 'fabric first approach' which is a nationally recognised method in designing buildings to mitigate carbon emissions at best value. The design includes high levels of insulation and air tightness to be included in the construction to minimise heat loss. Sufficient glazing is also proposed to the principal living rooms of each residential unit with sufficient natural lighting, thus reducing the energy consumed in artificially lighting the room. The development has been orientated to ensure that the principal glazed elevations utilise solar gain.

5.106 The proposed development includes renewable technologies to improve the sustainability of the site. This is proposed through the incorporation of air source heat pumps as the main heating source and use of PV panels to appropriately orientated roof slopes. EV charging bays are also intended to be provided.

5.107 The development aims to achieve sustainability in excess of Part L of the Building Regulations which set maximum limits for carbon emissions from buildings and provides minimum efficiency standard for fabric and building services. It is therefore considered the development would provide a good level of sustainability, in accordance with Local Plan policy CS16 and Part 14 of the NPPF.

#### 5.108 DIGITAL INFRASTRUCTURE

Local Plan policy 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.



5.109 A condition is recommended to be imposed requiring the submission of a statement explaining the outcome of this engagement, subject to which the application complies with policy MSGP8 of the Local Plan for Gateshead.

5.110 **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 chargeable development as it is housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development.

5.111 **ANY OTHER MATTERS**

The representations submitted raise a number of points in relation to a perceived lack of need for the development and suggestion that the development would be better suited to alternative sites in other locations. These are not material planning matters and cannot be afforded weight in the determination of this application; the matter to be considered is whether the proposed development is acceptable in this location.

5.112 It is considered that all other material planning issues have been addressed in the report.

## **6.0 CONCLUSION**

6.1 The proposal would result in the redevelopment of previously developed land and would contribute to the Borough's housing stock. Whilst an existing play area and multi-use games area would be lost as a result of the development, the application proposes the provision of replacement facilities close to the site, which are considered to acceptably compensate for the facilities that would be lost.

6.2 Taking all the relevant issues into account, it is considered that the proposal is acceptable or can be made so through conditions in terms of principle, open space and play, visual amenity, heritage/archaeology, residential amenity, transport and waste management, drainage, ecology, trees, ground conditions and digital infrastructure and would comply with the aims and objectives of the NPPF, and the Local Plan for Gateshead.

## **7.0 Recommendation:**

Minded to GRANT planning permission, subject to planning conditions and subject to further representations and consultations that may be received before the current publicity/notification period ends (9 August 2023), and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary:

1

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

Site Location Plan (Dwg. No. 0005 Rev P05)  
Proposed Site Plan (Dwg. No. 001129 Rev P029)

Proposed Site Sections (Dwg. No. 0015 Rev P02)  
Site Sections 1 of 2 (Dwg. No. SK02)  
Site Sections 2 of 2 (Dwg. No. SK03)

Bin Store (0022 Rev P01)  
Boundary Plan (00204 Rev P04)  
'Kompan' General Layout plan (Dwg. No. SC15849-01).

Proposed Lower Ground Floor Plan (Dwg. No. 0111 Rev P06)  
Proposed Ground Floor Plan (Dwg. No. 0112 Rev P06)  
Proposed First Floor Plan (Dwg. No. 0113 Rev P06)  
Proposed Second Floor Plan (Dwg. No. 0114 Rev P06)  
Proposed South and West Elevations (Dwg. No. 0132 Rev P05)  
Proposed North and East Elevations (Dwg. No. 0131 Rev P05)  
Typical 2 bed apartment layout (Dwg. No. 0117 Rev P05)  
Typical 1 bed apartment layout (Dwg. No. 0116 Rev P05)  
Proposed Roof Plan (Dwg. No. 0115 Rev P06)

Typical 1 bed Bungalow Plans (Dwg. No. 0122 Rev P04)  
Typical 2 bed Bungalow Plans (Dwg. No. 0124 Rev P04)  
Typical 2b3p bungalow - Ground Floor Plan (Dwg. No. 0152 Rev P01)  
Typical 1b2p bungalow - Ground Floor Plan (Dwg. No. 0151 Rev P01)

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 commencement of any part of the residential development (except for the installation of tree protection measures) a Demolition and Construction Management Plan (DCMP) shall be submitted to and

approved in writing by the Local Planning Authority. The DCMP shall include the following:

- a) Vehicle access and parking locations for site operatives and visitors;
- b) Measures to control the emission of dust, dirt and noise and vibration during demolition and construction;
- c) A scheme for recycling/disposing of waste resulting from construction works;
- d) Measures for the protection of heritage assets, namely the stone walls to the north, south and west boundaries and the Victorian drinking fountain to the north boundary;
- e) Location and layout of compound areas for the storage of plant and materials to be used in construction

**Reason**

In order to avoid nuisance to neighbouring occupiers during the demolition and construction phases of the residential development and to ensure heritage assets on/adjacent to the site are protected, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP18 and MSGP25 of the Local Plan.

**Reason for pre-commencement condition**

The demolition and construction management plan must be submitted and approved in writing before the residential development commences in order to ensure that an appropriate scheme can be implemented prior to works starting on site which may have a detrimental impact upon the amenity of local residents and heritage assets.

4

The DCMP approved under condition 3 shall be adhered to and implemented at all times throughout the demolition and construction period of the residential development in accordance with the approved details.

**Reason**

In order to avoid nuisance to neighbouring occupiers during the construction phase of the development and to ensure heritage assets on/adjacent to the site are protected, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP18 and MSGP25 of the Local Plan.

5

All external works and ancillary operations in connection with the construction of the development, including deliveries to the site and installation of play equipment, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays, between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

#### Reason

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

6

Prior to commencement of any part of the residential development (including demolition, ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be 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 "biodiversity protection zones" e.g. tree 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);
- d) 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) Any times during construction when specialist ecologists need to be present on site to oversee works;
- 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 protective fences, exclusion barriers and warning signs.

#### Reason

To avoid and minimise impacts on biodiversity in accordance with Policies CS18 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

#### Reason for pre-commencement

To satisfy the Local Planning Authority that the development can be carried out in a manner which avoids harm to biodiversity. This information is fundamental to the development and requires approval before development starting on site as the commencement of works and the manner in which they are undertaken could be harmful to biodiversity.

7

The CEMP approved under condition 6 shall be adhered to and implemented throughout the construction period of the residential development strictly in accordance with the approved details.

#### Reason

To avoid and minimise impacts on biodiversity in accordance with Policies CS18 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

8

Prior to commencement of the residential development a final detailed drainage scheme for the development and timetable for implementation shall be submitted to and approved by the Local Planning Authority in consultation with the LLFA.

The drainage scheme shall include a final detailed drainage plan and supporting drainage calculations together with site specific cross sections through all key drainage components (sewers, detention basin, flow control chamber, permeable paving).

The final detention basin design should demonstrate that it satisfies hydraulic objectives, will be compatible with the landscaping scheme and will maximise biodiversity benefits to the site and environs.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with Policies MSGP29, CS17 and CS18 of the Local Plan for Gateshead and Part 14 of the NPPF.

Reason for pre-commencement

In order to ensure that the site layout can accommodate appropriate drainage measures prior to the commencement of the construction of the development.

9

The drainage scheme shall be implemented in complete accordance with the details and timetable approved under condition 8.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with Policies MSGP29, CS17 and CS18 of the Local Plan for Gateshead and Part 14 of the NPPF.

10

Prior to commencement of the residential development a detailed Drainage Construction Method Statement (DCMS) for the development shall be submitted to and approved by the Local Planning Authority. In particular, details of how the basin retaining wall and embankment features are to be constructed shall be provided together with confirmation of the strategy for managing surface water runoff prior to the development drainage system being commissioned.

Reason

To prevent surface water run off and associated nuisance in the interests of amenity and highway safety, in accordance with Local Plan

policies CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

Reason for pre-commencement

In order to ensure that the site layout can accommodate appropriate drainage measures prior to the commencement of the construction of the development.

11

The DCMS approved under condition 10 shall be adhered to in full at all times during construction of the residential development hereby approved.

Reason

To prevent surface water run off and associated nuisance in the interests of amenity and highway safety, in accordance with Local Plan policies CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

12

The residential development hereby approved shall be undertaken in complete accordance with the Arboricultural Method Statement (Elliott Consultancy Ltd, Ref: ARB/CP/2338, November 2022).

No construction work shall take place, nor any site cabins, materials or machinery be brought on site, until all trees and hedges, indicated on the tree protection plan in Appendix 3 of the Arboricultural Method Statement as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012.

Protective fencing shall remain in place for the duration of all construction works on the site.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the protective fencing, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work other than that detailed in the Arboricultural Impact Assessment shall be carried out on the site.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Protection Plan.

Reason

To ensure that adequate tree protection is in place prior to the commencement of any construction works and that there are no resulting adverse impacts on trees and hedging to be retained within the

site, to preserve the visual amenity of the surrounding area, in accordance with policy MSGP36 of the Local Plan for Gateshead and Part 15 of the NPPF.

Reason for pre-commencement

To satisfy the Local Planning Authority that the development can be carried out in a manner that protects existing trees and hedges within and adjacent to the site. The protection measures are fundamental to the protection of the trees and hedges and must be in place prior to development starting on site.

13

The replacement play area shall be installed in accordance with the principals established on the 'Kompan' General Layout plan (Dwg. No. SC15849-01).

Prior to removal of the existing play area final details of the replacement play area to be installed shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that replacement play provision is made, in accordance with the NPPF and policy MSGP39 of the Local Plan.

14

The replacement play area approved under condition 13 shall be installed in full accordance with the details approved under condition 13 and made available for public use, prior to removal of the existing play area.

Reason

To ensure that replacement play provision is made, in accordance with the NPPF and policy MSGP39 of the Local Plan.

15

Notwithstanding the approved plans, no external materials shall be used on site until final details of the materials to be used have been submitted to an approved in writing by the Local Planning Authority.

Reason

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

16

The external materials approved under condition 15 shall be implemented in full accordance with the approved details.

Reason

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

17

Notwithstanding the approved plans, prior to the installation of any boundary treatment within the residential development a fully detailed scheme for boundary treatments in the residential development shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

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

18

The boundary treatments approved under condition 17 shall be implemented in full accordance with the approved details.

Reason

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

19

Notwithstanding the approved plans, prior to the commencement of any works to create a new opening within the north boundary wall of the residential development site, final details of the opening to be created shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities and heritage assets of the area, in accordance with the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan.

20

The opening in the north boundary wall of the residential development site shall be implemented in accordance with the details approved under condition 19.

Reason

To safeguard the visual amenities and heritage assets of the area, in accordance with the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan.

21

Notwithstanding the approved plans, prior to first installation of any air source heat pumps, final details of the specification and number of pumps to be installed and measures for the mitigation of noise (including boundary fencing) shall be submitted to and approved in writing by the Local Planning Authority.



Reason

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

22

The equipment and mitigation measures approved under condition 21 shall be installed and operated in accordance with the approved details and shall be retained as such thereafter.

Reason

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

23

Works shall not progress above damp proof course until a noise mitigation strategy for the residential development has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall include final details of façade design and ventilation for the proposed development and any mitigation measures necessary to achieve appropriate noise levels.

Reason

In order to protect the amenity of future occupiers of the premises and in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

24

The noise mitigation strategy approved under condition 23 shall be implemented in full accordance with the approved details prior to first occupation of the residential development hereby approved and shall be retained for the lifetime of the development.

Reason

In order to protect the amenity of future occupiers of the premises and in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

25

Notwithstanding the approved plans, prior to the commencement of any landscaping works, a hard and soft landscaping scheme for the residential development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) areas of habitat creation, planting species with a focus on locally native species, sizes, layout, densities, numbers, planting procedures or specification and the establishment and maintenance regime
- b) the specification, appearance and siting of all new hard surfacing materials
- c) retaining walls/structures
- d) steps and the proposed ramp
- e) street furniture
- f) a timetable for implementation

Reason

In the interests of the appearance of the surrounding area, biodiversity and highway safety, in accordance with Policies MSGP15, MSGP24, MSGP36 and MSGP37, CS13, CS15 and CS18 of the Local Plan for Gateshead and Parts 9, 12 and 15 of the NPPF.

26

The hard and soft landscaping works shall be implemented in accordance with the details and timetable approved under condition 25.

Reason

In the interests of the appearance of the surrounding area, biodiversity and highway safety, in accordance with Policies MSGP15, MSGP24, MSGP36 and MSGP37, CS13, CS15 and CS18 of the Local Plan for Gateshead and Parts 9, 12 and 15 of the NPPF.

27

Prior to first occupation of any part of the residential development hereby approved the brick utility structure to the south east corner of the site adjacent to the junction with Herbert Street shall be removed.

Reason

To ensure adequate visibility is provided for users of the junction of the development with Herbert Street and prevent any adverse impacts upon highway safety, in accordance with Policies CS13 and MSGP15 of the Local Plan for Gateshead and Part 9 of the NPPF.

28

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.

29

Digital infrastructure shall be implemented as part of the development in complete accordance with the details approved under condition 28.

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.

30

Prior to first occupation of the residential development hereby approved, details of a scheme for the provision of on and off site public open space (to deliver public open space to the equivalent of 1.99ha per 0.48ha), and timescales for delivery, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

31

The scheme for the provision of public open space approved under condition 30 shall be implemented in accordance with the approved details and maintained as such for the lifetime of the development.

Reason

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

32

Prior to first occupation of any part of the residential development hereby approved a scheme of highway works including the following shall be submitted to and approved in writing:

- a) Removal of existing parking bays on Herbert Street and replacement with no waiting at any time (double yellow line) restrictions, including a new/amended Traffic Regulation Order (TRO).
- b) Upgraded waiting restrictions on Sunderland Road to introduce a loading ban along the site frontage.

Reason

In the interests of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

33

The highway works shall be implemented in complete accordance with the details approved under condition 32 prior to first occupation of any part of the residential development.

Reason

In the interests of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

34

Notwithstanding the submitted details, prior to first occupation of any part of the residential development hereby approved precise details of the location and specification of secure and weather resistant cycle parking shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to promote cycling as part of the development, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

35

Cycle parking facilities shall be implemented in complete accordance with the details approved under condition 34, made available for use prior to first occupation of any part of the residential development and retained thereafter for the lifetime of the development.

Reason

In order to promote cycling as part of the development, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

36

The residential development hereby approved shall not be occupied until a Travel Plan has been submitted to the Local Planning Authority for consideration. The Travel Plan shall include:

- (a) An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- (b) Appointment of a travel plan co-ordinator and identification of associated budget
- (c) Clearly defined objectives, targets and indicators
- (d) Details of proposed measures
- (e) Detailed timetable for implementing measures
- (f) Proposals for maintaining momentum and publicising success
- (g) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.
- (h) Commitment to the use of the councils preferred monitoring database
- (i) Consideration of provision of introductory travel tickets for residents

Reason

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

37

Within 24 months of the date of approval of condition 36, evidence of the implementation of the Travel Plan approved under condition 36 over a minimum period of 12 months following final completion, and any revisions, shall be submitted to the Local Planning Authority for consideration.

Reason

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

38

The Travel Plan and any revisions approved under conditions 36 and 37 shall be wholly implemented in accordance with the approved details for the lifetime of the development.

Reason

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

39

Prior to their installation precise details of the number, location and specification of bin stores serving the bungalows hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate and adequate bin storage is provided as part of the development, in accordance with the NPPF and policies CS13, CS15, MSGP15, MSGP24 and MSGP48 of the Local Plan.

40

The bin stores approved under condition 39 shall be implemented in accordance with the approved details prior to first occupation of the bungalows to which they relate.

Reason

To ensure appropriate and adequate bin storage is provided as part of the development, in accordance with the NPPF and policies CS13, CS15, MSGP15, MSGP24 and MSGP48 of the Local Plan.

41

The communal bin store detailed on drawing no. 21009-EArch-PL-XX-DR-A-0022-Rev P01 (Bin Store) shall be installed

in the location shown on drawing no. 21009-EArch-FE-XX-DR-A-001129 Rev 29 (Proposed Site Plan) prior to first occupation of any of the apartments hereby approved.

Reason

To ensure appropriate and adequate bin storage is provided as part of the development, in accordance with the NPPF and policies CS13, CS15, MSGP15, MSGP24 and MSGP48 of the Local Plan.

42

Prior to first occupation of any part of the residential development 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 plot level, shared and site wide 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 ensure that the drainage scheme operates at its full potential throughout the development's lifetime in accordance with policy CS17 of the Local Plan for Gateshead and Part 14 of the NPPF.

43

The DMP approved under condition 42 shall be adhered to in full for the lifetime of the development hereby approved.

Reason

To ensure that the drainage scheme operates at its full potential throughout the development's lifetime in accordance with policy CS17 of the Local Plan for Gateshead and Part 14 of the NPPF.

44

Prior to first occupation of any part of the residential development, a lighting design strategy for biodiversity (prepared in consultation with a suitably qualified ecologist) for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) Identify those areas/features on site or adjacent to site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places (including any bat roost features installed as part of the proposals) or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Reason

To maintain and enhance 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 for Gateshead and Part 15 of the NPPF.

45

All external lighting shall be installed in accordance with the specifications and locations set out in the lighting design strategy approved under condition 44, and shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

To maintain and enhance 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 for Gateshead and Part 15 of the NPPF.

46

Works shall not progress above damp proof course until full details including the specification and precise location (as identified on a plan and elevation drawing) of proposed bat roost features (minimum 1no.) and bird nesting features (minimum 2no., including provision for species such as house sparrow and starling) have been submitted to and approved in writing by the Local Planning Authority.

Reason

To enhance the value and function of the site for roosting bats and nesting birds in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

47

The bat roost and bird nesting features shall be installed in complete accordance with the details approved under condition 46. Thereafter the approved Bat Roost Features and Bird Nesting Features shall be retained for the life of the development.

Reason

To enhance the value and function of the site for roosting bats and nesting birds in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

48

Notwithstanding the approved plans, prior to the commencement of any landscaping works on the residential site, details of a biodiversity net gain compensation scheme, including the mechanism(s) for delivery of on and off site measures, which delivers a biodiversity net gain, as demonstrated through application of the Defra metric 3.1, to be delivered

on suitable land, and including timescales for delivery, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

49

The biodiversity net gain compensation scheme approved under condition 48 shall be implemented in full accordance with the approved measures and timescales, and maintained thereafter for a minimum of 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

50

No part of the residential development hereby approved shall be occupied until a detailed Habitat Management and Monitoring Plan, to include an annual maintenance plan, monitoring protocol and arrangements to address any defects/issues adversely impacting the value and function of the soft landscaping and/or habitats provided on site have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

51

The approved biodiversity net gain compensation scheme, including both on and off-site measures, shall be implemented in full accordance with the measures and timetables approved under conditions 48-50 and maintained thereafter for a minimum of 30 years.

Reason

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

52

The remediation measures set out in the Phase 1: Desk Top Study & Coal Mining Risk Assessment (Arc Environmental, ref: 21-767, 4 November 2021) and Remediation Statement & Validation Proposal



Sheets (Arc Environmental, ref: 21-767, 14 March 2022) shall be implemented in full as part of the residential development hereby approved and maintained for the lifetime of the residential 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 for Gateshead and Part 15 of the NPPF.

**53**

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 for Gateshead and Part 15 of the NPPF.

**54**

Where remediation is required (under conditions 52 and 53) following completion of the approved remediation and monitoring measures, occupation of the residential development hereby approved shall not commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Where this is carried out in phases, use of the buildings, structures or plant within the relevant phase shall not commence until a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the Local Planning Authority.

The verification report(s) shall also include cross sectional diagrams of the foundations and details of the approved gas protection measures, details of integrity testing of gas membranes and any test certificates produced.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan for Gateshead and Part 15 of the NPPF.

55

Prior to their installation precise details of the locations, numbers and specification of Electric Vehicle (EV) charging points to be provided shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to promote sustainable travel as part of the development, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

56

The EV charging points shall be installed in complete accordance with the details approved under condition 55 prior to the first occupation of any part of the residential development hereby approved.

Reason

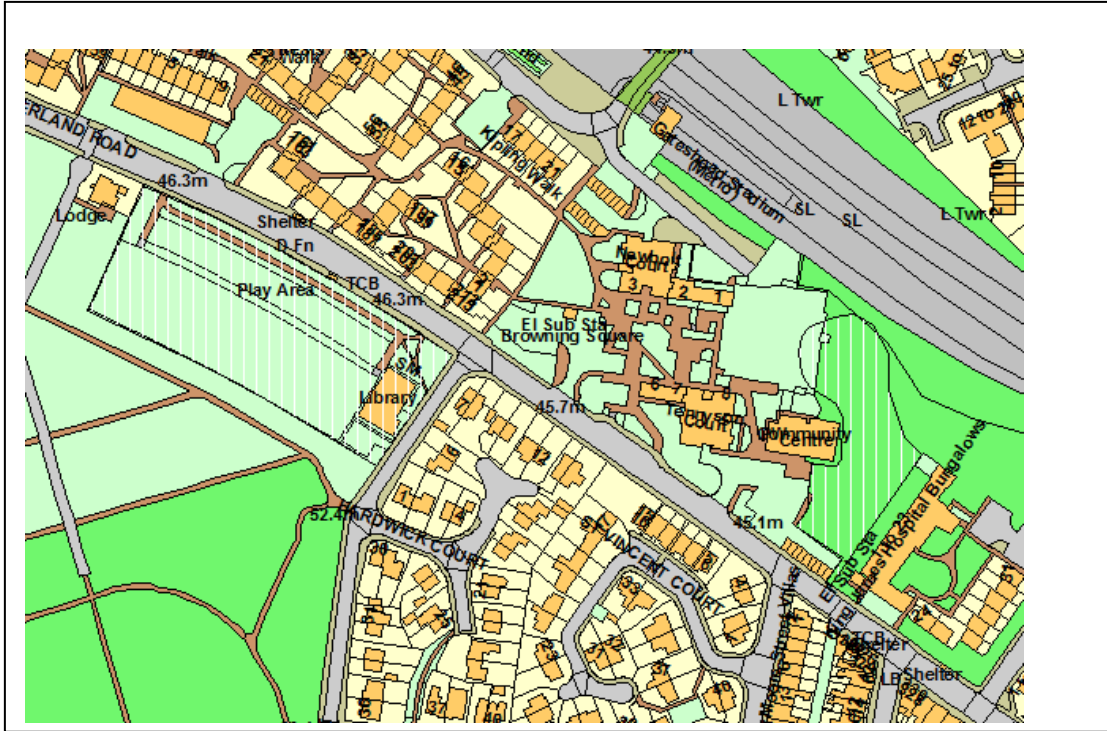
In order to promote sustainable travel as part of the development, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

57

The dwellings hereby approved shall only be occupied by persons aged 55 and over and on the basis of independent supported living, as defined in paras. 110 and 111 of the Specialist and Supported Housing Supplementary Planning Document 2022.

Reason

As car parking provided is lower than would usually be required for a development of this size and no new play space or replacement MUGA is to be provided and this is justified due to the nature of the proposed occupiers, in the interests of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.



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**Committee Report**

<b>Application No:</b>	<b>DC/22/01336/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>1 December 2022</b>
<b>Applicant</b>	<b>DAMF (NE) Ltd</b>
<b>Site:</b>	<b>Land At Highfield Road Rowlands Gill</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Proposal:</b>	<b>Variation of Condition 1 of application DC/20/00069/REM to introduce amended plans as approved plans and documents, resulting in changes to layout and housetypes (additional information received 17/01/23, 19/01/23, 22/02/23 and 12/04/23 and amended plans received 18/01/23, 22/02/23 and 12/04/23).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 BACKGROUND**

After considering the application on 14 June 2023, the Planning Committee (the Committee) decided to defer the application to seek further clarification and, if necessary, additional information.

1.2 The Committee's specific concerns were related to the necessity of removing trees T28, T29, and T31, as well as the potential impact on occupants of existing dwellings to the south. They sought answers to the following questions:

1. Does the current proposal require the removal of the trees?
2. Can an amended drainage scheme allow the trees to be retained?
3. If the trees must be removed, can an alternative landscaping scheme be proposed?

1.3 After a thorough review, officers can now provide clarity on these matters.

1.4 Based on the current proposal, it is now clear that trees T28 (Sycamore), T29 (Swedish Whitebeam), and T31 (Sycamore) cannot be retained. These trees have been classified as Category C1 (T28 and T29) and C2 (T31), meaning they are of limited landscape quality with a remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm.

1.5 The proposed amendment to Plots 8 and 9, which involves making them split-level, requires amendments to the proposed drainage strategy. It is proposed that Surface water from the dwellings will be drained using 'traditional' methods, such as from rooftops, roads, footpaths, and hard-standing areas, and conveyed via gravity. All flows will be directed through the drainage network and won't infiltrate the ground. Most flows will be drained to a new surface water

drainage/pipe network, which will then discharge to the existing NWL combined water sewer in Highfield Road. However, the split-level design of Plots 8 and 9 has led to changes to the approved drainage system, meaning that the hard area drainage (roofs and patios) within the rear half of these properties will be discharged to the existing NWL combined sewer in Wellfield Road. As a result, additional underground pipework is needed in the rear curtilages of these properties.

- 1.6 The proposed amendment to Plots 8 and 9 also requires raising and contouring the land levels to accommodate overland flows. This is to ensure surface water above ground, flows away from proposed and existing properties. This alteration, combined with the proposed underground drainage system, would encroach upon the trees, making their survival almost impossible.
- 1.7 The possibility of re-routing the drainage system around the trees has been considered during the assessment of the application. However, it was established that:
  1. The drainage scheme didn't function appropriately, and any acceptable modification would still lead to the trees being lost due to land level changes.
  2. The underground drainage, while designed to avoid trees as much as possible, would still impact the trees, and designing a scheme with no impact on the trees would be challenging, according to the Arboricultural Officer's view.
- 1.8 In addition, the applicant has indicated they are not willing to explore alternative drainage solutions at this time due to the time required for detailed drainage designs to be drawn up and assessed.
- 1.9 However, as compensation for the loss of trees T28, T29, and T31, the applicant provided an amended landscaping scheme. This scheme involves replanting two trees for each tree removed, using native species such as Wild Cherry, Bird Cherry, Apple, Whitebeam, Hazel, and Plymouth Pear. Officers agree that these native species are more suitable for domestic gardens and as boundary trees compared to the varieties proposed for removal. Furthermore, these replacement trees would offer some level of screening to existing and future occupants.
- 1.10 The applicant has also submitted further information to demonstrate that new trees and drainage can work together. The submitted planting plan clearly shows that the trees proposed to be planted would be located outside of the drainage easements suggested in appropriate guidance.
- 1.11 Considering the above information, the Officer's recommendation remains unchanged. It is considered that the proposals are acceptable, subject to appropriate planning conditions.
- 1.12 It is considered that the proposed scheme is better than the approved scheme as it would require less reprofiling of the land, providing a better arrangement

for the occupiers of Plots 8, 9, and 10, while improving the outlook from the existing properties to the south.

- 1.13 In addition, the Committee may consider attaching a planning condition requiring the completion and maintenance of the submitted landscaping scheme within a specified period. Such conditions could be drafted as follows:

10

The replacement tree planting scheme for Plots 8, 9 and 10 shown on drawing number A1 1-250 0009027 Rev 2 – Replacement Planting Scheme submitted with the application shall be completed in full accordance with the approved plans prior to the first occupation of any residential unit hereby permitted unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual and residential amenity and in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP33 of the Local Plan for Gateshead.

11

The landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual and residential amenity and in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP33 of the Local Plan for Gateshead.

- 1.14 The full Committee Report (including the Update Report) as presented in June is set out below.

1.15 DESCRIPTION OF SITE

The application site is located to the north of Wellfield Road, Rowlands Gill. The application site was formally occupied by Highfield School, the site has been cleared and the applicant has begun construction housing approved under applications DC/19/00279/OUT and DC/20/00069/REM.

- 1.16 Highfield Road itself bounds the site to the west, Smalles Lane is to the north and to the east there are the gardens of the neighbouring properties. The site is uneven, a clear slope can be seen to be directed from the northeast corner down to the southeast of the site; this slope is also reflected in the surrounding streets.

- 1.17 The site is located within an established residential area with the surrounding streets largely characterised by private residential dwellings.
- 1.18 Following the grant of planning approval (DC/20/00060/OUT & DC/20/00069/REM), planning conditions have been discharged by the applicant and the development has commenced and large number of dwellings are approaching completion. The properties located furthest to the south of the site have not yet been commenced.
- 1.19 An adjacent development site is located to the northwest, there is an extant planning approval on this land (DC/20/00060/OUT).
- 1.20 DESCRIPTION OF APPLICATION  
Following consideration by Planning and Development Committee outline planning permission was granted on this site for the erection of 13 dwellings, with all matters reserved - reference DC/20/00060/OUT granted October 2019 (the outline application).
- 1.21 Further, reserved matters approval relating to access, appearance, landscaping, layout and scale was granted in July 2020 following consideration by the Planning and Development Committee (DC/20/00069/REM (the reserved matters application). It is this reserved matters application that the current application seeks to amend.
- 1.22 The outline application included an indicative layout and the reserved matters application does not deviate significantly from the indicative layout. The application seeks to provide a mix of three (5no.) and four (8no.) bedroomed properties.
- 1.23 This application seeks approval of changes to the approved house types for plots 8 and 9. The amendments remove the ground floor single storey living area; and introduce of a lower ground floor area, to the rear elevation i.e. they would create a split-level living arrangement. However, there would be no changes to the front elevation, access or ridge height.
- 1.24 Further to the above, the application also seeks approval for a number of changes which have occurred during the construction process, these are summarised as follows;
- House Type 01 proposed amendments:
    - Removal of small window to upper floor bathroom on front elevation.
    - Addition of rooflight to upper floor bathroom on front elevation.
    - Repositioning of 2no. rooflights on rear elevation to be in line with dormer windows.
    - Increase width of chimney stack on side elevation.
  - House Type 02 proposed amendments
    - Removal of small window to upper floor bathroom on front elevation.



- Addition of rooflight to upper floor bathroom on front elevation.
  - Repositioning of 2no. rooflights on rear elevation to be in line with dormer windows.
  - Increase width of chimney stack on side elevation.
- House Type 03 proposed amendments plots 8 and 9
    - Remove ground floor single storey living area
    - Include lower ground floor area to rear elevation
- 1.25 This application also seeks approval for a revised site layout plan to accommodate the proposed amendments to the house types. This indicates where it is proposed to reposition some of the houses within the plots and amend the plot boundaries and the 'handing' house type 02 on plot 3, plot 12 and plot 13.
- 1.26 The following documents have been submitted by the applicant in support of the application:
- Design and Access Statement;
  - A Flood Risk Assessment and Drainage Strategy;
  - A Phase II Contaminated Land Risk Assessment; and
  - Arboricultural Impact Assessment & Method Statement.
- 1.27 **RELEVANT PLANNING HISTORY**  
The relevant planning history associated with the application site is summarised as follows;
- DC/04/00622/GBO; Outline planning permission granted for 'Development of 1.08 ha of land for residential purposes.' Date; 16 July 2004.
  - DC/07/00958/REM; Planning permission granted for 'Erection of 33 semi-detached and town houses and 56 flats in a four storey block with associated car parking and landscaping (amended 12/10/07, 7/11/07, 21/11/07 and 5/12/07).' Date; 20 December 2007.
  - DC/19/00279/OUT; Outlined planning permission granted for 'Proposed erection of thirteen dwellings.' Date; 17 October 2019.
  - DC/20/00060/OUT; Outline planning permission sought for 'Proposed 5 no. townhouses and 10 no. apartments with associated works (amended plans and additional information received 19/05/20).' Date; 31 July 2020.
  - DC/20/00069/REM; Planning permission granted for 'APPROVAL OF RESERVED MATTERS: for planning application DC/19/00279/OUT relating to access, appearance, landscaping, layout and scale (amended plans and additional information received 19/05/20).' Date; 31 July 2020.



MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

## **5.0 Assessment:**

5.1 The key considerations to be taken into account when assessing this application are the impact the proposal will have on visual amenity, residential amenity, ecology, highway safety and parking, ground conditions and flood risk.

### **5.2 PRINCIPLE**

The principle of the development is firmly established through the approval of DC/19/00279/OUT and DC/20/00069/REM and has commenced on site. As set out above, the application seeks amendment to the approved layout and house types.

### **5.3 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). It is considered that the proposed mix provides a good range and choice of accommodation, and all properties would be comprised entirely of family homes, with a mix of three and four bed roomed properties. Therefore, the layout complies with policy CS11(1).

### **5.4 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 also comply with the requirements of Policy CS11(4) and MSGP12.

### **5.5 VISUAL AMENITY**

As stated above, the proposed site layout largely mirrors that of the outline planning approval and the reserved matters approval. Further to this, the application offers what could only be proposed what could be considered minimal

changes to the extant reserved matters application. Further, the scale and appearance of the proposed dwellinghouses is considered appropriate when considered alongside dwelling immediately adjacent to the application site. Final details of materials have been provided as part of the discharge of condition process, it is considered that a condition securing the use of the approved materials will need to be imposed (Condition 2).

5.6 Subject to the above condition it is considered that the development is acceptable in regard to its appearance, landscaping, layout and scale and the development is considered to comply with the aims and requirements NPPF, and policies CS15 and MSGP24 of the Local Plan.

#### 5.7 RESIDENTIAL AMENITY

The most significant amendments to the scheme are those changes proposed to plots 8 and 9 located to the southern boundary of the property. It is proposed for these properties to be split level i.e. two storey properties when viewed from the front elevation and three storey when viewed from the rear. The applicant has indicated that the reasoning behind this change is to limit the level of terracing required to the rear of these properties and in order to better deal with changes in land levels. Land levels do fall away from the rear of plot 8 and 9 with falls of 1:4 and 1:5, respectively, within rear gardens. It is considered that the level of separation proposed between plot 8 and 9 and those properties to the south (5 - 8 Wellfield Road), is adequate to ensure that no unacceptable impact on outlook and/or privacy would occur.

5.8 Further to the above, given the separation distances afforded between the existing adjacent houses and the proposed development it is considered that the development, even taking into consideration the amendments proposed, would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion. It is considered the proposed internal layout is acceptable and would allow future residents to experience acceptable living conditions.

5.9 Conditions were attached to the outline approval requiring the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise; these conditions have been discharged.

5.10 Officers are therefore of the opinion that subject to the condition attached to the outline and the above assessment, the proposed development would not have an unacceptable impact on the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, and Policies CS14 and MSGP17 of the Local Plan.

#### 5.11 HIGHWAY SAFETY AND PARKING

The proposed access, and highway and parking arrangements remain the same as the approved reserved matters approval.

- 5.12 It is considered that the location of the indicated site access is appropriate, and the final design of the site access is acceptable. Further the layout of the development is considered to provide an appropriate level of parking and would allow the turning of large vehicles i.e. refuse collection vehicles.
- 5.13 Details of weatherproof cycle storage and facilities for electric charging for each property were secured via the outline planning approval, these conditions have been discharged.
- 5.14 The proposal would comply with the aims and requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.
- 5.15 **TREES**  
An amended Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and tree protection plan have been submitted in support of the application.
- 5.16 The application now proposes that the only trees to be retained are those located to the southern boundary of the site. However, the applicant has indicated that additional tree planting will be provided within garden areas to compensate for the loss of five additional trees within the boundaries of plots 8 and 9.
- 5.17 Officers consider the compensatory planting to be proportionate and acceptable. It is considered that the proposed development is acceptable in terms of impact on the existing trees and accords with the aims and objectives of the NPPF and Policies CS18 and MSGP36 of the Local Plan.
- 5.18 **ECOLOGY**  
At outline stage, an appropriate/proportionate scheme of on and offsite mitigation and compensation measures were approved by way of planning conditions and obligations (S106).
- 5.19 The planning condition required the submission of a biodiversity method statement. The S106 agreement required the creation of circa 0.35ha of species rich early successional brownfield habitat and the restoration/enhancement of circa 0.08ha of early successional brownfield habitat/species poor semi-improved grassland on land to the southeast of Derwenthaugh Road, Swalwell.
- 5.20 On the basis of the above, the proposal would comply with the aims and requirements of the NPPF and Policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.
- 5.21 **GROUND CONDITIONS**  
An appropriate level of contaminated land information has been provided at outline and discharge of condition stage in the form of a Phase II site investigation and a remediation strategy. As such, no further information is required. The proposal would comply with the aims and requirements of the NPPF, and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

## 5.22 FLOOD RISK/DRAINAGE

To prevent the increased risk of flooding from the development, conditions pertaining to drainage were attached to the original outline application. Further to this, an amended/updated drainage assessment based on the amended layout has been submitted in support of the application.

5.23 The assessment determined that infiltration drainage is not feasible for the development due to impermeable conditions. The closest watercourse, Low Spen Burn, is located approximately 150m north of the site. However, due to the significant level of development surrounding the site, it is not deemed suitable for surface water discharge. Instead, it is proposed to discharge surface water flows at a maximum rate of 5 l/s to the existing NWL combined water sewer located west of the site on Highfield Road. Additionally, surface water from the rear half of dwellings 8 and 9 will be discharged to the existing NWL combined water sewer on Wellfield Road. The implementation of SuDS (Sustainable Drainage Systems) source control will involve the use of permeable paving, with attenuation being provided through voids within the permeable paving sub-base and attenuation crates. The information submitted by the applicant has been interrogated by officers and by NWL, it is considered that the drainage scheme provided is acceptable and in accordance with national and local planning policy.

5.24 In addition to the above, the applicant has provided an overland flow drainage model, this was required to predict the behaviour of surface water runoff if a failure of the drainage system were to occur. The model has assessed the flow patterns and potential flood risk associated with surface water runoff across the site and changes to land and dwelling finished floor levels have occurred to direct any potential flooding away from existing or proposed dwellings. Again, the detailed provided by the applicant is considered to be acceptable and demonstrates that the proposed development does not pose an unacceptable flood risk impact.

5.25 In order to ensure the effectiveness of the proposed drainage system, it is considered necessary for a Drainage Verification Report for the installed surface water drainage to be submitted to and approved in writing by the LPA (Condition 5).

5.26 Subject to the conditions set out above, it is considered that the proposal would comply with the aims and requirements of Policies CS17 and MSGP29 of the Local Plan for Gateshead.

## 5.27 OPEN SPACE/PLAY PROVISION

The neighbourhood area to which the application site belongs is identified as having an adequate level of 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.

- 5.28 It is considered that the proposed development provides links to the wider area and also provides adequate opportunity within the site for small areas of play as well as generous garden areas.
- 5.29 An area of amenity green space has been provided on site, this is considered adequate in order to address the requirements for Policy MSGP40 of the Local Plan.
- 5.30 **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 housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.
- 5.31 **OTHER MATTERS**  
It is noted that one objection references the time taken to complete the development. This matter is not a material planning consideration and as such cannot be afforded any weight in the decision-making process. This being said, the development has indicated that subject to the approval of planning permission, it is their intention to complete the development this year.
- 5.32 It is considered that all other material planning consideration raised by objectors has been addressed within the main body of the report.

## **6.0 CONCLUSION**

- 6.1 The proposal would result in the redevelopment of previously developed land that would contribute to the Borough's housing stock. Further, consideration has been offered to the development proposed on the wider housing allocation (DC/20/00060/OUT) and it is considered this proposal would not inhibit the development proposed.
- 6.2 Taking all the relevant issues into account, it is considered that the proposal is acceptable in terms of visual and residential amenity, highway safety and parking, ecology, flood risk, ground conditions, trees, and open space/play provision, and would comply with the aims and objectives of the NPPF, and the Local Plan for Gateshead.

## **7.0 Recommendation:**

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

1

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

- 25830 5100 P01 - HT01 - Proposed Elevations
- 25830 5200 P01 - HT02 - Proposed Elevations

- 25830 3315 P01 - HT02 - Proposed Floor Plans
- 25830 3215 P01 - HT02 - Proposed Ground Floor Plan
- 25830 3300 P01 - Proposed House Type 3
- 25830 3105 P09 - Proposed Landscape & Roof Plan
- 25830 3100 P10 - Proposed Site & Location Plan
- Pre-Development BS5837 Arboricultural Implications Assessment Former Highfields School - Woodsman Arboricultural Consultancy - 05 April 2022
- Highfield Road, Rowlands Gill Drainage Strategy (JCC19-225-C-02 Rev 14) - James Christopher Consulting - April 2023

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

#### Reason

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

2

The development hereby permitted shall be constructed entirely of the materials detailed and approved as part of 20/00069/DOC1 (Approved 12 September 2022).

#### Reason

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

3

Prior to the occupation of any unit hereby approved a SuDS information and communication plan, including an information pack for residents shall be submitted to and approved in writing by the LPA.

#### Reason

In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site in order to comply with the NPPF, and policies CS17 and MSGP29 of the Local Plan for Gateshead.

4

At the point of occupation of any unit hereby approved, the SuDS information and communication plan approved under condition 3, shall be provided to the occupants of each dwelling.

#### Reason



In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site in order to comply with the NPPF, and policies CS17 and MSGP29 of the Local Plan for Gateshead.

5

No dwellinghouse hereby approved shall be occupied until a Drainage Verification Report (DVR) for the installed surface water drainage system based upon the approved Drainage Strategy (Highfield Road, Rowlands Gill Drainage Strategy (JCC19-225-C-02 Rev 14) - James Christopher Consulting - April 2023) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority (LPA). The DVR shall include:

- i. Demonstration that any minor departure from the approved design complies with the approved principles and that the modelled volumetric capacity has been achieved;
- ii. Appropriate evidence to demonstrate the preferential exceedance flow path between plots 9 and 10 has been created and that the crated tank has been formed in accordance with manufacturer's literature;
- iii. Results of any performance testing undertaken; and
- iv. Copies of any Statutory Approvals e.g. Land Drainage Consent for Discharges.

Reason

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

6

No boundary treatment(s) shall be provided until final details of all boundary treatments and a timetable for implementation have been submitted to and subsequently approved in writing by the LPA.

Reason

To ensure the satisfactory appearance of the development upon completion in accordance with the NPPF, and policies CS14, CS15 and MSGP24 of the Local Plan for Gateshead.

7

All boundary treatments shall be installed in accordance with approved details and timetable for implementation approved under Condition 6.

Reason

To ensure the satisfactory appearance of the development upon completion in accordance with the NPPF, and policies CS14, CS15 and MSGP24 of the Local Plan for Gateshead.

8

Notwithstanding the approved Drainage Assessment, within one month of the approval of planning permission, the details and specification of

temporary measures to be employed during each construction phase for the management of runoff from site areas that have not yet received final soft landscaping or have not yet been connected to the new development drainage system shall be submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

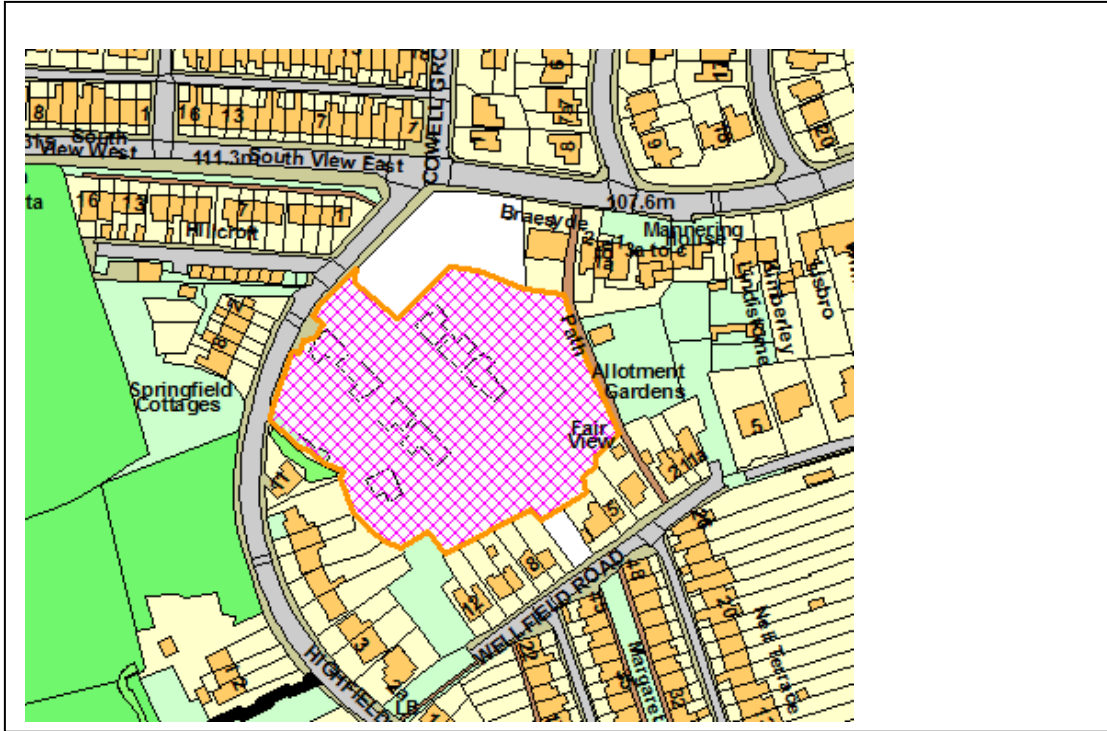
To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or to adversely affect the permanent drainage system for the development in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.

9

Construction shall take place in full accordance with the temporary drainage measures approved at condition 8 prior to any of the houses hereby approved being occupied.

Reason

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or to adversely affect the permanent drainage system for the development in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.



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**REPORT NO 3**

**Committee Report**

<b>Application No:</b>	<b>DC/22/01393/FUL</b>
<b>Case Officer</b>	<b>Rebecca Norman</b>
<b>Date Application Valid</b>	<b>27 March 2023</b>
<b>Applicant</b>	<b>Ms Jo Stanton</b>
<b>Site:</b>	<b>Jack And Jo's Nursery Garden Middle Hedgefield Farm Stella Road Ryton NE21 4NN</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Provision of car park to north west of site (retrospective application).</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Change of Use</b>

**1.0 The Application:**

**1.1 RELEVANT BACKGROUND INFORMATION**

In May 2023 planning permission was refused at Jack and Jo's Nursery Garden for the retention of a café incorporating external alterations to the building and alterations to car parking, access and landscaping (application DC/22/01187/FUL).

1.2 The above refusal followed a previous refusal under application DC/21/00916/FUL in February 2022 for retrospective planning permission for the erection of a café. This was subsequently dismissed at appeal under reference APP/H4505/W/22/3297141.

1.3 This application is being reported to Planning and Development Committee as the Service Director of Climate Change, Compliance, Planning and Transport considers that it is appropriate for this to be determined by Planning Committee due to the significant degree of public interest in the recent planning application at the site, as referenced above.

**1.4 DESCRIPTION OF THE SITE**

The application relates to a 0.08ha area of land to the south of the B6317 (Stella Road) which includes the car park that is the subject of this application and associated access road.

1.5 The car park is connected with Jack and Jo's Nursery Garden, which is situated to the east of the site, beyond the access road. The garden centre is included in the blue line boundary which indicates the applicant's ownership and includes the garden centre, residential

properties and a dog daycare/kennels to the north east of the car park, as well as further land to the south of the car park.

- 1.6 To the north of the application site is a car park associated with The Castle soft play centre, to the north east of the site. To the west of the site is a residential property known as St Hilda's Vicarage. The access road which leads to the car park is also the route of a Public Right of Way (PRoW).
- 1.7 The application site is located within the Green Belt.
- 1.8 The site is located partly within/partly adjacent to an identified area of archaeological importance, the Battle of Newburn Ford 1640 Registered Battlefield and the Stella, Crookhill and Hedgefield Area of Special Character.
- 1.9 **DESCRIPTION OF APPLICATION**  
The application is seeking retrospective planning permission for the creation of a car park.
- 1.10 The car park is around 450sqm in size and is an irregularly shaped area surfaced with grey stone chippings. There is no formal layout to the car park.
- 1.11 The application form states that the development was commenced and completed in early 2019. Based on aerial photographs available to the Local Planning Authority (LPA) it appears that the car park was however created some time after in July 2021.
- 1.12 **RELEVANT PLANNING HISTORY**  
None relevant to this application site.

Other relevant planning history:

*Café building*

DC/20/00690/AGR - DETERMINATION OF PRIOR APPROVAL:  
Erection of timber building to provide cafe/shop and storage (additional information 26.08.2020). Refused 27.08.2020.

DC/21/00916/FUL - 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). Refused 28.02.2022.

APP/H4505/W/22/3297141 – Appeal against refusal of planning application DC/21/00916/FUL. Dismissed 28.07.2022.

DC/22/01187/FUL - Retention of timber café building (retrospective) incorporating external alterations to building and removal of canopy to west elevation, raised deck to front (north) elevation and smoking

shelter to east elevation. Alterations to car parking, erection of gate to control use of eastern access and new landscaping (resubmission of DC/21/00916/FUL) (additional information submitted 15.05.2023 and 16.05.2023). Refused 24.05.2023.

*Wider site within blue line*

447/94 - CERTIFICATE OF LAWFULNESS - Use of land for storage of scrap metal. Refused 04.08.1994.

1026/95 - CERTIFICATE OF LAWFULNESS OF AN EXISTING USE: Mixed use development comprising residential accommodation of farm buildings and use of associated land within the 'planning unit' for the running of scrap merchant's business (amended 13/11/9). Approved 29.04.1996.

184/97 - Conversion of existing buildings from two dwellinghouses, scrap merchants, office and stabling to six cottages. Planning permission granted 02.04.1997.

185/97 - Erection of three detached dwellinghouses (use class C3) on former external scrap yard site. Planning permission refused 27.03.1997.

DC/16/00268/COU - Change of use from agricultural building to boarding kennels for dogs (sui generis use). Temporary planning permission (18 months) granted 10.06.2016.

DC/17/01218/FUL - Continued use of agricultural building as boarding kennels for dogs (sui generis use). Planning permission granted 02.01.2018.

DC/19/00560/COU - Conversion from Stable buildings to Dwellinghouse and residential annexe (Class Use C3). Planning permission granted

*Adjacent site (St Hilda's Church, now The Castle play centre)*

DC/05/02050/LBC - LISTED BUILDING CONSENT: Removal of church organ for relocation purposes. LBC granted 28.02.2006.

DC/07/01593/LBC - LISTED BUILDING CONSENT: Conversion of church to indoor children's soft play area with associated cafe area (amended 29/11/2007). LBC granted 31.01.2008.

DC/07/01594/COU - Change of use from a church (use class D1) to indoor children's soft play area (use class D2) with ancillary cafe (amended 29/11/2007). Planning permission granted 31.01.2008.

DC/09/00215/COU - Conversion of church (use class D1) to indoor children's soft play area (use class D2) with ancillary cafe and associated parking. Planning permission granted 26.05.2009.

DC/12/00473/COU - Extension of time for implementation of application DC/09/00215/COU for conversion of church (use class D1) to indoor children's soft play area (use class D2) with ancillary cafe and associated parking. Planning permission granted 30.05.2012.

DC/12/00564/LBC - LISTED BUILDING CONSENT: Conversion of church (use class D1) into children's soft play (use class D2) and associated cafe (use class A3). LBC granted 09.07.2012.

DC/13/00365/COU - Variation of condition 4 of DC/12/00473/COU to allow opening hours of 0900 hours to 1900 hours seven days a week (previously restricted to between 1000 hours and 1900 hours Monday to Saturday and 1000 hours and 1700 hours on Sunday). Planning permission granted 03.05.2013.

## **2.0 Consultation Responses:**

### **Historic England**

No advice to offer

### **Tyne and Wear Archaeologist**

The proposed development is not likely to have had a significant impact on the registered battlefield or its setting. No archaeological work is required.

## **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 site notices.

3.2 Two letters of support have been received which raise the following matters:

- Disgust expressed that planning permission may be refused for the café and car park
- The business provides a service to the community
- The business was set up to provide employment/volunteering opportunities for people with additional needs and disabilities
- The business supports local schools and community groups
- The car park is now big enough for minibuses to park when groups visit
- The development is an improvement upon the previous scrap yard



- Lots of Green Belt land has been taken away for house building; this site is comparably small and the business gives back to the environment and wildlife
- The café is used by lots of different people and is part of the community
- Personal accounts in support of the café
- There is a really big car park which enabled a visitor to exit their vehicle with their wheelchair

3.3 Two further letters of support have been submitted by the applicant. These are duplicates of letters submitted in support of application DC/22/01187/FUL. These raise the following matters:

- Positive personal accounts of the café, food and owners
- Positive comments regarding the employment of people with disabilities and local people

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP23 Areas of Special Character

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP26 Heritage at Risk

MSGP27 Archaeology

MSGP34 Dev in Settlements within Green Belt

MSGP37 Biodiversity and Geodiversity

**5.0 Assessment of the Proposal:**

- 5.1 The main issues to be taken into consideration in the assessment of this application are the Green Belt, visual amenity/local character, heritage considerations, residential amenity, highway safety, ecology, CIL and any other matters.
- 5.2 GREEN BELT  
The application site is located within the Green Belt.
- 5.3 Paragraph 137 of the National Planning Policy Framework (NPPF) states that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.
- 5.4 Paragraph 138 of the NPPF outlines the five purposes of the Green Belt. These are: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.5 Policy CS19 of the Local Plan for Gateshead accords with NPPF Paragraph 137 and sets out purposes for including land in the Green Belt in Gateshead.
- 5.6 NPPF Paragraphs 147-148 state that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances” and require LPAs to attach substantial weight to any harm to the Green Belt when considering planning applications.
- 5.7 Paragraph 149 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt however identifies specific exceptions to this.
- 5.8 NPPF Paragraph 150 also identifies certain other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including:
- b) engineering operations*
- 5.9 It is considered that the proposed creation of a car park and associated operations to level the site could reasonably be regarded

as engineering operations for which provision is made under NPPF Paragraph 150 b); such development need not be inappropriate within the Green Belt, provided that it preserves its openness and does not conflict with the purposes of including land within it.

- 5.10 Officers are however of the view that the proposed development would not preserve the openness of the Green Belt and would conflict with its purposes, specifically that outlined at NPPF Paragraph 138 c) "to assist in safeguarding the countryside from encroachment".
- 5.11 The application site previously comprised an open area of grass/vegetation. It is considered that the development of the site through the addition of a 450sqm area of hard surfacing for car parking would not preserve the openness of the Green Belt and would conflict with its purposes as it would fail to safeguard the countryside from encroachment. As such, it is considered that the proposed development would fail to meet with the exception test set out in NPPF Paragraph 150 b)
- 5.12 Consequently, as at NPPF Paragraph 147, in order for the proposal to be acceptable in Green Belt terms, very special circumstances must exist. Paragraph 148 of the NPPF states that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".
- 5.13 No very special circumstances have been included with the application. Whilst Officers acknowledge that the application is retrospective, this does not constitute very special circumstances that clearly outweigh the harm to the Green Belt and any other harm. Personal accounts submitted in letters of support are not considered to outweigh the harm to the Green Belt and any other harm.
- 5.14 Therefore, based on the above assessment Officers consider that the proposal would constitute inappropriate development in the Green Belt that would harm the openness of the Green Belt and that no very special circumstances have been demonstrated that would clearly outweigh this and any other harm. The proposal is therefore contrary to the NPPF and policy CS19 of the Local Plan for Gateshead.
- 5.15 VISUAL AMENITY AND LOCAL CHARACTER  
Paragraph 126 of the NPPF states that "the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve". Paragraph 134 continues by stating that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design".

- 5.16 The NPPF is supported by policies CS15 and MSGP24 of the Local Plan for Gateshead which require development to contribute to good place-making and be compatible with local character.
- 5.17 The application site is also located partly within the Stella, Crookhill and Hedgefield Area of Special Character, as designated by Local Plan policy MSGP23; the access road is within the character area and the car park is adjacent to the character area.
- 5.18 The Council's Placemaking Supplementary Planning Document (SPD) sets out the Council's approach to Placemaking and identifies Areas of Special Character within the Borough, as defined by Local Plan policy MSGP23, which requires development within or affecting the setting of the designated areas to maintain or enhance the character of the area. The SPD provides a description of the character of each area and its most worthwhile aspects together with broad design guidance indicating the key points to which regard will be given in considering applications for planning permission.
- 5.19 The Stella, Crookhill and Hedgefield Area of Special Character is described as sitting to the eastern edge of Ryton and including a straggle of buildings along the semi-rural main road and further buildings within the somewhat separate settlement of Crookhill. The design guidance for this area is to resist inappropriate alterations and extensions to existing buildings and infill development which would detract from existing townscape quality and setting of buildings, and to protect the landscape/semi-rural setting of the area.
- 5.20 Prior to the development being undertaken the application site comprised an undeveloped grassy area which contributed positively towards the semi-rural setting of the area. It is considered that the creation of the car park through the levelling and hard surfacing of approximately 450msq of this area has detrimentally affected the setting of the character area through the erosion of its semi-rural character.
- 5.21 It is therefore considered that the development fails to contribute to good place-making or be compatible with the semi-rural character of the locality and therefore this is contrary to the NPPF, policies CS15, MSGP23 and MSGP24 of the Local Plan for Gateshead and the Gateshead Placemaking Supplementary Planning Document.
- 5.22 **HERITAGE CONSIDERATIONS**  
The car park element of the application site is located adjacent to the Battle of Newburn Ford 1640 Registered Battlefield and adjacent to an identified area of archaeological importance; the existing access road falls within these designations.

- 5.23 Local Plan policy CS15 requires development to conserve and enhance the historic environment. This is supported by policy MSGP25, which seeks to conserve and enhance heritage assets, policy MSGP26 (MSGP26.1), which states that the significance of the Battlefield will be protected, sustained and enhanced, and policy MSGP27, which requires development to sustain, conserve and enhance the Borough's archaeological legacy.
- 5.24 The Oxford Archaeology 2018 Historic England project NHPP 4EI: Strategic Research for the Registered Battlefields at Newburn Ford and Boroughbridge: Newburn Ford Report provides an appraisal of the Battlefield and divides this into character areas. The application site is in Character Area 4, which is an area of moderate sensitivity and capacity for change, with little archaeological potential.
- 5.25 Taking into account the position of the development largely outside of the registered Battlefield, whilst no archaeological investigation is now possible due to the retrospective nature of the application, it is considered that the proposed development is not likely to have had a significant impact on the registered battlefield or its setting, and therefore no archaeological work is required.
- 5.26 On the basis of the above the proposed development is considered to be acceptable in respect of impact upon heritage assets, including archaeology, and accords with the NPPF and policies CS15, MSGP25, MSGP26 and MSGP27 of the Local Plan for Gateshead.
- 5.27 **RESIDENTIAL AMENITY**  
It is considered that the proposed development would not have a detrimental impact upon the amenity of nearby residential properties. The application therefore accords with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.28 **HIGHWAY SAFETY AND PARKING**  
Paragraph 111 of the NPPF 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".
- Background
- 5.29 The car park is accessed from the B6317 (Stella Road) via an existing access that also serves the garden centre site to the east and St Hilda's Church soft play. The soft play also has a separate car park to the west with a dedicated entrance. The access road is also the route of a Public Right of Way (PRoW) which continues to the south. The garden centre is also served by another access further to the east.
- 5.30 Records identify 3 collisions having taken place in the last 5 years on the B6317. Two of the collisions were slight and one was serious, the

latter involving a pedestrian on the zebra crossing which sits to the west of the site access.

- 5.31 When determining application DC/21/00916/FUL Officers considered that the proposed café would result in an intensification of the use of both accesses into the site. Neither access is suitable for 2-way traffic movements and therefore any intensification of use of the accesses was considered to have a detrimental impact upon the highway, as vehicles may either be required to wait for prolonged periods on the B6317 to allow vehicles exiting the site to clear the access, increasing the likelihood of shunts on what is a heavily trafficked route, or vehicles may be required to reverse back out onto the B6317 to allow vehicles to clear the access road.
- 5.32 Furthermore, visibility at both accesses (but specifically the easternmost access) is well below minimum standards. Officers were therefore concerned that the development may result in an increase in potential conflicts between highway users because of this poor visibility, including between pedestrians and vehicles emerging at the site entrance onto the B6317. Officers therefore considered the proposed development (the café) would result in an unacceptable impact upon highway safety and would therefore be in conflict with the NPPF and Local Plan policies CS13 and MSGP15.
- 5.33 The Planning Inspector agreed with Officers that the café would result in an intensification of vehicles visiting the site and makes specific reference to an increase in the number of vehicles using the easternmost access.
- 5.34 The scheme considered under application DC/22/01187/FUL proposed that all vehicles would access the site via the westernmost access; this is the access which serves the proposed car park. This access is approximately 3.7m wide and therefore not suitable for 2-way movements. This access also serves as a pedestrian route for the application site and forms part of the PRoW network, and is the main pedestrian route for staff, parents and children associated with The Castle. Officers consider that visibility at this access is below the required minimum standards and is obscured by a stone pillar to the eastern side of the access; in this respect Officers disagree with the Inspector's view in paragraph 11 of the appeal decision that the westernmost access has good visibility.
- 5.35 When considering application DC/22/01187/FUL Officers maintained that the intensification of the use of the westernmost access would be likely to have a detrimental impact upon the highway, as vehicles may either be required to wait for prolonged periods on the B6317 to allow vehicles exiting the site to clear the access, increasing the likelihood of shunts on what is a heavily trafficked route, or vehicles may be required to reverse back out onto the B6317 to allow vehicles to clear the access road. Given the other uses and routes served by this

access, Officers were also concerned about potential conflicts between cars and pedestrians.

- 5.36 Officers also maintained that the proposed cafe may result in an increase in potential conflicts between highway users because of poor visibility at the westernmost access, including pedestrians and vehicles emerging at the site entrance onto the B6317. Officers therefore considered that any further intensification of vehicular movements through this substandard junction could not be supported on road safety grounds.

Assessment of proposed car park development

- 5.37 This car park is proposed to serve Jack and Jo's Nursery Garden and the café building in situ.

- 5.38 As established through the applications and appeal decision which relate to the café, the creation of the café as an attraction at Jack and Jo's garden centre has resulted in an intensification of vehicles using the site access, to the detriment of highway safety.

- 5.39 In the view of Officers, the café and the proposed car park are directly linked because the additional parking demand that the café has generated is being facilitated by the proposed car park. Therefore, in supporting and facilitating this intensification of vehicles using the site access by providing increased parking provision.

- 5.40 The access/s with the B6317 (Stella Road) is not suitable for two-way traffic movements. As such any proposal that would intensify the use of these accesses is likely to have a detrimental impact on the highway, with vehicles potentially having to wait for prolonged periods on the B6317 to allow vehicles exiting the site to clear the access, increasing the likelihood of shunts on what is a heavily trafficked route and/or vehicles having to reverse back out into the B6317 to allow vehicles to clear the access road.

- 5.41 Furthermore, visibility with the B6317 is well below the required minimum standard. This intensification of use would also intensify the potential conflicts between vehicles and pedestrians using the PRow along the access road, to the detriment to highway safety. Officers consider that the proposed car park is also unacceptable in highway safety terms for the reasons set out above.

- 5.42 Noting the Council's decision to refuse planning permission for the café development and the appeal dismissal, it is therefore important to assess this application in the context of the car park being in place without the café development.

- 5.43 Officers are of the view that the car park will still increase the use of the accesses. The proposed car park does not replace car parking

already on site associated with the garden centre or other uses and therefore will encourage vehicular trips to the site.

- 5.44 Vehicles linked to the existing uses will drive up the existing access and then turn right (west) into the car park and/or left (east) into the wider garden centre site. Opposing movements will also occur for vehicle exiting the garden centre site and the car park.
- 5.45 In addition to the above, the proposed car park requires vehicles to cross the PROW to both access and egress. The PROW is well used, including for access to and from the nearby primary school, as such encouraging the conflict the car park access would create could not be supported.
- 5.46 As such, the access associated with the car park raises further highway safety concerns in addition to those associated with the access road and its junction with the B6317, as highlighted as part of the considerations under planning applications DC/21/00916/FUL and DC/22/01187/FUL.
- 5.47 Based on the above assessment it is considered that the proposed development would have an unacceptable impact upon highway safety and therefore the application would be in conflict with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.48 **ECOLOGY**  
The application site is considered to be of an ecologically sensitive nature, being located 50m east of Crookhill Pasture Local Wildlife Site (LWS), 50m south of Hedgefield Quarry LWS and 400m north west (with ecological connectivity) of Path Head Quarry LWS. There is connectivity between these LWSs and the proposed development provided by areas of grassland, woodland and hedgerow.
- 5.49 Prior to the development being carried out, habitat present within and adjacent to the application site included grassland, scrub, hedgerows and trees, with the potential to support a range of protected, priority and notable species.
- 5.50 The clearance of the above habitats and replacement with stone chippings and limited, inappropriate non-native tree planting have resulted in a net loss of biodiversity within the site.
- 5.51 Furthermore, as a result of the proposed development, habitat outside of the red line boundary (to the south, south east and north where some limited landscape planting has been established) appear to have been degraded and disturbed by vegetation clearance, the storage of waste materials and tracking of vehicles. Officers consider that such activities are likely to have reduced the biodiversity value of these habitats and their ability to support protected and priority species including nesting birds, hedgehogs and commuting and



foraging bats. Officers also have concerns over the continuation and exacerbation of such activities at the site and potential impacts on surrounding habitats and ecological connectivity.

- 5.52 The application is not accompanied by any ecological supporting information, such as an Ecological Impact Assessment (EclA) or Biodiversity Net Gain Plan. No information has been submitted to demonstrate that the development has sought to avoid and/or minimise impacts on biodiversity in accordance with the mitigation hierarchy; provide net gains in biodiversity; or secure appropriate mitigation, monitoring, compensation and/or enhancement measures, as required by the NPPF and Local Plan policy MSGP37.
- 5.53 Officers therefore consider that insufficient ecology information has been submitted to fully assess and consider the ecology impact of the proposed development and whether Biodiversity Net Gain can be provided, in accordance with the ecology aims and objectives of the NPPF and Local Plan policies CS18 and MSGP37.
- 5.54 CIL  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related.
- 5.55 ANY OTHER MATTERS  
The letters of representation received include comments that relate to the café business. This application however relates to the car park only as the LPA considered the café building under application DC/22/01187/FUL. Matters relating to the café are therefore not relevant to the consideration of this application.
- 5.56 It is considered that all other material planning matters have been covered in the body of the report.

## **6.0 CONCLUSION**

- 6.1 Taking all relevant information into account, including the representations received in support of the application, it is considered that the application is unacceptable as the development would result in inappropriate development in the Green Belt, would harm the local/identified special character of the area and would have an unacceptable impact upon highway safety.
- 6.2 Furthermore, insufficient information has been provided to allow the LPA to assess the likely impact of the proposed development on ecology.

6.3 It is therefore considered that the proposed development is unacceptable and is contrary to the aims and objectives of both national and local planning policies and it is therefore recommended that planning permission be refused.

**7.0 Recommendation:**

That permission be REFUSED for the following reason(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the refusal reasons as necessary:

1

The proposal would represent inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and also contrary to one of the purposes of including land within the Green Belt. No very special circumstances have been demonstrated. The development is therefore contrary to the NPPF and policy CS19 of the Local Plan for Gateshead.

2

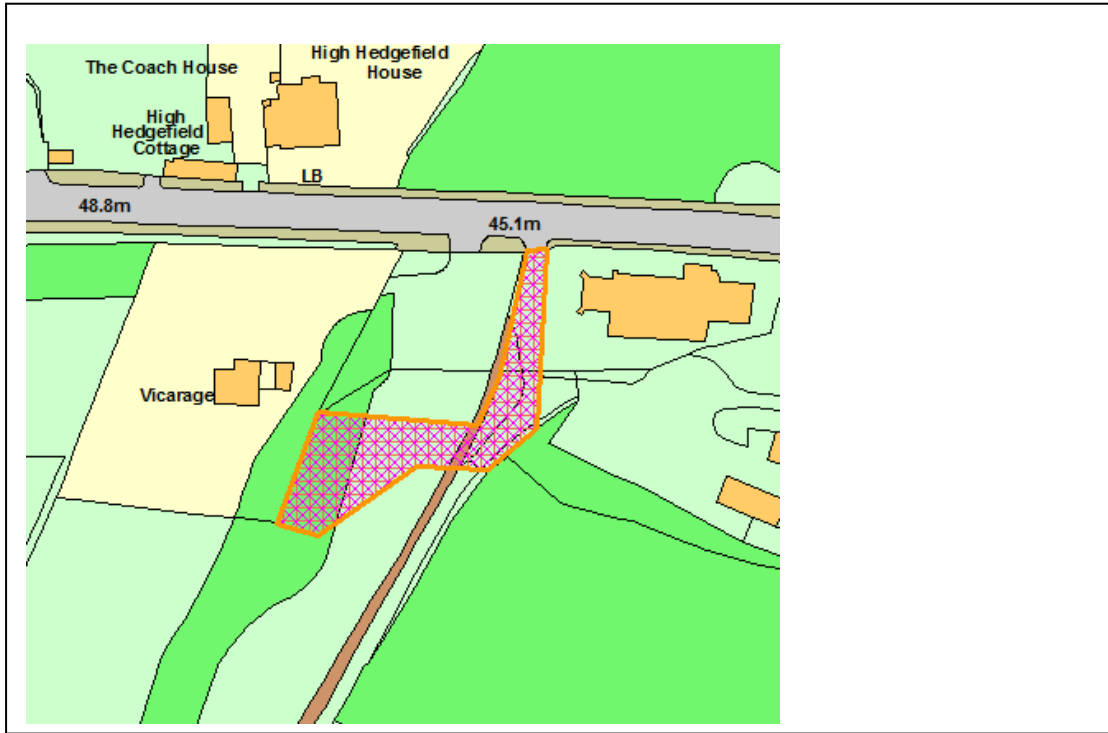
The development would fail to maintain or enhance the character of the Stella, Crookhill and Hedgefield Area of Special Character and would fail to contribute to good place-making and the local character of the area. The proposed development is therefore contrary to the NPPF and policies CS15, MSGP23 and MSGP24 of the Local Plan for Gateshead and the Placemaking SPD.

3

The proposed development facilitates an intensification of the existing substandard vehicular access into the site which has the potential to create conflicts between highway users as a result of the poor visibility and single width of the access point. The proposed development also increased the potential for conflict between vehicles and pedestrians using the Public Right of Way. The proposed development would therefore have an unacceptable impact on highway safety and is contrary to the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

4

Insufficient ecology information has been submitted to enable the Local Planning Authority to fully assess and consider the ecology impact of the proposed development and whether an appropriate level of Biodiversity Net Gain can be provided within the site, in accordance with the ecology aims and objectives of the NPPF and Local Plan policies CS18 and MSGP37.



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## REPORT NO 4

### Committee Report

<b>Application No:</b>	<b>DC/23/00094/FUL</b>
<b>Case Officer</b>	<b>Josh Kenolty</b>
<b>Date Application Valid</b>	<b>8 February 2023</b>
<b>Applicant</b>	<b>Mr John Plummer</b>
<b>Site:</b>	<b>Oakfield House Gateshead Road Sunniside Newcastle Upon Tyne NE16 5LQ</b>
<b>Ward:</b>	<b>Whickham South And Sunniside</b>
<b>Proposal:</b>	<b>Erection of a single two-storey dwelling-house (Use Class C3) with associated access, and surrounding gardens and curtilage areas across remaining parts of site with detached garage block (resubmission with revised highways work and ecology assessments). (Additional information received on 20/04/23 and 09/05/2023. Amended site location plan received 04/07/2023)</b>
<b>Recommendation:</b>	<b>Grant with Section 106 Agreement</b>
<b>Application Type</b>	<b>Full Application</b>

#### 1. Background:

- 1.1 The application was reported to the meeting of the Planning and Development Control Committee on 14 July 2023, with a recommendation to refuse planning permission due to the unacceptable impact of the development on highway safety.
- 1.2 The Committee considered the technical information that had been submitted to support the application, including a Transportation Advisory Note, a Visibility Splays Plan and an Access Swept Path Analysis, as well as additional 'Highways Rebuttal' Technical Notes, and determined that the development would not have an unacceptable impact on highway safety.
- 1.3 The Committee resolved that they were 'minded to grant' the application subject to conditions.
- 1.4 A Section 106 Agreement is also required to deliver an appropriate offsite biodiversity net gain compensatory scheme as per paragraphs 5.53 of the original Officer report.
- 1.5 This report seeks Committee approval for the conditions recommended below and the recommendation is as follows:

#### 2. Recommendation

2.1 That permission be granted subject to the completion of a Section 106 Legal Agreement to secure an obligation towards off site biodiversity net gain improvements (£1,680); and the following condition(s); and that the Strategic Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary:

1

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

- Site Location Plan (04/07/2022
- Drawing Number 2B/10 House Elevations
- Drawing Number 2B/11 Floor Plans
- Drawing Number 1B/12 Garage Elevations, Site Plan/ Roof Plan
- Drawing Number JG01 Visibility Splays
- Drawing Number JG02 Access Swept Path Analysis

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 external facing materials of the development shall be completed in accordance with the approved plans and documents as detailed below-

- Application Form
- Drawing Number 2B/10 House Elevations
- Drawing Number 1B/12 Garage Elevations, Site Plan/ Roof Plan

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 existing building in accordance with the National Planning Policy Framework and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

4

The width of the access road, inclusive of pedestrian visibility splays, to serve the application site shall be retained in accordance with the details/ dimensions as shown on the approved plans 'Drawing Number JG01 Visibility Splays' and 'Drawing Number JG02 Access Swept Path Analysis' and shall be kept clear of any obstructions including vegetation at all times.

Reason

In the interests of highway safety in accordance with the aims and objectives of the National Planning Policy Framework and policies CS13 and MSGP15 of the Local Plan for Gateshead.

5

Prior to their installation on site, full details of any new vehicular gates to be installed along the private driveway serving the development shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed wholly in accordance with the approved details and maintained as such thereafter.

Reason

In the interests of highway safety in accordance with the aims and objectives of the National Planning Policy Framework and policies CS13 and MSGP15 of the Local Plan for Gateshead.

6

No works shall commence on site unless in accordance with the Method Statement for Contractors as submitted within Appendix 1 of the Preliminary Ecological Appraisal, Biodiversity Metric and Mitigation Strategy (RH Ecological Services, 2023 (Version 2)) submitted and hereby approved in writing by the Council.

Reason

In order to avoid/minimise harm to protected species and their habitats and to maintain the favourable conservation status of the local bat population(s) at or above current levels in accordance with the National Planning Policy Framework and policies CS18 and MSGP37.

7

No exterior lighting shall be installed on site without a Lighting Design Strategy for Biodiversity (prepared in consultation with a SQE) for the site being submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site or adjacent to site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places (including any bat roost features installed as part of the proposals) or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

#### Reason

To maintain the value and function of the site for roosting, foraging and commuting bats, and maintain the ecological functionality of adjacent areas of priority habitats and designated Local Wildlife Site (LWS), in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan, and the National Planning Policy Framework.

8

Notwithstanding the submitted information, the development hereby approved shall not progress above ground floor level until full details including the specification and precise location (as identified on a plan and elevation drawing of the property) of the proposed integrated bat roost features (minimum 1no) and integrated bird nesting features (minimum 1no), suitable for priority species such as house sparrow, starling and swift, have been submitted to and approved in writing by the LPA Ecologist.

All integrated bat roosting/bird nesting features shall be installed in accordance with the specifications and locations set out in the approved plan and elevation drawings, as confirmed by a statement prepared by a suitably qualified ecologist including photographs of the features in situ, submitted and approved by the LPA Ecologist prior to first occupation.



Thereafter, the features shall be maintained thereafter in accordance with the approved plans.

Reason

In order to provide replacement/enhanced potential roosting opportunities for bat and maintain the favourable conservation status of the local bat population(s) at or above current levels in accordance with the National Planning Policy Framework and policies CS18 and MSGP37.

9

Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason

To maintain the ecological functionality of adjacent areas of priority habitats and designated Local Wildlife Site (LWS) (by preventing the spread of non-native species and those of no local provenance to conserve and enhance biodiversity), in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan, and the National Planning Policy Framework.

10

Prior to the commencement of development, gas monitoring of the site shall be carried out to provide monitoring data sufficient to allow prediction of worse case conditions and so enable the full assessment of risk and characterisation of pollutant linkages and subsequent design of appropriate gas protection schemes. The findings of the gas monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure that risks from land contamination are minimised in accordance with the National Planning Policy Framework and policies MSGP20 and Policy CS14 of the Local Plan for Gateshead.

Reason For Pre Commencement Condition

This pre commencement condition is required as it may not be possible to carry out the gas monitoring after development has commenced and the result of the monitoring works will influence the subsequent design of appropriate gas protection measures for the development.

11

If required by the findings of the gas monitoring required under condition 10, the construction of the proposed development shall take account of the results of site investigations for gas emissions

from underground. The detailed design and method of construction shall incorporate the gas protection measures required, the details of which shall first be submitted to and be approved in writing by the Local Planning Authority. All approved gas protection measures shall be fully implemented in accordance with the approved details before the development is first occupied or brought into use.

**Reason**

In order to ensure that risks from land contamination are minimised in accordance with the National Planning Policy Framework and policies MSGP20 and Policy CS14 of the Local Plan for Gateshead.

**12**

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

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

**Reason**

In order to ensure that risks from land contamination are minimised in accordance with the National Planning Policy Framework and policies MSGP20 and Policy CS14 of the Local Plan for Gateshead.

**13**

No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

**Reason**

In order to ensure that the site is made safe and stable for the development in accordance with the requirements of the National Planning Policy Framework.

#### Reason For Pre Commencement Condition

This pre commencement condition is required as it may not be possible to carry out the site investigations works after development has commenced.

14

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

#### Reason

In order to ensure that the site is made safe and stable for the development in accordance with the requirements of the National Planning Policy Framework.

15

The detached garage hereby approved and as shown on the approved plan 'Drawing Number 1B/12 Garage Elevations, Site Plan/ Roof Plan' shall only be used for a purpose ancillary to the dwellinghouse hereby approved and shall not be occupied or used independently at any time.

#### Reason

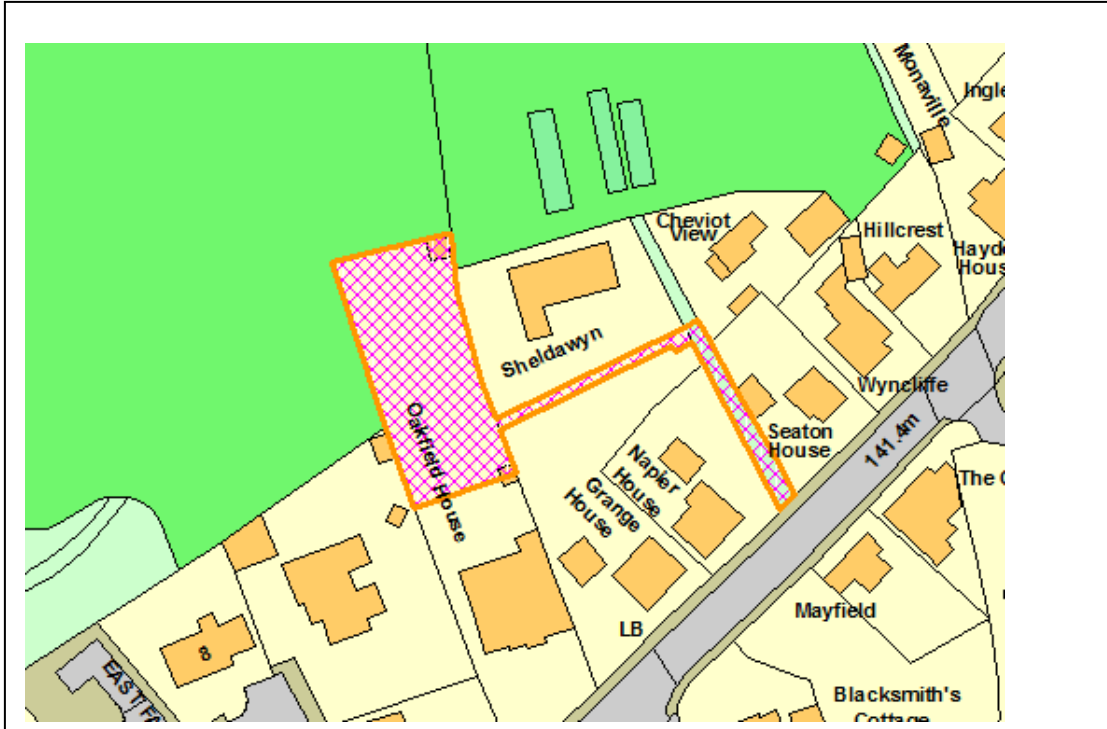
In the interests of protecting residential amenity in accordance the National Planning Policy Framework and policies MSGP17 and CS14 of the Local Plan for Gateshead.

16

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 MSGP 17 of the Local Plan for Gateshead



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**Committee Report**

<b>Application No:</b>	<b>DC/23/00349/FUL</b>
<b>Case Officer:</b>	<b>Mark O’Sullivan</b>
<b>Date Application Valid:</b>	<b>24 April 2023</b>
<b>Applicant:</b>	<b>Location 3 Properties Limited</b>
<b>Site:</b>	<b>Land to the West of Sainsburys Supermarket, Eleventh Avenue, Team Valley, Gateshead</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Construction of builders’ merchant with associated yard, car parking and landscaping (revised application) (additional information received).</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO A SECTION 106 AGREEMENT</b>
<b>Application Type:</b>	<b>Full application</b>

**1.0 The Application****1.1 BACKGROUND**

Members are reminded of the October 2022 Planning Committee refusal of a Storage and Distribution (B8 Use) or Builders' Merchant (Sui Generis), with associated hardstanding, parking and landscaping on land west of Sainsburys Supermarket, Team Valley (planning ref: DC/21/01368/FUL). The application was refused on 3 grounds:

1. Loss of visually important trees and fronting of a blank rear elevation in a prominent roadside frontage would result in significant adverse impacts on the character, appearance and visual amenity of the site and its surroundings, in conflict with policies MSGP24, MSGP36 and CS15 and Part 12 of the NPPF.
2. The development would not mitigate the additional vehicle movements it would generate in an existing heavily trafficked area or maximise access to the site by sustainable modes of travel or provide direct, safe, secure and continuous pedestrian and cycling links. This would result in unacceptable impacts on the efficient operation of the road network and adding to existing congestion, in conflict with policies MSGP15, CS13 and paras. 104, 110 and 112 of part 9 of the NPPF.
3. Failure to provide adequate turning and access arrangements for flat bed HGVs would be hazardous to all users of the site and public highway, resulting in adverse and unacceptable impacts upon highway safety, in conflict with policies CS13 and MSGP15 and paras. 110 (b) and (d), 111 and 112 (c) of the NPPF.

- 1.2 Post determination, a revised site layout plan was received by the Local Planning Authority seeking to address the 3 refusal reasons through a pre-application enquiry (LPA ref: 22/0272/MJE). As part of this process a site meeting was held in December 2022 between the applicant, agent and

officers from the Council. The LPA issued a formal response to the enquiry on 21 December 2022 highlighting positive progress had been made but further consideration would still be required to satisfying all refusal reasons. The agent subsequently confirmed a resubmission would follow in due course.

- 1.3 A formal appeal was also lodged by the applicant against the October 2022 refusal (PINS ref: APP/H4505/W/23/3315217). This appeal was dismissed by the Planning Inspectorate on 08 June 2023 under the written representations procedure, with the Inspectorate conclusions covered within the main body of this report.
- 1.4 **DESCRIPTION OF THE SITE**

The application site comprises a parcel of vacant land (some 0.82Ha) located between Sainsbury's Supermarket and car park (to the east), and Kingsway South (to the west), to the southern end of the Team Valley Trading Estate. This is a gateway site into Team Valley from the A1 Coal House intersection to the south, prominent from this major road, as well as Kingsway and Chowdene Bank to the west and south respectively. The premises of De La Rue are located opposite the site on the western side of Kingsway. Magnet Kitchens are located to the north of the site on the opposite side of Eleventh Avenue. The River Team is located within the central reservation of Kingsway.
- 1.5 Together with the adjacent supermarket, the site was previously occupied by the offices of the British Coal Area Headquarters, which were demolished in the mid 1980's, with the site having remained vacant ever since. There remains some evidence of small areas of hard standing associated with the former offices, however given the lapse in time since demolition, the site has revegetated and is now substantially overgrown with self-seeded trees, shrubs, grasses and other flora. A significant belt of trees, hedging and other vegetation runs along the western and southern boundaries of the site.
- 1.6 The junction radii and hard surfacing of the former vehicle access into the site off Eleventh Avenue to the north remains, with a gate enclosing the site to this side to prevent current vehicle access.
- 1.7 An existing pedestrian and cycle path runs along Kingsway South to the west of the site and eastwards along both the north and south sides of the site on Eleventh Avenue and Chowdene Bank respectively. The pedestrian route and cycle path from part of the adopted highway. It is understood the Council intend to carry out works to widen the existing Kingsway cycle route as far as the Coal House Roundabout, but the proposed widening works would not extend up Chowdene Bank along the southern site boundary. The closest bus stops to the site are located on Chowdene Bank in proximity to the entrance into Sainsburys.
- 1.8 **DESCRIPTION OF THE APPLICATION**

Planning permission is sought for erection of a Builders Merchant trade unit including ancillary showroom and offices (floor area some 1930m<sup>2</sup> including 528m<sup>2</sup> mezzanine deck) falling within the 'Sui Generis use' classification. The

maximum dimensions of the building would measure 55.79m in length, 26.2m in width, and 8.3m in ridge height.

- 1.9 The building would be finished with external clad composite panels coloured merlin and goosewing grey and silver. The pitched roof would comprise goosewing grey profiled composite panels and include 16no. roof lights. An area of potential PV panels is identified either side of the main ridge albeit details of these panels are to be confirmed by the applicant at a later date should they choose to pursue this option. Windows and doors would be double glazed aluminium coloured merlin grey externally. The southern side of the eastern elevation would include 3 no. full height roller shutter doors. The only other fenestration would be at ground floor level around the office/showroom area to the north, east and west elevations.
- 1.10 The proposed building would be orientated to face east (towards Sainsburys) and be located close to the western boundary of the site behind the existing tree belt fronting Kingsway South (to be retained). Adjacent to the unit (to the east), extending along the eastern site boundary with Sainsburys car park would be a large outdoor service and storage yard and service turning area. This yard would extend to the south of the proposed building.
- 1.11 Access to this yard would be taken from the north via the main site access from Eleventh Avenue. This access would include footway connections into the site and also serve a customer parking area to the north of the trade unit building. Customer access into the showroom and offices would be taken from the northern and eastern elevations where adjacent to the customer car parking area, with an external display storage area located immediately adjacent to the eastern entrance. Access to the main body of the trade unit would also be taken from the main service yard to the east.
- 1.12 Beyond the southern boundary of the site is an existing pedestrian/cycle footway which extends the length of the site along Chowdene Bank. Proposals include plans to extend the width of this path north into the site boundary, resulting in a 3m wide foot/cycle way width. A pedestrian link in the south west corner of the site on to the bottom of Chowdene Bank is also proposed. The link would provide a path of approximately 1.5m in width leading directly to the proposed cycle parking area to the south of the building and would be accessible only to members of staff working at the premises, facilitating pedestrian and cycle access from this side of the site instead of requiring users to access via the primary vehicle access to the north. It would utilise an existing gap in the hedge, avoiding the need for removal of any further trees and shrubs.
- 1.13 In terms of site landscaping, existing boundary vegetation would be retained, with a small rain garden provided within soft landscaping to the north of the site. To the south and east, new areas of meadow grass and soft landscaping would be provided.
- 1.14 All site signage would be subject to a separate advertisement consent application.

### 1.15 PLANNING HISTORY

The site was formerly occupied by the offices of the British Coal Area Headquarters until the mid 1980's when the buildings were demolished. The adjacent Sainsbury's supermarket (application refs. 1000/91 and 1217/93) was constructed during the 1990's. Since demolition of the previous offices no planning applications have been approved for development of this site. Planning application ref: DC/18/00378/OUT sought outline consent for 3 drive-thru restaurants with all matters reserved except for access. This application was withdrawn by the applicant in August 2018.

- 1.16 The most recent application concerned the construction of a building for use as Storage and Distribution (B8 Use) or a Builders' Merchant (Sui Generis), with associated hardstanding, parking and landscaping (planning ref: DC/21/01368/FUL). This application was refused by members of the planning committee in October 2022 and the subsequent appeal dismissed in June 2023.

## 2.0 Consultation Responses

Health and Safety Executive	Raise no objections.
National Highways	Raise no objections.
Northern Gas Networks	Raise no objections.
Northumbria Police	Raise no objections but informal advice offered relating to enhanced CCTV around the site, intruder alarms and secure fencing.
Northumbria Water	No comments received.
The Coal Authority	Raise no objections.
Tyne and Wear Fire and Rescue	Raise no objections.

## 3.0 Representations

- 3.1 A site notice to publicise works was posted adjacent to the site and all immediately adjoining properties notified in writing. Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 1no. letter of support has been received from a resident of Low Fell.

## 4.0 Policies

NPPF National Planning Policy Framework



NPPG National Planning Practice Guidance

CS1 Spatial strategy for sustainable growth

CS5 Employment and economic growth priorities

CS6 Employment land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate change

CS17 Flood risk and water management

CS18 Green infrastructure and natural environment

MSGP1 Employment land supply

MSGP2 Key employment areas

MSGP14 Mitigating the impacts of development on the transport network

MSGP15 Transport aspects of design of new development

MSGP17 Residential amenity

MSGP18 Noise

MSGP19 Air quality

MSGP20 Land contamination and land instability

MSGP24 Design quality

MSGP25 Conservation and enhancement of heritage assets

MSGP29 Flood risk management

MSGP30 Water quality and river environments

MSGP32 Maintaining, protecting and enhancing green infrastructure

MSGP36 Woodland, trees and hedgerow

MSGP37 Biodiversity and geodiversity

MSGP48 Waste management facilities in new development

## **5.0 Assessment of the Proposal**

5.1 The resubmitted application seeks to address the 3no. reasons for refusal in respect of planning ref: DC/21/01368/FUL. Having regard to the relevant development plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of the development, transport, impacts on the character and appearance of the surroundings, amenity impacts, ecology and biodiversity, flooding and drainage, 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**

The application proposes the development of a building for use as a builders merchant (Sui Generis) with associated materials storage yard, car parking and landscaping. The site comprises vacant land within the Team Valley employment area, covered under Policy MSGP2. Policies MSGP1 and MSGP2.1 support employment uses within the Team Valley Trading Estate where they fall into the B1, B2 and B8 use classifications. Although the proposed use would fall outside of this classification, MSGP2.1 supports development of other business activities that complement industrial areas in the Team Valley Key Employment Area. The proposed Builders Merchant, although not specifically listed in policy MSGP2.1 is considered to complement the wider industrial use of Team Valley and would therefore accord with this policy.

5.4 The application states that 25no. full time jobs would be created by the development. Although the previously refused submission did specify a lower figure of 15no. jobs, it has been explained by the applicant that the lower figure represents the baseline number which could potentially rise to 25no. in time as the business establishes and matures. It is however noted that staff would work on a shift basis throughout the week, and it is unlikely that more than 10-15no. staff would be present on site at any one point in time. The proposed development would therefore comply with the wider economic aims of policies CS1, CS5 and CS6 by providing new commercial use and promoting economic development and job creation.

## **5.5 TRANSPORT**

The resubmission seeks to address the two transport related reasons for refusal in respect of DC/21/01368/FUL (reasons 2 and 3). The site layout plan has been amended and new information submitted to support the applicant's case.

5.6 *Refusal reason 2*

In respect of condition 2, the Inspector concluded that there was nothing before him to suggest that the traffic generated by the proposed development would have an unacceptable impact on highway safety or that the residual cumulative impact on the road network would be severe. Furthermore, that a reasonable assessment of the parking needs on the basis of the showroom and office area only would be met by 25no. spaces without causing cause harm to highway safety with respect to parking matters.

5.7 With respect current proposals, a total of 33no. on-site car parking spaces are proposed, inclusive of 2no. van parking bays in the service yard. Additionally, 2no. HGV parking/loading/unloading bays are shown in the yard adjacent to a materials storage area. This represents an increase in provision from the previously refused scheme and exceeds that deemed to be acceptable by the Inspector. In this respect, officers are satisfied by the applicants' proposals in respect parking standards.

5.8 In addition, submitted plans detail a section of the cycle route that bounds the southern boundary of the site for a length of approximately 50m to be widened. Widening works would extend north into the application site but would not extend as far eastwards as the Sainsbury's roundabout as originally requested by Officers. Although this reduces the extent of the sustainable travel works to below the minimum level identified by officers during the original planning application/refusal decision, the Inspectors decision is again noted. Here it was confirmed that the proposed development would not in itself lead to a significant increase in the number of people using the cycle path, and therefore the widening of it would not be necessary to make the development acceptable in planning terms, nor would it be fairly or reasonably related in scale and kind to the development. Notwithstanding this, the applicant has shown willingness to improve existing provision in some of the most challenging areas in respect of embankment formation, path widening, and replacement landscaping, promoting sustainable transport choices in accordance with Policy CS13. Together with the other off-set measures and improvements made to the development proposal which include on-site cycle changing and showering facilities for staff (as detailed on plans), and EV parking provision (to be controlled by conditions 21-22), the proposed cycle path improvement works are welcomed by Officers.

5.9 *Refusal reason 3*

During post-refusal discussions with the developer, the internal yard, access and parking arrangements were clarified. Discussions centred around how, subject to control measures, customer HGV movements could be accommodated within the yard area providing the applicant submitted new and detailed information including:

1. HGV turning areas to be clearly identified and marked-out on site in perpetuity/for the lifetime of the development.
2. The yard gates must be open at all times during operational hours.

3. HGV parking bays must be identified within the yard and marked out as such in perpetuity.
  4. Areas for stock and retail display must be clearly defined and positioned clear of turning and parking areas within the yard.
  5. Signage must be placed in advance of the yard access gates indicating customer HGV access only to the yard (with customer cars directed to the main car park).
- 5.10 The majority of the above points are addressed as part of this new application and/or will be conditioned by way of a planning-enforceable conditions. Regarding points 1, 3 and 4, submitted plans detail designated material storage areas within the yard, including the siting of storage racks around the yard perimeter, a service turning area and designated van parking. A dedicated/separate customer HGV turning and parking facility is still not proposed, however, the applicant has clarified arrangements for the operation of the main service yard so as to allow for unhindered customer HGV access, turning and parking. This arrangement will need to be secured by planning condition for the lifetime of the development to ensure that adequate turning space is always retained for both customer and operational HGV's (conditions 17-20).
- 5.11 Regarding point 2, it is confirmed by the applicant that yard access gates would remain open during all operational hours, and again this detail can be controlled by condition (condition 14).
- 5.12 Regarding point 5, clear signage (directing customer HGVs towards the main yard) is not shown on the submitted drawings, although the developer has previously alluded via email discussions to the provision of some form of signage. In view of the concerns previously raised by Officers in relation to customer HGV access, and also by members of the Planning and Development Committee in relation to HGV/customer safety and activity within the service yard, it is recommended that signage details also be controlled by condition. Discharge of this condition could reasonably be requested prior to operation, rather than pre-commencement (conditions 19-20).
- 5.13 *Conclusion*  
The revised site layout has seen substantial revisions including accompanying information which seek to address the relevant refusal reasons of the 2022 planning submission. The applicant has proactively sought to address concerns raised relating to internal site movements and sought to focus on improving access to the site by sustainable modes of travel which would help to offset the traffic impacts of the development in an area known to be traffic sensitive. Officers acknowledge the Planning Inspector's conclusions regarding the absolute need for improved cycleway provision and on-site parking provisions. The end result strikes a balance between policy requirements and end user needs and, overall, is considered to be a good

development. Subject to conditions, proposals would satisfy the policy requirements of CS13 and MSGP14 and MSGP15, and also satisfactory overcome previous refusal reasons 2 and 3 of planning ref: DC/21/01368/FUL.

#### **5.14 IMPACTS ON THE CHARACTER AND APPEARANCE OF THE SURROUNDINGS**

Previous refusal reason 1 concerning the loss of visually important trees and resulting impact of a blank rear elevation along a prominent roadside frontage was a key factor in the Inspector's decision to dismiss the recent appeal. The Inspector concluded that the harm caused by the originally proposed development to the character and appearance of the area would be significant. Consequently, the proposal would fail to accord with the NPPF and Policies CS15, MSGP24 and MSGP36.

- 5.15 The Team Valley Trading Estate is identified on the local list of parks and gardens and is considered to be a non-designated heritage asset in this regard. Its significance is derived from its original 1930's layout which largely remains, landscaped and tree lined streets and art deco, brick buildings, principally St George's House around the central roundabout, which is some distance from this site. The landscaping and tree planting along Kingsway and around the avenues within the estate are a distinct feature of the area, making a positive contribution to its character and visual amenity.
- 5.16 The trees, shrubs and hedging within the application site fall immediately outside the boundary of the locally listed park and garden, which runs along Kingsway to the west and ends to the east side of the footpath abutting the western site boundary. However, whilst not within the locally listed park and garden, the trees, shrubs and hedging on the western and southern site boundaries are viewed as part of the wider landscaping of the estate, particularly in this key gateway location on the southern approach into Team Valley. Officers therefore consider the trees, shrubs and hedging along the western and southern boundaries of the application site to create a distinct and attractive feature of the site and its surroundings and make a significant, positive contribution to the character and visual amenity of the area.
- 5.17 To this extent, the Council previously made a Tree Preservation Order on 25no. trees within the site which were threatened by the originally refused scheme. Although this order has since lapsed, the Planning Inspector in his decision, acknowledged the significance of these trees concluding that they make a valuable contribution to the character and appearance of the area and that their likely life expectancies would not be so short so as to justify their removal to facilitate the proposed development. Furthermore, that the loss of these trees and resulting rear elevation of the proposed building so close to the adjacent highway would place a large mass of mostly unbroken wall very close to the western site boundary. Due to its bulk and positioning, the proposed building would be a visually dominant feature within the street scene. The impact that would arise on the character and appearance of the area from the proposed development would be significant and harmful in two respects; firstly, due to the loss of the trees which make such a positive visual

contribution to the area and, secondly, due to the design and massing of a new building that would be in such close proximity to Kingsway South.

- 5.18 Outside of the appeal process, positive informal discussions have taken place between officers and the applicant to ensure that these trees are retained where possible through re-positioning of the development. A revised proposal has been submitted alongside a detailed landscape strategy that would allow most of the trees to be retained around the site perimeter to maintain the existing character and visual amenity of the area whilst introducing new native trees, hedges, and shrubs to help enhance the existing character and appearance of the site.
- 5.19 Previously the loss of 15no. individual trees along the western boundary with Kingsway, together with the loss of significant areas of trees and shrubs to the western and southern sides of the sites would have opened up the site resulting in significant and transformational adverse impacts on the character and appearance of the site and its surroundings. With the main building now sited behind this retained landscape buffer, officers consider that the applicant has satisfactorily addressed the earlier arboricultural issues which influenced refusal reason 1 and subsequent Planning Inspector considerations. Subject to the implementation of the submitted Landscape Strategy, Tree Protection Plan and Arboricultural Method Statement Recommendations, such treatment would positively address previous concerns regarding the perceived adverse impact on Kingsway South by protecting the strong 'green' character of this important and prominent route.
- 5.20 The Council has also decided that it is no longer expedient to re-make the TPO, as there is a commitment from the developer to retain tree cover in this important location.
- 5.21 With regards design, the proposed building remains of typical industrial appearance, finished externally in cladded composite panels with a profiled sheet roof. It is of large scale and massing, measuring 55.79m in length, 26.2m in width, and 8.29m to maximum ridge height (7.13m to eaves). Other than use of different coloured cladded panels, windows and doors there are no architectural features to break up the massing and appearance of the building. The rear (western) elevation of the building which is largely blank containing only 3no. small windows would face onto Kingsway South.
- 5.22 Officers accept that this building is located within an industrial setting, where land is allocated for employment use in the Local Plan. Adjacent buildings are not of any particular aesthetic merit and within this context the proposed building would generally correspond to the industrial and commercial character of adjacent buildings.
- 5.23 *Conclusion*  
The applicant has sought to address refusal reason 1. The key difference between the current submission and its predecessor are that the revised siting of the building sees the retention of important boundary screening which would make the physical appearance of the building less prominent than

previously proposed. The retention of this boundary treatment would ensure the development remains well screened, whilst ensuring the large, blank elevations of the structure are less prominent from key vantage points.

- 5.24 The only outstanding issue not resolved from previous concerns the visibility of the roofscape from the A1 (which is elevated at the nearby Coal House intersection), and the previously suggested idea for a green roof. However, given the additional structural measures required to support a green roof on a building of this type and size, officers appreciate this is not a feasible solution in this instance. Additionally, the greater amount of planting now proposed together with the retention of almost all of the existing vegetation on the site, will reduce the visual impact of this roof from the A1 to point where such a design is no longer considered a necessity.
- 5.25 Officers are able to support this latest design. The current proposals would be seen to respond well to local character and distinctiveness, satisfying policies MSGP24, MSGP32 and MSGP36, CS15 and Part 12 of the NPPF.

**5.26 AMENITY OF THE CLOSEST RESIDENTS AND OCCUPIERS**

The closest residential properties to the site are located some 375m to the southwest at Lady Park and 420m to the east at the top end of Chowdene Bank. Existing industrial units and primary transportation routes (the A1 and East Cost Main Line) lie on intervening land. Given the nature of the proposals and surrounding land uses, whilst being located on an established industrial estate, it is not considered the proposals would result in a significant and detrimental impact on the amenity of residents living in these areas above the existing environmental conditions.

- 5.27 Development of the site would be subject to a Construction Management Plan (CMP), with details to be controlled by condition in the interests of amenity (conditions 4-5).
- 5.28 Regarding waste management, a bin storage area capable of accommodating 2no. 1100L secured storage bins within a partially enclosed area would be provided to the southern side of the building. Submitted plans also confirm additional storage space within the service yard for skips if required, whilst providing for easy access, manoeuvring and turning of refuse collection vehicles. As such waste management facilities at the site are considered to be acceptable and would accord with policy MSGP48.
- 5.29 Given the nature of the end use and creation of an external storage area, concerns may also be raised over the potential for the transfer of loose materials from this yard to blow across adjacent roads and into Sainsbury's car park. The applicant has advised that only heavy, bulky building materials would be stored in the yard and as such it is considered unlikely that there would be transfer of material into adjacent areas.
- 5.30 Having regard to the above it is not considered the proposal would result in any adverse impacts to the amenity of the closest residents or users of adjacent premises, in accordance with policies CS14, MSGP17 and MSGP18

and parts 12 and 15 of the NPPF. Meanwhile, the site is not located within an Air Quality Management Area or Clean Air Zone and the levels of traffic that would be generated would not trigger the need for submission of an air quality assessment. Given the context of the site and the nature of the proposals, it is not considered the development would have any adverse impacts on air quality in accordance with policy MSGP19.

### **5.31 ECOLOGY AND BIODIVERSITY**

The proposed development site is not located within or immediately adjacent to a designated nature conservation site or Wildlife Corridor, and no significant adverse impacts on such features are anticipated. As previously considered, the site supports an extensive area of Open Mosaic Habitats on Previously Developed Land (a Habitat of principal importance as defined in relevant legislation and Durham Biodiversity Action Plan priority habitat), along with smaller areas of mixed scrubs, amenity tree and shrub planting (woodland) and hedgerow.

5.32 The application is submitted alongside up to date Biodiversity Net Gain calculations. Using the DEFRA Metric assessment, it has been calculated that despite some proposed new planting, and the retention/enhancement of onsite habitats, the development would result in a residual net loss of -6.77 habitat units. In order to be policy compliant, a 1% Biodiversity Net Gain is to be sought. Maintaining a consistent approach to the previous submission, officers consider that such loss can be mitigated through securing a payment of £102,858 to provide off-site biodiversity enhancements. This would include the provision of off-site habitat for dingy skipper butterfly, a priority species. The applicant has agreed to this amount, to be secured by a s106 agreement.

5.33 In addition, conditions would be required to agree and secure implementation of a Construction Ecological Management Plan (CEMP), landscape and ecological design strategy, landscape and ecological management plan and ecologically sensitive lighting design strategy (conditions 41-48). These conditions are required to minimise impacts to mammals, birds and invertebrates using the site during construction works, agree precise details of planting to provide habitat units on site and secure their management for at least 30 years and ensure lighting is appropriate to species using areas on and around the site.

5.34 Subject to the above, including a s106 agreement to secure the necessary off-site biodiversity contributions, officers consider the proposals would not have a significant adverse impact on ecology and biodiversity, in accordance with policy MSGP37 and paragraphs 174(d) and 180(a) of Part 15 of the NPPF.

### **5.35 FLOODING AND DRAINAGE**

The application site comprises previously developed scrubland. In addition to the physical structure, the development proposes a large hard surfaced yard area occupying the central and eastern parts of the site, which would be constructed from impermeable materials. Parking bays within the car park would also be constructed in permeable materials.



- 5.36 The site is situated at the bottom of the river valley, with the River Team running beneath the central reservation of Kingsway approximately 15m to the west. Land rises upwards from the east of the site up Chowdene Bank towards Low Fell. The site is wholly located in flood zone 1, with extents of flood zones 2 and 3 located adjacent to the site (associated with the river Team which runs along the western boundary of the site). Additionally, there are areas of low and a larger area of medium flood risk from surface water sources within the site. The effects of climate change over the lifetime of the development may increase the extents of such flooding.
- 5.37 The flood risk and drainage information accompanying the application (Flood Risk Statement and Drainage Strategy, Jasper Kerr, JK-6534, rev 6, Mar 2023) is an update to that submitted in support of previous application ref: DC/21/01368/FUL. The report confirms that flood risk will not increase as a result of development and that the proposed development is appropriate and sustainable in the terms as set out in NPPF.
- 5.38 Meanwhile, a suitable drainage strategy for the proposed development has been identified. The site is currently served by public sewers for both surface water and wastewater, however only a short section of surface water sewer is utilised prior to outfall to the nearby River Teams. Water quality is addressed by the provision of SuDS paving, the proposed raingarden to the north of the site and proposed defender units. Wastewater utilises existing infrastructure from prior development and no restriction is necessary to utilise public sewer infrastructure.
- 5.39 The principles of the accompanying report are therefore accepted subject to suggested conditions that the proposed drainage strategy is suitable given the extent of the developable area, mitigating for off-site run off and the effects of climate change (conditions 27-36). The updated drainage information demonstrates that adequate drainage could be provided to ensure the development is not at risk of flooding and would not worsen off site flooding, in accordance with policies CS16, CS17, MSGP29 and MSGP30 and Part 14 of the NPPF.

#### **5.40 GROUND CONDITIONS**

- The site is situated on land formerly occupied by previously demolished buildings and may be subject to contamination from its former uses. A Phase 2 Ground Investigation Report (September 2021) has been submitted as part of the application confirming no contamination on the site, other than 3 areas containing asbestos. As such it would be necessary for a remediation strategy to be prepared and a subsequent verification report confirming remediation has been carried out in accordance with the agreed strategy. These matters could be subject to planning conditions, together with a further condition requiring the treatment any unexpected contamination found (conditions 37-40).
- 5.41 The site is situated within a Coalfield Development Low Risk Area and as such it is not anticipated there are any coal mining legacy features within the

site that may affect its stability. The Coal Authority have been consulted and raise no objections.

- 5.42 Subject to recommended conditions relating to land contamination, the development is considered to comply with the requirements of Policies CS14, MSGP20 and Part 15 of the NPPF.

#### **5.43 COMMUNITY INFRASTRUCTURE LEVY**

On 1 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 and would fall within the category of 'All Other Development'. The development is located within a charging zone with a levy of £0 per square metre for this type of development and as such there is no CIL to be paid.

### **6.0 CONCLUSION**

- 6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up to date development plan comprising the Core Strategy and Urban Core Plan and Making Spaces for Growing Places. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.
- 6.2 It is acknowledged that the site is allocated for employment uses and it is also considered the proposed builders' merchant would be complimentary to the wider employment use of the surrounding area, promoting job creation and investment to the Team Valley Trading Estate.
- 6.3 The applicant has sought to address the 3no. previous reasons for refusal and officers acknowledge the Planning Inspector's considerations in dismissing the subsequent planning appeal. When appropriately controlled by condition, current proposals would now result in a good development offering notable benefits to sustainable travel, ecology, highway safety and visual impact. In light of a notable lack of objections, and with particular consideration given to the principle of the development in this location, impact on surrounding character and uses, transport impacts, ecology and biodiversity, flood risk and drainage, ground conditions and waste, proposals would satisfy the provisions of the NPPF, and all relevant local plan policies. It is therefore recommended that planning permission be granted subject to a S106 Agreement being signed and the following conditions below.

### **7.0 Recommendation**

**GRANT SUBJECT TO A SECTION 106 AGREEMENT**

- 1) The agreement shall include the following obligations:

The applicant must make a financial contribution £102,858 in full to the Council. This contribution will be used on land designated by the Council to create and/or improve and habitats. The contribution also covers management of the delivered habitat units for a minimum of 30 years.

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

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

PL(0)101 (Location Plan)  
PL(0)103 (Proposed site plan)  
PL(0)104 (External works details)  
PL(0)105 (Proposed ground floor plan)  
PL(0)106 (Proposed first floor plan)  
PL(0)107(Proposed roof plan)  
PL(0)108 (Typical section A-A)  
PL(0)109 (Proposed elevations – Sheet 1)  
PL(0)110 (Proposed elevations – Sheet 2)  
PL(0)111 (Existing and proposed site section 1-1)  
PL(0)112 (Existing and proposed site section 2-2)  
1356\_100 rev E (Landscape strategy)

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

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

2

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

Reason

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

3

No development hereby approved shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:

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

#### Reason

In order to avoid nuisance to adjacent uses during the construction phase of the development, and to ensure safe works near to a busy highway network in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP18 of the Gateshead Local Plan.

#### Pre-commencement reason

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

4

The development hereby approved shall be implemented wholly in accordance with the CMP measures approved under condition 3 at all times during construction.

#### Reason

In order to avoid nuisance to adjacent uses during the construction phase of the development, and to ensure safe works near to a busy highway network in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP18 of the Gateshead Local Plan.

5

All works and ancillary operations in connection with site preparation works and the construction of the new development, including deliveries to the site shall be carried out only between 0700 hours and 1900 hours Monday to Friday, between 0800 hours and 1700 hours Saturday and at no time on Sundays or Bank Holidays unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of adjacent uses in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP18 of the Gateshead Local Plan.

6

The development hereby permitted shall be constructed entirely of the materials detailed in the submitted application as confirmed on the following approved plans:

PL(0)107(Proposed roof plan)

PL(0)109 (Proposed elevations – Sheet 1)

PL(0)110 (Proposed elevations – Sheet 2)

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 Gateshead Local Plan.

7

Unless otherwise approved in writing by the Local Planning Authority, the development hereby approved shall be implemented in full accordance with the submitted Arboricultural Impact Assessment Report (AIA) and Arboricultural Method Statement (AMS), Land adjacent to Eleventh Avenue, Team Valley, 16 March 2023 as confirmed under condition 1 of this approval, at all times during construction and until final completion of the development.

Reason

To ensure the development would not have an unacceptable impact on trees, in accordance with policies CS18 and MSGP36 of the Gateshead Local Plan.

8

Prior to the opening of the development to the public, a Travel Plan (conforming to National Specification for Workplace Travel Plans) comprising immediate, continuing or long-term measures to promote and encourage alternatives to single occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the lifetime of the development and timescales for implementation. The approved travel plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

Reason

To reduce reliance on the private motor car and to encourage sustainable travel in accordance with the NPPF and policy CS13 of the Gateshead Local Plan.

9

Evidence of the implementation of the approved Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details, or any changes made under the review process.

Reason

To reduce reliance on the private motor car and to encourage sustainable travel in accordance with the NPPF and policy CS13 of the Gateshead Local Plan.

10

Prior to opening the development to the public, the pedestrian visibility splay at the Eleventh Avenue site access and the 3m wide gated link into the site that physically joins the footpath on Chowdene Bank, shall be laid out in accordance with approved plan ref PL(01)103 and retained for the lifetime of the development. At no time shall this visibility splay be obstructed nor shall the footpath link to Chowdene Bank be unavailable for staff use.

Reason

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

11

Prior to the opening of the development to the public, details of a yellow-hatched box junction (or direct equivalent) at the Eleventh Avenue site access shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the free movement of traffic along Eleventh Avenue and avoid the backing up of vehicles to Kingsway South, in the interests of highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Gateshead Local Plan.

12

Prior to the opening of the development to the public, the yellow hatched box junction approved under condition 11 shall be implemented in accordance with the approved details and maintained for the lifetime of the development.

Reason

To ensure the free movement of traffic along Eleventh Avenue and avoid the backing up of vehicles to Kingsway South, in the interests of highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Gateshead Local Plan.

13

The vehicular access gates into the service yard as shown on approved plans shall remain open during all trading hours of the premises.

Reason

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

14

Prior to the opening of the development to the public, all on-site vehicular parking including customer, cycle/motorcycle, HGV and van parking shall be laid out and made available in accordance with the approved details shown on approved plan ref: PL(0)103, and maintained thereafter for the lifetime of the development.

Reason

In the interests of highway and public safety in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Gateshead Local Plan.

15

The on-site showering and changing facilities for staff, detailed on the approved drawings shall be made available prior to the opening of the development to the public and thereafter retained for use for the lifetime of the development.

Reason

To promote and support sustainable travel to the site in accordance with Policies MSGP15, CS13 of the Gateshead Local Plan, and Part 9 of the NPPF.

16

The service yard access and service turning area as shown hatched on approved plan ref: PL(0)103 (Proposed site plan) shall remain free of stock/storage or other obstructions at all times.

Reason

In the interests of safe and efficient operation of the site in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Gateshead Local Plan.

17

Prior to the opening of the development to the public, final details of signage directing customer HGVs to the service yard shall be submitted to and approved in writing by the Local Planning Authority. Signage must be placed in advance of the yard access gates indicating customer HGV access only to the yard (with customer cars directed to the main car park).

Reason

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

18

The signage approved under condition 17 shall be implemented in accordance with the approved details prior to the opening of the development to the public and thereafter maintained 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 Gateshead Local Plan.

19

Prior to the opening of the development to the public, details of on-site EV parking provision and associated charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

20

Details approved under condition 19 shall be implemented in full accordance with approved documentation prior to the opening of the development to the public and thereafter maintained for the lifetime of the development.

Reason

In accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

21

Prior to the opening of the development to the public, the proposed vehicular highway access arrangement to Eleventh Avenue shall be constructed and implemented in accordance with the approved plans.

Reason

To promote and support safe access to the site in accordance with Policies CS13 and MSGP15 of the Gateshead Local Plan, and Part 9 of the NPPF.

22

Prior to the commencement of any works in relation to the widening of the footpath along the boundary with Chowdene Bank, as shown on approved plan ref PL(0)103, the specification of works, timetable and materials to be used shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote and support sustainable travel and safe access to the site in accordance with Policies CS13 and MSGP15 of the Gateshead Local Plan, and Part 9 of the NPPF.

23



The works approved under condition 22 shall be implemented in accordance with the approved details.

Reason

To promote and support sustainable travel and safe access to the site in accordance with Policies CS13 and MSGP15 of the Gateshead Local Plan, and Part 9 of the NPPF.

24

Prior the opening of the development to the public, the proposed bin storage as shown on plan refs: PL(0)103 and PL(0)104 shall be made available in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason

To ensure adequate provision is made for the storage of waste and in the interests of visual amenity in accordance with the NPPF and policies CS14 and MSGP15 of the Gateshead Local Plan.

25

Prior to the opening of the development to the public, flood resilience details shall be submitted to, and approved in writing by the Local Planning Authority, together with a flood response plan in consideration of a flood horizon of 600mm above finished floor level.

Reason

To demonstrate that the proposed development will be appropriately flood resilient for its lifetime in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

26

The flood resilience measures, and flood response plan approved under condition 25 shall be implemented in full and thereafter retained and maintained throughout the lifetime of the development.

Reason

To demonstrate that the proposed development will be appropriately flood resilient for its lifetime in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

27

Prior to commencement of the development hereby approved, a final detailed drainage scheme following the principles set out in the submitted "Flood Risk Statement and Drainage Strategy" shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include but not be limited to a final drainage plan and supporting drainage calculations (in pdf and MDX format), full construction details and specifications with site specific cross sections through all key drainage components (attenuation tank, flow control, downstream defender, permeable paving and raingarden). The effect of a submerged outfall shall be included in the drainage design.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

Pre-commencement reason

To demonstrate that the proposed development will be appropriately flood resilient for its lifetime before construction works start.

28

The drainage details approved under condition 27 shall be implemented in full and thereafter retained and maintained throughout the lifetime of the development.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

29

Prior to first occupation of the development hereby approved, a Drainage Maintenance Plan (DMP) shall be submitted to and approved in writing 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 ensure that the drainage scheme operates at its full potential throughout the development's lifetime in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

30

The DMP details approved under condition 29 shall be implemented in full and thereafter retained and maintained throughout the lifetime of the development.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

31

Prior to commencement of development a Drainage Construction Management Plan (DCMP) detailing how surface water runoff will be safely managed on site during all phases of construction is to be submitted for approval prior to commencement. The DCMP shall confirm the construction sequence for the proposed drainage system and all necessary measures

needed to protect drainage assets during construction. The DCMP shall include the method of construction for foul water drainage pipes and chamber shown to be located in a tree root protection area.

Reason

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or to adversely affect the permanent drainage system for the development.

Pre-commencement reason

To demonstrate that the proposed development will be appropriately flood resilient for its lifetime before construction works start.

32

The DCMP approved under condition 31 shall be implemented in full throughout the construction phase of the development.

Reason

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or to adversely affect the permanent drainage system for the development.

33

Prior to commencement of the development hereby approved, the final surface water discharge rate shall be submitted to and approved in writing by the Local Planning Authority.

Reason

As required by the Water Authority and to prevent the increased risk of flooding from any sources in accordance with the NPPF.

Pre-commencement reason

To demonstrate that the proposed development will be appropriately flood resilient for its lifetime before construction works start.

34

The Surface Water Discharge Rate approved under condition 33 shall be adhered to for the lifetime of the development.

Reason

As required by the Water Authority and to prevent the increased risk of flooding from any sources in accordance with the NPPF.

35

Prior to the commencement of the development hereby approved, a remediation strategy to address the risk of asbestos, and a Asbestos Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Information to be submitted shall include a timetable for

implementation of any remedial measures, detailing the safety measures and controls to be implemented during the construction phase. The developer / main contractor should make an allowance for asbestos awareness training and reference should be made to the 2016 CL:AIRE guidance 'Control of Asbestos Regulations 2012; Interpretation for managing and working with asbestos in soil and construction and demolition. These precautions should include suitable PPE (typically dust masks, disposal overalls, etc.), the dampening down of the made ground during any excavations to prevent windblown particles / fibres from becoming airborne (especially during dry periods), and any excavations left open for long periods of time being suitably covered to prevent windblown particles / fibres escaping from open excavations, so as to provide protection for workers and adjacent site users.

#### Reason

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

#### Pre-commencement reason

To demonstrate that the proposed development will be appropriately mitigated against contaminated ground and asbestos before construction works start.

36

The remediation measures approved under condition 35 shall be implemented wholly in accordance with the approved remediation and validated by a suitably qualified Geo-Environmental engineer, and in accordance with the approved timetable and maintained for the life of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

#### Reason

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

37

Following completion of the remediation measures approved under conditions 35-36, if required, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to the opening of the development to the public. The report must demonstrate that the necessary remediation works have been carried out satisfactorily and remediation targets have been achieved. The Post Remediation Verification Report should provide a summary of remedial works carried out together with relevant documentary evidence and

post remediation test results. The verification report should provide confirmation that all measures outlined in the approved remediation statement have been successfully completed, including where appropriate, validation testing.

#### Reason

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

38

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

#### Reason

To ensure that risks from land contamination 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 off-site receptors, in accordance with the NPPF and Policies CS14 and MSGP20 of the Gateshead Local Plan.

39

No development shall take place (including ground works, vegetation/site clearance) 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 "biodiversity protection zones" e.g., tree 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, retained trees to be

protected in accordance with British Standard BS 5873 2012.  
Trees in Relation to 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) Responsible persons and lines of communication.
- (f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (g) Use of protective fences, exclusion barriers and warning signs where required.

**Reason**

To avoid/minimise adverse impacts on biodiversity in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

**Pre-commencement reason**

To ensure an appropriate management plan is in place before construction works start.

40

The details approved under condition 39 shall be implemented at all times during construction.

**Reason**

To avoid/minimise adverse impacts on biodiversity in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

41

No development shall take place (including ground works, vegetation/site clearance) until full details of the landscaping/habitats to be retained/enhanced and created on site (as detailed in the Landscape Strategy Plan, ref 1356\_100 Rev E), along with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure the development achieves an acceptable balance between the built development, green infrastructure (incl. biodiversity), visual and public amenity in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

**Pre-commencement reason**

To ensure an appropriate management plan is in place before construction works start.

42

The details approved under condition 41 shall be implemented in the first available planting season following the commencement of site works. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

To ensure the development achieves an acceptable balance between the built development, green infrastructure (incl. biodiversity), visual and public amenity in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

43

No development shall take place (including ground works, vegetation/site clearance) until a Landscape and Ecological Management Plan for the areas of soft landscaping/ecological habitat to be maintained for a period of no less than 30 years following completion of the development where such areas contribute to the on-site post enhancement biodiversity value of the site identified in the updated BNG metric has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the areas of landscaping/ecological habitat are appropriately maintained so that they are visually acceptable and provide the approved number of onsite post enhancement biodiversity units for a minimum period of 30 years in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

Pre-commencement reason

To ensure an appropriate management plan is in place before construction works start.

44

The landscaping and ecological areas approved under condition 43 shall be maintained in accordance with the approved details for a minimum 30 years.

Reason

To ensure the areas of landscaping/ecological habitat are appropriately maintained so that they are visually acceptable and provide the approved number of onsite post enhancement biodiversity units for a minimum period of 30 years in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

45

Prior to the installation of any new external lighting associated with the development, a lighting design strategy, lighting contour plan(s) and full specifications, shall be submitted to and approved in writing by the Local Planning Authority.

**Reason**

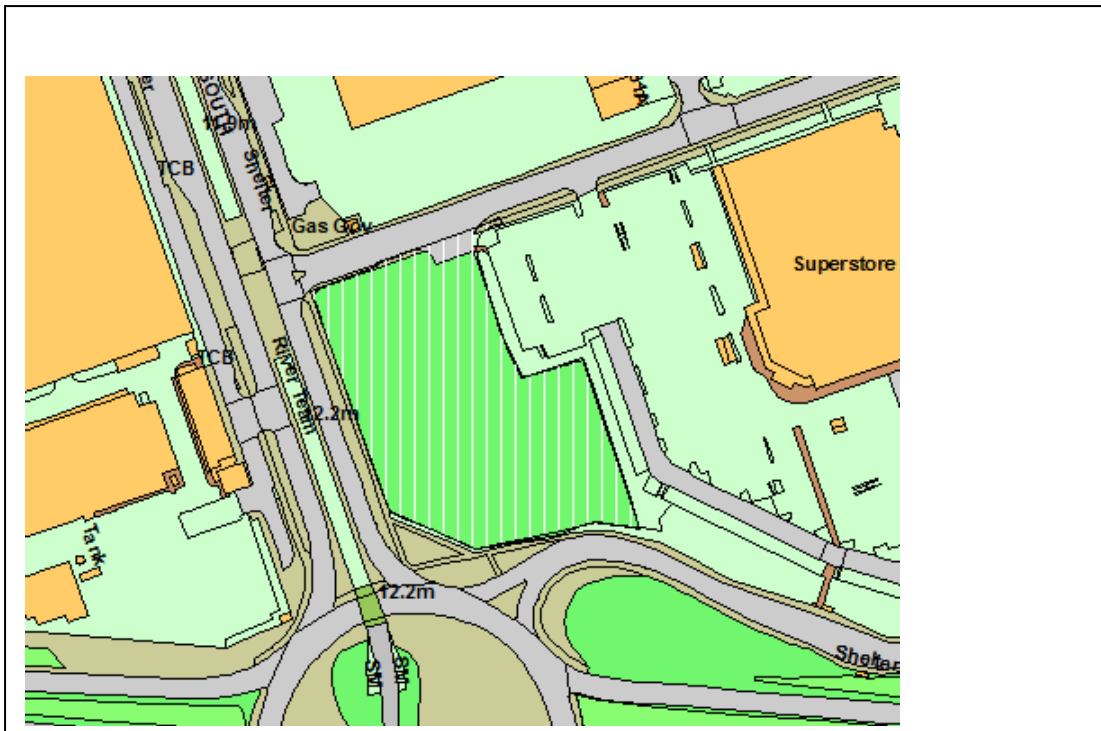
To ensure the development achieves an acceptable balance between the development and maintaining the ecological value and function of retained/new habitats on site in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

46

The lighting design strategy approved under condition 45 shall be implemented and maintained in accordance with the approved details. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

**Reason**

To ensure the development achieves an acceptable balance between the development and maintaining the ecological value and function of retained/new habitats on site in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.



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**Committee Report**

<b>Application No:</b>	<b>DC/23/00437/FUL</b>
<b>Applicant</b>	<b>Steven Carr</b>
<b>Date Application Valid</b>	<b>25 May 2023</b>
<b>Site:</b>	<b>Former Parkdale Press Premises Clavering Road Whickham NE16 3BX</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Proposal:</b>	<b>Erection of 4-storey apartment block comprising of 8no. 2 bed units in a single block (resubmission).</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO A SECTION 106 AGREEMENT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application site is a vacant and undeveloped piece of land within Swalwell, located within a predominantly residential neighbourhood. It is positioned on Swalwell Bank, at the junction with Clavering Road. Previously, there was a metal clad building on the western portion of the site, which housed a print works. However, this structure was demolished several years ago.

1.2 To the north and east, there is a Barratts housing development called Rosebud Close, consisting of a mixture of two-story and three-story residential properties. To the south of the site, there are traditional two-story semi-detached houses on Clavering Road. Towards the west of the site, off Quality Row Road, there are some commercial premises that are either two-story or single-story.

1.3 The site currently has a wide vehicle access point from Clavering Road. The land levels in the area generally slope from south to north, and the site itself also follows this slope. A portion of the western side of the site is currently flat, as it corresponds to the location where the previous print works building was situated.

1.4 Regarding the boundaries of the site, the northern boundary is formed by the side elevation of the adjacent three-story housing development, along with a low-level brick wall topped with timber fencing. This low-level wall and fencing continue along the eastern boundary. However, there is no boundary treatment along the southern boundary, which faces Clavering Road and is open. Along the western boundary, there is a retaining brick wall that steps down to accommodate the change in land levels.

1.5 The application is not allocated for any purpose within the Local Plan.

## 1.6 DESCRIPTION OF THE APPLICATION

The proposed application involves the construction of a four-story apartment block on the western section of the site. This building would accommodate eight two-bedroom flats.

1.7 The eastern part of the site would be utilised for car parking, cycle parking, and a communal enclosed bin storage area. The existing access point from Clavering Road would be utilised for servicing the car parking, cycle parking, and refuse storage and collection area.

1.8 The applicant has submitted several documents in support of the application, including:

- Design and Access Statement: This document provides information on the proposed design and accessibility aspects of the project.
- Coal Mining Risk Assessment: This assessment evaluates the potential risks associated with coal mining in the area and provides recommendations for mitigating those risks.
- Ground Investigation Documents: These documents present the results of the site's ground investigation, which includes surveys and assessments of the soil and geological conditions.
- Ecological Assessment (including Biodiversity Net Gains Assessment): This assessment evaluates the ecological impact of the proposed development, including its effect on biodiversity. It also includes an assessment of the potential net gains in biodiversity resulting from the project.

1.9 These documents support the application by providing important information and assessments related to the design, accessibility, potential risks, ground conditions, and ecological impact of the proposed development.

## 1.10 PLANNING HISTORY

The planning history of the site is summarised as follows;

- DC/04/00126/OUT; Outline planning permission granted for 'Demolition of existing industrial building and construction of 4 storey apartment block to provide 8 x 2 bed units (Amended 10 March and 21 April 2004).' Date; 20 May 2004.
- DC/07/00426/OUT; Outline application for 'Erection of 5-storey block to provide 9 apartments (use class C3), to include 1 roof space apartment' withdrawn. Date; 08 June 2007.
- DC/07/00705/REM; Reserve matters approved granted for 'Reserved matters application pursuant to DC/04/00126/OUT dated 20th May 2004.' Date; 19 July 2007.
- DC/07/00787/FUL; Planning permission granted for 'Variation of condition 1 of planning permission DC/04/00126/OUT to allow erection of 4-storey apartment block to provide 8 x 2 bed units with amendments

to allow changes to external elevation of apartment block and changes to car park layout.' Date; 31 July 2007.

- DC/13/00400/FUL; Planning application for 'Erection of five-storey apartment block comprising 9 x 2 bed units (use class C3)' withdrawn. Date; 02 July 2013.
- DC/14/00173/FUL; Planning permission granted for 'Erection of 4-storey apartment block comprising 8 x 2 bed units (revised application) (amended 13/05/14).' Date; 26 June 2014.
- DC/17/00774/FUL; Planning permission granted for 'Erection of four storey apartment block comprising of 8 no. 2 bed units in a single block (amended 12/09/17).' Date; 26 September 2017.
- DC/22/01137/FUL; Planning application for 'Erection of 4-storey apartment block comprising of 8no. 2 bed units in a single block (amended/additional information received 28/02/23)' withdrawn. Date; 07 April 2023.

## **2.0 Consultation Responses:**

Coal Authority

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. A site notice was also carried out.

3.2 A total of nine objections have been received, the letters are summarised as follows;

- The building is too high.
- There is inadequate parking for the number of flats proposed.
- Bin provision is located near existing properties.
- The development would result in overlooking.
- The development would create additional traffic.
- The construction phase would create noise and disturbance.
- The land in question is currently used for parking, which will be displaced.
- The proposed development would result in a loss of light.

## **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

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

## **5.0 Assessment:**

- 5.1 The main planning issues to be considered include the following: the suitability of developing this site for housing, the acceptability of the proposed design and its impact on the character and appearance of the area, the impact on residential amenity, the impact on highways and parking, ecology, drainage, land conditions, and any other emerging issues.
- 5.2 **PRINCIPLE OF THE DEVELOPMENT**  
The site is not allocated for any specific purpose in the Local Plan for Gateshead and is therefore to be determined on the basis of its own merits.
- 5.3 **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 proposed development would not help to meet the above target. However, it is acknowledged that the target is Plan-wide and for the duration of the Plan period, and is not a requirement for every site, especially small sites. The applicant has suggested that the inclusion of any

three-bedroom homes would be unviable. Therefore, the layout would not conflict with policy CS11(1).

#### 5.4 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 also comply with the requirements of Policy CS11(4) and MSGP12.

#### 5.5 DESIGN ISSUES

Planning permission has been granted four times for the construction of a four-story apartment block, and the current proposal closely aligns with these previous approvals. However, the applicant has chosen to make some modifications after the last approval (DC/17/00774/FUL), resulting in a one metre decrease in the overall building height.

5.6 The proposed apartment block has a ridge height of 12 meters and an eaves height of 8.37 meters. Compared to the adjacent three-story apartment block to the north, the proposal would be 2.97 meters higher at the ridge level, due to variations in land levels. Additionally, it would be 1.84 meters higher than the neighbouring two-story property to the west at ridge height.

5.7 Regarding the materials, the proposed apartment building incorporates a combination of brickwork and off-white rendered panels.

5.8 It is considered that the scale, design, and materials of the scheme would not be incongruous with the surrounding residential properties in the area. Furthermore, the precise details of the materials can be regulated through planning conditions (Conditions 3 and 4).

5.9 Although a landscaping proposal has been included in the planning application, it is suggested that the specific details of the planting scheme be controlled through a planning condition (Conditions 5 and 6).

5.10 Subject to the above condition it is considered that the proposed development accords with the aims and objectives of the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

#### 5.11 RESIDENTIAL AMENITY

The nearest existing houses to the application site are located east along Rosebud Close and Clavering Road. The distances between the proposed apartment block and the houses on Rosebud Close range from 28.1 to 28.5 meters. Additionally, the distances from the proposed apartment building to the gardens of properties on Rosebud Close range from 22 to 24 meters. Furthermore, the proposed apartment building would be situated approximately 27.1 meters from the nearest residential property on Clavering Road to the south.

- 5.12 Furthermore, since the proposed apartment building would have a gable-to-gable arrangement with the existing three-story apartment block to the north, as such it is considered that there would be no detrimental impact on residential amenity.
- 5.13 Greater separation distances are afforded between the proposed apartment building and the other surrounding houses. Therefore, it is considered that any potential impact on the living conditions of neighbouring residents, in regard to loss of light, overshadowing, loss of privacy/overlooking, and overbearing effects, would be minimal.
- 5.14 During the construction phase, there may be some noise and disturbance for local residents. To address this, the need for a construction management plan (CMP) can be a condition of the planning approval (Conditions 7 and 8).
- 5.15 In conclusion, the officers are of the opinion that, subject to the recommended conditions, the proposed development would not negatively affect the living conditions of adjacent residential properties or future occupants. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, and Policies CS14 and MSGP17 of the Local Plan.
- 5.16 HIGHWAY ISSUES  
The site benefits from its sustainable location, with bus stops conveniently situated adjacent to the site and on Swalwell Bank. Additionally, within a 400-meter walk, there are various shops and services, including a small supermarket. It is expected that the proposed development would not significantly impact the functioning of the local highway network. Further, the proposed development proposes an appropriate level of car parking in accordance with the Council's parking policy.
- 5.17 However, it is recommended that several conditions be imposed on the proposal:
- Following the latest approval, local planning policy now requires the inclusion of electric vehicle charging bays within new residential development. At least 4% of the total parking provision should be allocated for electric vehicle charging, while passive infrastructure should be implemented for the remaining spaces to allow for future use (Conditions 9 and 10).
  - The provision and specifications for cycle parking, currently shown in the northeast corner of the car park, are unclear. Final details of resident and visitor cycle parking is required (Conditions 11 and 12).
  - Works on the highway, including the creation of a new kerbed access, modification of the footway, and installation of tactile paving, are required (Conditions 13 and 14).
- 5.18 Subject to the above conditions, the proposal would comply with the aims and requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.

#### 5.19 FLOOD RISK

The application site falls within Flood Zone 1, indicating a low flood risk on-site. Flood mapping from Gateshead Council and the Environment Agency reveals the presence of surface water flow routes along Clavering Road.

5.20 According to CS17:1ii, it is imperative to manage flood risk in new developments to ensure there is no increase in risk on-site or elsewhere. The construction of the apartment block, in addition to retaining existing hard standing for car parking, will result in an increase in impermeable surface area. Combined with the site's topography, this could lead to an escalation of surface water within the site, flowing towards the rear of Rosebud Close at the northern boundary.

5.21 The proposal fails to provide evidence of how Sustainable Drainage Systems (SuDs) have been considered and incorporated into the flood risk management strategy on-site. Therefore, it is necessary to impose conditions that require the final details, implementation, and maintenance of any drainage features within the site (Conditions 15 - 18).

5.22 Subject to the conditions set out above, it is considered that the proposal would comply with the aims and requirements of the NPPF and Policies CS17 and MSGP29 of the Local Plan for Gateshead.

#### 5.23 ECOLOGY

The Biodiversity Net Gain (BNG) assessment provided states that the proposed development will lead to the loss of all existing habitats and features on-site. The current habitats have been evaluated to provide 0.1330 habitat units. The ecology report acknowledges the limited opportunity to replace suitable habitat on-site, particularly for the dingy skipper butterfly, after development. Instead, the proposed post-development habitats and landscaping on-site will consist of amenity grassland, tree and shrub planting, without contributing to biodiversity net gain.

5.24 Following the mitigation hierarchy, the submitted report proposes achieving a 10% net gain through the provision of 0.2320 habitat units to be delivered off-site by the Council. The cost per habitat unit is £15,000, resulting in a recommended developer contribution of £3,828.00.

5.25 The applicant has agreed to the contribution, and this can be secured through Section 106 agreement. The off-site net gain measures, which involve habitat creation and/or enhancement, will be implemented on land identified by the Council and will also aim to provide improved opportunities for invertebrates, including the dingy skipper butterfly.

5.26 In addition, planning conditions are recommended to further mitigate any potential harm to biodiversity, specifically protected and priority/notable species, arising from the development and ensure the implementation and future maintenance of an acceptable landscaping scheme:

- Breeding Birds (Conditions 19)
- Hedgehog protection (Condition 20)

- Landscaping (Conditions 5 and 6)

5.27 On the basis of the above, the proposal would comply with the aims and requirements of the NPPF and Policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

5.28 **CONTAMINATED LAND**

Considering historical maps and previous assessments, the risk of contamination in the made ground that could affect the development is deemed low. The applicant has provided sufficient information, including a satisfactory intrusive site investigation/Phase II Detailed Risk Assessment, which concludes that no specific remedial measures are necessary. However, it is necessary to impose conditions regarding previously unidentified contamination (Conditions 21 and 22).

5.29 **LAND STABILITY**

The site falls within a Coal Authority-defined "Development High Risk Area" (formerly known as Coal Mining Development Referral Areas), and coal outcrops are known to exist in the vicinity. Consequently, the applicant has conducted a coal mining risk assessment through associated intrusive site investigations to evaluate the impact of mining activity in the area.

5.30 The initial report recommends a drilling and grouting exercise prior to finalising the building foundation design, and this requirement should be conditioned (Condition 23 and 24).

5.31 Subject to the above conditions, the development would comply with the aims and requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.32 **OTHER MATTERS**

It is considered that all matters raised by the applicant have been addressed within the main body of the report.

**6.0 CONCLUSION:**

6.1 This revised planning application which has reduced the height of the proposed development is considered to be acceptable and accords with the aims and objectives of both national and local planning policies.

6.2 It is therefore recommended that planning permission be granted subject to a S106 Agreement being signed and the following conditions below.

**7.0 Recommendation:**

**GRANT SUBJECT TO A SECTION 106 AGREEMENT**

1) The agreement shall include the following obligations:

The applicant must make a financial contribution of £3,828.00 in full to the Council, before any work extends beyond the damp



proof course. This contribution will be used on land designated by the Council to create and/or improve and habitats, resulting in an uplift of no less than 0.2552 habitat units. The contribution also covers management of the delivered habitat units for a minimum of 30 years.

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 -

- 100-01 Location Plan Rev 1
- 300-01 Ground Floor Plan Rev 3
- 300-02 First Floor Plan Rev 3
- 300-03 Second Floor Plan Rev 3
- 300-04 Third Floor Plan Rev 3
- 300-05 Roof Plan Rev 2
- 300-06 Site Plan Rev 2
- 400-01 Building Elevations Rev 2
- 400-02 Building Sections Rev 1
- 400-03 Building Section B Rev 1
- 400-04 Building Section C Rev 1
- 400-05 Building Section D Rev 1
- 400-06 Site Section Rev 1

Phase 2 SI Report Appendix Clavering Road Swalwell  
Coal Mining Risk Assessment  
G23009 - Gas monitoring report Clavering Road Swalwell NE16 3BX  
20-760 Former Parkdale Press Premises Clavering Road BNG April 23  
Rev B

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

Reason

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

4

The development hereby approved shall be undertaken in accordance with the materials schedule approved at Condition 3.

Reason

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

5

Notwithstanding the submitted plans, no unit hereby approved shall be occupied until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a fully detailed landscaping scheme (ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting), proposed timings for implementation and a scheme and maintenance of the landscaping (for a period of 5 years following planting).

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF and policies CS15, MSGP24 and MSGP33 of the Local Plan for Gateshead.

6

The landscaping scheme shall be undertaken and maintained in full accordance with the details and timetable approved under Condition 5.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF and policies CS15, MSGP24 and MSGP33 of the Local Plan for Gateshead.

7

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

The DMP shall include:

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

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

Reason

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

Reason for Pre-commencement Condition

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

8

The development shall be implemented in accordance with the Demolition and Construction Management Plan measures approved at condition 7.

Reason

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

9

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.

10

The electric vehicle charging facilities shall accordance with the details and timetable for implementation approved under Condition 9.

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.

11

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.

12

The cycle storage provision shall be installed in accordance with the details and timetable for implementation approved under Condition 11.

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.

13

Notwithstanding the approved plans, none of the units hereby approved shall be occupied until final details of offsite highway works shown on approved plan 300-06 Rev 2 - Proposed Site Plan, including a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

14

The offsite highways works approved under Condition 13 shall be completed in full accordance with the approved details and timetable for

implementation, and shall be maintained in accordance with the approved details.

Reason

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

15

Prior to any works pertaining to drainage a detailed drainage scheme for the development shall be submitted to and approved by the Local Planning Authority in consultation with the LLFA. The drainage scheme shall include a drainage plan and supporting drainage calculations together with site specific cross sections through all key drainage components (sewers, attenuation tank, flow control chamber, permeable paving). Information demonstrating how runoff from all areas will receive an appropriate level of treatment in line with the Simple Index Approach of The SuDS Manual is to be provided for approval.

Reason

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

16

The development shall be undertaken in full accordance with the detailed drainage scheme approved as part of Condition 15.

Reason

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

17

Prior to first occupation of any unit hereby approved a Drainage Maintenance Plan (DMP) shall be submitted to and approved in writing 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.

18

The approved drainage scheme shall be maintained in full accordance with the DMP approved as part of condition 18.

Reason

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

19

No vegetation/site clearance works shall be undertaken unless outside the bird breeding season which extends from March to August inclusive, unless a nesting bird checking survey is undertaken no more than 48 hours prior to the commencement of works on site by a suitably qualified ecologist. Where active nests are confirmed, these must remain intact and undisturbed until the young have fledged and the nest(s) is no longer active, as confirmed by the suitably qualified ecologist.

Reason

To avoid harm to protected and/or priority species (birds) in accordance with the NPPF and policies CS18 and MSGP36 of the Local Plan.

20

No excavations/trenches or similar onsite will be left open overnight unless fitted with a suitable means of escape such as a scaffolding batten placed at no more than a 45-degree angle to allow any mammals, including hedgehog, to escape.

Reason

To avoid harm to protected and/or priority species (hedgehog) in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

21

During development works, any undesirable material observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. A risk assessment of the development should then be undertaken, to determine whether remedial works are necessary. The risk assessment (including a remediation strategy and timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the NPPF and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

22

Any remediation works deemed to necessary by the LPA following testing (as part of Condition 21) shall be carried out in accordance with the timescales approved under Condition 21.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the NPPF and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

23

Following the drilling and grouting exercise and prior to any works pertaining foundation construction, final details of the foundation design shall be submitted to an approved in writing by the Local Planning Authority.

Reason

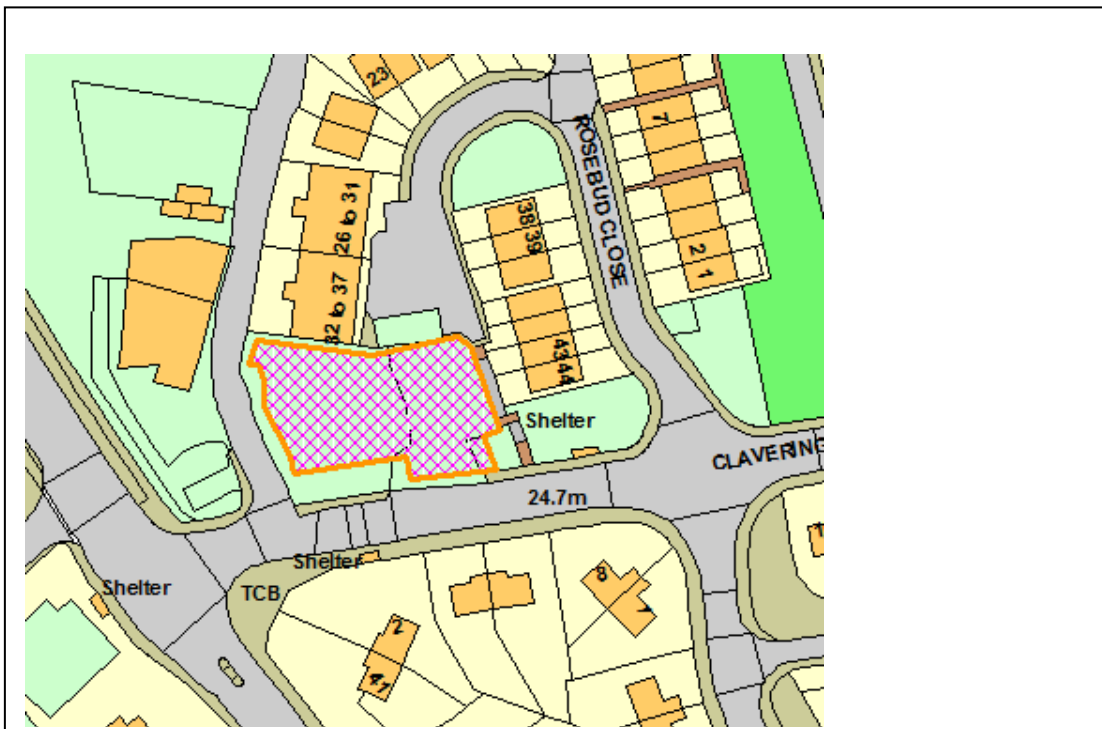
In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the NPPF and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

24

The development shall be undertaken in full accordance with the foundation design approved under Condition 25.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the NPPF and Policies CS14 and MSGP20 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

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**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.

An error has been identified in the reporting dates of the committee report dated 12 July 2023. The figures provided related to the reporting dates 31.05.2023 to 27.06.2023, not 04.05.23 to 30.05.2023 as recorded in the report.

Within the date range commencing 28.06.23 and ending 25.07.23 the enforcement team has received 151 new service requests. The enforcement team currently has 659 cases under investigation.

<b>TYPE OF SERVICE REQUEST</b>	<b>NEW SERVICE REQUESTS RECEIVED</b>	<b>CASES ALLOCATED TO OFFICER</b>	<b>CASES RESOLVED</b>	<b>UNDER INVESTIGATION</b>	<b>PENDING PROSECUTIONS</b>
Planning	48	14	47	268	0
Empty/vacant properties & sites	7	7	1	94	0
Highways	23	11	34	159	0

<b>Abandoned vehicles</b>	40	40	40	12	0
<b>Waste investigations</b>	33	33	24	126	1
<b>TOTALS</b>	<b>151</b>	<b>105</b>	<b>146</b>	<b>659</b>	<b>1</b>

<b>COURT HEARINGS</b>
No court hearings have occurred in this period.



**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**

**09<sup>th</sup> August 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	Case History	Current Update	
Page 133	1.	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 2019, 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> <p>04.05.2023 – Site meeting took place with owner, Environment Agency, Planning, Enforcement and consultant on 03.05.23.</p> <p>Agreed on action that is required by owner to ensure compliance and required timescales.</p>	<p><b>26.07.2023 - Development Management have three outstanding discharge of conditions applications which they are looking to determine week commencing 31st July 2023. Once the applications have been determined we will be in a better position to review what conditions remain outstanding and consider appropriate next steps.</b></p> <p><b>Ongoing monitoring in place to ensure the works continue and conditions are met.</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> 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>26.07.2023 - Development Management have three outstanding discharge of conditions applications which they are looking to determine week commencing 31st July 2023. Once the applications have been determined we will be in a better position to review what conditions remain outstanding and consider appropriate next steps.</b></p> <p><b>Ongoing monitoring in place to ensure the works continue and conditions are met.</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	Case History	Current Update
								<p>February 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.</p> <p>04.05.2023 – Site meeting took place with owner, Environment Agency, Planning, Enforcement and consultant on 03.05.23.</p> <p>Agreed on action that is required by owner to ensure compliance and required timescales.</p>	
3. Page 134	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>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.</p>	<b>26.07.2023 – Ongoing monitoring to ensure works continue. Good progress being made with refurbishment of the property.</b>
4.	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>Section 330 Notices have been served to</p>	<b>26.07.2023 - Site visited on 21.06.2023 where it was noted that significant progress had been made to clear the site. There were a few remaining outstanding actions which were expected to be completed within the next two to three weeks. A further site visit was scheduled for 26.07.2023 but this was postponed due to the site being waterlogged. The site will be revisited within the next two weeks to check compliance and ongoing monitoring to ensure</b>

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	Case History	Current Update
Page 135								<p>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.</p> <p>Notices have not been responded to and are being pursued.</p> <p>Site visit took place in March with landowner's agent in attendance. No works have been undertaken by the site leaseholder to comply with the notice and further unauthorised uses on site were identified. The landowner has confirmed that use rights were not to extend beyond 31st March 2023. Agreed with the landowner that the unauthorised uses taking place on the land and in the buildings must cease and the site must be fully cleared not later than 31st May 2023. Ongoing monitoring to ensure compliance.</p>	<b>compliance will continue thereafter.</b>
	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>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.</p> <p>Notices have not been responded to and are being pursued.</p> <p>Site visit took place in March with landowner's agent in attendance. No works have been undertaken by the site leaseholder to comply with the notice and further unauthorised uses on site were identified. The landowner has confirmed that use rights were not to extend beyond 31st March 2023. Agreed with the landowner that the unauthorised uses taking place on the land and in the buildings must cease and the site must be fully cleared not later than 31st May 2023.</p>	<b>26.07.2023 - Site visited on 21.06.2023 where it was noted that significant progress had been made to clear the site. There were a few remaining outstanding actions which were expected to be completed within the next two to three weeks. A further site visit was scheduled for 26.07.2023 but this has been postponed due to the site being waterlogged. The site will be revisited within the next two weeks to check compliance and ongoing monitoring to ensure compliance will continue thereafter.</b>

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	Case History	Current Update
								Ongoing monitoring to ensure compliance.	
6.	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>Construction services instructed to progress to tendering stage for demolition.</p> <p>On 12.05.2023 Representatives of the Council, Northumbria Police and Tyne and Wear Fire and Rescue Service met on site to examine the condition of the building and consider further opportunities to restrict access and minimise the impact of ongoing ASB. Work is ongoing to provide a legal remedy.</p>	<b>26.07.2023 – Work is continuing to progress demolition costs and methodology by construction services. A community protection warning notice has been served on the landowner requiring him to take a number of steps in the interim period to prevent or minimise the opportunities for anti-social behaviour on site. Monitoring is continuing to ensure compliance.</b>
7.	Jack and Jo's Nursery Garden, Middle Hedgefield Farm, Blaydon on Tyne, NE21 4NN	Ryton, Crookhill and Stella	Without planning permission, the erection of a timber building to provide café with associated raised deck, canopy and smoking shelter and the installation of access railings and steps	22 <sup>nd</sup> May 2023	24 <sup>th</sup> May 2023	28 <sup>th</sup> June 2023	28 <sup>th</sup> October 2023 - removal of all structures  28 <sup>th</sup> November 2023 -	<p>Complaints were received regarding the erection of an unauthorised building for use as a café.</p> <p>A retrospective planning application was submitted. It was refused on 28.2.22.</p> <p>An appeal was submitted to the Planning</p>	<b>26.07.2023 – Appeal has been lodged with the planning inspectorate. Start date of the appeal process is 17.07.2023 and is to be heard by way of written representations. Notice is suspended until the outcome of the appeal is</b>



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	Case History	Current Update
							removal of all resultant debris	<p>Inspectorate in relation to the planning refusal. The appeal was dismissed.</p> <p>An amended scheme/application was submitted to the Council on 14.10.22 and refused by Committee on 17.5.23.</p> <p>As two applications have been refused and giving weight to the appeal dismissed by the Planning Inspectorate it was considered expedient to take enforcement action and an Enforcement Notice has been served.</p> <p>The notice requires the removal of the unauthorised structures (café building, raised deck, smoking shelter, canopy and steps).</p>	<b>determined.</b>
8. Page 137	31 Cromer Avenue Gateshead NE9 6UL	Chowdene	Untidy Land	31 <sup>st</sup> May 2023	31 <sup>st</sup> May 2023	31 <sup>st</sup> May 2023	<p>28<sup>th</sup> June 2023 – cut back all weeds, brambles, bushes, shrubs and long grass.</p> <p>12<sup>th</sup> July 2023 – Remove all resultant rubbish and debris</p>	<p>Complaints have been received regarding the condition of the rear garden of the property. The property has been vacant for several years. The owner has failed to take reasonable steps to maintain the vegetation within the premises in such a manner to prevent detriment to the amenity of the area and the quality of life of others in the locality. Notices have been issued pursuant to section 43 of the Anti Social Behaviour, Crime and Policing Act 2014 on the landowner requiring certain steps to be taken to prevent nuisance or detriment to the amenity of others.</p>	<p><b>26.07.2023 –</b></p> <p><b>The recipient of the notice has not appealed to the Magistrates Court and is therefore in contravention of the notice. Legal advice is being obtained as to further enforcement options available including prosecution and work in default. Ongoing monitoring in place.</b></p>

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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE  
09<sup>th</sup> August 2023**

**TITLE OF REPORT:** Planning Enforcement 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 against enforcement action received and to report the decisions of the Planning Inspectorate received during the report period.

**New Appeals**

2. There have been **no new** appeals received since an update was last provided to committee.

**Appeal Decisions**

3. There have been **no** appeal decisions received since the last Committee.
4. Details of outstanding appeals can be found in **Appendix 2**

**Recommendations**

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

**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 enforcement appeal regime is outside  
of the Council's control being administered by the Planning Inspectorate.

**WARD IMPLICATIONS –**

Low Fell

**BACKGROUND INFORMATION**

Appeal Decision

### Outstanding Enforcement Appeal Cases

Further details have been provided by the planning inspectorate with regard to the following appeal, since committee were last updated.

APPELLANT	REASON FOR NOTICE	HOW APPEAL IS TO BE CONSIDERED
<p>Jack and Jo's Nursery Garden, Middle Hedgefield Farm, Blaydon on Tyne, NE21 4NN</p>	<p>Without planning permission, the erection of a timber building to provide café with associated raised deck, canopy and smoking shelter and the installation of access railings and steps</p>	<p>The appeal(s) will proceed on ground(s) (a), (f) as set out at Section 174(2) of the 1990 Act.</p> <p>The planning inspectorate has confirmed the start date of the appeal as 17 July 2023. The appeal is to be heard through the written representation's procedure.</p> <p>The appeal reference is APP/H4505/C/23/3324826. Any representations are to be received by the planning inspector no later than <b>28 August 2023</b>. Guidance on making representations can be found in the following link <a href="https://www.gov.uk/guidance/taking-part-in-a-planning-listed-building-or-enforcement-appeal">Taking part in a planning, listed building or enforcement appeal - GOV.UK (www.gov.uk)</a></p>

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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE  
9 August 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 have been **three** new appeals lodged since the last committee:

DC/22/01226/FUL - Land To The Rear Of 2 Ashfield Road, Newcastle Upon Tyne NE16 4PL

Erection of Dutch Bungalow on land to the rear of 2 Ashfield Road with access from Whaggs Lane.

This was a delegated decision refused on 27 April 2023

DC/23/00157/FUL – Site West Of Worley Avenue / South Of Earls Drive, Earls Drive (Opposite Numbers 50-60), Low Fell, Gateshead NE9 6AA

Use as residential amenity and garden land with construction of a driveway and a single residential outbuilding / garage for the storage of vehicles and residential paraphernalia, with the felling of 8 trees, the replacement planting of 8 trees and new boundary hedgerow.

This was a committee decision refused on 19 May 2023

DC/23/00331/HHA - 12 Long Bank, Gateshead NE9 7HE

Retrospective planning permission to Remove and replace rear garden boundary 15-metre-long, 1.5-metre-high timber fence with an incorporated double gate and posts with a 15-metre-long timber fence, at 1.8 metre high, with an incorporated single gate and posts.

This is an appeal against non-determination

**Appeal Decisions**

3. There have been **no** new appeal decisions received since the last Committee.

**Appeal Costs**

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

### **Outstanding Appeals**

5. Details of outstanding appeals can be found in **Appendix 2**.

### **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 2.

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate

## APPENDIX 2

## OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
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
DC/22/00900/FUL	The Cottage 18 Talbot Terrace Birtley Central Birtley Gateshead DH3 2PQ	Erection of canopy over front entrance and glass balustrade around front boundary to create seating/waiting area, including alterations to stepped frontage (part retrospective).	Written	Appeal in Progress
DC/22/01226/FUL	<b>Land To The Rear Of 2 Ashfield Road Newcastle Upon Tyne NE16 4PL</b>	<b>Erection of Dutch Bungalow on land to the rear of 2 Ashfield Road with access from Whaggs Lane.</b>	<b>Written</b>	<b>Appeal in Progress</b>
DC/22/01392/CDPA	The Glasses Factory, 32 Wesley Court, Blaydon, NE21 5BT	DETERMINATION OF PRIOR APPROVAL: Conversion of first floor commercial unit to create 4 flats - mix of 1 and 2 bed.	Written	Appeal in Progress
DC/23/00148/ODPA	Shoefayre Ltd 4 Wesley Court Blaydon NE21 5BT	DETERMINATION OF PRIOR APPROVAL: Conversion of vacant first floor Class E premises to C3 residential (2no. 1 bedroom flats).	Written	Appeal in Progress

<b>DC/23/00157/FUL</b>	<b>Site West Of Worley Avenue / South Of Earls Drive Earls Drive (Opposite Numbers 50- 60) Low Fell Gateshead Borough NE9 6AA</b>	<b>Use as residential amenity and garden land with construction of a driveway and a single residential outbuilding / garage for the storage of vehicles and residential paraphernalia, with the felling of 8 trees, the replacement planting of 8 trees and new boundary hedgerow.</b>	<b>Written</b>	<b>Appeal in Progress</b>
DC/23/00211/ADV	Land Adjacent Blaydon Railway Staff Social Club, Tyne Street, Blaydon, NE21 4JB	Display of 1No freestanding 48-sheet LED advertisement display	Written	Appeal in Progress
<b>DC/23/00331/HHA</b>	<b>12 Long Bank Gateshead NE9 7HE</b>	<b>Retrospective planning permission to Remove and replace rear garden boundary 15-metre-long, 1.5-metre-high timber fence with an incorporated double gate and posts with a 15- metre-long timber fence, at 1.8 metre high, with an incorporated single gate and posts.</b>	<b>Written</b>	<b>Appeal in Progress</b>

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**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

**9 August 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 9 August 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