

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 15 February 2017 at 10.00 am in the Bridges Room - Civic Centre

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From the Acting Chief Executive, Mike Barker

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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 25 January 2017 (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</b> (Pages 3 - 10)  Report of the Strategic Director, Communities and Environment.
4i	<b>No. 1 - Land at Beda Hills, Hookergate Lane, Rowlands Gill</b> (Pages 11 - 38)
4ii	<b>No. 2 - Former Wardley Colliery, Wardley Lane, Felling</b> (Pages 39 - 58)
4iii	<b>No. 3 - Land at Portobello Road, Birtley</b> (Pages 59 - 96)
4iv	<b>No. 4 - Land Adj 11 Butterfield Close, Ryton</b> (Pages 97 - 108)
4v	<b>No. 5 - 23 Lyndhurst Crescent, Lyndhurst, Gateshead</b> (Pages 109 - 116)
4vi	<b>No. 6 - Land Adj The Red Kite, Spa Well Road, Winlaton</b> (Pages 117 - 124)
	<b>Delegated Decisions</b> (Pages 125 - 132)
<b>5</b>	<b>Enforcement Action</b> (Pages 133 - 142)  Report of the Strategic Director, Communities and Environment

Continues...

**6** | **Planning Appeals** (Pages 143 - 152)

Report of the Strategic Director, Communities and Environment

**7** | **Planning Obligations** (Pages 153 - 156)

Report of the Strategic Director, Communities and Environment

Contact: Neil Porteous - Email: [neilporteous@gateshead.gov.uk](mailto:neilporteous@gateshead.gov.uk), Tel: 0191 433 2149,  
Date: Tuesday, 7 February 2017



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

**REPORT OF:** Paul Dowling, Strategic Director Communities and Environment

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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.

## Contents

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/15/00799/FUL	Land At Beda Hills Hookergate Lane	Winlaton And High Spen
2. DC/16/00698/OUT	Former Wardley Colliery Wardley Lane	Wardley And Leam Lane
3. DC/16/00924/FUL	Land At Portobello Road Birtley	Birtley
4. DC/16/00960/FUL	Land Adj 11 Butterfield Close Ryton	Crawcrook And Greenside
5. DC/16/01067/HHA	23 Lyndhurst Crescent Lyndhurst	Chowdene
6. DC/17/00043/TDP A	Land Adj The Red Kite Spa Well Road	Winlaton And High Spen

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.' In the case of Gateshead the development plan is currently the Core Strategy and Urban Core Plan 2010 – 2030 and the saved policies of the Unitary Development Plan for Gateshead (2007), where they are in conformity with the National Planning Policy Framework.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The NPPF was published on 27 March 2012 by Communities and Local Government (CLG). The National Planning Policy Framework is a material planning consideration, the previous Planning Policy Statements (PPS's), Guidance notes (PPG's) and some Circulars are revoked. Some of the guidance notes that supported the PPS's and PPG's are still extant.

## **REGIONAL SPATIAL STRATEGY (RSS)**

The RSS was revoked on 15<sup>th</sup> April 2013 and is no longer part of the development plan.

## **LOCAL PLAN (Formerly known as Local Development Framework)**

The Council has adopted the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP) jointly with Newcastle City Council. This sets all the Strategic Planning Policies for Gateshead and Newcastle and more detailed policies for the urban core of Gateshead and Newcastle.

In accordance with Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP now forms part of the statutory development plan for Gateshead. The CSUCP also supersedes and deletes some of the saved policies in the Unitary Development Plan (UDP). These are set out in Appendix 1 of the CSUCP.

The Unitary Development Plan for Gateshead was adopted on 17<sup>th</sup> July 2007 and the remaining saved policies together with the CSUCP represent a current up to date development plan. In the report for each application, specific reference will be made to those policies and proposals which are particularly relevant to the application site and proposed development. Where the saved UDP policies are in general conformity with the NPPF due weight should be given to them. The closer the consistency with the NPPF the greater the weight can be given.

The Gateshead Place Making Supplementary Planning Document and the Householder Alterations and Extensions Supplementary Planning Document, are now adopted and have weight in decision making, supplementing and providing detail to the development plan policies.

The Council is currently working on new draft detailed policies and land allocations for the new Local Plan. The Development Plan Document will be called Making Spaces for Growing Places (MSGP).

## **UPDATES**

The agenda is formed and printed approximately a week prior to the Planning and Development Committee meeting. Information, correspondence and representations can sometimes be received in the intervening period. In such cases a written update report will be circulated to Members at the beginning of the meeting and on occasion there may be further verbal updates to Members from officers, so that Members are aware of all material planning considerations when making their decision on applications.

## **SPEAKING AT COMMITTEE**

Gateshead Council seeks to be inclusive in its decision making process and therefore allows applicants, agents and interested parties to make verbal representation to Members at Committee in accordance with the Council's agreed speaking rights protocol where persons have indicated their intention to speak in writing, in advance of the meeting, and subsequently confirmed their intention to speak to the Development Information Officer.

For further details of speaking rights at committee contact the Development Information Officer on (0191) 4333150 or please view the leaflet 'Having Your Say' available from the second floor reception at the Civic Centre. You can also view this information on the Planning pages of the Council website under 'Having your Say'

### **SITE PLANS**

The site plans included in each report are for illustrative purposes only. Scale plans are available to view from the file. Key plans and photographs of the site and surroundings are also displayed at committee for information purposes as are other images where necessary including consultation response plans.

### **PUBLICITY/CONSULTATIONS**

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view from the application file. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) Order 2010.

### **SITE VISITS**

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. Normally these visits take place on the Thursday morning prior to the following Wednesday committee meeting. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority no longer invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

### **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION (AS AMENDED)**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These papers are held on the relevant application file and are available for inspection during normal office hours at the Communities and Environment reception, Civic Centre, Regent Street, Gateshead NE8 1HH.

**Generalised Guide to Use Classes Order 1987 (as amended)**

<b>A1 Shops</b>	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	<b>C1 Hotels</b>	Hotels, boarding and guest houses
<b>A2 Financial and Professional Services</b>	Banks, building societies, estate and employment agencies, professional and financial services.	<b>C2 Residential Institutions</b>	Residential schools and colleges convalescent homes/nursing homes
<b>A3 Restaurants and Cafes</b>	Restaurants, snack bars, cafes.	<b>C2A Secure Residential Institutions</b>	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
<b>A4 Drinking Establishments</b>	Public Houses and Wine bars etc	<b>C3 Dwellinghouses</b>	Dwellings, small business at home, communal housing of the elderly and handicapped
<b>A5 Hot food Take-Aways</b>	Hot Food Take-away shops	<b>C4 Houses in Multiple Occupation</b>	Small shared dwellinghouses occupied by between 3 and 6 unrelated individuals who share basic amenities such as kitchen or bathroom.
<b>B1 Business</b>	Offices not within A2, research and development studios, laboratories, high tech, light industry appropriate in a residential area.	<b>D1 Non-residential Institutions</b>	Places of worship, church halls, clinics, health centres, crèches, day nurseries, consulting rooms, museums, public halls, libraries, art galleries, exhibition halls, non-residential education and training centres.
<b>B2 General Industry</b>	General industry.	<b>D2 Assembly &amp; Leisure</b>	Cinemas, music and concert halls, baths, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls.
<b>B8 Storage and Distribution</b>	Wholesale warehouses repositories, including open air storage	<b>Sui generis</b>	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops.

In many cases involving similar types of use, a change of use of a building or land does not need planning permission. Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and Country Planning (Use Classes) Order 1987 says that a change of class is permitted to another specified class.

Changes allowed without planning permission

From	To
A2 (professional and financial services) when premises have a display window at ground level	A1 (shop)
A3 (restaurants and cafes)	A1 or A2
A4 (drinking establishments)	A1 or A2 or A3
A5 (hot food takeaways)	A1 or A2 or A3
B1 (business) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B2 (general industrial)	B1 (business)
B2 (general industrial) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B8 (storage and distribution) (permission limited to change of use relating to not more than 500 square metres of floor space)	B1 (business)
C3 (dwellinghouses)	C4 (houses in multiple occupation)
C4 (houses in multiple occupation)	C3 (dwellinghouses)
Casinos (sui generis)	D2 (assembly and leisure)

Additional change of use permitted development rights applying from 30 May 2013



Buildings in use class:	Can change to:
Agricultural buildings under 500 square metres	(A1, A2, A3, B1, B8, C1 and D2).
Agricultural buildings between 150 square metres and 500 square metres	(A1, A2, A3, B1, B8, C1 and D2), but prior approval (covering flooding, highways and transport impacts, and noise) is required
B1, C1, C2, C2A and D2 use classes	State-funded school, subject to prior approval covering highways and transport impacts and noise
B1(e) office use	C3 residential use, subject to prior approval covering flooding, highways and transport issues and contamination.
A1, A2, A3, A4, A5, B1, D1 and D2 uses	change use to A1, A2, A3 and B1 uses for a single period of up to two years

Additional change of use permitted development rights applying in England from 6 April 2014

These new permitted development rights will not apply in sites of special scientific interest, safety hazard areas or military explosives storage areas; nor do they apply to scheduled monuments. With the exception of new Class CA the rights will also not apply to listed buildings.



- **retail to residential** - new class 1A allows change of use and some associated physical works from a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 150 square metres of retail space will be able to change to residential use. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.\*
- **agricultural to residential** - new class MB allows change of use and some associated physical works from buildings used for agricultural purposes to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 450 square metres of retail space will be able to change to up to three dwellings. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.\*
- **commercial to childcare nurseries** - change of use from offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to nurseries providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.
- **agricultural to new schools and nurseries** - new class MA allows change of use from buildings used for agricultural purposes to a state funded school or nursery providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.

#### Explanation of Abbreviated Terms used in Reports

EVA	Economic Viability Assessment	UDP	Unitary Development Plan
DPD	Development Plan Document	SPD	Supplementary Planning Document
EIA	Environmental Impact Assessment	NPPF	National Planning Policy Framework
TA	Transport Assessment	RIA	Retail Impact Assessment
SHLAA	Strategic Housing Land Availability Assessment	SHMA	Strategic Housing Market Assessment
CSUCP	Core Strategy and Urban Core Plan		

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched a planning practice guidance web-based resource. This was accompanied by the cancellation of previous planning practice guidance documents. Now planning practice guidance is now available entirely online in a usable and accessible way with links between the National Planning Policy Framework and relevant planning practice guidance, as well as between different categories of guidance. The guidance can be accessed through this link <http://planningguidance.planningportal.gov.uk/>

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**REPORT NO 1**

**Committee Report**

<b>Application No:</b>	<b>DC/15/00799/FUL</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>25 August 2015</b>
<b>Applicant Site:</b>	<b>Prince Bishop Homes Land At Beda Hills Hookergate Lane Rowlands Gill NE39 2AB</b>
<b>Ward:</b>	<b>Winlaton And High Spen</b>
<b>Proposal:</b>	<b>Development of 13 dwellings including access and infrastructure (amended and additional information received 23/08/16 and amended 18/01/17).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF APPLICATION SITE**

The application site is currently an area of undeveloped grass field which measures 0.46 hectares along Hookergate Lane. The site is located adjacent to the south east edge of Hookergate. The site lies at a lower level than the road along Hookergate Lane with site levels which fall from the south to the north. There are high voltage power lines running over the site in a north south direction along the western edge of the site.

1.2 To the north of the site is an area of woodland, a watercourse and Green Belt, to the south of the site is Hookergate Lane with further fields and Green Belt, to the east of the site is a bungalow (Beda Hill) and to the west of the site is a bungalow (Hazel Dene). The adjacent dwellings are detached and set in their own spacious gardens.

**1.3 DESCRIPTION OF APPLICATION**

This planning application proposes to develop the site for 13 x 4 bed houses. The application was originally submitted with a proposed layout of 19 houses. Council officers considered that 19 houses was an overdevelopment of the site. To address Council concerns the application was amended to a development of 13 houses.

1.4 The proposed houses would be 2-3 storeys in height all with a pitched roof and integral garage. The proposed housing layout includes a row of 6 x 3 storey semi-detached properties (plots 1-6) along the southern boundary of the site adjacent to Hookergate Lane with the rear elevations of these properties facing Hookergate Lane.

- 1.5 To the north of plots 1-6 are 2 x 2 storey detached properties (plots 7 and 8). Perpendicular to plots 7 and 8 are a row of 5 x 2 storey detached properties, extending towards the northern end of the site.
- 1.6 The proposed layout includes an ecological buffer zone to the north of the proposed houses where landscaping and a drainage detention basin is proposed. The site layout also includes a habitat zone measuring just over 2 metres wide running along the eastern boundary of the site. An area on the site is also reserved for a pumping station along the western edge of the site boundary positioned under the over head power lines.
- 1.7 One vehicle access is proposed to the site from Hookergate Lane at the south west corner of the application site.
- 1.8 The application has been submitted with the following supporting information/documents :
- A design and access statement
  - A tree survey/report
  - An ecology survey/report
  - A planning statement
  - A flood risk assessment / drainage strategy
  - A phase 1 site investigation report (re: potential for contaminated land and coal mining hazards)
- 1.9 **RELEVANT PLANNING HISTORY**  
A number of planning applications have been granted to develop this site for housing over the years. The most recent are outlined below :
- 1.10 DC/05/01970/OUT  
Outline planning permission to develop 0.86 hectares of land for residential purposes- all matters reserved. APPROVED by Planning Committee on 20 February 2006. This site was larger than but did include the current application site. This permission has now lapsed and can no longer be implemented.
- 1.11 DC/08/01661/REM  
Reserved matters for 7 detached houses for outline application DC/15/01970/OUT. APPROVED by Planning Committee on 30 July 2009. This permission has now lapsed and can no longer be implemented.
- 1.12 DC/11/00595/FUL  
Extension of time for implementing outline planning permission DC/05/01970/OUT and reserved matters DC/08/01661/REM. APPROVED under delegated powers on 28 September 2011. This permission has now lapsed and can no longer be implemented.
- 1.13 DC/12/00976/OUT  
Outline planning permission to develop 0.46 hectares of land for 7 houses- with only landscaping being reserved for subsequent approval. APPROVED under

delegated powers on 8 August 2013. This is an extant permission and has until the 24 August 2018 to be commenced.

- 1.14 DC/16/00632/REM  
Reserved matters relating to landscaping for 7 houses for outline application DC/12/00976/OUT. APPROVED under delegated powers on 24 August 2016.
- 1.15 Outline planning permission DC/12/00976/OUT and the subsequent reserved matters application DC/16/00632/REM which can still be implemented relate to 7 x 4 bed houses, comprising of one large detached house at the northern end of the site and two pairs of 3 link detached houses in the middle and southern end of the site. The houses were a mix of 2- 3 storeys in height. This development has one vehicle access off Hookergate Lane at the south west corner of the site.

## 2.0 Consultation Responses:

National Grid Property Holding Ltd	No objections
Coal Authority	No objection subject to a planning condition requiring further intrusive site investigations to establish the exact situation regarding coal mining legacy issues on the site and any necessary remediation works.
Tyne And Wear Archaeology Officer	No archaeological work is required.
Northumbria Water	No issues subject to a planning condition requiring that that the surface water from the development discharges directly to the Low Spen Burn and that the foul flows from the development will discharge to the existing public sewer.

## 3.0 Representations:

- 3.1 The Council sent out neighbour notification letters to 5 properties surrounding the application site. The Council also displayed a site notice on the footpath to the south of the application site along Hookergate Lane, as well as advertising the planning application in the Newcastle Journal.
- 3.2 Original Layout 19 Houses

Four letters of objection have been received from local residents in the area objecting to the proposed development for 19 houses on the following grounds :

- Increase in traffic
- Concerns about the location of the new vehicle access
- Danger to highway safety on the road
- Inadequate car parking
  
- Loss of light
- Loss of privacy/overlooking
- Loss of view
- Light pollution from cars entering the site
- Addition hedge planting is required along the site boundary to maintain privacy
- Additional noise including from the on site play area, the new pumping station and additional traffic
- The new houses will be directly overlooked by the existing surrounding houses
  
- Overbearing development
- Overdevelopment too high density
- Out of character with Conservation Area
- Out of Character with street scene and local area
- The new houses have very small gardens
- No details have been provided about the on site play area
  
- Loss of trees
- Harm to existing trees on adjacent sites
- Impact on wildlife on the site
- Pollution to the nearby stream

### 3.3 Amended Layout 13 Houses

3.4 One letter of objection has been received from a local resident at Hazel Dene the bungalow to the west of the application site, objecting to the revised development for 13 houses.

3.5 This neighbour has raised concerns that the proposed development may kill their boundary hedge and Ash tree in their rear garden, which are located to the west of the application site. The objector is concerned that their hedge and tree may die as the proposed development includes a retaining wall, access road, parking bays and pumping station all within the 2 metres root protection zone of their hedge and Ash tree.

## 4.0 Policies:

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

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

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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

- 5.1 The main planning issues are considered to be the principle of developing the site for housing, the design of the proposed housing development and its impact on the character and appearance of the area, residential amenity, highway safety, impact on flood risk/drainage on the site and surrounding area,

impact on ecology on the site and in the area, impact on existing trees and the potential for contaminated land.

## 5.2 NPPF

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 14 states that there is a presumption in favour of sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies as a whole. Paragraph 49 of the NPPF also states that housing applications should be considered in the context of the presumption in favour of sustainable development.

## 5.3 FALL BACK POSITION

The applicant in the submitted supporting information refers to the existing extant planning permission on the site for 7 houses which can still be implemented and states that this fall back position is a material planning consideration for this current planning application.

5.4 Council officers are of the view that in assessing this current planning application there is definitely a fall back position that is a material consideration, however the weight attached to that is a matter for the decision maker. In this instance Council officers consider that the fall back position should be attributed significant weight, given it is considered a genuine prospect of the existing extant permission being implemented and coming forward on the site.

## 5.5 WINDFALL HOUSING

The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. As such it is considered that the principle of developing this site for housing should be assessed against saved policy H4 in the Council's Unitary Development Plan (UDP), which relates to windfall housing sites. In addition the principle of developing this site for housing has already been accepted by the Council and there has been a number of planning permissions on the site for housing developments including an extant permission which can still be implemented (ref : DC/ DC/12/00976/OUT and DC/16/00632/REM). In light of the above and the fact that this site is situated within an existing residential area, Council officers therefore consider that the principle of developing this site for housing is acceptable, subject to all other material planning considerations being satisfied.

## 5.6 AFFORDABLE HOUSING

Policy CS11 of the Council's Core Strategy and Urban Core Plan (CSUCP) requires all developments of 15 or more houses to provide 15% affordable homes, subject to development viability. Given that the proposed development has been revised and has reduced the number of houses from 19 to 13 properties, there is no longer a policy requirement for the provision of affordable housing as part of the development.

## 5.7 DESIGN ISSUES



The application site sits on the outer edge of the small residential settlement of Hookergate. This is located just to the south of the larger hamlet of High Spen. The application site lies between two existing dwellings, both of which are fairly substantial detached bungalows, set within large plots. Council officers are therefore of the opinion that the character of the area is very much edge of settlement.

- 5.8 Council officers accept that the two adjacent properties to the east and west of the site are bungalows. However there are also two storey semi- detached houses immediately to the west of Hazel Dene, which form part of the character of the street scene and area. The previous extant planning permission also included houses which were 2-3 storeys high. Council officers are therefore of the opinion that the revised housing layout of 13 houses and its design is an appropriate form of development for this site.
- 5.9 Planning conditions (conditions 3-6) relating to the final details of the external materials of the development and the boundary treatments are considered necessary to ensure that these are appropriate for the site in the interest of good design.
- 5.10 Objections have been raised by local residents that the garden areas for the proposed houses are too small. The rear garden areas vary in size ranging from 5 metres in depth (at plot 6) to 14 metres in depth (at plot 11). Policy CS11 (4) of the Council's CSUCP requires that new residential development provides adequate space inside and outside of the home to meet the standards of residents however, the Council does not currently have a prescribed space standard for rear garden areas. Council officers are also of the opinion that the size of gardens areas proposed are not so small that this issue could justify a reason for refusal.
- 5.11 It is therefore considered that the revised development of 13 houses is acceptable from a design point of view and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.
- 5.12 **SITE LEVELS**  
Due to the varying levels across the site, it will be necessary to introduce a number of retaining walls across the development. The proposed site layout shows the location of the retaining walls within the development. A number of cross sections have also been provided through the housing layout to show how the proposed houses would look and to illustrate some of the changes in level across the site.
- 5.13 Council officers are of the opinion that planning conditions (conditions 7-8) are necessary to approve the final details of the existing and proposed levels across the site and the details of the proposed retaining walls to ensure that they are acceptable in terms from a design and residential amenity point of view.

#### 5.14 RESIDENTIAL AMENITY ISSUES

Given the remaining distances between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.

5.15 Council officers consider that first floor and second floor windows in the following plots would create overlooking and loss of privacy to the garden areas of the adjacent neighbours :

- Plot 1 eastern elevation (first floor and second floor landing windows)
- Plot 7 eastern elevation (first floor stair window)
- Plot 8 western elevation (first floor stair window)

5.16 It is however considered that that this could be addressed by a condition (condition 9) which requires these windows to be obscurely glazed.

5.17 Separation distances between the proposed houses within the scheme have been designed to meet the Council's normal guidelines of 21 metres between habitable room windows and 13 metres between habitable room windows and adjacent walls. There is only one exception to this where the rear elevations of plots 10 and 9 are positioned around 12.5 metres away from the side elevation of plot 8. Given this is less than 0.5 metres below the recommended guideline the proposed housing layout is considered to be acceptable and would not cause any significant harm to the living conditions of the future occupiers of the proposed houses in terms of loss of light, overshadowing or visual intrusion.

5.18 Concerns have been raised by objectors that the proposed housing development will create additional noise from the on site play area, the new pumping station and additional traffic. The on site play area originally included in the first layout for 19 houses has now been removed from the revised layout of 13 houses – so is no longer a consideration.

5.19 A housing development of 13 homes will result in additional noise especially taking into account that the site is currently a grass field. However Council officers are of the opinion that the noise from 13 houses, including noise from additional traffic using the access road will not be of a significantly level in an existing residential area on an existing road (Hookergate Lane).

5.20 Details of the proposed new pumping station have not been submitted with the application and are not known at this stage. Planning conditions (conditions 10-11) have therefore been recommended to approve the final detail of the pumping station to ensure it is appropriate in terms of noise, design and its impact on the neighbours tree/hedge.

5.21 Council officers consider that the construction works associated with the development could impact on the living conditions of adjacent neighbours. It is however considered that this could be controlled by a planning which restricts the days and hours of the construction works (condition 12).

- 5.22 Concerns have been raised by some objectors about light pollution from vehicles within the housing development. Council officers accept that the provision of 13 new houses on the site will result in addition light pollution in the area from vehicles using the site, which the adjacent residents do not presently experience. However such light pollution would be for limited periods in the day and evening. Also taking into account that vehicles already use Hookergate Lane to the south of the application site which is lit at night by high level street lighting, it is considered by Officers that any additional light pollution from vehicles using the site, in this wider context would be acceptable.
- 5.23 Council officers are therefore of the opinion that subject to the above conditions, the revised housing layout for 13 properties would not harm 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 revised layout is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.24 **PUMPING STATION**  
The proposed housing layout shows the location of a pumping station on the western boundary of the site. No other details have been provided relating to the proposed pumping station except for its location within the housing layout. It is therefore considered necessary to control the final details of the pumping station by a condition (conditions 10-11) to ensure that this element of the development is acceptable from a design point of view, a residential amenity point of view in terms of potential for any noise and the potential impact on the existing tree and hedge immediately to the west of the pumping station in the garden of Hazel Dene.
- 5.25 **TRANSPORT ISSUES**
- 5.26 **Access**  
A new vehicle access is proposed for the development on the south west corner of the site off Hookergate Lane. There is no objection in principle to locating one vehicle access to the housing development in this location, especially as the acceptability of this access to the site has been established under earlier planning permissions, including the extant planning permission which can still be implemented. The visibility splays for the proposed access have not been shown on the submitted drawings. Planning conditions (conditions 13-14) have been recommended to approve the final details of the visibility splay in the interest of highway safety.
- 5.27 **Traffic Generation**  
Council officers accept that 13 new houses will increase traffic movements in the area and to the site. However Council officers are of the opinion that the additional traffic movements associated with 13 new houses in the peak times would only add small numbers to the existing highway network.
- 5.28 **Car Parking Provision**

The Council's Transport Technical Appendices sets out the levels of car parking for new residential developments. This states that new housing development should provide a minimum of 1 space per house and a maximum of 2 spaces per house for residents on or off street. Visitor parking should also be provided on street at a ratio of a minimum of 1 space per 4 houses and a maximum of 1 space per 3 houses. Garages are counted as 0.5 of a space in the overall car parking provision.

- 5.29 Based on these car parking guidelines a housing development of 13 houses should normally provide a minimum of 13 resident spaces and 4 on street visitor spaces giving a total of 17 car parking spaces and a maximum of 26 resident spaces and 5 on street visitor spaces giving a total of 31 car parking spaces.
- 5.30 The revised proposed housing layout provides a total of 30.5 car parking spaces, comprising of 21.5 spaces off street resident parking spaces and 9 on street visitor car parking spaces. It is therefore considered that sufficient car parking spaces have been provided as part of this development.
- 5.31 **Cycle Parking Provision**  
No details have been provided as part of the planning application relating to cycle parking provision. The Council's Cycling Strategy for Gateshead requires that new housing developments provide cycle parking provision which is secure and weather proof. If the houses have garages which measures at least 7metres by 3metres the garage can be considered as suitable storage space. All the proposed houses include an integral garage, however the garage is below the Council's minimum standards for cycle storage provision. It is therefore considered that all the houses proposed as part of this development require an alternative cycle parking provision which could form a shed or locker in the rear garden areas or internal storage space within the house. Planning conditions have therefore been recommended (conditions 15-16) to approve the final details of the cycle parking provision for the proposed houses.
- 5.32 **Bin Storage /Collection**  
Each property has sufficient space within their rear gardens to store refuse bins with space around the side of their gardens to wheel the bins around from the back of the houses onto the front of the street for bin collection day. The proposed road layout within the site allows sufficient space for a bin collection lorry to collect the bins and turn around within the site.
- 5.33 **Travel Plan Measures**  
To help promote sustainable travel choices it is considered that each house should be provided with a travel welcome pack that should include bus timetables along with information on the walking and cycling options available in the area. Council officers consider that this issue can be covered by a planning condition (condition 17).
- 5.34 It is therefore considered that subject to the above conditions the revised proposal for 13 houses provides a suitable access and parking arrangements and is acceptable from a highway safety point of view, to accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.

### 5.35 TREES

A Tree Survey and Arboricultural Impact Assessment has been submitted as part of this planning application. This report explains that tree cover on the site is limited with only two Sycamores on the roadside, along the southern boundary of the site which fronts onto Hookergate Lane and two trees adjacent to the burn at the northern end of the site, being within the site ownership. The report does however also acknowledge that there are a number of other trees which are located adjacent to the site on the two neighbouring properties. There is also a hedge which runs along the southern frontage of the site adjacent to Hookergate Lane and along the western boundary with the adjacent property Hazel Dene.

- 5.36 The two mature Sycamore trees on the southern boundary of the site are proposed to be felled to accommodate the proposed development. The submitted tree report explains that the location of the new houses are too close to these trees and the proposed ground levels will leave the trees visually higher and more imposing to the new adjacent houses which will lead to conflict between the trees and the future residents. Whilst it would be preferable to retain the two Sycamores on the southern boundary of the site Council officers consider that this would not be possible with the proposed housing layout and agree with the findings of the submitted Tree Report which concludes that there would be conflict between the trees and the adjacent proposed houses. It is therefore accepted that these two trees will be removed to accommodate the development.
- 5.37 The existing hedge along the southern boundary of the site facing Hookergate Lane is to be retained. A section is to be removed to allow the new vehicle access to be created.
- 5.38 The proposed housing layout does not show the existing hedge that runs along the western boundary of the site with Hazel Dene. It is therefore not clear whether this hedge is to be retained or removed.
- 5.39 One letter of objection has been received from Hazel Dene objecting to the development on the grounds that the development may kill their boundary hedge and Ash tree in their rear garden, which are located to the west of the application site. The objector is concerned that their hedge and tree may die as the proposed development includes a retaining wall, access road, parking bays and pumping station all within the 2 metres root protection zone of their hedge and Ash tree.
- 5.40 The proposed development does show a retaining wall, access road, parking bays and a pumping station all within the 2 metre root protection zone of this boundary hedge and Ash tree at Hazel Dene. It is therefore possible that the proposed development may harm the neighbours hedge and Ash Tree. Whilst it would be preferable to retain the hedge and tree in the neighbours garden, any harm to these elements is not considered to be sufficient enough to justify recommending the application for refusal.

- 5.41 Planning conditions have however been recommended to require protective fencing to be installed on site to protect the existing hedges and trees which are to be retained on this site and neighbouring sites to try and minimise any damage that may be caused as a result of the construction process. Whilst some of the existing trees and hedges will be removed as part of the development and may be damaged as a result of the development, additional landscaping is proposed as part of the new housing layout.
- 5.42 A number of tree/landscaping related planning conditions (conditions 18 - 21) have therefore been recommended requiring the provision of tree/hedge protection measures during construction, the provision of a site specific arboricultural method statement to cover all works inside the tree/hedge protection zone, approval of the final landscaping scheme and its provision and maintenance.
- 5.43 Subject to these tree/landscaping related planning conditions, it is considered that the proposed development is acceptable in terms of if impact on the existing trees/hedges on the site and neighbouring sites and accords with the aims and objectives of the NPPF, saved policies ENV44 of the Council's UDP and policy CS18 of the Council's Core Strategy and Urban Core Plan.
- 5.44 **ECOLOGY ISSUES**  
The application site is situated immediately south of Spen Denes Site of Nature Conservation Importance (SNCI) and an area of ancient semi-natural woodland (Comb Wood) incorporating the lower Spen Burn. These areas are known to support a number of invertebrates and a number of protected and priority species.
- 5.45 The planning application has been submitted with a number of ecology surveys and reports including a Phase I Habitat and Wildlife Survey and Breeding Bird Survey.
- 5.46 Council officers consider that the potential ecological impact of the development are :
- Disturbance of the adjacent Spen Dene SNCI through increased noise and light levels, general activity, public access, the predation of wildlife by pets, the spread of invasive species and pollution of the watercourse
  - The direct loss of a substantial area of semi-improved grassland which provides a valuable resource for insects, birds and mammals.
  - The direct loss of native hedgerow and individual trees
  - Increased disturbance of retained habitats including woodland, grassland, hedgerow and individual trees.
  - Reduce ecological connectivity
  - Direct loss of bat foraging and commuting habitat. Disturbance of retained bat foraging and commuting habitat through increased light and disturbance
  - Direct loss of breeding bird and non breeding bird habitat. Disturbance of retained breeding and non breeding bird habitat through increased noise and light levels, general activity and the predation of birds by cats.

- 5.47 A range of ecology mitigation and enhancement measures have been proposed as part of the development in an attempt to avoid and reduce the impacts on the development on biodiversity including the provision of a 15 metre buffer zone from the watercourse at the northern end of the site and the provision of bird/bat boxes.
- 5.48 It is the view of Council officers that this current planning application would have a lesser impact on the ecology of the area when compared to the existing extant planning permission. This view is taken based on the fact that the existing extant permission has a larger developable area with a smaller ecology buffer zone. Therefore Council officers consider that the fall back position available to the applicant represents a material consideration.
- 5.49 In light of this fall back position Council officers are of the view that subject to a number of ecology related planning conditions (conditions 23 - 29) covering the ecological mitigation and enhancement measures suggested by the developer, the proposal is acceptable from an ecological point of view, in accordance with the aims and objectives of the NPPF, saved policies DC1(d), ENV46, ENV47 and ENV49 of the Council's UDP and policy CS18 of the Council's CSUCP.
- 5.50 FLOOD RISK/DRAINAGE  
A Flood Risk Assessment (FRA) which includes a drainage strategy has been submitted as part of this planning application.
- 5.51 The application site is situated within Flood Zone 1. The Environment Agency Flood Risk from Surface Water Mapping and the Council's Strategic Flood Risk Assessment both show that a flow route passes through the application site. Excess water originates from the Low Spen Burn in high rainfall events and follows a curving depression in the ground at the northern end of the site, to return to the Burn via the northeast corner of the site. This flow route corresponds to the area of the proposed housing layout where the turning head, the pumping station and the houses and gardens of plots 12 and 13 are located.
- 5.52 The submitted FRA explains that the development is shown to be underlain by clay and soakaway testing carried out has shown that the site is unsuitable for the use of infiltration techniques. Surface water is therefore proposed to be discharged via a new outfall to the Low Spen Burn, the watercourse to the north of the site. It is proposed that discharge rates will be restricted to greenfield runoff levels where possible to prevent exacerbation of downstream flooding. A detention basin is also proposed at the northern end of the site.
- 5.53 Foul flows from the proposed development is to be discharged to the public sewer in accordance with Northumbrian Waters requirements.
- 5.54 The information submitted by the applicant has shown that due to raising the levels (by 1.2 metres above the existing) the houses for plots 12 and 13 would not be at risk of flooding. However Council officers are of the opinion that the effect

of raising these levels is not clear and may divert the excess water flow route northwards from its current path toward the proposed drainage basin and could result in flows in excess of greenfield runoff rates entering the Low Spen Burn watercourse to the north of the site, which could increase the risk of the Burn flooding down stream.

5.55 A number of planning conditions (conditions 30 - 35) have therefore been recommended to approve the final details of the surface water drainage scheme which may need to be changed to address the above comments, its maintenance and the foul drainage scheme to ensure that they are appropriate and do not result in increasing flood risk elsewhere or result in pollution of the adjacent watercourse. Subject to these planning conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.

#### 5.56 LAND CONTAMINATION

The application site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is considered to be situated on potentially contaminated land based on previous historic use.

5.57 A Phase 1 Desk Top study site investigation report has been submitted as part of this planning application. This report recommends that a phase 2 investigation including a ground investigation and contamination and gas testing is carried out on site to establish the actual site conditions and to properly assess the risk from the geology of the site and its historic land use. Council officers agree with the findings and recommendation of this report.

5.58 Given that the site is considered to be potentially contaminated and given the future sensitive residential land use, conditions (conditions 36 - 40) will be required to ensure that intrusive site investigations with a Phase II detailed risk assessment and where required remediation, monitoring and verification reports as well as gas monitoring and gas protection measures are carried out.

5.59 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.

#### 5.60 COAL MINING ISSUES

The application site is within a Coal Authority defined "Development High Risk Area" (formerly known as Coal Mining Development Referral Areas). This means that within the site or surrounding area there will be coal mining features and hazards which need to be considered. The submitted phase 1 desk study site investigation report includes coal mining information and concludes that there is a potential risk to the proposed development from past coal mining activity. The Coal Authority has considered the submitted report and has stated that they have no objection to the development subject to a planning condition



which requires that further site investigations are carried out to establish the exact situation regarding the coal mining legacy on the site and any remediation works that may be required. Subject to such planning conditions (conditions 42 - 43) it is considered that the proposed development would not be at risk from past coal mining in the area and would accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the Council's CSUCP.

**5.61 OPEN SPACE/PLAY PROVISION**

Saved UDP Policies H13, H15, CFR20, CFR28, CFR29 and CFR30, relating to the provision of play facilities and open space are considered to apply to this current application.

5.62 However pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project.

5.63 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space. The LPA therefore cannot seek any further obligations in respect of these matters.

5.64 While it cannot be concluded that the proposed development would comply with saved policies CFR20, CFR28, CFR29 and CFR30 of the Council's UDP, it is considered that it would be unreasonable to require any contribution for either play or open space provision in this case, based on the above assessment.

**5.65 COMMUNITY INFRASTRUCTURE LEVY**

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

**5.66 OTHER ISSUES**

A number of other issues have been raised by local residents which have not been addressed in the report above :

- The application site is not within a Conservation Area.
- Loss of view is not a material planning consideration.

**6.0 CONCLUSION**

6.1 Taking all the relevant issues into account, including the comments made by local residents and the available fall back position, it is considered that the revised housing layout of 13 houses is acceptable subject to the planning conditions below and therefore accords with the aims and objectives of both

national and local planning policies. It is therefore recommended that planning permission be granted.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and

That the Service Director of Development and Public Protection be authorised to 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 -

Location Plan	P100
Proposed Site Plan	P200_P12
Proposed Site Sections	P211 Rev P0
Proposed Site Sections	P210 Rev P0
House Type A	P201 Rev P1
House Type B	P202 Rev P1

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 external materials for the development hereby approved being used on site samples of the materials, colours and finishes shall be 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, saved policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under condition 3 and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

No boundary treatments shall be provided on site until a fully detailed scheme for the boundary treatment of and within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

The development shall be implemented wholly in accordance with the approved boundary treatment details approved under condition 5 prior to any of the dwellings being occupied.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

Notwithstanding the details on the submitted drawings, no development shall commence on site until full details of the existing and proposed ground and finished floor levels and retaining walls of the development are submitted to and approved in writing by the Local Planning Authority.

Reason

Inadequate information about ground levels and retaining walls have been submitted, having regard to the sloping nature of the site. This additional information is required to ensure a satisfactory form of development in the interests of residential/visual amenity and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

The finished ground and floor levels of the development and retaining walls across the site shall be carried out in full accordance with the details approved under condition 7 and maintained as such thereafter.

Reason

Inadequate information about ground levels and retaining walls have been submitted, having regard to the sloping nature of the site. This additional information is required to ensure a satisfactory form of development in the interests of residential/visual amenity and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

The following windows :

Plot 1 eastern elevation (first and second floor landing windows)

Plot 7 eastern elevation (first floor stair window)

Plot 8 western elevation (first floor stair window)

shall be obscurely glazed at a level three or greater (in accordance with the levels set by Pilkington). The glazing shall be installed prior to the building/extension being occupied and shall be permanently retained in that condition thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers and in the interests of residential amenity in accordance with the NPPF, saved policy DC2 of the Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

10

Notwithstanding the details on the submitted drawings, no development shall commence on the pumping station on site until full details of the pumping station including its design, size, location and noise generating details are submitted to and approved in writing by the Local Planning Authority.

Reason

Inadequate information about the pumping station has been submitted. This additional information is required to ensure a satisfactory form of development in the interests of residential/visual amenity and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

The pumping station on site shall be provided in accordance with the details approved under condition 10.

Reason

Inadequate information about the pumping station has been submitted. This additional information is required to ensure a satisfactory form of development in the interests of residential/visual amenity and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

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, saved policy DC2 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

13

Notwithstanding the details on the submitted drawings, no development shall commence on the vehicle access to the site until full details of the access including details of the visibility splays and the provision of dropped kerbs at the site entrance are submitted to and approved in writing by the Local Planning Authority.

Reason

Inadequate information about the vehicle access have been submitted. This additional information is required to ensure adequate visibility for drivers using the site and a safe point for pedestrians to cross in the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

The access to the site shall be provided in accordance with the details approved under condition 13 prior to the occupation of any of the dwellings hereby approved.

Reason

Inadequate information about the vehicle access have been submitted. This additional information is required to ensure adequate visibility for drivers using the site and a safe point for pedestrians to cross in the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

Notwithstanding the details on the submitted drawings no dwellings shall be occupied until details for the provision of secure and weatherproof cycle parking facilities for each dwelling are submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

16

The cycle parking provision for each dwelling approved under condition 15 shall be provided in accordance with the approved details prior to each dwelling being occupied.

Reason

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

17

A travel welcome pack for the future residents which includes bus timetables along with information on the walking and cycling options available in the area shall be given to each dwelling upon its occupation.

Reason

In order to promote sustainable travel choices in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

18

No development or any other operations shall commence on site including soil stripping or movement, bringing onto site of additional soils, materials, supplies or machinery until a detailed scheme for tree protection and hedge protection barriers to be installed on site to protect the trees and hedges that are to be retained on site and to protect the

existing trees and hedges adjacent to the site has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees and hedges in accordance with the NPPF, policy ENV44 of the Unitary Development Plan and policy CS18 of the Council's Core Strategy and Urban Core Plan.

19

The tree and hedge protection barrier approved under condition 18 shall be provided in accordance with the approved details prior to any development or any other operations commencing on site including soil stripping or movement, bringing onto site of additional soils, materials, supplies or machinery.

The tree and hedge protection barrier shall be retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

No development or other operations shall commence on site within the tree and hedge root protection zone inside the tree and hedge protection barrier approved under condition 18 until a detailed site specific arboricultural method statement for any such works to be undertaken has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be implemented wholly in accordance with the approved details of the arboricultural method statement.

Reason

To ensure the satisfactory protection of trees and hedges in accordance with the NPPF, policy ENV44 of the Unitary Development Plan and policy CS18 of the Council's Core Strategy and Urban Core Plan.

20

Notwithstanding the details of the submitted drawings no landscaping shall be provided on site 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 details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new 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, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

21

The landscaping scheme approved under condition 20 shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

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, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

22

The landscaping scheme approved under condition 20 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 the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

23

All vegetation clearance works including the removal of trees and shrubs on the site should be undertaken outside the breeding season (March to August inclusive). Where this is not possible a breeding bird checking survey must be undertaken by a qualified ecologist immediately prior to any vegetation clearance and a report submitted to the Local Planning Authority for written approval. Where breeding birds are found to be present on the site the nests must remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

To ensure that the development of the site ensures the protection of breeding birds, in accordance with the NPPF and saved policies DC1(d) and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

24

No dwelling hereby approved shall be occupied until a management plan for the on site ecology buffer zones/areas on the site has been submitted to and approved in writing by the Local Planning Authority.

Reason



In order to compensate for the habitats that will be lost in accordance with the NPPF, saved policy ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

25

The on site ecology buffer zones and areas on the site shall be maintained in accordance with the ecology management plan approved under condition 24.

Reason

In order to compensate for the habitats that will be lost in accordance with the NPPF, saved policy ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

26

No development shall commence on the dwellings hereby approved until details of the bird nesting boxes to be incorporated into the development (including the number, specification and precise locations) have been submitted to and approved in writing by the local planning authority.

Reason

In order to compensate for the bird habitats that will be lost in accordance with the NPPF, saved Policy ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

27

The bird nesting boxes approved under condition 26 shall be installed in accordance with the approved details prior to the dwellings being occupied and retained thereafter.

Reason

In order to compensate for the bird habitats that will be lost in accordance with the NPPF, saved policy ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

28

No development shall commence on the dwellings hereby approved until details of the bat boxes to be incorporated into the development (including the number, specification and precise locations) have been submitted to and approved in writing by the local planning authority.

Reason

In order to compensate for the bat habitats that will be lost in accordance with the NPPF, saved policy ENV47 of the Unitary Development Plan

and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

29

The bat boxes approved under condition 28 shall be installed in accordance with the approved details prior to the dwellings being occupied and retained thereafter.

Reason

In order to compensate for the bat habitats that will be lost in accordance with the NPPF, saved policy ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

30

Notwithstanding the submitted plans, no development shall commence on site until a detailed scheme for the surface water drainage system for the site/development including a timetable for its implementation has been submitted to and approved in writing by the local planning authority.

Reason

To prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, Policy DC1 (h) and (j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

31

The surface water drainage system approved under condition 30 shall be provided in accordance with the approved details in accordance with the approved timetable for implementation.

Reason

To prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, Policy DC1 (h) and (j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

32

No dwellings hereby approved shall be occupied until a Surface Water Drainage Management Plan for the management and maintenance of the surface water drainage scheme of the development and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, Policy DC1 (h) and (j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

33

The Surface Water Drainage Management Plan approved under condition 32 shall be implemented in accordance with the approved details and the approved timetable for implementation.

Reason

To prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, Policy DC1 (h) and (j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

34

No development shall commence on site until a detailed scheme for the disposal of foul water from the development including a timetable for implementation of the foul drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, Policy DC1 (h) and (j) of the Council's Unitary Development Plan and Policies CS14 and CS17 of the Council's Core Strategy and Urban Core Plan.

35

The detailed scheme for the disposal of foul water from the development approved under condition 34 shall be provided in accordance with the approved details and the approved timetable for implementation.

Reason

To prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, Policy DC1 (h) and (j) of the Council's Unitary Development Plan and Policies CS14, CS17 and GV4 of the Council's Core Strategy and Urban Core Plan.

36

No development shall commence on site until a Phase 2 site intrusive site investigation is undertaken and a Phase 2 Risk Assessment report of the findings has been submitted to and approved in writing by the Local Planning Authority. Where applicable, the report should include recommendations for measures for Remediation, Monitoring and Verification Reports.

Reason

In order to ensure that risks from land contamination are minimised in accordance with the NPPF, Policies DC1(p) and ENV54 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

37

No development shall commence on site until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and that a minimum of 1.15 metre of proven clean uncontaminated clean cover is provided in all soft landscape areas.

Reason

In order to ensure that risks from land contamination are minimised in accordance with the NPPF, Policies DC1(p) and ENV54 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

38

The remediation scheme approved under condition 37 shall be implemented in accordance with the approved details in accordance with the timetable approved under condition 37.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

In order to ensure that risks from land contamination are minimised in accordance with the NPPF, Policies DC1(p) and ENV54 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

39

Following completion of the remediation measures approved under condition 37 a verification report that demonstrates the effectiveness of the remediation carried out must 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 NPPF, Policies DC1(p) and ENV54 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

40

No development shall commence on site until a scheme of site investigation and assessment to test for the presence and likelihood of ground gas emissions has been submitted to and approved in writing by

the Local Planning Authority or until an alternative scheme to provide measures to protect the proposed development from such gas emissions has been submitted to and approved in writing by the Local Planning Authority.

The construction of the development shall take account of the results of the site investigations for gas emissions. The detailed design and method of construction shall incorporate the gas protection measures the details of which shall be first submitted to and approved in writing by the Local Planning Authority. The approved gas protection measures shall be fully implemented in accordance with the approved details before each house is occupied.

**Reason**

In the interest of the safe development of the site in accordance with the NPPF, policies DC1(p) and ENV54 of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

41

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

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

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

**Reason**

In order to ensure that risks from land contamination are minimised in accordance with the NPPF, policies DC1(p) and ENV54 of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

42

No development shall commence on site until :

- 1 - a detailed scheme for further coal mining intrusive site investigations has been submitted to and approved in writing by the Local Planning Authority and subsequently undertaken on the site and

2 – a report of the findings arising from the intrusive site investigation under 1 has been submitted to and approved in writing by the Local Planning Authority and

3 – a comprehensive scheme of remedial works including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

**Reason**

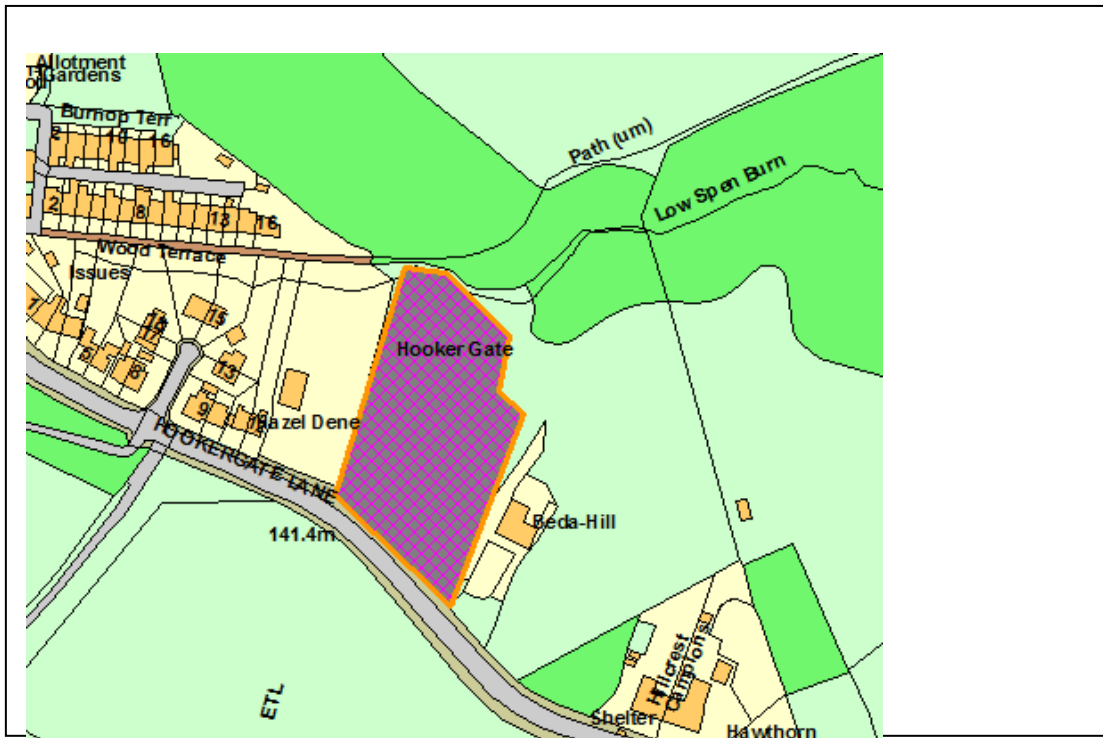
To ensure that the development is not at risk from unstable land in accordance with the NPPF, policies DC1(p) of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

43

The comprehensive scheme of remedial works on the site shall be carried out in accordance with the details approved under condition 42 including the approved timetable of implementation

**Reason**

To ensure that the development is not at risk from unstable land in accordance with the NPPF, policies DC1(p) of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.



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## REPORT NO 2

**Committee Report**

<b>Application No:</b>	<b>DC/16/00698/OUT</b>
<b>Case Officer</b>	<b>Andrew C Softley</b>
<b>Date Application Valid</b>	<b>13 July 2016</b>
<b>Applicant</b>	<b>Persimmon Homes</b>
<b>Site:</b>	<b>Former Wardley Colliery Wardley Lane Felling Gateshead NE10 8AA</b>
<b>Ward:</b>	<b>Wardley And Leam Lane</b>
<b>Proposal:</b>	<b>Outline application for no more than 155 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. All matters reserved.</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Outline Application</b>

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

The application was deferred at the Planning and Development Committee of 25<sup>th</sup> January 2017 for Members to visit the site on 9<sup>th</sup> February 2017. The application is therefore to be considered at the Planning and Development Committee on 15<sup>th</sup> February 2017.

**1.2 DESCRIPTION OF THE SITE**

The application site is made up of two adjoining parcels of land that are in separate ownership, which collectively make up the former Wardley Colliery site. The smaller of the two sites contains the remains of the former original colliery buildings that are predominantly single-storey units laid out in linear strips, save for a small number of two/three-storey tower like buildings. The buildings are in a very dilapidated, semi-ruinous state due to being neglected for the last 40 years since the colliery closed, with no lawful alternative use established during the intervening period. The larger of the two sites is the former Wardley Colliery No. 2, which is immediately adjacent to the original site and historically formed an extension to the colliery operation, including the colliery spoil heap on part of the site. However, in 1985 it began operating as a commercial vehicle dismantling and repair yard known as JW Coats and Sons. The site is made up of extensive hardstanding that was used for the open storage of truck bodies, vehicle parts, tyres, etc. The site also contained two large two-storey detached metal clad buildings that formed the enclosed repair and dismantling part of the business. The use ceased in the early to mid-part of 2015, including the removal of all the open air stored items and the demolition of one of the two large buildings. The site has remained vacant ever since.

- 1.3 The application site lies within the Green Belt, on the north eastern side of Wardley. The smaller site is defined with Heras style fencing that was installed by the owner at the request of the Council due to the previously insecure nature and untidy appearance of the land and on-going issues with anti-social behaviour. The larger site is defined by 2m+ high metal palisade fencing along its northern and eastern boundaries and is screened along its western, and part of its southern boundary with mounding formed from the remodelling of the former colliery spoil heap that has subsequently been planted. The wider application site is bounded to its south/southwest side by the Leamside railway line, to its southeast/east side by the Bowes Railway route, to its east/northeast by Wardley Manor Country Park (restored former landfill) and to its north/northwest by an un-adopted track, which gives access to the site from Wardley Lane that runs over the Wardley railway bridge, and which continues also in a north westerly direction to the A185 Shields Road.
- 1.4 Lighter vehicles can also access the site via Manor Gardens over Wardley Bridge, but HGVs can gain access only from Wardley Lane and the north. The open land around the site generally forms part of the Wardley Manor Country Park, in accordance with an adopted Strategy for this country park (supported by UDP policy CFR25). The site itself also partly lies within the Wardley moated site, a Scheduled Ancient Monument (SAM), of a former 13th century manor house with a surrounding moat.
- 1.5 **DESCRIPTION OF THE APPLICATION**  
This outline application, with all matters reserved, seeks to establish the principle for no more than 155 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. The application site extends to 4.2 hectares but that does include the existing screening bunds that would remain and the proposed dwellings would be constructed on the flatter, developable area following the demolition of the remaining buildings and structures.
- 1.6 Although only indicative at this stage, the main access is proposed to be via Wardley Lane from the north, with the existing rough track upgraded to an adoptable standard up to where it meets Wardley Railway Bridge and the entrance to the estate positioned towards the northwestern part of the site where the current former colliery buildings are located. The smaller bridge over the Leamside Line that links to Manor Gardens would be pedestrianised to remove the issue of vehicle rat-running between Wardley and Hebburn.
- 1.7 An indicative layout has also been submitted showing a combination of 2 and 2.5 storey detached and semi-detached properties and detached garages, with red brick and slate grey roofs and a "gateway" feature at the entrance.
- 1.8 **PLANNING HISTORY**  
The site has had a long planning history, but the most recent, and most relevant to this current planning application, have been the following applications:-

EIA/16/003 - Environmental Impact Assessment (EIA) Screening Option for a residential development of approximately 150 dwellings (use class C3) on land



of former Wardley Colliery and breaking yard, Wardley. Deemed that an EIA is not required in this case - response issued 14.07.2016.

DC/12/00363/OUT - Outline application for residential development with access to be considered. All other detailed matters reserved. Withdrawn - 31.07.2012.

DC/10/00251/CPL - CERTIFICATE OF LAWFULNESS FOR PROPOSED USE: Use of land red-edged within site as shown on drawing NE/1141/07/Rev1 (dated May 1997, pursuant to planning permission 336/97) for waste recycling (use Class B2), to comprise the processing of recyclable waste delivered to the site by road, by means of its sorting by manual and/or mechanical means, both indoors and outdoors, into separate recyclable materials, including soil, aggregates, ferrous metals and aluminium, green waste, timber, paper, cardboard, and plastics. Further processing of some of these materials to include crushing, shredding or compacting/baling to form an end product which can be sold on for recycling. No sales (other than any ancillary to the use) to be direct to visiting members of the public. Recyclable materials to comprise not less than 90% of the incoming waste and the waste fraction arising to be exported to appropriate landfill sites. No incineration or chemical treatment of waste to take place on the site, nor waste to be disposed of on the site. All waste passing through the site to undergo processing of some sort - Granted - 05.05.2010.

DC/08/01286/FUL - Erection of three industrial buildings and extension and modification to screening mounds involving erection of 2m high retaining wall. Refused - 05.02.2009. Appeal dismissed 04.01.2010.

Earlier applications are noted below:-

BX7/40 - use of land for coal stocking -1963

322/76 - a temporary mobile plant to recover coal from Wardley Colliery - granted- 16.3.1976

501/81 - use of 1.5 acres of vacant land for vehicle dismantling and reprocessing - refused - 14.07.1981

502/81 - erection of a 5,000 sq.ft. building for use in association with vehicle dismantling and reprocessing compound - refused - 14.07.1981

834/81 - change of use of storage compound to vehicle repair and reprocessing plant - refused - 14.07.1981

1119/81 - Section 53 Determination - change of use from plant repair shops and storage compound to vehicle repair and reprocessing plant - refused - 14.10.1981

1505/81 - extension to existing motor vehicle and plant repair buildings - granted - 18.01.1982

1417/83 - Erection of a single storey building to provide workshop- refused  
-17.06.1985

224/84 - erection of sixteen industrial units - refused - 13.06.1984

730/85 - erection of motor repair and plant repair building - refused. Appeal  
allowed -21.06.1986

1169/86 - erection of fabric-covered steel arch structure for use as motor and  
plant repair accommodation (for temporary period of 12 months) - temporary  
permission granted - 12.01.1987

1257/86 - change of use of 1.9 acres of former colliery spoil heap and  
surrounds to form extension to adjacent vehicle dismantling compound -  
refused - 9.03.1987

1387/87 -retention of fabric-covered steel arch structure for use as motor and  
plant repair accommodation for further temporary period of 12 months (renewal  
of planning permission 1169/86) - granted - 5.04.1988

166/89 - retention of fabric-covered steel arch structure for use as a motor and  
plant repair accommodation for further temporary period of 12 months (renewal  
of permission 1387/87) - granted - 27.04.1989

1166/89 - erection of motor and vehicle repair building in vehicle dismantling  
premises - granted 6.11.1989

1349/89 - erection of 2.4m high boundary fence and repositioning of gate at end  
of access road (retrospective application) - granted - 2.04.1991

1197/90 - erection of single storey extension to motor vehicle repair building to  
provide storage, office, canteen and toilet facilities - granted - 18.10.1990

97/92 - erection of extension at western end of existing workshop to provide  
additional workshop area, storage and office accommodation - granted  
-3.03.1992

463/92 - change of use of 0.2ha of former colliery railway land to open  
storage/parking of motor vehicles in association with adjacent vehicle  
dismantling premises - granted - 9.06.1992

206/94 - erection of additional storage building (230 sq.m. floorspace) in vehicle  
dismantling compound- granted - 3.05.1994

549/94 - erection of additional storage building (230sq.m. floorspace) in vehicle  
dismantling compound (pursuant to outline permission 206/94) - granted -  
19.05.1995

336/97 - change of use of former colliery land to form extension to adjacent  
vehicle dismantling and workshop compound (retrospective) and associated

works (including screen landscaping and fencing (partly retrospective) - granted - 14.02.2000

1300/01 - installation of 10KV Electro fence security system cranked at a distance of up to 200-350mm behind existing fence line and extending at a maximum 600mm over the existing palisade pales - granted - 20.12.2001

## **2.0 Consultation Responses:**

Coal Authority	No objections subject to conditions.
Historic England	No objections subject to conditions.
Nexus	Objects to the application due to being in an isolated position in respect of bus stops and the Metro.
Northumbria Water	No issues provided it is carried out in accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy".
South Tyneside Council	Objects to the application due to conflict with Green Belt policy and insufficient information to judge the impact upon a Wildlife Corridor and the vehicle access arrangements.

## **3.0 Representations:**

3.1 Ward Councillors Stewart and Linda Green have offered their support to this application.

3.2 One letter neither objecting nor supporting the application has been received from a local resident and raises the following points:

- Use of the bridge over the Leamside line by motor vehicles must be stopped to prevent rat-running and to promote pedestrian and bicycle use.

3.3 One letter of support has been received from a local resident and raises the following points:

- The development would massively improve this part of Gateshead and could also benefit the country park.
- It would remove an eyesore from a derelict piece of land to the benefit of the local environment.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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

H4 Windfall and Small Housing Sites

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H15 Play Areas in Housing Developments

CFR25 - Countryside Recreation

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

MWR28 Prov of Facilities in new Developments

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

### **5.1 ASSESSMENT**

The main planning issues to be considered are viability, the principle of the development, green belt, ecology, landscape, design, amenity, highway safety, flood risk/drainage, scheduled ancient monument, contaminated land and coal mining legacy.

### **5.2 VIABILITY**

It is accepted that this site will require significant remediation in order to provide a residential development and these costs are likely to be considerable, which would impact on the value offered to the land owner. However, having assessed the issues raised in connection with revenues stream, build costs and land remediation that does not currently support the view that the site can only be reasonably delivered without any planning obligations. Furthermore, the submitted documentation does provide any justification as to why a figure of 155 properties is required in order to make the development viable.

### **5.3 PRINCIPLE OF THE DEVELOPMENT**

Windfall housing

Saved Unitary Development Plan (UDP) policy H4 indicates that windfall and small housing site proposals should be assessed in terms of

- (c) the location of the site in relation to jobs, shops and services, and accessibility by modes of transport other than the private car;
- (d) the capacity of the existing and potential infrastructure;
- (e) the ability to build or sustain communities;

5.4 There is relatively poor access to public transport. The bus service on Victoria Road West/Wardley Lane is further away than the 400 metre guideline by any practicable walking route (approx. 1km), and the bus stop on Manor Gardens at Rannoch Close will not be within 400 metres of any dwelling on the site (approximately 500m to the nearest dwelling). Therefore, in practice public transport accessibility is relatively limited and would place a greater reliance on the use of private cars. This is backed up by Nexus who have objected to the application on the basis that "none of the site falls within 400m of a bus service or 800m of a Metro station". The nearest property would be approximately 1200m from Pelaw Metro Station and involve the use of an unlit and isolated path.

5.5 The site is relatively distant, by awkward and indirect pedestrian routes, from shops, community facilities (except Wardley Park) and the nearest Metro station at Pelaw. It is not evident that this somewhat isolated site would contribute to building or sustaining the local communities in either Wardley or

Bill Quay and these are not areas which have been identified as requiring regeneration. Therefore, it is considered that the proposal is contrary to saved policy H4 of the UDP.

5.6 Housing choice

The proposal is for no more than 155 dwellings. No breakdown of numbers of bedrooms in each dwelling is given but the cubic volumes of the houses shown does include a specific mix of house types. The majority of properties indicated are three and four bedroom family houses.

5.7 CSUCP policy CS11 requires that 60% of new private dwellings constructed, over the plan period and plan area, are family houses of three or more bedrooms. In order to meet this target, a development on this scale would be expected to meet or exceed this guideline. In addition, policy H5 requires large developments (25 or more dwellings or more than 1 hectare) to offer a range of housing choices taking account of the needs of different groups, including families with children and the elderly. Policies H9 and H10, respectively, require 10% lifetime homes and 2% wheelchair homes. The site is relatively suitable for wheelchair homes because it is flat. Policy CS11 also requires 15% affordable dwellings on sites of 15 or more dwellings, subject to viability. In this case the applicant is not proposing any affordable units due to viability concerns. However, having assessed the applicant's viability submission, it is considered that the site could support planning obligations and therefore the lack of affordable housing provision is contrary to policy CS11 of the CSUCP.

5.8 Residential space standards

Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". With regard to this requirement, it should be noted that in March 2015 DCLG published nationally described space standards for new housing. The Council would expect that proposals for new residential development will, as a minimum, seek to achieve nationally described space standards. It is considered that this issue could be addressed at the reserved matters stage, should permission be granted.

5.9 Public open space

The neighbourhood in which the site is located is not deficient in public open space and there is no requirement for the development to provide any.

5.10 Children's play

There are no toddler play facilities within the maximum distance specified by policy CFR28 of the UDP. As the proposal is for more than 75 dwellings, equipped provision for toddler play should be made on site in accordance with policy H15 of the UDP and the Council's guidelines in SPG4.

5.11 There is one junior play facility, within the maximum distance specified by policy CFR29 located at Wardley Park, but there is still a deficit of junior play provision for the catchment population. In accordance with policy H15 provision should be made for junior play, and in accordance with SPG4 this should be on site as the proposal is for more than 110 dwellings.

- 5.12 There is one teenage recreation facility within the prescribed distance set out in policy CFR30 at Wardley Park. However, this is not adequate to serve the needs of the catchment population. In accordance with policy H15, if provision is not made on-site, a financial contribution should be secured towards the installation and maintenance of teenage recreation facilities to be provided off-site; and if on-site, a contribution to maintenance or acceptable alternative arrangement should be secured.
- 5.13 The applicant is not proposing to provide any on site play provision and is not proposing any off-site contributions and is citing viability as the reason. However, for the reasons set out above, it is considered that the site could support such provision and therefore the proposed development is considered to be contrary to saved policies CFR28, 29 and 30 of the UDP.
- 5.14 **GREEN BELT**  
The site is in the Green Belt. The site is wholly or mainly previously developed land (PDL) and accommodates derelict buildings and a substantial area previously given over to the reclamation of commercial vehicles, which remains a lawful use of the site. Nevertheless, substantial parts of the site, especially around the remaining derelict colliery building, are open. Furthermore, the definition of PDL excludes temporary buildings and structures and "land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time".
- 5.15 Effect on openness  
It is considered that the proposal represents a substantial intensification of development on the site and is contrary to paragraph 79 of the National Planning Policy Framework (NPPF) in that it would reduce the openness of the Green Belt. Houses on the colliery buildings site would intensify the volume and footprint of development on that site. Houses on the former scrapyard site would do likewise. The calculation of the cubic volume of the houses, as opposed to the truck bodies and parts, tyres and other associated non permanent features is difficult to judge, not a complete reflection of reduction in openness since more than just the houses themselves should be taken into account, and in any case the lorries have been removed and the site is currently vacant and open. Moreover the vehicles and parts were transient and not rooted to the ground like a house and thus cannot be considered as permanent. Therefore, it is not considered that the blocks shown in the submitted documents can be relied upon to say that the volume of the new development would be less than the previous use.
- 5.16 The submitted Green Belt Assessment claims that the proposal reduces the "footprint of the developable area" by 77%. This claim emphasises that only the physical volume of the proposed houses and garages is being considered in the applicants' calculation of the respective impact of the recent use and of the proposal. Gardens, roads and pavements, likely future additional structures such as shed and conservatories, residents' vehicles (as opposed to the scrap vehicles kept on the site until recently), street furniture and any other land uses or structures included within the proposed housing estate, which would in fact contribute to reducing openness, are not considered by the applicant to involve

even a potential reduction in openness. The proposal is for a housing estate; housing estates, taken as a whole, do not provide the openness which is an essential characteristic of the Green Belt.

5.17 Whether inappropriate development

The applicant suggests that the proposal does not constitute inappropriate development, and the very special circumstances test should not be applied, because the final bullet point of NPPF paragraph 89 indicates that redevelopment of brownfield land "whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development" will not be inappropriate development.

It is not considered that this applies in this case because (i) the exclusion of temporary buildings indicates that they should not be taken into account when assessing whether a proposal would have no greater impact on openness than the existing use; if temporary buildings are excluded then surely the use of land for storing vehicles would also be intended to be excluded, and the intention of the NPPF is to refer to land covered by permanent buildings only; and (ii) it is considered that the proposal would have a greater impact on the openness of the Green Belt than the existing use.

5.18 Very special circumstances

Paragraph 87 of the NPPF indicates that inappropriate development in the Green Belt should only be approved in very special circumstances. Paragraph 88 indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will only exist if any potential harm to the Green Belt is clearly outweighed by other considerations.

5.19 It is not considered there are any very special circumstances to justify the inappropriate development which the proposed development constitutes. Derelict sites and buildings and unsightly land uses do not constitute a very special circumstance precisely because they are not exceptional, and if they were held to do so there would be an incentive for landowners to worsen the appearance of their sites.

5.20 It is accepted that the derelict and damaged buildings on the smaller of the two sites are unsympathetic from a visual perspective and undoubtedly removing them would lead to a visual improvement. However, for the most part they are single-storey and of low density and ultimately, in their current form, have a relatively modest impact upon the openness of the Green Belt. Replacing these structures with approximately fifty 2 and 3 storey houses of much higher density would have a far greater impact upon the openness, which could not be outweighed by any perceived visual improvement.

5.21 With regard to the larger site, the site has been completely cleared of vehicles and parts, one of the buildings has been demolished and the site is well screened from the south and west by landform and planting. Therefore, the harm it has upon openness and visual amenity is currently very small and cannot be used to justify the construction of approximately 100 2 and 3 storey houses.



- 5.22 Moreover, following the adoption of the CSUCP, Gateshead has a five-year supply of housing land and therefore no very special circumstances exist in terms of housing supply. Indeed, the proposal would potentially undermine the viability of development on sites, which have been identified as suitable and sustainable through the process of public consultation and examination leading to adoption of the Local Plan. In fact, this site was assessed as part of the Council's consideration when compiling a 5 year land supply and it was rejected as unsuitable, amongst other things, due to its Green Belt classification.
- 5.23 Strategic Green Belt gap between Gateshead and Hebburn  
The proposal would reduce the gap between Gateshead and Hebburn. The maintenance of the full width of strategic Green Belt gaps between towns, particularly where, as here, they are narrow, is recognised as making an important contribution to the objective of preventing the merger of neighbouring towns. In this case, policy CS19 of the CSUCP refers to the function of the Tyne and Wear Green Belt to prevent the merging of settlements and specifically refers to preventing the merger of Gateshead and Hebburn.
- 5.24 South Tyneside Council were consulted as a neighbouring authority and they have formally objected to this application on the basis that it represents inappropriate development within the Green Belt without any very special circumstances and that it would encroach into the strategic gap between Gateshead and Hebburn, which is in breach of the Local Plans of both Councils.
- 5.25 Sprawl of the built-up area into the Green Belt  
The applicant asserts that the proposal would have no adverse impact on the Green Belt's purpose of checking unrestricted sprawl of large-built up areas, as the site will not be deleted from the Green Belt. It is true that a grant of permission would not result in the site being deleted from the Green Belt, however, in due course it is considered likely that the status of the site as Green Belt would be reviewed, as its value would be significantly diminished as a consequence of housing development taking place. Accepting this logic could set a dangerous precedence that would likely form the justification for housing development on any site within the Green Belt.
- 5.26 Beneficial use of land in the Green Belt  
The applicant asserts that the proposal would enhance the beneficial use of land in the Green Belt in accordance with NPPF paragraph 81. This is a good description of the Council's long-standing and partially-realised plan to create the Wardley Manor Country Park, which the applicant claims would be more attractive to visitors as a result of their proposal, on the basis that visitors may be discouraged by the unsightliness of the existing site and the antisocial behaviour which is stated to take place there. This is considered to be a weak argument, since there are many measures such as landscape screening and/or improved security which could have been, or could yet be, taken to hide the unsightliness and still be consistent with Green Belt policy. It is considered that paragraph 81 is clearly intended to refer to enhancing land so that it can be used for purposes which are appropriate in the Green belt, not for housing development.

- 5.27 Strategic green infrastructure network / Wardley Manor Forest Park  
The site is identified (with the adjoining Wardley Manor Country Park) as part of the Strategic Green Infrastructure Network. Policy CS18 of the CSUCP indicates that the integrity, connectivity, multi-functionality and accessibility of the network will be maintained, protected and enhanced, and that improvements will be made in "Opportunity Areas", of which this is identified as one. Furthermore, it is a crucial link between the Green Belt and wider countryside with the River Tyne. Like all parts of the Strategic Green Infrastructure Network it is important both for wildlife and people and its identification as an Opportunity Area derives from the Green Infrastructure Delivery Plan. Section 3.3, item 8, page 9 of the Delivery Plan indicates that this in turn derives from the Council's Wardley Red Barns Strategy, which includes this site in the long-term commitment to create the Wardley Manor Forest Park, which is being implemented over time. The Green Infrastructure Delivery Plan states that the proposed boundary of the Forest Park remains unchanged from that in the Wardley Red Barns Strategy, and that it is intended that it will be given the status of a statutory development plan policy through the forthcoming land allocations and development management policies element of the Local Plan, Making Spaces for Growing Places.
- 5.28 **ECOLOGY**  
It is considered that the proposed development would have a significant adverse impact on the value and integrity of the adjacent Wardley Manor Local Wildlife Site (LWS) and its associated features of interest, including priority habitats and species, through the direct loss of part of the LWS/priority habitat through inappropriate tree/shrub planting, and secondary impacts including increased trampling of sensitive vegetation, the disturbance of wildlife by people and dogs, an increase in soil fertility and a loss of botanical diversity associated with increased dog fouling, the increased predation of wildlife particularly by domestic cats, increased noise and light disturbance and the increased mortality of wildlife by road traffic. The proposed measures set out in section 5.3 of the Botanical Report in no way constitute adequate compensation for the destruction of priority habitat within the proposed development site, perpetrated in the run up to the submission of this planning application.
- 5.29 The construction of proposed development would result in a significant physical narrowing of the designated Wildlife Corridor. The significant increase in unmanaged recreational pressure within the adjacent Wardley Manor Local Wildlife Site, which forms a key element of the Wildlife Corridor, will also serve to further reduce its value and integrity, which are contrary to policy CS18 of the CSUCP and saved policy ENV51 of the UDP.
- 5.30 There is a lack of up to date ecological information to enable an adequate assessment of the likely impacts of the proposed development on potential ecological receptors, including bats and priority invertebrates (i.e. butterflies). The application fails to adequately assess the likely impacts of the proposed development on the adjacent Wardley Manor Local Wildlife Site and its features of interest including priority habitats and species. The application also fails to

assess the likely impacts of the development on ecological connectivity including the designated Wildlife Corridor.

5.31 Overall, it is considered that proposed development would have a detrimental impact upon ecology, in particular Wardley Manor LWS that could not be suitably mitigated against and the application has not been supported by the necessary ecological information. Therefore, the proposed development is considered to be contrary to the NPPF, policy CS18 of the CSUCP and saved policy ENV51 of the UDP.

#### 5.32 LANDSCAPE

The applicant states that the mound along the west/southwest boundary will remain and continue to function as a screening bund. However, the mound is not a landscape bund but a steep, high colliery waste heap that was not envisaged to function as the applicant is proposing. As such there are a range of reasons why it may not be retained unaltered, and the treatment will potentially change its appearance and size significantly, affecting the amenity and visibility of the development. The applicant is relying upon the mound staying at the scale it is as part of their justification for the development despite the strong likelihood that it is contaminated and would need to be reclaimed. The applicant suggests that this can be addressed at Reserved Matters stage and should significant amounts of the mound need to be removed they would replace it with clean earth. It is considered that this would be a very expensive exercise and is something that has not been costed by the applicant, despite their assertion that viability is critical with this development due to the extensive contamination concerns across other parts of the site. Therefore, it is considered that insufficient information has been submitted to know whether the large bund can be utilised as proposed and without further information it is not possible to say that the development would not have a negative impact upon landscape quality. As a result, it is not possible to say that the proposal would accord with the NPPF, policy CS18 of the CSUCP and saved policy DC1(c) of the UDP.

#### 5.33 HIGHWAY SAFETY

Plan reference 114570/1001 Rev A "In Principle Highway Arrangement" is considered to be an acceptable approach to bringing the existing track up to adoptable standards and indicates that the applicant has sufficient land within their control to undertake the proposed highway works. It also gives initial details about how vehicular flows across Wardley Railway Bridge would be managed. This does provide some comfort as to how this development may come forward from a transport strategy perspective but, as all matters are reserved, it is still only an indicative layout. Therefore, should permission be granted, full details would need to be provided at Reserved Matters stage. The same applies to the bridge link to Manor Gardens to make it for pedestrians/cyclists only and developing a detailed travel plan for the site.

5.34 Overall, it is considered that the level of information submitted is insufficient to make a comprehensive assessment of the site but the reserved matters would provide the opportunity to address these issues and ensure that NPPF and policy CS13 of the CSUCP are complied with.

5.35 FLOOD RISK AND DRAINAGE

The submitted flood risk assessment (FRA) has assessed the risk of a range of flooding sources and has had regard to the Strategic Flood Risk Assessment in accordance with policy CS17 of the CSUCP and NPPF paragraph 103.

5.36 The FRA correctly assesses that the site is located within flood zone 1 i.e. low risk of tidal and fluvial flooding.

The FRA assesses surface water flood risk, however there are pockets of the site which are at high risk of surface water flooding based upon the Environment Agency's Updated Flood Map for Surface Water is different to the surface water flood map from the Strategic Flood Risk Assessment which is referred to in the FRA.

The FRA has had regard to the risk from ordinary watercourses and there does not appear to be any watercourses on the site. However the FRA has made no reference to the Environment Agency's detailed drainage network which identifies a possible watercourse to the south of the site.

The FRA does not refer to the risk of groundwater flooding. Further information is required on the risk of groundwater flood risk and mitigation measures, given the outcomes from the preliminary ground investigations which identifies ground water ingress at shallow levels.

The site is located within a Critical Drainage Area within the Strategic Flood Risk Assessment and therefore it is important that the greenfield runoff rates are maintained using SuDS.

The FRA includes correspondence from Northumbrian Water who have confirmed that there are no sewer flooding incidents in the vicinity of the site.

5.37 Taking that into account it is considered that, should outline planning permission be granted, at reserved matters stage a fully detailed assessment of groundwater flood risk and appropriate mitigation measures would be required, to ensure there are no risk to properties and the drainage scheme. This could be addressed through conditions.

5.38 Sustainable Drainage System (SuDS)

The applicant's proposed surface water drainage states in the FRA that SuDS, such as permeable surfaces and rain gardens will be integrated within the existing landscaping. It states that surface water will collect on site by a SUDS and/or piped network and discharged into the unnamed watercourse to the north of the site. The surface water flows will be attenuated on site by creating storage areas within the development. However, no conceptual drainage layout has been provided by the applicant. It is not clear from the landscape masterplan where the overland flow routes and discharge points have been accommodated, where the permeable paving and rain water gardens will be located and where the on-site surface water attenuation will be located. The design and access statement also states that there will be filter drains and detention basins. It is essential that the surface water drainage strategy iteratively informs the layout, and sufficient space is set aside for the surface water flow routes and attenuation SuDS. Should underground surface water storage be proposed, the applicant would need to demonstrate that other forms of SuDS are not 'reasonably practicable'. Underground surface water storage would not conform to Policy CS17 of the CSUCP in terms of wider

multifunctional benefits such as water quality, amenity and wildlife habitats. It is unclear whether the public open space 'the village green' will include any surface water attenuation.

5.39 Whilst it is acknowledged that this is an outline application and thus it may be unreasonable to expect full details, it is considered that the applicant should provide a conceptual drainage strategy to demonstrate that SuDS can be accommodated on site with the proposed 155 homes. The level of information submitted is not considered to be sufficient to allow officers to be comfortable that a SuDS scheme is possible. This is particularly important in this case due to the issues surrounding ground contamination, groundwater levels, mine shafts, ground stability, permeability and surface water discharge route will have on SuDS design and location. Overall, it is considered that the level of information submitted is insufficient to say that the proposal would accord with the NPPF and policy CS17 of the CSUCP.

#### 5.40 CONTAMINATED LAND/COAL MINING LEGACY

The site is known to be 'contaminated' by the Council and has been assessed as being in Priority Category 2 i.e. "Site may not be suitable for present use and environmental settings. Contaminants probably or certainly present and likely to have an unacceptable impact on key targets. Action may be needed in the medium term"

1. The Preliminary Phase 2 site investigation undertaken by Patrick Parsons has proven the presence of contamination, including

- gross hydrocarbon contamination in soils and perched groundwater at the site
- the presence of Asbestos Containing Materials,
- the presence of 'potentially combustible' colliery ash fill.
- The presence of elevated methane and depleted oxygen.

2. Further extensive site investigation will be required to determine the extent of contamination at the site and to allow the scope of the extensive required remedial actions to be considered and designed.

3. A large amount of 'hazardous waste' will need to be removed from site and substantial volumes of 'clean' capping soils will need to be imported. These lorry movements are likely to impact on the surrounding residential streets during these works.

4. 2 of 4 potential mine shafts have been identified to date. Further investigation will be required to locate the 2 shafts not found to date. The shaft locations are likely to represent a sterile area for development which will also require a stand-off area for any development.

5.41 The report concludes that further significant reclamation works will be required at the site, including demolition, site clearance, asbestos removal, bioremediation of hydrocarbon impacted soils and earthworks to accommodate the colliery spoil materials present". "Further site investigation to delineate the extent of contamination identified within at the site will be required before a true reflection of remedial actions or a remedial specification for the site can be determined". Furthermore, it is considered that coal mining legacy potentially

poses a risk to the proposed development and that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. This stance is supported by the Council and the Coal Authority and should permission be granted, it is suggested that a number of conditions be added for attention at the reserved matters stage.

#### 5.42 DESIGN AND RESIDENTIAL AMENITY

Due to this being an outline application with all matters reserved, the level of information submitted is very limited and only indicative in any event. Nonetheless it is considered that ensuring a high quality design that responds well to its surroundings would be crucial. The indicative Design and Access Statement makes reference to creating several key features within the estate that the applicant calls "The Gateway", "The Spine", "Village Green" and "Park View", as well as referring to a possible palette of materials. If permission was granted it is suggested that they elements are conditioned to come forward in more detail at Reserved Matters stage.

5.43 With regards to residential amenity, again the limited information does not allow for particular comment regarding the layout within the estate and relationships between dwellings. However, should permission be granted it is expected that at Reserved Matters stage the detailed layout would take account of privacy and ensure that future residents would enjoy the appropriate levels of amenity relative to each other. In terms of wider issues, the site is close to the Metro line and is also immediately adjacent to the mothballed Leamside Line, which may be brought back into service in the future. Therefore, should permission be granted, it is considered that a comprehensive noise assessment would need to be undertaken to establish the potential noise implications for future residents and how house design and layout would need to respond.

#### 5.44 SCHEDULED ANCIENT MONUMENT

Investigations have revealed that the survival and condition of any archaeological remains on Wardley moated site has been severely compromised as a result of 19th and 20th century development. A reassessment of the known activities on site and the most recent archaeological investigation on this site in 2014 led to the de-scheduling of part of the Wardley Moated Scheduled Ancient Monument to enable redevelopment of the salvage yard and former colliery area. However, further archaeological work is required in the area of the colliery buildings (north-west corner) and in the south east corner where the medieval features were located during archaeological evaluation in 2014. This work can be undertaken under planning conditions, as the previous evaluations established that these archaeological assets are of local significance. The features included ditches, gullies and postholes possibly representing ancillary settlement activity beyond the medieval manorial complex. Therefore, should permission be granted, it is considered that conditions would be sufficient to allow the proposal to accord with the NPPF and saved policies ENV21 and ENV22 of the UDP.

#### 5.45 REFUSE STORAGE AND COLLECTION

From a waste servicing perspective there are considered to be no major issues with the proposal. The layout design in terms of waste servicing is suitable with each cul de sac having a turning point so reversing will be minimised. It also appears from the outline layout that each plot has ample space for the storage of their wheeled bins with easy access to put them out for collection. Therefore, subject to finalising the details at reserved matters stage, it is considered that the proposal can accord with the NPPF and policy MWR28 in this regard.

#### 5.46 COMMUNITY INFRASTRUCTURE LEVY

On 1<sup>st</sup> January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development because it is housing related. The CIL charge would be calculated at Reserved Matters stage, should Outline permission be granted.

### 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that outline planning permission be refused, as the proposal would result in an unsustainable isolated development, would fail affordable housing and play provision obligation policies, would significantly harm the Green Belt and Ecology and provide insufficient information regarding landscaping and SuDS. Furthermore, the applicant has failed to submit any supporting information that would outweigh officers concerns. Therefore, it is considered that the proposed development does not accord with national and local planning policies and the recommendation is made taking into account all material planning considerations, including the information submitted by the applicant and third parties.

### 7.0 Recommendation:

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

1

The application site is in an unsustainable and isolated location in respect of access to public transport, shops and facilities and therefore would place undue reliance upon the use of private cars. The development is therefore contrary to saved policy H4 of the UDP.

2

The application proposes no affordable housing provision and has been unable to demonstrate a viability justification for not providing affordable housing. The development is therefore contrary to the NPPF and policy CS11 of the CSUCP.

3

The application proposes no on-site play provision or any off-site contribution and has been unable to demonstrate a viability justification for not providing play provision. The development is therefore contrary to the NPPF and saved policies CFR28, CFR29 and CFR30 of the UDP.

4

The proposal represents inappropriate development in the Green Belt that has been unable to demonstrate a very special circumstance and hence is contrary to the NPPF and policy CS19 of the CSUCP.

5

The proposed development would have a detrimental impact upon Wardley Manor Local Wildlife Site that could not be suitably mitigated against and the application has not been supported by the necessary ecological information. Therefore, the proposed development is contrary to the NPPF, policy CS18 of the CSUCP and saved policy ENV51 of the UDP.

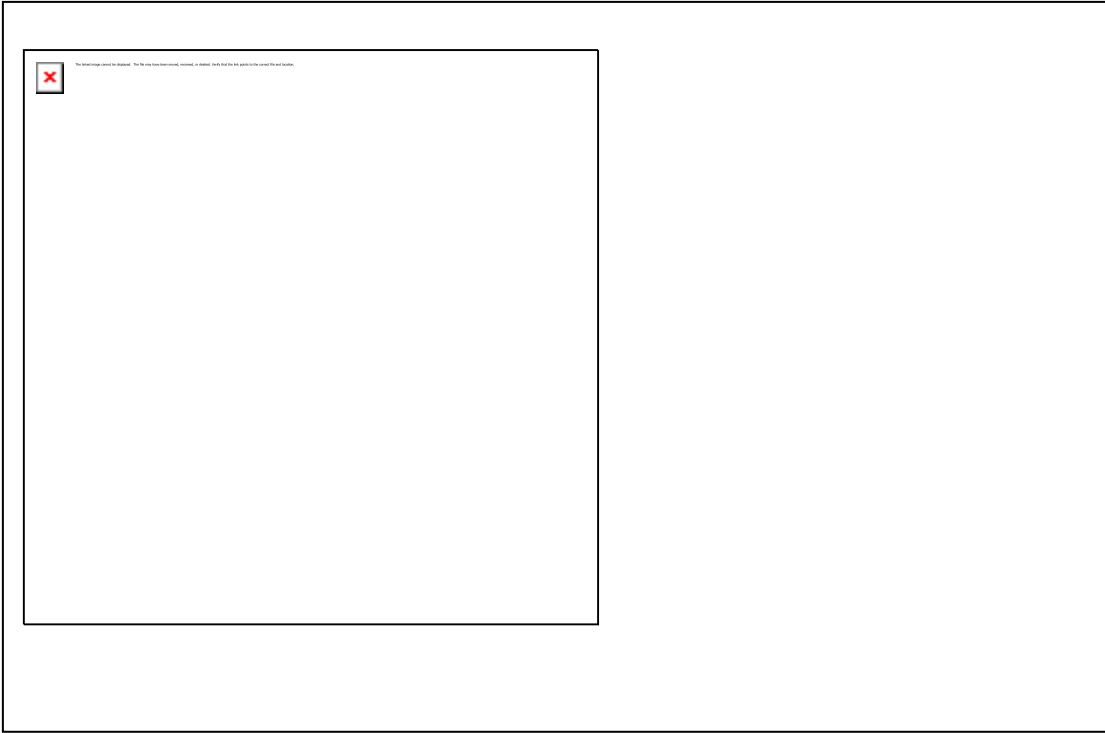
6

Insufficient information has been submitted to know whether the large bund can be utilised as proposed and without further information it is not possible to say that the development would not have a negative impact upon landscape quality. As a result, it is not possible to say that the proposal would accord with the NPPF, policy CS18 of the CSUCP and saved policy DC1(c) of the UDP.

7

Insufficient information has been submitted to know whether a SuDS scheme is possible. This is particularly important due to the issues surrounding ground contamination, groundwater levels, mine shafts, ground stability, permeability and surface water discharge route will have on SuDS design and location. Therefore, it is not possible to say that the proposal would accord with the NPPF and policy CS17 of the CSUCP.





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**Committee Report**

<b>Application No:</b>	<b>DC/16/00924/FUL</b>
<b>Applicant</b>	<b>Gleeson Developments Ltd</b>
<b>Date Application Valid</b>	<b>16 September 2016</b>
<b>Site:</b>	<b>Land At Portobello Road Birtley</b>
<b>Ward:</b>	<b>Birtley</b>
<b>Proposal:</b>	<b>Erection of 60 no. 2, 3 and 4 bedroom two-storey dwellings with associated works (resubmission) (additional information received 26/10/16 and 03/01/17 and amended plans/documents received 08/12/16, 22/12/16 and 03/01/17).</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 Members decided at the Planning and Development Committee on the 25<sup>th</sup> January 2017 to visit the site. The visit was undertaken on the 9<sup>th</sup> February.

**1.2 DESCRIPTION OF THE SITE**

The application site is the land to the south of the Kingdom Hall on Portobello Road. The land is in the ownership of Lambton Estates. It is currently in use as a grazing field. There is a fall across the land from west to east, a steep fall from the south to the north at the southern end of the site, and the land is tree lined on the eastern and southern boundaries. The majority of the trees are deciduous. To the east of the site lies the A1(M) Motorway, to the south lies the elevated Western Highway that crosses above the A1(M) Motorway, to the north lies the Kingdom Hall and to the west is Portobello Road. A large matrix sign on a substantial metal column is located at the eastern edge of the trees to the northerly end of the site.

1.3 The immediate area to the west of Portobello Road is residential in nature; however, to the north is the industrial area of Portobello Industrial Estate accessed from Portobello Road.

1.4 The application has been submitted by Gleeson Developments Ltd.

**1.5 DESCRIPTION OF THE PROPOSAL**

This application is a resubmission of application DC/15/00804/FUL that was refused by Planning and Development Committee on 25th April 2016. There were ten reasons for refusal; residential amenity, flood risk and SuDS , affordable housing, unacceptable shared drive near junction, urban design, ecology, no ground levels provided, harm to existing trees, inadequate

landscape scheme, and impact on local highway network. As before, the application is for full planning permission.

- 1.6 The current application, like the previous refusal, is seeking planning permission for 60 dwellings. The proposal is for 14 x 2 bed, 39 x 3 bed and 7 x 4 bed roomed dwellings, and a toddler play area.
- 1.7 The application is accompanied by the following documents:
- Affordable Housing Statement
  - Air Quality Assessment
  - Archaeology Assessment
  - Coal Mining Risk Assessment
  - Construction Management Plan
  - Cycle Storage Statement
  - Design and Access Statement
  - Drainage Assessment
  - Ecological Appraisal (preliminary)
  - Economic Impact Assessment
  - Flood Risk Assessment
  - Ground Investigation Reports
  - Noise Assessment
  - Planning Statement
  - Secure by Design
  - Sustainability Statement
  - Statement of Community Involvement
  - Transport Assessment
  - Travel Plan

- 1.8 **PLANNING HISTORY**  
01436/87 Residential development on 1.82 HA of land (Outline application for Trustees of Lambton Estates) Refused 15.09.1987 Dismissed at appeal 10.10.1988. The appeal was dismissed solely on the grounds that there was not an appropriate mitigation scheme proposed to address road traffic noise. There were no other reasons either for refusal of the planning application, or that were considered at appeal stage.

DC/15/00804/FUL Erection of 60 x two-storey dwellings with associated works (additional information received 22/09/15, 25/09/15, 26/11/15, 02/12/15, 07/12/15, 15/12/15, and 15/04/16 and 08/03/16 and amended 26/11/15, 02/12/15, 18/02/16, 22/02/16, 06/04/16, 07/04/16 and 18/04/16). Refused 25th April 2016. Appeal lodged.

## **2.0 Consultation Responses:**

Coal Authority	The Coal Authority has no objection to the scheme however requires a Planning Condition to secure the submission of a proposed mine shaft remediation scheme for approval. This could include the details of foundations of a specialist design to afford the stability of the dwellings in the
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event of any future collapse of the shaft.

Highways England

No objections to the scheme

Tyne And Wear  
Archaeology Officer

A desk-based assessment and subsequent archaeological trenching has revealed that the site contains no archaeological features.

No further work is necessary with regard to this scheme.

### **3.0 Representations:**

3.1 Neighbour letters were sent dated 26th September 2016 giving a response date of 17th October 2016.

3.2 The application was also publicised in The Journal on 5th October 2016.

3.3 Site notices were posted on 21st October 2016.

3.4 29 representations, two from the same resident, have been received. The concerns relate to:

#### Principle of proposal

- Birtley has various housing developments that have failed to sell there is no need for further housing;
- Why is this not proposed at Elisabethville?;
- If housing is needed there are other better places to build - leave the green belt;
- Why reapply when there were so many reasons for refusal?

#### Traffic

- Number of accidents with vehicles crashing through barrier on Washington slip road and off loaded goods onto the site where properties are proposed;
- Increase in traffic; Industrial Estate not yet fully occupied - worse traffic to come;
- Entrance is in a dangerous location on a blind corner on an incline bus stops and HGV traffic from the industrial estate; At the location of the site Portobello Road speed limit is 40MPH it is a busy road and drivers exceed speed limit;
- Inadequate parking;
- Most households have two cars per dwelling that would be 120 extra cars attempting exit onto Portobello Road;
- Commercial vehicle parking overflows into Vigo estate;

- Layout includes pedestrian accesses these will be used by delivery drivers or dropping off of passengers instead of driving into estate;
- Crossing road dangerous even with reduced speed limit; Should be a controlled crossing;
- No public footpath opposite the entrance to cross safely;
- Proposed zebra crossing just after T junction and close to two bus stops will cause traffic build up;
- Don't want to see speed humps which damage cars;
- Proposed estate road is 5.5m reducing to 4.8m will this cause a problem for emergency vehicles;
- Roads need to be resurfaced;
- Portobello Road has been busy due to construction on the Industrial Estate resulting in noise and dirt and workers will park in front of house;
- Difficulty in accessing Vigo estate;

#### Flood Risk

- Heavy rain leads to flood water overflowing from the field across the road and downhill across the gardens of Thirlmere. Once constructed residents will pave over gardens to provide parking and that would lead to less soakaway and lead to more flooding of the properties downhill of Portobello Road;
- The larger waste pipes to address flooding will have to join existing pipes and will still have flooding problem;
- Will porous tarmac be used?

#### Residential Amenity

- Traffic on motorway often at a standstill - cannot open windows now due to car emissions;
- No facilities for families on the development - play area, dog walking area;
- Property is at a lower level than the site and privacy will be affected as bedroom windows are low to road height right opposite entrance;
- Light pollution front windows from car headlights from exit;
- Loss of privacy;
- Disturbance early morning / late evenings;
- Who wants to live next to a motorway noise and is it safe?

#### Design

- Out of character with street scene;
- Overbearing;
- Overdevelopment;
- Why not build fewer houses with larger gardens to form a barrier between homes and noisy dirty motorway and better quality of life;
- Developer only cares about profit;

#### Biodiversity

- Loss of Wildlife;
- Loss of trees;
- Shortage of greenery around Birtley area;

#### Health

- Breast cancer from air pollution;
- Living on a busy road can raise blood pressure;
- Insufficient areas to play in Birtley for children;
- Will not be able to open windows due to dirt and noise;
- Additional Noise;

#### Other issues

- Schools will become overcrowded;
- New housing is putting strain on GP surgeries;
- Loss of light;
- Loss of quality of life;
- Out of character with conservation area;
- Proposal will attract potential vandals;
- Parking of construction workers on Vigo estate;
- Loss of value;
- Loss of outlook;
- Sense of space;
- Administration of application
- Application should be made available more locally i.e. in the Library or Community Centre - is it to stop protest by just having it at civic centre?
- All locals have not received a letter - why is this?
- Potential committee date - does this depend on how many respond?
- Previous appeal Council said the proposal would result in loss of an open space considered to be environmentally invaluable. Since then building in Birtley has been intensive and there are fewer open spaces left.

3.5 A number of the concerns raised in the letters of representation are not valid planning objections and they are as follows:

- Loss of field;
- Loss of view;
- Loss of light;
- Loss of property value; and
- There is not a housing shortage.

#### 4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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

DC1E Planting and Screening

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H4 Windfall and Small Housing Sites

H9 Lifetime Homes

H10 Wheelchair Housing

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks



**5.0 Assessment of the Proposal:**

5.1 The amended scheme seeks to address the ten reasons for refusal and in summary this has been achieved as follows:

5.2 Reason 1 Residential Amenity

The amended proposal has taken full account of the impact on residential amenity of the surrounding road network in relation to noise and air emission standards. The submitted noise assessment confirms that, with use of certain mitigation measures including uprated glazing and trickle ventilation, and acoustic fencing (CONDITIONS 28, 29, 30 and 31), the relevant noise amenity standards can be achieved both internally and externally. In respect of air quality an amended assessment has been undertaken and the conclusion is that there were no significant issues in respect of air quality and that the scheme would not exceed the relevant standards. As such the noise and air quality concerns that officers had with the previous application, have now been addressed, and subject to appropriate conditions, the applicant has demonstrated that the development would comply with British Standards and that mechanical ventilation is not required thus officers are satisfied that the proposal is acceptable and in accordance with Saved UDP Policies ENV61 and DC2 and CSUCP policy CS14.

5.3 Reason 2 Flood Risk and SuDS

The drainage strategy submitted as part of the application acknowledges that small areas of the site are at risk of surface water flooding. However the Strategy goes on to identify the likely cause of this surface water flooding as being water ponding at a low point on the site in times of heavy rainfall, combined with the lack of a positive discharge point. A much improved SuDS scheme has been submitted that will collect the water that falls on the impermeable areas of the site and discharge the flows off site, thereby significantly reducing the risk of surface water flooding to the development. As such the flood risk from surface flooding is considered to be negligible. Compared to the previously refused scheme much more information is provided in respect of certain elements of the SuDS provision. Thus the applicant has demonstrated that the development follows the drainage hierarchy set out in CSUCP policy CS17.

5.4 Thus subject to conditions recommended to secure final details officers consider the scheme to be acceptable and in accordance with CSUCP policy CS17 (CONDITIONS 13, 14 and 15).

5.5 Reason 3 Affordable Housing

Substantial evidence has been submitted in the form of information from the Land Registry on land values paid for comparable sites and a breakdown of these values to the amount paid per plot. This information demonstrates that the amount paid for the site equates to the other comparable sites and is in fact at the lower end of the amount paid for sites. Officers are satisfied that the

Applicant has demonstrated that it would not be viable to provide affordable housing as part of this development.

- 5.6 Reason 4 Unacceptable shared drive near junction  
This scheme has been amended in order to move the shared drive entrance to Plots 1 and 2 further away from the new road junction with Portobello Road. As such the entrance is now located 13.17m from the junction. This in conjunction with the proposed traffic calming measures on Portobello Road, outlined in more detail under Reason 10, it is considered that the scheme is now acceptable and in accordance with CSUCP policy CS13 (CONDITION 27).
- 5.7 Reason 5 Urban Design  
In seeking to address the previous concerns with regard to design quality a number of changes have been proposed and these include additional planting to Portobello Road to strengthen the development edge and variety in surface treatment has been added through the addition of red coated chippings to be rolled into asphalt to break up large expanses of the same material in the street scene.
- 5.8 Previous officer concerns that paths between dwellings and garages could not accommodate wheelie bins or cycles have been addressed with a 900mm wide slab path now proposed for a number of plots and with “personal doors” at the rear of garages in other plots were a path cannot be achieved. The surface treatment of drives has not been specified and this would require a condition (CONDITIONS 22 and 23).
- 5.9 Given the amendments the proposal is now considered to be acceptable and in accordance with Saved UDP Policy ENV3 and CSUCP policy CS15.
- 5.10 Reason 6 Ecology  
The Applicant has proposed to offset the loss of neutral grassland within the development site through off site compensation by means of a financial contribution. An offsite conservation grazing scheme has been identified as compensation and comprises restoration and enhancement of 5.6 hectares of grassland. The applicant has agreed to enter into a S106 legal agreement for the provision of the offsite grassland and officers consider that the proposals are acceptable and this accords fully with national policy NPPF paragraph 118 and local planning policy CSUCP CS18.
- 5.11 Reason 7 No Ground levels provided  
As part of this resubmitted application, full information has now been provided in respect of existing and proposed finished ground levels and finished floor levels included in the drainage strategy. This has enabled officers to assess the proposal and it is considered to be acceptable in and in accordance with saved UDP policies DC2 and ENV3 and CSUCP policy CS14, CS17 and CS18.
- 5.12 Reason 8 Harm to existing trees  
This revised application has, within the Tree Report, provided further details in respect of mitigation in relation to approaches to the hand dig construction method in respect of construction in root protection areas. Thus subject to a

condition securing use of these measures the proposal will not cause damage to the trees and is acceptable and in accordance with Saved UDP policy ENV44 and the retention of the trees accords with Saved UDP policy ENV3 (CONDITIONS 5 and 6).

5.13 Reason 9 Inadequate landscape scheme

The revised layout has improved upon the previously refused layout and this is in part as a result of the improved landscaping, in particular that to the western boundary with Portobello Road. The areas to be planted have increased in size and the species to be planted have been amended and includes shrub and tree planting lining Portobello Road. The public open space and toddler play area have been increased in size compared with the previous refused scheme and there are additional areas of shrub planting to front gardens of plots 1 to 26 and it is considered that the impact of these amendments provide a much improved landscape scheme in accordance with Saved UDP policy ENV 3 and CSUCP policy CS15. Implementation and maintenance of the landscape scheme can be secured by condition (CONDITIONS 17 and 18).

5.14 Reason 10 Impact on Local Highway Network

The Transport Assessment submitted in support of the application clearly demonstrates that the generated vehicular movements would have an insignificant effect on the operation of the Vigo Lane / Portobello Road junction and that the impacts of the development are certainly not severe. In addition the assessment considered accident records and road safety implications and concluded that there is no reason to believe that the small change in vehicular movements brought about by the development would adversely affect the accident record on the highways in the vicinity. As such it is considered that the proposal connects safely to and mitigates the effects of the development on existing transport networks through traffic calming measures in the form of a raised table, highway markings and a zebra crossing have been proposed that will reduce traffic speeds and assist pedestrians in crossing Portobello Road and is in accordance with CSUCP policy CS13. The traffic calming measures can be secured by condition (CONDITION 27).

5.16 ASSESSMENT

To expand upon the summarised points above; the detailed planning considerations are the principle of the proposed development, open space and play area provision, air quality, noise, flood risk, sustainable drainage, land contamination, coal legacy, affordable housing, archaeology, highway safety, urban design, visual and residential amenity and ecology.

5.17 PRINCIPLE

The application site is white land on the UDP plan. The Council sought to protect this land as Urban Green Space at the time of the Examination in Public of the UDP in 2007. However, the Inspector removed the protection from the plan.

5.18 In the 2013 SHLAA Update the site was categorised as "suitable but not deliverable/developable". This was based on doubts about its viability, based on the effect the proximity of the A1 had on its attractiveness, including noise.

- 5.19 As the application site is not specifically allocated for housing in the UDP, proposals for housing need to be considered in terms of windfall housing, under policy H4 of the UDP. Policy H4 gives a number of criteria that need to be assessed.
- 5.20 It is considered that the proposed development would comply with the requirements of (a) and (b) of the policy; it is considered that the proposal would not lead to a significant impact on housing numbers.  
In regard to criterion (c) the application site has access to regular bus services to shops and services.
- 5.21 In regard to criterion (d), there is no known problem with the capacity of infrastructure for utilities. In regard to criterion (e) it is considered that the size of the development would have the ability to sustain or build the local community.
- 5.22 In regard to criterion (f), it is not considered that there would be significant other potential planning benefits of the development.
- 5.23 The proposal therefore complies with the criteria in saved UDP policy H4.
- 5.24 Further to the above, Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However, in Gateshead this is demonstrated and therefore our policies are considered up to date.
- 5.25 NPPF paragraph 50 states to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
  - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- 5.26 Range and choice of housing  
The Local Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure. Accordingly, CSUCP 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 scheme will provide a mix of two, three and four bedroom homes, with 76% of dwellings providing three or more bedrooms. The proposal therefore appears to accord with the requirements of CS11(1). Criterion 5 of CS11 requires that developments of 15 dwellings or more should provide 15% affordable housing, subject to viability. The tenure proposed is open market

only. A more detailed assessment of affordable housing provision is included later in this report.

- 5.27 NPPF paragraph 50 also states that where the LPA has identified that affordable housing is needed, the LPA should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- 5.28 Saved UDP standards relating to Lifetime Homes and Wheelchair Accessible Housing are applicable to housing developments of 1ha or more, or which can accommodate 25 or more dwellings. These requirements should therefore be applied to this proposal. With regard to Lifetime Homes, policy H9 requires a minimum of 10% of dwellings, across all types, to be constructed to 'Lifetime Homes' standards. With regard to Wheelchair-Accessible Housing, policy H10 requires that where sites are suitable for people with disabilities, a minimum of 2% of dwellings should be built, or be capable of adaptation without structural alteration, to Wheelchair Housing Standards.
- 5.29 The small floorspace of the proposed dwellings would prevent them from meeting lifetime or wheelchair homes criteria.
- 5.30 The proposed layout includes 2, 3 and 4 bedroomed dwellings, however, the floorspace of the dwellings is small and although the 3 and 4 bedroomed dwellings should be family homes they would not meet national space standards. The size and design of the dwellings is discussed later in the report.
- 5.31 Residential space standards  
Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". With regard to this requirement, it should be noted that in March 2015 DCLG published nationally prescribed space standards for new housing. The Council would expect that proposals for new residential development will, as a minimum, seek to achieve nationally described space standards, although at the current time the space standards cannot be insisted upon.
- 5.32 In accordance with paragraph 173 of the NPPF, policies H9 (lifetime homes), H10 (wheelchair homes), H13 (open space in housing developments), H15 (play areas in housing developments) and CS11 should not be applied without taking due account of viability. However, if the contributions or other requirements in question are required to make the development acceptable (see paras. 203 to 206 of the NPPF), it may be that the development is unable to proceed unless they are secured.
- 5.33 The principle of the development would be acceptable in terms of windfall housing UDP policy H4. However, the proposal does not meet the requirements of saved UDP policies H9 or H10 in relation to Lifetime Homes or Wheelchair accessible homes.

#### 5.34 AFFORDABLE HOUSING

The Applicant has submitted an Affordable Housing statement including an HCA Viability Appraisal Tool to test the viability of the site. The HCA Viability Appraisal Tool can be used by local authorities or developers. In using this tool the guidance from the HCA suggests that if the appraisal shows a 'surplus then it is viable' and 'if a site shows a deficit the site shows a viability gap'. There is no definition within the guidance of the viability gap.

5.35 Further information was requested to demonstrate the land value of this site was on a par with other land sales in the area.

5.36 The assessment concludes that to include affordable housing on this site would take the land value way below market value. The Viability Appraisal confirms these conclusions.

5.37 In the affordable housing statement, the Applicant has indicated that whilst there is no provision of affordable housing, there is provision of 13 x 2 bed starter homes under the existing general understanding that 'starter homes' relate to smaller and generally cheaper homes available for all.

5.38 However, the developer is not proposing to provide any affordable housing, as defined in the glossary to the NPPG. The Applicant has a company policy to provide low cost housing and to make it available to people from the local community. The Applicant has said in support of their application that they achieve this in a number of ways; through their own shared equity scheme; by not selling to investors; and by building cost effective housing.

5.39 The further information requested from Gleeson Homes in support of their viability appraisal for the Portobello Way planning application has been assessed by a Chartered Surveyor within the Council.

#### 5.40 Land Value and Comparable Information

Gleeson have provided a list of transactions of sales of land that are located close to the subject site. Some of this evidence is historic in particular the sales to Bellway at Chester-le-Street and Persimmon at Northside and therefore can be disregarded as land values that can be achieved. Also, the sale of land to Galliford Try at Mount Ridge, Birtley can also be disregarded as this was part of a joint venture with the Council and is included within a wider bundle of sites to be transferred. Nevertheless, they have submitted evidence demonstrating two sites that achieved prices in excess of the price paid by Gleeson for the subject site.

#### 5.41 Contingency

It is acceptable and considered appropriate for a contingency figure to be included within a development appraisal. Gleeson have clarified the reasons for this inclusion in their e-mail of 14th December 2016 which is considered acceptable and industry standard.

- 5.42 Decontamination  
The Applicant has confirmed that this heading relates to a capping layer rather than specific remediation of contaminated land. However, has clarified the reason for this inclusion which is considered acceptable.
- 5.43 In summary in accordance with the Planning Viability protocol (between Property and Development Management) the Chartered Surveyor is satisfied with the inputs that have been put forward by Gleeson Homes in support of their Viability Appraisal.
- 5.44 NPPF paragraph 50 states that affordable housing is required where the LPA has identified that affordable housing is needed, and has set policies for meeting this need on site. CSUCP policy CS11 identifies a requirement for 15% affordable housing in any major residential development.
- 5.45 Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 5.46 Given the above, it is considered that whilst the proposal does not accord with paragraph 50 of the NPPF or policy CS11 of the CSUCP as the proposal does not provide affordable housing in perpetuity it is considered that the Applicant has demonstrated why this cannot be provided and has provided substantive evidence in relation to viability of the scheme.
- 5.47 Given the above it is considered the proposal does not accord with policy CS11 of the CSUCP, however, by virtue of paragraph 173 of the NPPF, non-compliance with CS11 (and H9 and H10) is not a reason for refusal and therefore the proposal is acceptable.
- 5.48 OPEN SPACE  
The proposed development site is in the Portobello/Vigo residential neighbourhood. This neighbourhood is identified as deficient in open space provision against the standard set in saved UDP policy CFR20. Policy CFR20 requires in each residential neighbourhood at least three hectares of Local Open Space, in sites of at least 0.01 hectares, should be available per 1,000 residents, such that no resident has to travel more than 330 metres from home to reach one. Where opportunities arise and as resources permit, additional Local Open Space will be provided in those residential neighbourhoods which fall short of this standard, and particularly in Portobello / Vigo, which falls below it by at least one hectare in total. Policy CFR21 requires Neighbourhood Open Spaces of at least two hectares in size should be available so that, as far as possible, no resident has to travel more than 500 metres from home or cross a busy main road to reach one. In parts of the borough where the provision of Neighbourhood Open Spaces is non-existent or inadequate, improvements are

required, as opportunities arise and resources permit, by upgrading some existing open spaces, making new provision within new large housing developments or by bringing other land into use as public open space.

- 5.49 The site is not allocated open space; rather it is a grazing field. However the scheme seeks to provide a useable space as the proposed layout indicates a large toddler play area of 680sq m.
- 5.50 The drawing indicates a total of public open space as 1256.2sq m that includes the toddler play area. This includes 9 areas: of landscaped amenity planted areas.
- 5.51 These include planted areas proposed alongside the pedestrian links from the development to Portobello Road, adjacent to plots 36 and 37, plot 45 and plot 54 and the back of footpath to Portobello Road and a tree lined and shrub bed 2m wide verge is proposed at the back of footpath to Portobello Road and in front of the 2m high wall and acoustic fence to the rear gardens of plots 36, 37, 40, 44, 45 and 53.
- 5.52 These planted amenity areas will soften the development, adding interest to the street scene.
- 5.53 The proposed layout does not result in the loss of public open space and includes amenity planted areas and a centrally located play area. It is considered that this / partially meets the requirements of saved UDP policies CFR20, CFR21, CFR22 and the Applicant has increased the area, quality and amount of amenity planting, the size and central location of the toddler play area that contributes to the sense of open space within the layout. To require revision of the layout of the site to accommodate further on-site provision of open space would render the development unviable.
- 5.54 **PLAY SPACE**  
The proposed dwellings would amount to a projected population of 149 people. This would result in the need for 678sq m of toddler play space. An unequipped area of 680.4sq m has been indicated onsite in accordance with saved policy H15 of the UDP.
- 5.55 There are no toddler play spaces currently located within the maximum distance of this site as specified in policy CFR28. The revised layout proposed for this scheme incorporates a toddler play area of around 680.4sq m. Based on the potential number, and size (number of bedrooms) of the proposed new homes within this scheme, this amount of toddler play space would appear to be slightly over the required area of toddler play space (identified in informal guidance within Supplementary Planning Guidance 4: Children's Play Area Standards). This is a reasonably long and narrow site, and as such a single toddler play space, located towards the south of this site would not meet the accessibility standard of policy CFR28, which requires all homes to be within 60m of a toddler play site. However, as proposed it contributes to both play facilities and public open space within the site and is considered to be acceptable and sufficient to meet the accessibility requirements of UDP policy.



- 5.56 There are no junior play areas located within the maximum distance specified by policy CFR29. Informal guidance (in SPG4) indicates that junior play should be provided on-site within schemes of 110 dwellings or more, which suggests that this site may not be able to reasonably accommodate on-site junior play.
- 5.57 There are two teenage recreation facilities, at Lydford Way 5-a-side and Portmeads MUGA, that are located within the maximum distance of this site as specified in policy CFR30. These facilities have combined area of 1,415sq m, which is insufficient to meet the needs of the catchment population of this site.
- 5.58 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.
- 5.59 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Therefore, whilst the proposal is considered to be unacceptable in terms of on-site open space and play space provision and does not accord with saved UDP policies CFR 20, CFR21, CFR22, CFR28, CFR29 and CFR30, it is also not possible to require any contribution for either play or open space provision in this case, based on the above assessment. The provision of an on-site toddler play area, to be maintained by the developer is however to be welcomed as part complying with saved UDP policy H15.
- 5.60 AIR QUALITY  
An air quality assessment has been submitted in support of the application.
- 5.61 The Applicant, in the covering letter provided by the Air Quality consultant, indicates that the newly released 2017 Emission Factors have been used for the new updated modelling. Where previously Plots 9 and 10 exceeded the standard of 40ug/m<sup>3</sup> (plot 9 at 40.1 ug/m<sup>3</sup> and plot 10 at 42.4 ug/m<sup>3</sup>) utilising the new emission factors brings the projected level to 37.9 ug/m<sup>3</sup> at plot 9 and exactly on the maximum level of 40ug.m<sup>3</sup> at plot 10. This will mean that the dwellings will be located in an area of poor air quality which is undesirable, however, the new figures indicate that the 40 ug.m<sup>3</sup> level will not be breached and this does mean that the reason for refusal in relation to air quality must be omitted.
- 5.62 Although the revised modelling indicates that the projected levels are on and close to the maximum level, there will be peaks when the levels will be higher and there is a concern that the layout would have children playing in a toddler play area where the maximum level could be exceeded.
- 5.63 If permission were to be granted, small diffusion tubes would be required to be attached to downcomers of plots 9 and 10 so that the Council can monitor levels. Should the level exceed 40 ug.m<sup>3</sup> then an AQMA would need to be

declared and the onus would be upon the Council to resolve and seek to get the air quality to an acceptable level.

- 5.64 Given the above, it is considered that the Air Quality at the site meets acceptable levels within the dwellings and the Air Quality experienced in the proposed gardens and play area would fall below acceptable levels.
- 5.65 Therefore the proposal is considered to be acceptable in terms of residential amenity, health and wellbeing and it is not contrary to the NPPF or CSUCP policy CS14 or Saved UDP policy DC2.
- 5.66 **NOISE**  
The application is supported by a Noise Assessment that takes account of the existing noise climate and proposes a number of mitigation measures to the proposed dwellings and boundary treatments. As the site is immediately bound by a significant road network including the A1 to the east, the Western Highway to the south and Portobello Road to the west, road noise is the dominant noise source and the only noise type described in the assessment.
- 5.67 Noise monitoring was carried out at a number of points on the site and this data was subsequently modelled to assess overall noise levels. The noise levels determined at the site would be deemed above World Health Organisation and British Standard levels, as such the assessment recommends a number of mitigation measures to proposed dwellings and boundary treatments to achieve acceptable internal and external noise levels.
- 5.68 **External and Garden Areas**  
The assessment recommends the provision of a 2.2m high acoustic fence to the full eastern boundary (nearest to the A1) the northern, the south western corner, western and southern boundaries at 2m in height.
- 5.69 With the proposed acoustic fence in place the external (garden) noise level in boundary properties achieves an average daytime noise level of 55dBA, thus it meets the British Standard, although at the upper level of acceptable external residential noise environment.
- 5.70 **Internal Noise Levels**  
The assessment makes a number of recommendations in terms of providing improved glazing and ventilation to ensure noise levels comply with BS 8223 (guidance on sound insulation and noise reduction for buildings) and WHO (guidelines for community noise).
- 5.71 Numerous plots on all sides of the boundary require uprated glazing and ventilation. The proposed mitigation measures will result in acceptable internal noise levels. Final details are required in respect of the ventilation to ensure a satisfactory ventilation type, via trickle vents, can be achieved and can be secured by condition. Additionally, although rooms are not proposed in the roofspace of the proposed dwellings the subsequent creation of accommodation in the roofspaces would be affected by noise

5.72 A number of other conditions would be required including:

-Prior to development progressing above damp proof course there should be clarification on the window and ventilation specification for all glazing to ensure the recommended mitigation and internal noise levels are achieved (CONDITIONS 28 and 29);

-The exact location, height and material of the boundary fence should be submitted for consideration prior to development. (CONDITIONS 30 and 31);

-Post-test monitoring at a number of agreed plots to cover both internal and external noise levels, should be agreed and carried out prior to occupation (CONDITIONS 32 and 33);

-Standard working times are recommended to be conditioned given the proximity of neighbouring dwellings and also the scale of the site. A construction Management Plan has been submitted with the application and a condition is recommended to secure adherence to this plan (CONDITIONS 3 and 4).

5.73 Given the above, it is considered that reasonable internal noise levels could be achieved through mechanical ventilation measures. External noise levels in the gardens of the plots backing onto the A1M and the slip road to the south would meet the British Standard of 55dBA, although the towards upper limit of what is acceptable. Thus as the proposal meets British Standards it is considered to be acceptable in terms of residential amenity, health and wellbeing and therefore complies with policy CS14 and the NPPF.

5.74 LAND CONTAMINATION

The property has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not believed to be situated on potentially contaminated land based on previous historic uses. The site has historically been undeveloped agricultural land.

5.75 Based on the information provided with the planning application no planning conditions are recommended in respect of further phase 2 site investigations or for provision of a remediation strategy and remediation verification report.

5.76 However, a condition relating to the potential for unexpected contamination is recommended (CONDITION 8).

5.77 Given the above, the proposal would be acceptable in terms of contaminated land and could, subject to the recommended condition, be in accordance with Saved policy ENV54 and the NPPF.

5.78 COAL LEGACY

Mine shaft

The Coal Mining Risk Assessment report submitted in support of the planning application had not found any evidence of a mineshaft. The Coal Authority was consulted regarding any mitigation measures required in respect of the recorded mineshaft, (the location of which has which has not been proved on site during investigations).

- 5.79 The Coal Authority has responded to the effect that it has no details which confirm either the precise location of the shaft or whether it has been appropriately treated. The Coal Authority information confirms that the shaft maybe up to 10 metres away from the location of where it is thought to be. Consequently, whilst the mineshaft is not within the site boundary, parts of the application site maybe within influencing distance of it.
- 5.80 Therefore the Coal Authority requires that should planning permission be forthcoming a condition is recommended to secure the submission of a proposed mine shaft remediation scheme for approval. This could include the details of foundations of a specialist design to afford the stability of the dwellings in the event of any future collapse of the shaft (CONDITIONS 9-12).
- 5.81 Given the above, the proposal is considered to be in accordance with the NPPF and the CSUCP subject to the recommended conditions.
- 5.82 **FLOOD RISK AND SUSTAINABLE DRAINAGE**  
Flood Risk  
In accordance with NPPF paragraph 103, a flood risk assessment (FRA) has been submitted.
- 5.83 Parts of the site are identified at high risk (1 in 30 year event) and medium risk (1 in 100 year event) of surface water flooding based on the Environment Agency's Updated Flood Map for Surface Water. This has been considered in the FRA.
- 5.84 The site is also located within a contributing catchment area providing a source of surface water flooding to the adjoining Critical Drainage Area based on the Strategic Flood Risk Assessment.
- 5.85 The proposed SuDS drainage scheme achieves better than greenfield run off rates therefore the proposal is considered to be acceptable in terms of flood risk.
- 5.86 **SuDS**  
The SuDS drainage scheme as proposed is acceptable in principle.
- 5.87 The scheme comprises a tank located under the toddler play and open space area. This drains into oversized pipes that feed into the general drainage system on Portobello Road. The Applicant has demonstrated that the proposed scheme would achieve better than greenfield run off rates. Therefore the scheme is considered to wholly acceptable.

- 5.88 The surface material for driveways is the subject of a condition. If a non-permeable material is to be used then the runoff from the drives would need to either fall towards the road (where it will be picked up by stormwater planters) or fall into gardens to drain away naturally. This would be for very small volumes of water thus waterlogging of gardens would not be an issue).
- 5.89 The detail of the relationship of the raised table adjacent to the stormwater planter is required as it will require a raised kerb or something similar to protect the planting. A condition is recommended to secure the traffic calming measures and includes the drainage details (CONDITIONS 20 and 21).
- 5.90 A condition is recommended to secure final details of elements of the scheme such as cellular storage and flow control device, the maintenance schedules and plan (CONDITIONS 14 and 15).
- 5.91 Given the above, and subject to the recommended conditions, the proposal is considered to be acceptable and completely in accordance with CSUCP Policy CS17 and the NPPF.
- 5.92 **ARCHAEOLOGY**  
The development area is shown as the location of a section of 18th century waggonway which linked the Birtley Common coalfield with staithes on the River Wear west of Cox Green. A Desk Based Assessment and evaluation fieldwork has been submitted in support of the application that assesses the significance and survival of early industrial remains which might be impacted by the development.
- 5.93 Geophysical survey and trial trenching has now been undertaken and the County Archaeologist is satisfied that no further archaeological assessment is required.
- 5.94 Given the above, the proposal is considered to have met the requirements of paragraph 128 of the NPPF and Saved polices ENV21 and ENV22 of the UDP.
- 5.95 **URBAN DESIGN**  
**Space Standards**  
Paragraph 174 of the NPPF states that Local planning authorities should set out their policy on local standards in the Local Plan.
- 5.96 The Council is preparing an evidence base but whilst it is at an advanced stage it has not yet been adopted.
- 5.97 All twelve house types proposed appear small in size. The Applicant company policy is to provide new private housing that is suitable for couples and families on the first rung of the housing market. In addition, these are standard house types that the developer Gleeson has used on various sites and that their customers are willing to buy.
- 5.98 The layout as now proposed has been amended in line with officer comments and the developer has shown willingness to address a number of the earlier

design concerns. The improvements included in the latest design iteration, are such that the scheme is now at a standard and level of quality that could be recommended for approval.

#### 5.99 Surface Treatments

The in-curtilage car parking as proposed has been amended to avoid numerous large expanses of hard surface. As originally submitted in the refused application the proposed material for drives was loose gravel. Officers raised concerns over this material as it would result in large areas of loose gravel being created, some well in excess of 100sq m. The surface treatment in this application is to be agreed and a condition is recommended to secure the final detail (CONDITIONS 22 and 23). Officers consider that appropriate options for the surfacing of individual driveways to be block paving, a flexible bituminous material or possibly bound gravel.

#### 5.100 Boundary Treatments

The submitted layout design proposes some rear garden boundary fencing, acoustic fencing or walling of 2m in height to Portobello Road, however, in front of these boundary treatments at the back of footpath a verge of shrub and tree planting is proposed that will give the appearance of a tree lined footpath along Portobello Road.

5.101 In addition there are a number of forward facing plots to Portobello Road that have open gardens to Portobello Road. A defensible space in front of the properties has been created through use of a low rail to garden curtilages on plots 60, 54, 45, 37, and 36 to protect residential amenity of the occupants and to prevent pedestrians forming desire lines across private gardens and is considered to be acceptable.

5.102 Boundary fences have been set back from the back of footpath and a planted verge is proposed in front of plots 11, 29, 39, 41, 48, 49, 55, 57, and 58 and is considered to be acceptable.

5.103 1500mm high close board fencing between rear gardens is proposed and is considered to be acceptable.

#### 5.104 Materials

The Applicant has proposed two brick types and these are acceptable.

5.105 Specific design details can be appropriately controlled by the use of planning conditions as recommended (CONDITION 16). The design of the scheme subject to these conditions is considered will be acceptable and will comply with Policy CS15 of the CSUCP, saved UDP Policy ENV3 and the NPPF.

#### 5.106 RESIDENTIAL AMENITY

##### Proposed Dwellings

As mentioned earlier in this report, the Applicant has demonstrated that there are no concerns with regard to Air Quality or Noise being detrimental to residential amenity.

- 5.107 Each dwelling has a private rear garden and a small garden area to the front. Most dwellings have a drive and a single detached or integral garage whilst two have a single drive and one has a double garage. The properties have an adequate and acceptable separation distance from each other. The proposed layout is considered to be acceptable in terms of access for moving wheelie bins to the street on bin collection day, useable external amenity space, quality of materials and public landscaping.
- 5.108 Although the properties are small they provide an acceptable level of residential amenity for a potential occupant.
- 5.109 Existing Dwellings  
The residential properties located on the opposite side of Portobello Road on Thirlmere are separated from the proposed dwellings by 43m and have the road and an intervening grassed area between. It is acknowledged that the existing dwellings are at a lower level than the ground levels of the application site. The offset distance is substantial and it is not considered that there would be an opportunity to overlook the existing properties resulting in loss of privacy. Furthermore the distances involved could not lead to the proposed dwellings having an overbearing impact upon the existing dwellings and the scale of the proposed dwellings would not be overbearing upon the street scene.
- 5.110 Given all of the above the proposal is considered to be acceptable in terms of residential amenity, health and well-being and it is not contrary to the NPPF, Saved UDP policy DC2 and policy CS14 of the CSUCP.
- 5.111 LANDSCAPE  
Existing Tree Belt  
A tree survey has been submitted in support of the application. The existing hedgerow on the western boundary is to be retained. The tree survey includes a drawing that indicates the root protection zones of the offsite trees on the east and southern boundaries. Tree protection measures are included within the tree survey and where work is necessary within a root protection zone, for example plot 30, mitigation measures are proposed, such as hand digging to avoid damage to the larger roots.
- 5.112 The tree survey states that no crown lifting of the trees is necessary where the canopy edges overhang the site. Some crown lifting may be necessary to enable construction of the proposed 2.2m high boundary treatment.
- 5.113 The tree report goes on to state there is an opportunity to mitigate any loss of existing trees by new shrub and tree planting within the landscaping of the proposed development.
- 5.114 Twenty six trees are proposed to be planted in the verge along the footpath edge of Portobello Road in front of the garden boundary fences. A further 18 trees are proposed bounding the play area and within the streetscene within the layout.

- 5.115 A new hedge is proposed within the grass verge bounding Portobello Road. The proposed planting within the scheme is turfed front garden areas with shrub planting in the traffic calming deflections to add some interest to the streetscene. The specification of the landscape scheme is considered to be acceptable.
- 5.116 Conditions are recommended to secure implementation and maintenance of the Landscape Scheme as submitted (CONDITIONS 17 and 18).
- 5.117 Public Open Space  
The combined public open space and Toddler Play area is a grassed space with some trees and shrub beds in front of the 1.8m hit and miss timber board fencing that bounds the play area.
- 5.118 All the landscaped areas (including the SuDS) and the toddler play area will be maintained by a Management Company and a condition is recommended to secure the Open Space and SuDS Management Plans and the implementation of the plans. (CONDITIONS 14 and 15).
- 5.119 Given the above, the landscape scheme as submitted is considered to be acceptable and is not contrary to the NPPF, Saved UDP policies ENV3, DC1e, and ENV44 and CSUCP policy CS18.
- 5.120 ECOLOGY  
The proposed development site measures approximately 1.5 hectares in area and is dominated by semi-improved grassland. This includes areas of semi-improved neutral grassland and seasonally inundated wet grassland, both considered to be of high ecological value (i.e. at least Parish value) and identified as a priority habitat in the Durham Biodiversity Action Plan (i.e. Lowland Meadows and Pasture).
- 5.121 The site is bound to the east by a former hedgerow and developing woodland. Further woodland planting occurs along the southern boundary. The western boundary comprises post and rail fencing and a length of remnant hedgerow measuring c. 50m in length. The northern boundary comprises a beech hedge.
- 5.122 Habitats within the site have been assessed as having the potential to support a number of statutorily protected and/or priority species (i.e. BAP species), including foraging bats, breeding birds, hedgehog and butterfly species. (i.e. wall brown, small heath and dingy skipper), although no dedicated species surveys have been undertaken in support of the application.
- 5.123 The proposed development would result in the comprehensive direct loss of grassland habitats within the site, including semi-improved neutral grassland and seasonally wet grassland of high ecological value, scrub habitats and remnant hedgerow. The proposed development/layout is also likely to result in the increased disturbance of retained habitats immediately out with the proposed development site both during the construction phase and post occupation. This is likely to include increases in noise and light disturbance, the tipping of garden waste and the predation of wildlife by cats.



- 5.124 In accordance with the requirements of Paragraph 109 of the NPPF that requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient, development should result in no net loss of biodiversity.
- 5.125 In light of this an alternative offset scheme has been identified which has been fully costed and which has a high degree of deliverability. The required sum (£36,400.00) relates solely to the physical works required to create the area of replacement habitat (wet marshy grassland) with all other costs including design, project management and maintenance in perpetuity being met by alternative means.
- 5.126 At approximately 1.3ha the proposed alternative offset is slightly smaller than the area of habitat that will be directly lost as result of the development. However, it is considered that the proposed alternative offset will deliver an overall net gain in biodiversity, and is therefore acceptable in terms of the NPPF, as well as, being consistent with the general approach to biodiversity offsetting set out in the DEFRA metric.
- 5.127 The proposed alternative offset is located at Shibdon Meadow Local Wildlife Site and will be implemented in full and managed in perpetuity on behalf of the Council by Durham Wildlife Trust. The Applicant has agreed to enter into a S106 Legal Agreement to deliver the offset scheme.
- 5.128 Given the above the proposal is considered to be acceptable and compliant with Section 11 of the NPPF, policy CS18 of the CSUCP and Saved UDP policies DC1, ENV44, ENV46 and ENV47.
- 5.129 HIGHWAYS  
A Transport Assessment (TA) and Travel Plan (TP) have been submitted in support of the application.
- 5.130 Transport Assessment (TA)  
The TA has considered the impact of the proposed development on the Vigo Lane/Portobello Road junction and has indicated a marginal increase in queues and delays. As a sensitivity test the TA has also assumed a worst case scenario of all traffic entering and leaving the development from the south. Even with this scenario the increase in queues and delays is small and certainly far from severe which is the test for refusal under the guidance in the National Planning Policy Framework.
- 5.131 The TA has also proposed a change to the speed limit of Portobello Road in the vicinity of the development from 40mph to 30mph with associated traffic calming features including a zebra crossing to aid pedestrians crossing between the existing bus stops. This proposal has been agreed by officers in principle, subject to detailed design, which would include an Independent Road

Safety Audit. The cost of the design, audit, physical works, associated signs, road markings and legal costs would be met by the Developer and secured by condition.

#### 5.132 Travel Plan (TP)

A TP has been submitted to encourage sustainable modes of travel through promotion and its implementation will be secured by condition. Whilst this gives a base to work from, a condition (CONDITION 24) is recommended to secure a Final Travel Plan.

#### 5.133 Layout

The internal layout of the development has been designed as a self-enforcing 20 mph zone through the introduction of a mixture of horizontal and vertical features and change in materials. The final design of these features will need to be submitted and the works including associated signs and road markings and legal costs secured by condition (CONDITION 27).

#### 5.134 Car Parking

The majority of units have a drive and single either integral or detached garage whilst two units have a single drive and one has a drive and double garage. 20 visitor parking bays are provided on-street distributed around the development in accordance with guidance.

#### 5.135 Cycle Parking

The proposed cycle parking provision is not in accordance with the approved minimum cycle parking guidelines in the document Gateshead Cycling Strategy (March 2015).

5.136 The internal dimensions of the proposed garages are substantially less than the required 7m x 3m therefore they would not be considered to satisfy the requirement for long stay cycle parking. The alternative provision proposed in the "Cycle Storage Statement" of "v shaped" stands attached to the rear wall for units without garages is also unacceptable both in terms of the type of stand and the lack of weather protection.

5.137 No short stay cycle parking is proposed.

5.138 Therefore alternative secure and weather resistant cycle storage is required for each dwelling in accordance with Council policy. A condition is recommended to secure details (CONDITIONS 25 and 26).

#### 5.139 Refuse Storage

The Applicant has indicated that access to the majority of the refuse storage areas in the rear gardens is via a door at the rear of the garages as indicated on the layout. The remaining plots have a 900mm wide slab path between the house and the garage.

5.140 The road layout allows refuse vehicles to turn at the designated points without the need for any significant reversing.

5.141 Given the above, and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with CSUCP policy CS13 and the Gateshead Cycling Strategy.

#### 5.142 STATEMENT OF COMMUNITY INVOLVEMENT

In relation to the previous, refused application, a public consultation event was held on 19th November 2015 between 3-6pm at Barley Mow WMC. A Statement of Community Involvement was submitted following the event.

It states that 430 households were leafleted and Ward Councillors received an invitation. The Statement does not indicate how many attended the event.

5.143 28 questionnaires were completed that comprised 5 questions.

Question 1 do you support the development?

Question 2 do you agree properties are affordable?

Question 3 do you agree new homes will improve area?

Question 4 do you want to see social housing? and

Question 5 do you agree two storey traditional housing is appropriate?

5.144 The report concludes that as only 28 questionnaires were completed and that this demonstrates that many residents who did not respond are not concerned or indifferent to the proposal.

5.145 It is not known when the flyers were posted and whether sufficient notice was given to residents of the upcoming event. However, a non-response cannot be taken to be an indication of no interest or no concern. The flyer did not contain an email address or telephone number where comments could be made.

5.146 The report claims that the majority of those who responded agreed that residential development, particularly traditional two storey design was the most appropriate use of the site. However none of the five questions asked "do you think residential development is the most appropriate use of the site?" A breakdown of the actual responses does not reflect the report assertions.

5.147 The report states that the proposals have been amended in response to the comments and the changes include off street parking for at least two cars per dwelling. The report states that existing properties will experience less noise as the new development will provide a buffer.

5.148 The report concludes that the pre application consultation has been comprehensive and of benefit to the Applicant in shaping the proposal and has been undertaken in accordance with the requirements set out in local and national policy. There has been no further public consultation by the developer in relation to this application. The comments received by the Council in relation to the publicity for this application are summarised above.

#### 5.149 OTHER MATTERS

Following refusal of the previous application (DC/15/00804/FUL) the Applicant has had discussions with officers to develop and improve the refused scheme.

As a consequence, the shortfalls of the previous scheme have been addressed and officers consider the proposal as submitted is acceptable and can be recommended for approval.

5.150 The Applicant has lodged an appeal against the refused application, which would be withdrawn if the current scheme is approved.

5.151 A number of the concerns raised in the letters of representation are not valid planning objections and they are as follows:

- Loss of grazing field;
- Loss of view;
- Loss of light;
- Loss of property value; and
- There is not a housing shortage.

5.152 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Councils CIL charging schedule and the development is CIL chargeable development as it is housing related however the charge is zero.

## **6.0 CONCLUSION**

6.1 The proposal to locate housing on this site is acceptable in principle. The proposal as submitted is acceptable, complies with the requirements of the NPPF and policies in both the UDP and the CSUCP and can be recommended for approval.

## **7.0 Recommendation:**

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

1) The agreement shall include the following obligations:

- Provision of off site habitat at Shibdon Meadows

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

3) That the Group Director of Development and Enterprise 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 -

GH27:L:01H planning layout  
GH27:L:03F landscape scheme  
GH27:L:04F Boundary treatment

GH27:L:05H Open Space and toddler play area  
GH27:L:06 Acoustic Fence and wall details  
201/1F dwelling 201  
202/1F dwelling 202  
302/1G dwelling 302  
303/1E dwelling 303  
304/1E dwelling 304  
307/1B dwelling 307  
309/1E dwelling 309  
311/1A dwelling 311  
401/1G dwelling 401  
403/1H dwelling 403  
404/1F dwelling 404  
SD700 (Rev A) detached garage single  
SD701 (Rev A) detached garage double  
SD703 Rev B detached garage non-standard double

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

Reason

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

2

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

Reason

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

3

No development shall take place, including any works of remediation, other than in complete accordance with the Construction Management Plan dated September 2016 prepared by Chris Dodds. The approved Statement shall be adhered to throughout the construction period.

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with Saved Policies DC1 and DC2 of the Unitary Development Plan and policies CS13 and CS14 of the CSUCP.

4

Notwithstanding the Construction Management Plan as submitted, unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment on the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0900 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 Policies DC1, DC2 and ENV61 of the Unitary Development Plan and CS14 of the CSUCP.

5

Prior to commencement of the development hereby permitted details of the location of tree protection measures to protect the existing hedge / trees to be retained shall be submitted for the written approval of the Local Planning Authority.

The protective fence shall be erected prior to commencement of the development of the site and remain in place until completion of the development and at no time until then shall it be moved or removed.

Reason

To ensure that the existing trees and hedges are protected from damage during the development and are maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1, ENV3 and ENV44 of the Unitary Development Plan and policy CS18 of the CSUCP

6

The development shall be completed in accordance with the details of tree / hedge protection measures approved under Condition 5 and retained in accordance with the approved details thereafter.

Reason

To ensure that the existing trees and hedges are protected from damage during construction and the habitat is maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1, ENV3 and ENV44 of the Unitary Development Plan and policy CS18 of the CSUCP

7

All vegetation clearance works will be undertaken outside the bird breeding season (March to August inclusive). Where this is not possible, a checking survey will be undertaken by a suitably qualified person immediately prior to the commencement of works on site. Where active nests are present these will remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

To avoid/minimise harm to protected/priority species in accordance with the NPPF, Policy CS18 of the CSUCP, and saved policies of the UDP DC1(e) and ENV46.

8

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. An amended risk assessment of the development should then be undertaken, to determine whether remedial works are necessary.

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 Policies DC1 and ENV54 of the Unitary Development Plan and policy CS14 of the CSUCP.

9

In the event that any mineshaft(s) is/are discovered during the development process, a proposed mine shaft remediation scheme shall be submitted to the Local Planning Authority for written approval.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

10

The mine shaft remediation scheme approved under condition 9 shall be implemented as soon as is practicable following discovery of the mineshaft and maintained for the life of the development.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

11

If during the implementation of the mine shaft remediation scheme approved under condition 9 it is confirmed that there is a need for further remedial works to treat the mine entry/areas of shallow mine workings to ensure the safety and stability of the proposed development, full details of the remedial works shall be submitted to the Local Planning Authority for written approval.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

12

The details of remedial measures approved under condition 11 shall be implemented as soon as practicable on discovery that they are required and maintained for the life of the development.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

13

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) MD0981/rep/001 prepared by M Design and the measures detailed within the FRA.

Reason

To reduce the risk of flooding to the proposed development and future occupants and in order to accord with the NPPF and policy CS17 of the CSUCP

14

The development hereby permitted shall not be commenced until additional information to supplement the submitted detailed drainage assessment, in accordance with the CIRIA SuDS Manual (C753), has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- a - a timetable for its implementation; and
- b- a drainage and landscape management and maintenance plan and schedule for the lifetime of the development, which shall include a plan indicating the arrangements for adoption by any public authority or



statutory undertaker, management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;

c- details of cellular storage to include maintenance access;

d- details of the relationship of the stormwater planter to the raised table(s);

e- details of flow control device;

f- final details of drive surface treatment and updated drainage model and assessment if affected by driveway drainage.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

The details of SuDS measures approved under condition 14 shall be implemented in accordance with the timings for implementation approved under condition 14 and maintained for the life of the development.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The development shall be completed using the materials indicted on drawing GH27:L:01 Revision H

Hanson Leicestershire Russet Mixture

Hanson Kimbolton Red Multi

Plain profile concrete roof tile in grey

White uPVC windows and French doors

Front and Rear doors white composite

Fascias and soffits white

Rainwater goods black

and as described in the Design and Access Statement dated September 2016 and prepared by Chris Dodds and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

17

The landscaping scheme indicated on drawing GH27:L:03 Rev F shall be implemented in the first available planting season following commencement of the development.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e), ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

18

The landscape scheme approved under condition 17 shall be maintained in full accordance with a Maintenance Strategy to be submitted for the consideration and written approval of the Local planning Authority and maintained in accordance with the approved Maintenance Strategy thereafter.

Reason

To ensure that the landscape of the development becomes well established and is satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1(d) and ENV3 of the Unitary Development Plan and policy CS18 of the CSUCP

19

The fence details approved as indicated on drawing GH27:L:04 Revision F shall be implemented prior to first occupation of the relevant dwelling or use of the relevant section of the dedicated pedestrian links and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

Prior to commencement of construction (except for tree protection measures and site investigations) full details of the features necessary to establish and maintain self-enforcing 20 mph zone within the site shall be submitted for the consideration and written approval of the Local Planning Authority. The proposals should allow for legal orders, signs and road markings.

Reason

In the interests of highway safety and in accordance with policy CS13 of the CSUCP.

21

The details approved under condition 20 shall be fully implemented prior to first occupation of the development hereby permitted and retained thereafter

Reason

In the interests of highway safety and in accordance with policy CS13 of the CSUCP.

22

Notwithstanding the Drainage Strategy Rev D dated 15th December 2016 prepared by Shaun Tonge Engineering's reference to Aggregate Drives on page 7 and drawing SD712 Rev E "Garage threshold/ gravel drive details" at Appendix F of the Drainage Strategy, development hereby permitted shall not progress above damp proof level, until final details of surface materials, kerb edging materials, colours and finishes to be used, have been submitted for the consideration and subsequent written approval by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

23

The surface materials approved under condition 22 shall be fully implemented prior to first occupation of the relevant part of the development

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

24

No dwellings hereby approved shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The revised Travel Plan shall include:

- Details of the welcome travel pack to be distributed to the residents
- Final objectives, targets and indicators.
- Final detail of measures to achieve the objectives, targets and indicators.
- Final detailed timetable for implementing measures.
- A programme of continuous review of the approved details of the Travel Plan

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

Reason

In the interests of sustainable travel choices for future residents in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan.

25

Prior to the first occupation of any dwelling hereby permitted details of secure and weatherproof cycle storage for each dwelling shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

26

The details approved under condition 25 shall be implemented in full prior to the first occupation of each relevant dwelling

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

27

Prior to first occupation of any dwelling hereby approved final details of the traffic calming measures and the zebra crossing on Portobello Road, indicated on drawing GH27:L:01 Rev H, shall be submitted for the consideration and written approval of the Local Planning Authority and shall be implemented in full and retained thereafter

Reason

In the interests of highway safety and in order to accord with policy CS13 of the CSUCP

28

The glazing and ventilation specification for all plots as proposed in the LA Environmental report GH/PR/003 prepared by Louise M Alderson dated September 2016, shall be implemented in full accordance with the approved details prior to occupation of the relevant dwelling and retained thereafter for the life of the development.

Reason

To ensure the recommended mitigation and internal noise levels are achieved and in order to comply with Saved UDP policy ENV61 and CSUCP policy CS14.

29

Notwithstanding the conclusions of the LA Environmental report GH/PR/003 prepared by Louise M Alderson dated September 2016 prior to development progressing above damp proof course full details the exact location, height and material of the acoustic boundary fence(s) should be submitted for consideration prior to development. The fence details shall demonstrate that it would be effective at reducing road traffic noise by/to 55 dBL<sub>aeq</sub> within the site as set out at paragraph 6.1 of the report.

Reason

To ensure the recommended mitigation and internal noise levels are achieved and in order to comply with Saved UDP policy ENV61 and CSUCP policy CS14.

30

The acoustic fence details approved under condition 29 shall be implemented in full accordance with the approved details prior to occupation of plots 1, 10 - 36 (inclusive), 37, 40, 44, 45, 53, 54, 60 and retained thereafter for the life of the development

Reason

To ensure the recommended mitigation and internal noise levels are achieved and in order to comply with Saved UDP policy ENV61 and CSUCP policy CS14.

31

Prior to first occupation of dwellings on plots 1, 10, 20, 30, 33, 36 and 53 internal (in habitable rooms) and external (in garden areas) noise levels shall be recorded and assessed in accordance with a post-construction noise assessment methodology, that shall first be submitted for consideration and written approval of the Local Planning Authority.

Reason

In the interests of protecting residential amenity and in order to accord with the NPPF, policies DC2 and ENV61 of the Unitary Development Plan and CS14 of the Core Strategy.

32

The post construction noise assessment methodology approved by condition 31 shall be adhered to in full for all dwellings hereby approved. The results of the post construction monitoring shall be submitted to the Local Planning Authority for consideration and written approval.

If the specified noise levels of 55dB(A) Daytime in gardens and 35dB(A) Daytime internal (habitable room) and 30dB(A) night time internal (habitable room) equivalent continuous noise levels are exceeded, a mitigation scheme to include details of improvement to the noise attenuation or the use of additional acoustic fencing, shall be submitted within one calendar month of the noise level exceedance being recorded

for the consideration and written approval of the Local Planning Authority.

Thereafter the approved mitigation scheme shall be implemented within one calendar month of the date of approval.

#### Reason

In the interests of protecting residential amenity and in order to accord with the NPPF, policies DC2 and ENV61 of the Unitary Development Plan and CS14 of the Core Strategy.

#### 33

Following implementation of the mitigation scheme further post construction monitoring, of those dwellings where the noise levels are exceeded, shall be undertaken in accordance with the details approved under condition 31.

The results of the further post construction monitoring shall be submitted within one calendar month to the Local Planning Authority for consideration and written approval.

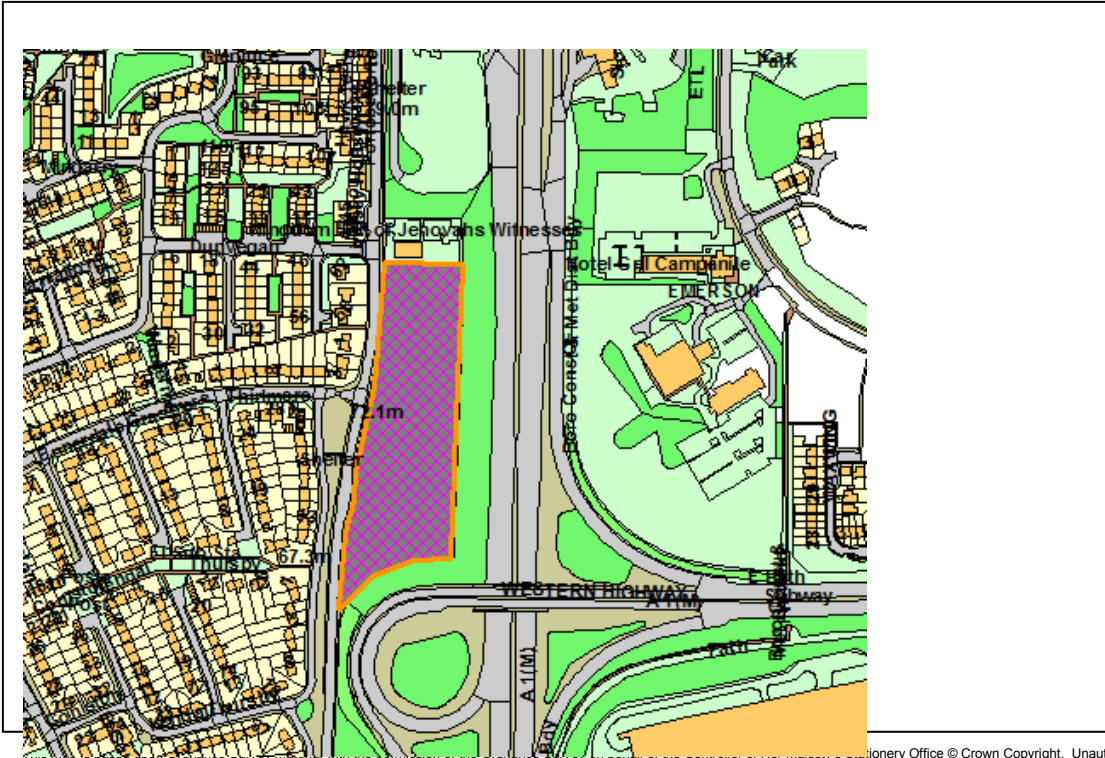
Should the noise levels within the habitable rooms still be found to exceed the specified noise levels a full review of the building fabric for that house and future houses shall be undertaken and a mitigation scheme to include an improved specification and / or replacement for defaulted fabric shall be submitted for the consideration and written approval of the Local Planning Authority within 3 months.

Thereafter the approved details shall be implemented in full.

The relevant plot / house types listed above shall not be occupied until it has been demonstrated that both the internal and external specified noise levels have been achieved for that plot.

#### Reason

In the interests of protecting residential amenity and in order to accord with the NPPF, policies DC2 and ENV61 of the Unitary Development Plan and CS14 of the Core Strategy.



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**Committee Report**

<b>Application No:</b>	<b>DC/16/00960/FUL</b>
<b>Case Officer</b>	<b>Owain Curtis</b>
<b>Date Application Valid</b>	<b>25 October 2016</b>
<b>Applicant</b>	<b>Mr Steven Bell</b>
<b>Site:</b>	<b>Land Adj 11 Butterfield Close Ryton NE40 4UU</b>
<b>Ward:</b>	<b>Crawcrook And Greenside</b>
<b>Proposal:</b>	<b>Erection of dwelling within curtilage of existing building (as amended 23.12.2016)</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

1.1 DESCRIPTION OF THE SITE

1.2 The application site lies at the end of the Butterfield Close cul-de-sac in Crawcrook. Currently there is a row of three identical terraced properties finished in red facing brick with lean-to porches at the front. Number 11 is an end-of-terrace property and has a driveway to the side. To the north of the application site is an area of amenity space and there is a large area of public open space to the rear of the site. Surrounding properties are a mix of various house types and there is a block of flats directly north of the application site.

1.3 DESCRIPTION OF THE APPLICATION

1.4 This application seeks planning permission for the erection of a new dwelling within the curtilage of number 11 Butterfield Close. The proposed dwelling would occupy the space to the side of number 11 which is currently a driveway and garden.

1.5 The proposed dwelling would match the existing properties in the terrace row in terms of scale and design albeit set back by approximately 2m from the front. The external materials would also match the existing properties including red facing brick and concrete roof tiles. Whilst the existing properties have lean-to porches, to accommodate an adequate driveway length the proposed dwelling would not have a front porch but would have a canopy matching the roofs of the porches in the row.

1.6 PLANNING HISTORY

1.7 No relevant history.

## **2.0 Consultation Responses:**

- 2.1 The Coal Authority – No objection subject to site investigation works prior to the commencement of the development.

## **3.0 Representations:**

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015.
- 3.2 23 neighbouring properties have been notified of the application. A total of 6 objections have been received raising the following issues:
- Building will cause noise and disruption
  - There will be more cars and less turning space
  - The proposal is overdevelopment
  - It will remove some of the estate's green land
  - The proposal is 'garden grabbing' in order to accommodate a proposed parking area
  - The dwelling is out of scale with surrounding properties
  - The design does not include a front porch
  - The proposed dwelling will create vehicle access problems
  - It will affect the accessibility for emergency vehicles
- 3.3 One representation was received from the applicant in support of the application however this has not been registered as a formal representation.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

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

5.1 The key considerations to be taken into account when assessing this planning application are: the principle of residential development, the effect on the character and appearance of the street scene, the effect of the proposal on the living conditions of neighbouring occupiers, and whether there would be any unacceptable highway safety issues.

### **5.2 PRINCIPLE OF RESIDENTIAL DEVELOPMENT**

5.3 Paragraph 49 of the NPPF states that all “housing applications should be considered in the context of the presumption in favour of sustainable development.”

5.4 The Newcastle Gateshead Core Strategy and Urban Core Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the borough’s housing stock in terms of dwelling size, type and tenure. Accordingly, Core Strategy 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). Saved Unitary Development Plan policy H5 also seeks to improve the choice of housing, and states that a “limited range of dwelling sizes and types may be acceptable on smaller sites [sites that are less than one hectare in size]”.

5.5 The proposed development of a two bedroom dwelling would not contribute to increasing the provision of larger homes in Gateshead. However, this proposal is for a single dwelling on a narrow site which would be incapable of accommodating a larger home. Development of a single dwelling would not have a significantly adverse impact on the Council’s overall objectives of improving the supply of larger homes, and the proposal is therefore considered to be compatible with the Council’s policies regarding the range and choice of housing.

5.6 Further, this site would be considered as a housing windfall site under saved policy H4 of the Gateshead Unitary Development Plan. The site is not situated in an isolated location and it is considered that the location of the proposal within an existing residential area is sustainable. The proposal therefore complies with saved policy H4.

- 5.7 Overall the principle of a new dwelling on this site can be supported subject to all other material planning considerations being satisfied.
- 5.8 RESIDENTIAL AMENITY
- 5.9 The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.10 Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.
- 5.11 The proposed dwelling would adjoin number 11 Butterfield Close. In order to accommodate a 5m long driveway, the dwelling would be set back from the established building line therefore the rear of the property would project 2m further than the existing terrace row. Given the small projection and the fact the windows on the rear elevation of number 11 are set in from the side wall, officers do not consider that the proposed dwelling would cause unacceptable overshadowing of the kitchen and bedroom of the neighbouring property.
- 5.12 There is currently a small obscure-glazed bathroom window in the first floor side elevation of number 11, which is owned by the applicant, this would be removed as part of the proposal. A bathroom is not defined as a habitable room where a householder might spend a significant amount of time therefore the effect of the loss of this window is not considered to be significant.
- 5.13 Given the separation distance of the proposed dwelling from all other properties, there would be no unacceptable overshadowing of any other properties as a result of the proposed development.
- 5.14 With regard to overlooking, there would be a separation distance of approximately 31m to the nearest property at the rear and 14m to the side gable of number 8 at the front therefore the proposal would not cause undue loss of privacy to the occupiers of the surrounding properties.
- 5.15 Turning to the living conditions of the future occupiers of the proposed dwelling, the internal floor area of the proposed dwelling would be 49.5m<sup>2</sup>. There are no minimum space standards in the Core Strategy and Urban Core Plan or Unitary Development Plan but occupiers should have a good standard of amenity in accordance with Core Strategy policy CS14 and saved policy DC2 of the UDP.
- 5.16 The scale of the proposed dwelling and internal layout would match the other three properties in the terrace row and many of the properties in

the surrounding area therefore officers consider the development would provide adequate living conditions for any future occupant.

- 5.17 The rear garden of number 11 would be subdivided to form the curtilage of the new dwelling. The resultant garden would be a comparable size to the rear garden of number 10, the mid-terrace property, at approximately 34m<sup>2</sup> however the rear garden of the proposed dwelling would be slightly smaller at approximately 27m<sup>2</sup>. Given the size of outdoor amenity space afforded to the other properties in the terrace row and surrounding area, it is considered the level of amenity space would be a sufficient size to accommodate these needs of a future occupier and would therefore be acceptable.
- 5.18 In light of the above it is considered the proposed scheme would comply with policy CS14 of the Core Strategy and saved policy DC2 of the UDP which seek to safeguard residential amenity for existing and future occupants of land and buildings.
- 5.19 VISUAL AMENITY
- 5.20 Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Local policies CS15 of the Core Strategy and ENV3 of the UDP reflect this.
- 5.21 Representations were received with regard to the visual effect of the proposed development on the area including that the dwelling would be out-of-scale with the surrounding properties, the scheme is over-development and the property would not have a front porch.
- 5.22 Officers consider the proposed dwelling would integrate well within the established street scene. The scale, massing and design of the property would closely match the surrounding properties and the dwelling would be constructed in materials that would reflect the local vernacular. As the site can accommodate a new dwelling with the same proportions as the other dwellings in the terrace, and provide an acceptable amount of outdoor amenity space, it is not considered that the proposal would appear as over-development.
- 5.23 It is not considered that the 2m set back or the entrance canopy as opposed to a porch would cause injury to the visual amenity of the area due to the surrounding variety of house types and styles.
- 5.24 There are two amenity trees to the north of the site approximately 3.5m from the side wall of the proposed property. Whilst the proposed dwelling would not result in the direct loss of the trees, it is likely that in the future the trees would come under pressure from the owners of the property due to the likelihood that they would come into contact with

the new dwelling. This may cause conflict with the future owners of the property who may wish to remove or heavily prune the trees.

- 5.25 The amenity trees are outside the red line boundary of this application and not within the ownership of the applicant therefore a condition requiring the removal and replanting of the trees would not meet the tests of reasonableness and enforceability for planning conditions. Any impact the trees may have on the proposed dwelling would therefore be a private matter between the two landowners.
- 5.26 The proposed dwelling may cause a future conflict with the amenity trees to the north of the site therefore there may be some environmental harm. However it is not considered that the development as submitted would have an adverse effect on the character and appearance of the area in accordance with policy CS15 of the Core Strategy and saved policy ENV3 of the UDP.
- 5.27 HIGHWAY SAFETY AND PARKING
- 5.28 Paragraph 32 of the NPPF is clear that applications should only be refused on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.29 Several objections raise the issue of parking and state that as a result of the development there will be more cars but less turning space and that the proposed dwelling would create access problems including for emergency vehicles.
- 5.30 The proposed dwelling would be built within the existing garden and driveway area of number 11 Butterfield Close. The proposed dwelling would be set back by 5.1m from the adopted highway in order to form a driveway with an adequate length to prevent vehicles from overhanging the highway. As the extent of the development is within the existing curtilage of number 11, the proposal would not create any access problems in terms of existing resident's parking nor would it hinder the safe access of emergency vehicles. Furthermore, the proposal would not result in the loss of an area of adopted highway which is used for turning purposes.
- 5.31 As the existing driveway of number 11 would no longer be available for parking, the applicant proposes to convert the front garden area into a parking space through the laying of hardstanding. The new parking area would be 4.95m in length.
- 5.32 Officers consider the proposed development adequately offsets the loss of the driveway though the creation of a new parking space in front of the existing property and that the proposed 5.1m long driveway for the new dwelling is acceptable. The proposal would therefore have no adverse impact on highway safety or on parking in the area and is

therefore in accordance with the NPPF and policy CS13 of the Core Strategy.

#### 5.33 LAND STABILITY / CONTAMINATION

5.34 The site lies within the Coal Authority High Risk Area therefore coal mining legacy potentially poses a risk to the proposed development. To mitigate this risk it is recommended it be conditioned that intrusive site investigation works are to be undertaken prior to the commencement of the development in order to establish the exact situation regarding coal mining legacy issues on the site (conditions 7 and 8).

5.35 The site has not been classified as "contaminated land" as it has historically been agricultural land until developed in the 1970's for residential use. Given the sensitive end use it is appropriate to condition that if contamination is found at any time during the build, the development must be halted and the contamination must be reported to the Local Planning Authority (conditions 4 and 5).

#### 5.36 PLAY AND OPEN SPACE

5.37 Saved UDP policies CFR20, CFR28, CFR29 and CFR30 relating to the provision of play and open space are considered to apply to the current application for the creation of new residential development.

5.38 The overriding national policy direction is that no tariff based S106 contributions can be required where the development relates to less than ten dwellings. Therefore, while it cannot be concluded that the proposed development would comply with saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP, it is considered that other material planning considerations outweigh the UDP policies.

#### 5.39 COMMUNITY INFRASTRUCTURE LEVY

5.40 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.

#### 5.41 OTHER ISSUES

5.42 Representations were received which state that the building of the new dwelling would cause noise and disruption and the proposal is 'garden grabbing'.

- 5.43 To prevent undue harm to neighbour amenity a condition restricting hours of construction is included which prevents work from being undertaken at unsocial hours (condition 6).
- 5.44 Paragraph 53 of the NPPF relates to development in residential gardens and states that “local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”. There is no such policy in the Core Strategy or UDP and, in the above assessment of material planning considerations, it is concluded the proposal would not cause harm to the local area.

## **6.0 CONCLUSION**

- 6.1 Taking all the material planning considerations into account including the objections raised, it is recommended that planning permission be granted. Given the relevant conditions suggested to be imposed, it is considered the proposal accords with relevant national and local planning policies.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s)

1

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.

2

No external materials for the development hereby approved shall be used on site until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection and are subsequently approved in writing by the Local Planning Authority. The agreed external materials shall then be used on site.

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 street scene in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



3

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

Proposed Elevations 'New dwelling adjoining existing' received 23.12.2016

Proposed Site Plan received 07.02.2017

Location Plan received 08.09.2016

Proposed Car Parking Plan received 07.02.2017

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.

4

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. An amended risk assessment (including a proposed timetable for implementation of works) of the development should then be undertaken, to determine whether remedial works are necessary.

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 National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

5

Any works deemed to necessary following testing (as part of Condition 4) shall be carried out in full in accordance with the timetable set out in Condition 4.

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 National Planning Policy Framework, policy CS14 of the Core

Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

6

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 policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

7

Other than preparation works/investigations, the development hereby approved shall not commence until intrusive site investigation works have been undertaken in order to establish coal mining legacy issues on site.

The findings of the intrusive site investigations in relation to coal mining legacy issues along with details of any required remedial works (and timescales) shall be submitted to the Local Planning Authority for approval prior to the construction of the dwelling.

Reason

To ensure that any risks from historical coal mining activities to the future users of the site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, saved policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

8

Any remedial works in relation to historical coal mining activities as identified through compliance with condition 7 shall be fully implemented in accordance with the timescale set out in the approved findings.

Reason

To ensure that any risks from historical coal mining activities to the future users of the site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy

Framework, saved policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

9

The secure cycle storage facility shown on approved plan 'Proposed Site Plan' received 07.02.2017 shall be provided prior to the first occupation of the dwelling hereby approved.

Reason

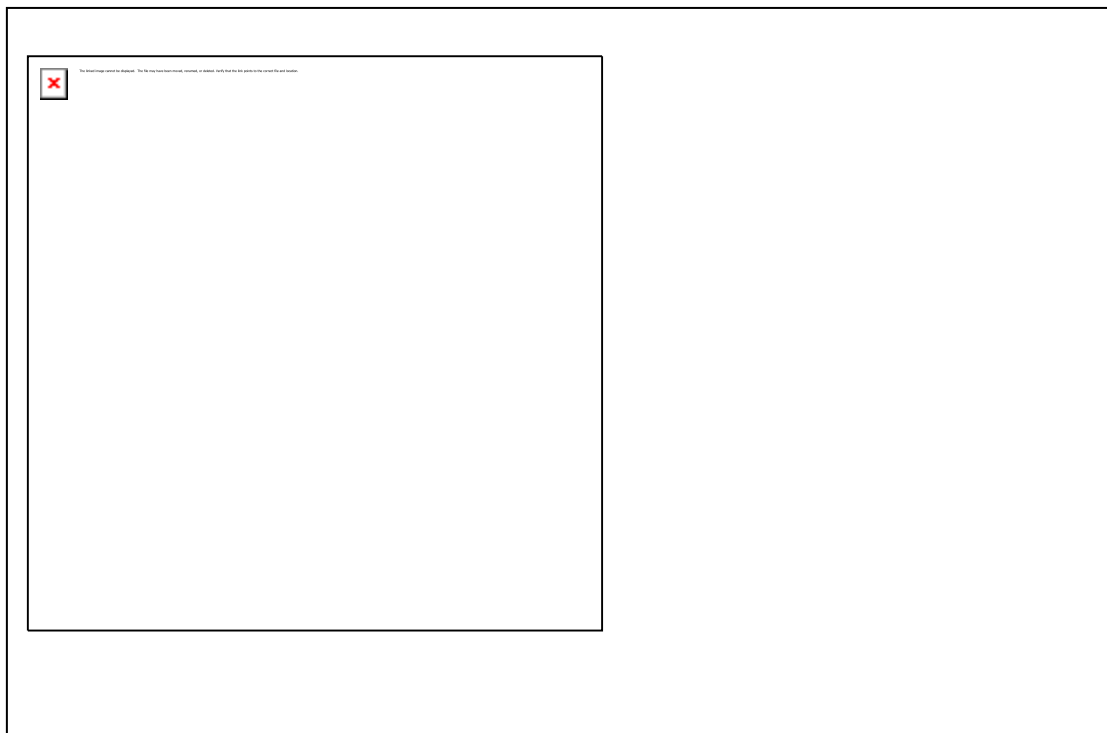
In order to ensure adequate provision for cyclists and in compliance with Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the Gateshead Cycling Strategy.

10

The car parking arrangement shown on approved plan 'Proposed Car Parking Plan' received 07.02.2017 shall be provided prior to the first occupation of the dwelling hereby approved.

Reason

In order to ensure adequate provision of parking and in compliance with Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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**Committee Report**

<b>Application No:</b>	<b>DC/16/01067/HHA</b>
<b>Case Officer</b>	<b>Luke Wrigley</b>
<b>Date Application Valid</b>	<b>24 October 2016</b>
<b>Applicant</b>	<b>Mr Sean Smith</b>
<b>Site:</b>	<b>23 Lyndhurst Crescent Lyndhurst Gateshead NE9 6BA</b>
<b>Ward:</b>	<b>Chowdene</b>
<b>Proposal:</b>	<b>First floor side extension above existing garage/utility room, conversion of loft space and installation of 2 no. dormers to the rear, and front porch. Amended 07.12.16.</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Householder Application</b>

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

The application site is a two storey, semi-detached property located on Lyndhurst Crescent in a predominantly residential area. The property is built in red brick with pebble dash render at first floor level, featuring a hipped roof with red roman style roof tiles.

1.2 The road slopes down from east to west. The dwelling benefits from off street parking with a driveway offering parking for one car at the front of the property. There is also an adjoining side garage, which features a steep roof slope previously granted permission in 2002. The property is enclosed by a part brick part timber fence at the front of the property. The character of the street scene is a variation of large detached and semi-detached properties. There are no residential properties to the rear of the application site with Low Fell Clinic being located directly north of 23 Lyndhurst Crescent.

1.3 The host property is attached to 21 Lyndhurst Crescent. The neighbouring dwelling has developed a two storey side, and single storey rear extension. The neighbouring property to the east (25 Lyndhurst Crescent) is situated on a different orientation to the application site with a distance of 5 metres between the side elevations. Due to the gradient of the street, number 25 Lyndhurst Crescent also sits at a higher level than the application site.

**1.4 DESCRIPTION OF THE APPLICATION**

The application is for a first floor side extension over the existing garage, the conversion of the loft space with the installation of two dormers in the rear roof slope, and the erection of a porch at the front elevation.

1.5 The proposed side extension would not alter the footprint of the existing dwelling, with the proposal 3 metres in width projecting back 9.8 metres from

the principal elevation at first floor level. The side extension would see the continuation of the existing hipped roof, erected with materials to match the existing dwelling (red roman tiles).

- 1.6 The first floor extension above the garage would see a window added to the side elevation facing 25 Lyndhurst Crescent at first floor level which will be conditioned to be obscurely glazed due to serving a habitable room (CONDITION FOUR). The side extension would feature glazing at both ground and first floor level on the rear elevation 2.3 metres in width by 2 metres in height. The extension at first floor level would be set back from the existing rear elevation by 2.05 metres.
- 1.7 The principal elevation would retain a garage for parking. The extension at first floor level would incorporate a bay window to match the existing property.
- 1.8 The two proposed dormer windows on the rear roof slope would be positioned 0.3 metres up from the eaves. The dormers would be 2.6 metres in width and would feature a pitched roof. The glazing on the dormers would be 1.9 metres in width and would have a height of 0.9 metres.
- 1.9 The proposed porch would be 2.25 metres in width, and would be constructed with a pitched roof 3.3 metres in height. The proposed porch would project out 1.6 metres from the principal elevation featuring a window in the side elevation.
- 1.10 **PLANNING HISTORY**  
113/88- Erection of single-storey extension at side of dwelling house to provide garage and enlarged utility room (amended 8/4/88).  
Granted 20th of May 1988.  
  
630/02- Erection of single storey extension at side and rear of dwelling house to provide sun lounge, kitchen, utility room, and garage and installation of velux window at rear to provide bathroom in roof space above garage.  
Granted 19th of July 2002.

## **2.0 Consultation Responses:**

None Received

## **3.0 Representations:**

- 3.1 Six neighbouring properties have been notified of the application. Three letters of objection from a single neighbour have been received regarding:
  - Overbearing effect/loss of natural light
  - Separation distance between the application site and the neighbouring property
  - Potential terracing effect
  - Over development

- 3.2 The letters also discuss the ongoing Party Wall/land ownership issues which fall outside the remit of planning control and are therefore not a material planning consideration.
- 3.3 Councillor John McElroy has requested that the application is referred to Planning and Development Committee on behalf of the neighbouring resident.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

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

- 5.1 The main planning issues in this case are considered to be the impact on the street scene, scale and design, residential amenity, and the impact on highway safety.
- 5.2 **IMPACT ON THE STREET SCENE/DESIGN**  
Saved Unitary Development Plan (UDP) policy ENV3 along with CSUCP policy CS15 requires that new development must be of a high quality sustainable design that makes a positive contribution to the established character and identity of the local area. This is echoed by section seven of the NPPF which places a strong emphasis on the requirement for good design.
- 5.3 When considering proposals to extend or alter existing residential properties the Council's Household Alterations and Extensions Supplementary Planning Document (the HAESPD) advises that new extensions should not dominate the existing building to ensure an appropriate scale is maintained and that extensions are subservient to that of the original building to ensure it respects and compliments the host property.
- 5.4 The application proposes a first floor side extension over the existing side garage, which would not alter the footprint of the existing dwelling. The proposal has been designed to remain respectful of the existing property by way of a continuation of a hipped roof and the placement and design of the first floor window which would be consistent with the existing dwelling. The HAESPD advises that as a general rule, side extensions should be of a width which is no more than 50% of the overall dwelling which the proposed

development adheres to. Furthermore, a number of properties on the street have been extended at the side with varying designs. 21 Lyndhurst Crescent has already extended out to the side at first floor level, meaning symmetry between the two adjoining dwellings will be re-established. Through time the occurrence of extensions and alterations to the properties has become an accepted characteristic of the area.

- 5.5 Due to the side extension not altering the footprint of the property and as the existing garage at the side elevation has a ridge height of 4.8 metres, adding another storey over this which projects back 9.8 metres set back 2.05 from the existing rear elevation would not be considered an overdevelopment on the site. The curtilage space to the rear of the property would still be retained by the proposed development.
- 5.6 It is considered that the proposed development at 23 Lyndhurst Crescent would not have an overbearing effect upon the street scene. The proposed development would be set off the common boundary by 0.3 metres at the front and 0.4 metres at the rear meaning there is no potential of a terracing effect, keeping a sense of spaciousness between the buildings should 25 Lyndhurst Crescent extend at first floor level.
- 5.7 Additionally a number of surrounding properties also include dormer windows in their rear roof slopes so the proposed dormers would not appear alien in this area. Due to being erected on the rear roof slope the proposal is considered to not have an unacceptable impact on the design of the house, and would not detract from the aesthetic quality of the area.
- 5.8 The proposed porch would be 3.3 metres in height, featuring a pitched roof. The porch would project forward of the principal elevation by 1.65 metres, with a width of 2.25 metres. Many properties within Lyndhurst Crescent have erected porches on the principal elevation of various designs, including the adjoining property at 21 Lyndhurst Crescent. The proposed would therefore be in keeping with the character of the wider street scene complimenting the existing dwelling house.
- 5.9 Therefore the development is considered to meet the requirements of saved UDP policy ENV3, CSUCP policy CS15 and the requirements of the NPPF as it does not cause harm the host property or adversely affect the existing character or identity of the local area.
- 5.10 RESIDENTIAL AMENITY
- 5.11 The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CSUCP policy CS14 and saved UDP policy DC2 which seek to ensure that development does not cause any undue disturbance to nearby residents, safeguards the enjoyment of light and privacy for existing residential properties, and ensures an acceptable level of amenity for existing and future residents.



- 5.12 After undertaking a site visit it is considered that the proposed development, due to its design and layout, would not amount to an unacceptable impact on the residential amenity of neighbouring properties as it would not result in a harmful increase in loss of light, over shadowing or visual intrusion.
- 5.13 The proposal would not have an overbearing effect on the property at 25 Lyndhurst Crescent. The first floor windows in the side elevation of number 25, which face the application site, serve non-habitable rooms, and already have a limited outlook. Therefore they would not be compromised by the proposed application.
- 5.14 As 25 Lyndhurst Crescent is located north easterly of the application site there would be no loss of light caused by the proposed development. Any sunlight currently entering the windows of the side elevation of 25 Lyndhurst Crescent is already obstructed by the existing dwelling house. The development of a first floor extension above the existing garage would have no impact in terms of loss of sunlight.
- 5.15 The obscure glazing of the window in the side elevation of the first floor extension (CONDITION FOUR) would mean that there could be no overlooking of 25 Lyndhurst Crescent. The erection of two dormer windows at the rear elevation would not have an effect on the residential amenity of the neighbours of 23 Lyndhurst Crescent, and there would be no overlooking to the rear of the site.
- 5.16 25 Lyndhurst Crescent sits on a much higher land level, and has a different orientation to the application site, and with a separation distance of 5 metres between the principal elevation of 23, and 25 Lyndhurst Crescent, it is considered that the first floor side extension would not have a significant effect upon this or any other neighbours residential amenity. The development therefore meets the aims and requirements set out in policy DC2 of the UDP, policy CS14 of the CSUCP, and the requirements of the NPPF.
- 5.17 **HIGHWAY SAFETY & PARKING**  
Existing parking and highway access arrangements would be unaltered by the proposal and therefore the proposed development would not have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with policy CS13 of the CSUCP.
- 5.18 **Other Matters:**  
There is a history of a Part Wall Act and land ownership issue between the neighbours which has yet to be resolved. These are civil matters that fall outside the remit of planning control due to not being a material planning consideration. Therefore this matter should be given no weight in the determination of the application. The application has been assessed on face value as there has been no evidence to suggest the boundary is plotted incorrectly.

## **6.0 CONCLUSION**

6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable, would not result in significant harm to design or residential amenity, or on highway safety, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

**7.0 RECOMMENDATION:**

That permission be GRANTED subject to the following condition(s):

1

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

THD16-032-04 F

THD16-032-03 E

THD16-032-05 A

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

All external surfaces shall be completed in materials to match those of the existing building. Where new materials would differ in any way from those of the existing building, no development shall commence until samples of the proposed materials are made available for inspection on site and are subsequently approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with those details.

Reason

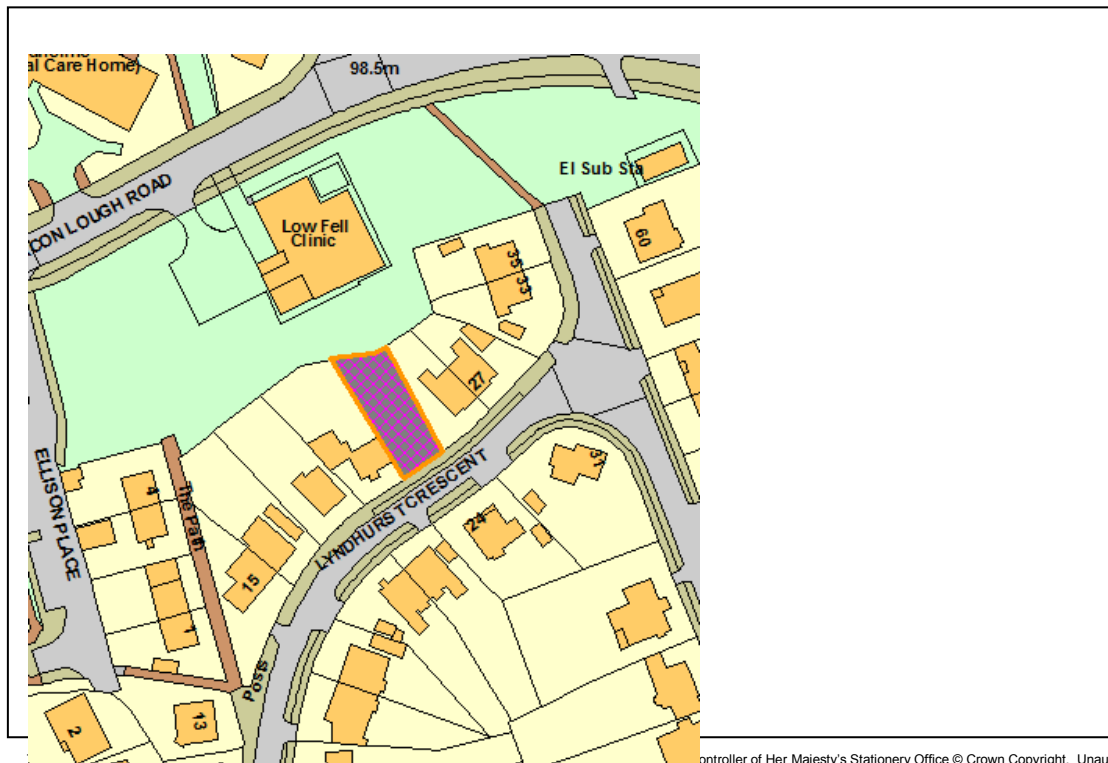
To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

4

The first floor window of the proposed side elevation on plan THD16-032-04 F shall be obscurely glazed at a level three or greater (in accordance with the levels set by Pilkington). The glazing shall be installed prior to the building/extension being occupied and shall be permanently retained in that condition thereafter.

#### Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with the National Planning Policy Guidance, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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**Committee Report**

<b>Application No:</b>	<b>DC/17/00043/TDPA</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>11 January 2017</b>
<b>Applicant</b>	<b>CTIL – O2</b>
<b>Site:</b>	<b>Land Adj The Red Kite Spa Well Road Winlaton Mill NE21 6RU</b>
<b>Ward:</b>	<b>Winlaton And High Spen</b>
<b>Proposal:</b>	<b>Proposed 15 m high stack column telecom mast and associated equipment including two 300mm dishes (amended and additional information received 25/01/17).</b>
<b>Recommendation:</b>	<b>PRIOR APPROVAL IS REQUIRED AND APPROVED</b>
<b>Application Type</b>	<b>Telecommunications DPA</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE APPLICATION SITE**

The application relates to an area of grass verge, adjacent to the footpath running along the eastern side of Spa Well Road in Winlaton. The site is to the south of the Red Kite Pub, where there is an existing traffic light crossing.

1.2 The site is level and is immediately surrounded by the Red Kite Pub to the north, trees and fields to the east, trees and fields to the south and housing along Naylor Avenue to the west.

1.3 The site is also situated within the Green Belt on the Council’s Local Plan Policies Map 2015.

**1.4 DESCRIPTION OF THE APPLICATION**

This is a "Determination of Prior Approval" application seeking consent for the installation of a 15 metre high telecoms column/mast and associated equipment.

1.5 The application is made pursuant to Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) as amended.

1.6 The application proposes the installation of a 15 metre high stack column mast (to be painted black) with two dishes positioned on the mast at a height of 11.2 metres. Three equipment cabinets are also proposed at ground level, adjacent to the mast (to be painted dark green). Two of the equipment cabinets measure 1.3 metres by 0.7 metres by 1.4 metres high. The third equipment cabinet measures 0.5 metres by 0.5 metres by 1.4 metres high.

1.7 The application is supported by the following documentation:

- \* Application form
- \* Developer notice letter
- \* Existing and proposed plans
- \* ICNIRP Certificate

1.8 PLANNING HISTORY  
None relevant.

## **2.0 Consultation Responses:**

None

## **3.0 Representations:**

3.1 The Council sent 222 neighbour notification letters to surrounding properties and also displayed a site notice at the site.

3.2 2 letters of objection has been received from local residents at Noel Terrace and Naylor Avenue objecting to the proposal on the following grounds :

- concerns over health issues
- out of character with Conservation Area
- out of character with street scene
- overbearing
- overdevelopment
- traffic and highway concerns
- may deter wildlife
- will lower property values in the area

3.3 A petition has also been received signed by 74 local residents objecting to the proposal on the following grounds :

- concerns over health
- it is in an unspoilt Green Belt area which is of local and national historical interest as part of the Land of Oak & Iron Project
- it will be an enormous ugly 15 meter tall mast looming above the trees

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS19 Green Belt

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

- 5.1 This application is to determine whether the prior approval of the Local Planning Authority (LPA) is required for the siting and appearance of the proposed telecommunications development.
- 5.2 Given the application is a prior approval application and not a full planning application, the only planning issues that the LPA can consider under an application for prior approval are those concerning the siting and appearance of the proposed development.
- 5.3 Factors concerning siting may involve the height of the site in relation to the surrounding land, topography of the site, vegetation, openness and visibility of the site, the site in relation to existing masts, structures or buildings and proximity to residential properties.
- 5.4 With regards to appearance this can include details such as materials, colour, design, dimensions and overall shape.
- 5.5 No other factors can be considered by the LPA for this type of application.
- 5.6 **PROCEDURAL MATTERS**  
Telecommunications code system operators are generally entitled to planning permission under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) as amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016.
- 5.7 This allows an operator to carry out development permitted by Class A of Part 16, subject to the exclusions in paragraph A.1 and the conditions in paragraph A.2 and A.3, without having to submit a full planning application to the LPA.
- 5.8 However, under paragraph A.3 (3 and 4) certain development permitted under Part 16 is conditional upon the operator making a prior approval application to the LPA.
- 5.9 In light of this, due to the specifications of the proposal it can be confirmed that prior approval is required for this development, given its siting and design would impact on the visual amenity of the area. As a result, the Council is only permitted to consider siting and appearance and not the principle of development.

#### 5.10 NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 44 of the NPPF advises local planning authorities to plan favourably for advancements in telecommunications and recognises this to be a factor in achieving sustainable economic growth. Its guidance encourages mast sharing and the use of existing buildings and structures. The NPPF advises telecommunication operators to demonstrate that equipment will not cause significant and irremediable interference with other electronic equipment, air traffic services or instrumentation operated in the national interest; operators have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.

5.11 The NPPF advises that telecommunications applications should be supported by evidence to justify that the applicant has explored using and sharing other buildings.

#### 5.12 SUPPORTING INFORMATION

The information submitted with the application explains that this application has been submitted to improve the telecommunications coverage in the area.

5.13 The NPPF (at paragraph 45) encourages a sequential approach to the siting of telecommunications installations, looking first at existing masts, structures or buildings in the area before new telecommunication sites are proposed. The information in support of the application states that alternative sites were considered in order to improve the telecommunications coverage in the area.

5.14 The supporting information explains that an existing structure – Northern Power Grid pylons at Hagg Hill in Winlaton were considered. These were discounted by the applicant though as although the ground height is reasonably good the surrounding trees would limit the ability of the site to provide adequate coverage.

5.15 The car park at Derwent Country Park was also considered by the applicant. This was discounted though as the Council advised the applicant that this site was part of a Council scheme to develop the Country Park for a heritage centre as part of the Land of Oak and Iron project. The area of land considered was where the Council was intending to provide a coach turning area for the new heritage centre.

5.16 Council officers therefore agree and accept that the approach taken by the applicant is both reasonable and appropriate given the nature of the development.

#### 5.17 HEALTH AND SAFETY ISSUES

The NPPF at paragraph 45, offers guidance on matters relating to health and safety considerations in relation to mobile phone masts. The NPPF was drawn up following publication of the Stewart Report, an independent report on mobile phones and health, commissioned by the Government. The report concluded that the balance of evidence indicated that there is no general risk to the health



of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines.

- 5.18 Therefore the NPPF states that applications should be submitted with a 'statement that self-certifies that, when operational, International Commission guidelines will be met.' These guidelines are designed to protect the general population from a known adverse health effect of radio waves, (i.e. heating). The guidelines are formulated to protect people of all ages, in all states of health and for continuous exposure. Public concern about the effects of radio wave emissions may be a material planning consideration. Any submission should address this by including supporting evidence that 'no demonstrable harm' would arise from the proposal.
- 5.19 An ICNIRP Certificate has been submitted as part of this application which confirms the proposed development to be compliant with the guidelines. Given that the information submitted with this application confirms that the proposed development meets the ICNIRP guidelines for public exposure it should not be necessary for the LPA to consider further the health aspects or concerns about them further.
- 5.20 VISUAL AND HIGHWAYS IMPACT OF THE PROPOSAL IN RELATION TO ITS SITING AND APPEARANCE  
A balance must be struck between the protection of amenity in both town and country and the need for this technology. The visual intrusion of development should be minimised by sympathetic design and camouflage, including screening and planting, particularly in high-quality landscapes and urban areas of high visual quality or historic character, in order that the apparatus blends into the environment.
- 5.21 Policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) and saved policy ENV3 of the Unitary Development Plan (UDP) requires the design, scale and density of new development to make a positive contribution to the identity and character of its locality with regard to factors such as scale, massing, height, views and vistas. Policy CS13 of the CSUCP looks to safeguard highway safety through promoting sustainable and sympathetic developments. Policy CS19 of the CSUCP also seeks to protect the Green Belt from inappropriate development and to maintain its openness.
- 5.22 It is therefore important that telecommunications development is carried out in a way, which keeps environmental, residential and visual intrusion to a minimum. The overall aim is to protect both the visual and residential amenity of the area with the use of sympathetic design to minimise the impact of development on the environment.
- 5.23 The closest residential properties are to the west of the site located along Naylor Avenue at just over 40 metres away from the proposed mast. The proposed telecoms column would have a maximum height of 15.0 metres, the site is also located at a lower level than the nearest houses along Naylor Avenue.

- 5.24 The view of the proposed telecoms column and equipment would be partially screened from view for a number of the properties along Naylor Avenue by high trees running along their rear gardens. It is therefore considered by Officers that there would be a limited impact on residents.
- 5.25 The proposed telecoms column and associated equipment would be viewed in a grass verge against 11 metre high trees. The proposed telecoms column would also be viewed in the street scene along Spa Well Road in context with other vertical street furniture including, street lighting (around 10 metres high), traffic lights, a telegraph pole and traffic signs.
- 5.26 The proposed telecoms mast is to be painted black and the proposed equipment cabinets are to be painted dark green to help them blend in with their surroundings.
- 5.27 It is therefore considered by Officers that the proposed telecommunications equipment in terms of its siting and appearance would have a limited impact on adjacent residents, would not be out of character with the street scene and would not impact on the openness of the Green Belt. It is therefore considered that the siting and design of the proposed telecommunications equipment is appropriate in the context of the Green Belt, street scene and surrounding area.
- 5.28 In addition it is considered that the mast would not have a detrimental impact on highway safety, given that Officers are of the opinion that the proposal would not harm the visibility of highway users or form a distraction to motorists.
- 5.29 Given the above, it is considered that the siting and appearance of the proposed telecommunications equipment accords with the aims and objectives of the NPPF, saved policy DC2 and EV3 of the Council's Unitary Development Plan and policies CS13, CS14, CS15 and CS19 of the Council's Core Strategy and Urban Core Plan.
- 5.30 **OTHER ISSUES**  
Other issues have been raised local residents including the proposal will lower property values in the area, it will deter wildlife and it will be out of character with the Conservation Area. This site is not within a Conservation Area. Given that this is a prior approval application the only issues that the LPA can consider is siting and appearance.
- 5.31 Concerns have also been raised by local residents in the petition that the proposal is in an area of local and national historical interest as part of the Land of Oak & Iron Project. Council officers however are of the opinion that the siting and appearance of the proposal will not have cause any harm to the Land of Oak and Iron Project to justify recommending that prior approval is refused.

## **6.0 CONCLUSION**

- 6.1 It is considered that the proposed siting and design of the proposed telecommunications equipment is acceptable and accords with both national and local planning policies - as it provides improved telecommunications

coverage whilst minimising visual impact. It is therefore recommended that prior approval is required and granted.

**7.0 Recommendation:**

That Prior Approval is Required and APPROVED:



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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 15 FEBRUARY 2017

PART TWO: THE FOLLOWING APPLICATIONS, DETERMINED SINCE THE LAST COMMITTEE MEETING IN ACCORDANCE WITH THE POWERS DELEGATED UNDER PART 3, SCHEDULE 2 (DELEGATIONS TO MANAGERS) OF THE COUNCIL CONSTITUTION, ARE LISTED FOR INFORMATION ONLY.

<b>Application ref.</b>	<b>Nature of proposed development</b>	<b>Location of proposed development</b>	<b>Decision</b>	<b>Ward</b>
DC/16/00732/FUL	VARIATION OF CONDITION 2 (cooking equipment) of DC/16/00343/FUL to allow installation of carbon filter system (amended 28/11/16).	10A Harraton Terrace, Durham Road,	Granted;	Birtley
DC/16/00881/FUL	Installation of new fully glazed shop-front with central door, and installation of internal extraction flue with the exception of a high velocity cowl that exits the rear roof plane close to ridge height and exhausts above ridge height (amended 28/11/16).	10 Harraton Terrace, Durham Road,	Granted;	Birtley
DC/16/00898/FUL	Formation of hard standing to support car parking, manoeuvring and dropping off passengers (retrospective)	Sacred Heart Roman Catholic Primary School , Lobley Hill Road,	Granted;	Whickham South And Sunnyside

DC/16/00973/FUL	New extension (linked to existing building via bridge) including refurbishment, demolition of existing bin store and rebuilding in new location, plus alterations to existing car park	The Open University In The North Baltic Business Quarter , Abbot's Hill,	Granted;	Bridges
DC/16/01023/FUL	Siting of a steel container for use as a shed as amended by plans received 17 January 2017	The Cecily Douglas Memory Gardens , Blackhill Crescent,	Granted;	
DC/16/01167/HHA	Erection of single storey extension to side of terraced house (as amended 09.01.2017 and 15.01.2017)	55 Broom Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/16/01157/FUL	Conversion of former public house to 5 dwellinghouses (Additional Info 13/12/16 and amended 11/01/17, 19/01/17 and 20/01/17).	Albion Inn, Reay Street,	Granted;	Pelaw And Heworth
DC/16/01168/HHA	Single storey rear extension with raised deck (amended 12/01/17)	9 Primrose Hill, Low Fell,	Granted;	Low Fell
DC/16/01204/FUL	Demolition of lean to additions to existing agricultural building (additional information received 05/01/17).	Bradley Hall Farm , Bradley Hall Farm,	Granted;	Crawcrook And Greenside

DC/16/01208/LBC	Renovation of well head involving removal of stone infill of well recess and installation of steel gates	Land Adj Carters Lodge, Gateshead,	Granted;	Low Fell
DC/16/01222/TPO	Removal of 1 x Poplar, 1 x Sycamore, 1 x Holly tree at Wylam Manor, Wylam.	Castle Hill House, Crawcrook,	Granted;	Crawcrook And Greenside
DC/16/01270/HHA	Extension to the roof for loft conversion.	90 Chilside Road, Felling,	Granted;	Felling
DC/16/01212/LBC	Replacement of front and rear external doors with doors more in keeping with character of property	Old Sunnyside Farm , Kingsway,	Granted;	Whickham South And Sunnyside
DC/16/01224/FUL	Erection of first floor extension at rear of shop to provide additional store area (amended 18.01.2017).	211-215A , Coatsworth Road,	Granted;	Saltwell
DC/16/01228/HHA	Construction of vehicle hardstanding	36 Beaconsfield Road, Gateshead,	Granted;	Low Fell
DC/16/01232/HHA	Installation of dormer window to front and rear and rooflight to front and rear of terraced property (as amended 17.01.2017)	11 West Park Road, Bensham,	Granted;	Saltwell

DC/16/01233/COU	Change of use from a dog grooming parlour (Sui Generis) to private physiotherapy clinic (D1 authorised use) Ground floor only	Pioneer House, 150 Kells Lane,	Granted;	Low Fell
DC/16/01239/HHA	Two storey rear extension	124 Rectory Road, Gateshead,	Granted;	Lobley Hill And Bensham
DC/16/01241/HHA	Proposed two storey side extension, single storey rear extension, and erection of porch.	19 Bracken Drive, Gateshead,	Granted;	Dunston Hill And Whickham East
DC/16/01252/COU	Change of Use from retail (A1 use) to Tattoo Parlour (sui generis)	327 High Street, Gateshead,	Granted;	Bridges
DC/16/01255/ADV	Display of internally illuminated box sign advertising 'Wilko'	47-49 , Russell Way,	Temporary permission granted;	Whickham North
DC/16/01256/HHA	Two storey extension to front and two storey/first floor extension to side/rear (as amended 22/01/2017)	17 Millfield Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/16/01259/TPO	Tree works to Yew tree at 5 Holburn Lane Court.	The Elms , 5 Holburn Lane Court,	Granted;	Ryton Crookhill And Stella
DC/16/01274/HHA	Replacement front entrance porch and single storey rear extension (amended 09/01/17)	19 Westover Gardens, Gateshead,	Granted;	Low Fell



DC/16/01267/HHA	Single storey front extension.	2 Hill Edge Cottage The Bungalows , Sourmilk Hill Lane,	Granted;	High Fell
DC/16/01268/CPL	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT: Use of dwellinghouse (use class C3) as small care home (use class C3b).	261 Windsor Avenue, Bensham,	Granted;	Saltwell
DC/16/01325/HHA	Erection of single storey flat roof extension (with canopy linking to existing outbuilding) and erection of retaining walls to rear of detached dwelling following the demolition of existing conservatory and retaining walls	Windy Hill House, Fellside Road,	Granted;	Whickham South And Sunniside
DC/16/01272/HHA	Erection of single storey pitched roof extension to side of terraced property	Consort House , 243 Prince Consort Road,	Refused;	Saltwell
DC/16/01279/CPL	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT: Erection of rear single storey extension.	66 Yewtrees, Whitehills,	Granted;	Windy Nook And Whitehills
DC/16/01298/TDPA	Erection of 15m high slim line lattice tower with antennae, dish, associated cabinets and ancillary equipment including surrounding 2.1m high palisade fence	Land Rear Of Tyne Technical Services, Nest Road,	Granted;	Felling

DC/16/01283/HHA	Two storey side extension replacing existing garage.	41 Meadow Rise, Gateshead,	Granted;	High Fell
DC/16/01287/FUL	Conversion of existing utility building into residential accommodation.	East Byermoor Cottage, Fellside Road,	Granted;	Whickham South And Sunnside
DC/16/01291/FUL	Sub-division of existing seven bedroom dwelling into two dwellings.	West Farm , Hall Road,	Granted;	Chopwell And Rowlands Gill
DC/16/01299/FUL	New bungalow within site of 1 Pennyfine Road.	1A Pennyfine Road, Sunnside,	Granted;	Whickham South And Sunnside
DC/16/01293/ADV	Installation of wall mounted, 48 sheet (6.5m x 3.45m) LED digital advertising display unit.	Meadow Court , Dukesway,	Refused;	Lobley Hill And Bensham
DC/16/01302/TPO	Works to various trees at Mulberry Bush Nursery Hexham Villa Durham Road.	Mulberry Bush Nursery, Hexham Villa,	Granted;	Birtley
DC/16/01303/TPO	Works to tree in garden of 4 Woodlands Park Drive.	4 Woodlands Park Drive, Blaydon On Tyne,	Granted;	Blaydon
DC/16/01300/HHA	Single storey side and rear extension	13 Bracken Drive, Dunston Hill,	Granted;	Dunston Hill And Whickham East
DC/17/00002/HHA	Single storey rear extension	19 Stratford Gardens, Gateshead,	Granted;	Low Fell

DC/16/01310/FUL	Change of use of retail unit (Use Class A1) to HMO with 16 bedrooms with communal bathrooms and laundry facilities (Sui Generis) and alterations to fenestration detailing.	William Hill Organisation Ltd , 98-104 High Street,	Granted;	Felling
DC/16/01314/HHA	Single storey rear extension and conversion of garage with pitched roof over	3 Highgreen Chase, Whickham,	Granted;	Whickham South And Sunnyside
DC/16/01324/HHA	Erection of single storey rear extension to provide sukkah.	10 Denmark Street, Bensham,	Granted;	Bridges
DC/16/01342/HHA	First floor extension over existing garage	28 Beechwood Avenue, Gateshead,	Granted;	Chowdene

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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE  
15 FEBRUARY 2017**

**TITLE OF REPORT: Enforcement Action**

**REPORT OF: Paul Dowling, Strategic Director, Communities and  
Environment**

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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.

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Contact: John Bradley extension 3905

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**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**

Bridges, Blaydon, Pelaw & Heworth, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, 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	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	N	N	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the land owner to reach a satisfactory conclusion no sustained improvement was secured. Therefore an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect. A visit to obtain quotes is being arranged in order to look at the costs of carrying out work in default.	
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	N	N	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During the course of investigations it was established that a building had been erected without	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>consent.</p> <p>The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building. No appeal has been received and the notice has taken effect.</p> <p>The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future</p>	
3.	Land at Litchfield Lane, Winlaton Gateshead	Winlaton and High Spen	Unsightly Land	25 September 2013	25 September 2013	N	N	31 October 2013	31 December 2013	<p>Complaints have been received regarding the condition of the land which has planning permission for a residential development that has not yet commenced. Despite attempts to resolve the matter amicably a notice has now been issued requiring a scheme of remedial works within a specified timescale. The majority of the steps required by notice were complied with following the issue of Summons'.</p>	
			Unsightly Land	21 <sup>st</sup> September	21 <sup>st</sup> September	N	N	21 <sup>st</sup> October 2015	16 <sup>th</sup> December	<p>A planning application is expected to be submitted soon.</p>	





Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>Development) Order 1995. Contrary to contrary to Policy ENV7 of the Unitary Development Plan.</p> <p>Enforcement Notice has been served which requires the replacement of the windows with white painted timber sliding sash windows identical to the windows which were in place when the Article 4 Direction was applied</p> <p>Decision issued, notice upheld as varied. Notice to be complied with by the 13<sup>th</sup> September 2016</p> <p>A planning application has been received to retain an amended version of the windows.</p>	
6.	14 Gunn Street	Dunston Hill and Whickham East	Unightly property	8 <sup>th</sup> Aug 2014	9 <sup>th</sup> Aug 2014	N		8 <sup>th</sup> Sept 2014	7 <sup>th</sup> Nov 2014	<p>Complaints have been received regarding an unsightly property. Despite attempts to resolve the matter amicably no substantive improvement was made in the condition of the property. A notice has been served requiring the owner to carry out works to remedy the condition.</p> <p>The notice has not been complied with.</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>An initial prosecution case went to Court on 15<sup>th</sup> January 2015. The District Judge granted an absolute discharge and advised the Council would need to take further action in 3 months in the event of further non-compliance.</p> <p>In the absence of compliance a second Court date has been was for the 10<sup>th</sup> September when the Owner received a £200 fine with £200 costs and £25 victim surcharge.</p> <p>The notice has still not been complied with.</p> <p>A revised quotation for the work following a detailed survey has been received and is being considered</p>	
7.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One)	Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development.	
	(Known as South West Farm Site Two)	Swalwell	Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
	(Known as South West Farm Site Three)	Swalwell	storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.  Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.  The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.  The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency.  The associated legal action is to be heard at Newcastle Crown Court in May 2017	
8.	Site of former Stella South Power Station, Stella Riverside	Ryton, Crookhill and Stella	Failure to comply with a condition attached to the planning permission in relation to play areas	18 January 2016	18 January 2016	Y	N	18 January 2016	14 March 2016 (stage 1)  9 May 2016 (stage 2)	Complaints have been received that a condition attached to the planning application for the site has not been complied with in respect of the provision of play equipment. Despite protracted negotiation the work to comply with the condition had not commenced on site. As such a notice was served requiring compliance within a specified timescale.  Work is well underway on site to comply with the notice following the notice of intended	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										prosecution.	
9.	The Former Metz Experience,	Dunston and Teams	Unsightly Building	29 <sup>th</sup> February 2016	29th February 2016	N	N	3 <sup>rd</sup> April 2016	21 <sup>st</sup> August 2016	<p>The building, which was extensively fire damaged some time ago has continued to deteriorate.</p> <p>Despite attempt to secure an improvement in its condition voluntarily no progress has been made.</p> <p>Therefore a notice has been issued requiring the building to be repaired or demolished within a specified timescale.</p> <p>Work to demolish the building has been completed. The site is being monitored to ensure that a hoarding is erected around the site.</p>	
10.											

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**TITLE OF REPORT:** Planning Appeals

**REPORT OF:** Paul Dowling, Strategic Director, Communities and Environment

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### **Purpose of the Report**

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

### **New Appeals**

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

DC/16/00615/FUL – Rockwood Hill Road, Greenside, Ryton  
Erection of a two storey detached dwellinghouse.  
This was a committee decision refused on 24 August 2016.

### **Appeal Decisions**

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

DC/15/01157/FUL – The Old Vicarage, Birtley Lane, Birtley  
Erection of a 1 x 5 bedroom detached dwelling, a detached double garage, and demolition of existing garage to allow creation of a reconfigured access (amended 30/12/15).  
This was a delegated decision refused on 24 February 2016.

Appeal dismissed on 20 January 2017.

Details of the decision can be found in **Appendix 2**

### **Appeal Costs**

4. There have been no appeal cost decisions.

### **Outstanding Appeals**

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

### **Recommendation**

6. It is recommended that the Committee note the report

**Contact: Emma Lucas Ext: 3747**

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

**WARD IMPLICATIONS**

Various wards have decisions affecting them in Appendix 3

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate



3148711



The Planning Inspectorate

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## Appeal Decision

Site visit made on 21 November 2016

by **Helen Cassini BSc(Hons) DipTP MRTPI**

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

Decision date: 20 January 2017

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**Appeal Ref: APP/H4505/W/16/3148711**

**The Vicarage, Birtley Lane, Birtley, Tyne & Wear DH3 1AS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Tony Whelan against the decision of Gateshead Council.
  - The application Ref DC/15/01157/FUL, dated 1 December 2015, was refused by notice dated 24 February 2016.
  - The development proposed is the erection of 1.no 5 bedroom detached dwelling house of approximately 205m2 to rear of existing former vicarage house.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Two of the original application plans were replaced by amended plans after the determination of the application<sup>1</sup>. Although the refusal was based on the original plans the Council have confirmed that due to the relatively minor alterations made, the amended plans do not have an impact on their decision to refuse planning permission. I have therefore determined the appeal on the basis of the amended plans.

### Main Issues

3. The main issues of the appeal are:
  - (i) whether or not the proposed development would preserve or enhance the character and appearance of the Birtley Conservation Area;
  - (ii) the effect of the proposed development upon the living conditions of future occupants, with particular regard to overshadowing, and the effect on the neighbouring occupants at The Vicarage and future occupants in respect of overlooking; and
  - (iii) whether or not sufficient information has been provided to justify the loss of trees on the proposed site and to demonstrate that the remaining trees could be safely retained.

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<sup>1</sup> Document reference 09b and drawing references P-031/13/G and P-031/15/G

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## Reasons

### *Conservation Area*

4. The appeal site is a lawned garden area, located at the rear of The Vicarage, within the Birtley Conservation Area (the CA).
5. Given the location of the appeal site within a conservation area, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect, national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework). At paragraph 131, the Framework details matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
6. I note that the Council confirms that the proposal would comply with Policy CS11 of the Gateshead Council and Newcastle City Council Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (the CSUCP) in terms of the delivery of new family housing. However, Policy ENV10 of the Gateshead Unitary Development Plan 2010 (the UDP) states that planning permission will not be granted for development, especially that which involves sub-division, in gardens and grounds that make a contribution to the character of the CA. Furthermore, when taken together Policies ENV3 and ENV7 of the UDP and Policy CS15 of the CSUCP, amongst other things, seek to ensure that development is of a high quality design and preserves or enhances conservation areas.
7. I acknowledge that the saved UDP policies referred to in the Council's decision notice pre-date the Framework. Nonetheless their content, as far as it goes, is broadly consistent the Framework. Consequently it is appropriate to continue to give weight to the saved UDP policies.
8. The CA is characterised by a mixture of individual buildings often in extensive grounds, single older terraces and some modern infill schemes. The development of the Birtley Lane area appears to have been piecemeal, which has resulted in a number of the old plot sizes and shapes, some of which include the extensive grounds of large houses, being kept. In addition, groups of mature trees feature within the boundaries of a number of dwellings and throughout the CA.
9. The Vicarage is a prominent dwelling on Birtley Lane and has a substantial rear garden. The appeal site has not undergone any previous development and provides a visual interlude between the higher density developments located to either side. The Vicarage is constructed from coal measure sandstone and the double pitch slate roofs have geometric chimney pots. The boundaries to The Vicarage are characterised by stone and brick walls and are also bounded by a mix of mature trees and shrubs which provide a high level of visual amenity value. Due to their location within the CA the trees also have a protected status.
10. Although The Vicarage is not listed, both the dwelling and the associated grounds have been assessed as having heritage significance and are therefore

considered by the Council to be a non-designated heritage asset. Taking the above factors into consideration, I find that the quality and character of The Vicarage, the scale of the rear garden and the mature landscaping results in the appeal site contributing positively to the overall character of the CA.

11. The appellant contends that the adjacent former tennis court site constituted part of the grounds of The Vicarage and as such, a precedent in relation to sub-division exists. I accept that this land appears to have originally formed part of the grounds. However in their submitted evidence the Council has confirmed that this land was sub-divided from The Vicarage in 1898 and the tennis court development was not constructed until the 1930's. In this instance, I find that tennis court site has been separate from the appeal site for a considerable length of time. As such, I do not consider a precedent justifying further sub-division exists.
12. I accept that both The Vicarage and the existing landscaping offer some screening in terms of views of the appeal site from the surrounding streets and residential dwellings. Nonetheless, from observations made on my site visit significant views across the site exist from Orchard Park. Moreover, following the proposed removal of trees and the construction of the new access, I consider that views from Birtley Lane would be increased.
13. I acknowledge that the CA includes some modern infill developments and that the proposal has been designed to be an executive style dwelling. The proposed chimneys and roof pitches are similar in style to that of The Vicarage. The proposal would also include the use of demolished stone from the existing garage for detailing.
14. However, the proportions of the fenestration, and in particular the use of Juliet balconies, would appear out of keeping with the fenestration of The Vicarage. Moreover, although the external materials would mirror those of the adjacent tennis court development, they would contrast with those of The Vicarage itself. As a result the proposed development would appear as an incongruous addition rather than a complementary addition to The Vicarage. Its design would fail to respond to the quality and character of The Vicarage, which I have shown makes a positive contribution to the overall character of the CA.
15. Paragraph 134 of the Framework confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. I recognise that the proposal would be located within easy access to services, facilities and public transport, as environmental benefits. There would be economic and social benefits as the development would make a contribution to housing supply in an area where there is an accepted shortage of supply. There would also be benefits arising from the potential employment opportunities for a local firm of building contractors. However, I consider that these are modest benefits which are not of a sufficient scale that would outweigh the identified harmful effects.
16. In addition, paragraph 135 of the Framework states that the effect on the significance of non-designated heritage assets should be taken into account in determining an application, and that a balanced judgement will be required having regard to the scale of any harm and the significance of the asset. For

the above reasons, I have identified that harm would also occur in terms of the significance of The Vicarage.

17. Accordingly, for the reasons set out, I consider that the proposal would diminish the positive contribution that the appeal site makes to the CA and as a consequence, it would fail to preserve or enhance the CA's character or appearance. As a consequence, the proposal is therefore contrary to the Framework, Policies ENV3, ENV7 and ENV10 of the UDP, and Policy CS15 of the CSUCP.

*Living Conditions*

18. The ground level of the appeal site is approximately 3.5 metres lower than the ground level of The Vicarage. In addition, I note that a 1.5 metre close boarded fence is proposed, although specific details have not been provided in relation to the fencing. I accept that proposed fencing would assist in reducing some potential for overlooking. However, from my observations on site and from the evidence before me, the reduced ground height would result in the first floor of the proposal being at a similar level to that of the ground floor of The Vicarage.
19. The separation distance between the two dwellings would be approximately 19.9 metres between the substantial glass conservatory situated on the ground floor of The Vicarage and the first floor eastern elevation of the proposal. As such, I find that harmful overlooking from the conservatory to the first floor windows of the proposal, and vice-versa, would result despite the proposed fencing. This in turn would lead to a subsequent reduction in privacy for both sets of occupiers of the dwellings. The proposal also fails to achieve the minimum separation distance of 21 metres required by the Gateshead Council Household Alterations and Extensions Supplementary Planning Document 2011 (the SPD).
20. In relation to potential overshadowing, the boundaries on the northern, southern and western elevations would be defined by trees with dense canopies. There is no doubt in my mind that the trees provide an attractive feature on the site and would provide a 'woodland feel' as noted by the appellants.
21. Notwithstanding the above, and in the absence of a daylight/sunlight assessment, I consider that due to the proximity of the proposed dwelling to the canopies of the trees, overshadowing of the proposed windows on the northern and southern elevations of the dwelling and to a lesser extent, the rear garden would result. In my judgement, this would feel oppressive and would have an unacceptable effect on the living conditions of future occupiers.
22. Overall, I find that the development would cause harm to the living conditions of occupants at The Vicarage and future occupants of the proposed development with particular regard to overlooking and for future occupants of the proposed development in respect of overshadowing. The proposal would therefore be contrary to Policy DC2 of the UDP, Policy CS14 of the CSUCP and the SPD which when taken together seek that, amongst other things, development should prevent negative impacts on residential amenity. The proposals would also conflict with the core aims of the Framework, as set out in Paragraph 17, which seeks to secure a good standard of amenity for existing occupants of buildings.

### *Trees*

23. I note that a previous application for a similar scheme<sup>2</sup> was submitted to the Council and subsequently withdrawn in March 2015 due to consultation responses in relation to the potential impact on trees. The subsequent application, which is the subject of this appeal, was re-designed with the aim of addressing these issues.
24. In the Council's decision notice, reference was made to a lack of justification for the loss of protected trees. As part of the appellant's evidence an Individual Tree Assessment (ITA)<sup>3</sup> of the Willow tree (T1) was submitted. I acknowledge the high level of visual amenity provided by the Willow tree given its prominent location. However, the ITA concludes that the level of existing decay extends beyond a safe limit and as such, the tree should be removed to avoid any damage to nearby structures. In addition, trees T10 (sycamore), T18 (Ash), T42 (Horse Chestnut) and T43 (Ash) have also been identified as having significant decay and should be removed in the interests of safety. Accordingly, in relation to the proposed removal of trees T1, T10, T18, T42 and T43 I consider that a thorough justification for the losses has been provided.
25. It is also proposed to remove trees T2 (Ash) and T3 (Sycamore) in order to accommodate the new garage and access. The two trees have been graded in the appellant's survey as 'Category C' and therefore they should not necessarily be seen as a constraint to development. Although both trees are sited in a prominent location adjacent to Birtley Road, I do not consider that they make a significant contribution to the character and appearance of the CA. Moreover, the two adjacent Sycamore trees (T5 and T6) will offer a significant level of cover. I therefore find that there is also a justification for the removal of trees T2 and T3 and that the loss of the trees would not be substantially detrimental to the character and appearance of the CA.
26. The Council's objection also relates to concerns regarding the level of detail provided demonstrating that the remaining trees on site could be safely retained and not harmed by the proposal. I accept the submission of engineering drawings illustrating how the proposal could be constructed would have been of use. Furthermore, it would also have been useful for the Council to have been invited to view the inspection trenches used. However, these were dug under the supervision and guidance of a qualified arboriculturist in order to assess root morphology and I have no reason to doubt the proposed tree protection measures. From the evidence before me I therefore consider that an adequate level of information has been supplied in relation to proposed tree protection measures to protect retained trees both during and post construction. In addition, I am satisfied that it would be possible to impose a pre-commencement condition regarding a tree protection scheme.
27. I have found that due to the proximity of the proposed dwelling in relation to the canopies of the trees overshadowing of the proposed windows on the northern and southern elevations of the dwellings and to a lesser extent, the rear garden, would occur. I therefore consider it likely that any future occupiers would be likely to request substantial pruning or felling of the trees in order to try to improve the level of light received into the property. I accept that the Council has a long history of defending against the removal of trees

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<sup>2</sup> Council reference DC/14/01360/FUL

<sup>3</sup> Individual Tree Assessment – The Old Vicarage, Birtley DH3 1AS August 2016

under similar circumstances. However, as I have found that the proposal would be detrimental to the living conditions of future occupiers, in this instance I consider that it would be difficult for the Council to resist any requests for significant pruning or felling.

28. I have found that sufficient justification relating to the removal of trees and the retaining of trees on the appeal site has been provided. However, as the proposal may result in the felling or substantial pruning of remaining trees on site by future occupiers, which the Council may not be able to resist, the proposal conflicts with Policies ENV7 and ENV 44 of the UDP, Policy CS18 of the CSUCP and the Framework which when taken together, amongst other things, seek to protect trees which enhance the character and appearance of a conservation area.

#### **Other Matters**

29. Within the appellant's statement, reference was made to a photomontage and I requested a copy during the determination of the appeal. I have subsequently been made aware that the photomontage did not form part of the original application. As such, the Council have not had an opportunity to comment on it. However, as I am dismissing the appeal I have not found it necessary to invite the Council's opinion on the photomontage.

#### **Conclusions**

30. I have found that the proposal would fail to preserve or enhance the appearance of the CA. I have also identified significant harm to living conditions of the occupants of The Vicarage and future occupants of the proposed dwelling. Sufficient justification relating to the removal of trees and the retaining of trees on the appeal site has been provided. However, due to the effect on living conditions of future occupiers in relation to overshadowing the Council it is likely that they would be unable to resist the felling or pruning of trees to the detriment of the CA. As such, I consider that the proposal therefore conflicts with Policies DC2, ENV3, ENV7, ENV10, ENV44 of the UDP, Policies CS14, CS15 and CS18 of the CSUCP and guidance contained within the SPD.
31. Moreover, in accordance with paragraph 14 of the Framework, specific policies relating to heritage assets indicate that the development should be restricted and the proposals cannot therefore benefit from the presumption in favour of sustainable development.
32. For the reasons above, taking into account all other matters raised, the appeal is dismissed.

*Helen Cassini*  
INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/15/01157/FUL	The Old Vicarage Birtley Lane Birtley	Erection of a 1 x 5 bedroom detached dwelling, a detached double garage, and demolition of existing garage to allow creation of a reconfigured access (amended 30/12/15).	Written	Appeal Dismissed
DC/16/00615/FUL	Rockwood Hill Road Greenside Ryton NE40 4BL	Erection of a two storey detached dwellinghouse.	Written	Appeal In Progress

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15 February 2017

**TITLE OF REPORT:** Planning Obligations

**REPORT OF:** Paul Dowling, Strategic Director, Communities and Environment

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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 meeting there have been **no** new planning obligations.
4. Since the last Committee there have been **three** new payments received in respect of planning obligations.

DC/15/01206/FUL – Payment of £65,834.00 in respect of highways and ecology.  
Shirt Factory, Shields Road, Felling  
Erection of a foodstore (use class A1) and associated works including parking and landscaping (revised plans and additional information received 13/06/16, 16/06/16, 05/08/16, 09/08/16 and 17/08/16).

DC/14/00346/FUL – Payment of £100,000.00 in respect of improvement of pedestrian links from site to Gateshead Town Centre.  
Former Go Ahead Bus Station, Sunderland Road, Gateshead  
Erection of a foodstore with associated access, car parking and landscaping (amended 22/12/14).

DC/13/00835/COU – Payment of £8,800.00 in respect of sustainable transport.  
Unit 256C And 256D, Kingsway North, Gateshead  
Change of use of units 256C and 256D from light industrial (use class B1) to gym (use class D2).

5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 15 February 2017.

## **Recommendations**

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

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Contact: Emma Lucas Ext: 3747

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**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

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