

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 21 November 2018 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

| Item | Business |
|----------|---|
| 1 | Apologies for Absence |
| 2 | Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on 31 October 2018 (copy previously circulated). |
| 3 | Declarations of Interest Members to declare interests in any agenda items |
| 4 | Planning Applications (Pages 3 - 8) Report of the Service Director, Communities and Environment |
| 4i | No. 1 - Land to the South of Whickham Highway (Pages 9 - 52) |
| 4ii | No. 2 - 32a Barlow Lane, Winlaton, Blaydon on Tyne NE21 6EZ (Pages 53 - 58) |
| 4iii | No. 3 - Land at Church Road, Gateshead (Pages 59 - 78) |
| 4iv | No. 4 - 4 Cleasby Gardens, Gateshead NE9 5HL (Pages 79 - 86) |
| 5 | Planning & Development Committee Site Visit in Advance of the meeting on 12 December 2018 (Pages 87 - 90) Report of the Service Director, Communities and Environment |
| 6 | Delegated Decisions (Pages 91 - 98) Report of the Service Director, Communities and Environment |
| 7 | Enforcement Team Activity (Pages 99 - 100) Report of the Service Director, Communities and Environment |

- 8 **Enforcement Action** (Pages 101 - 108)
Report of the Service Director, Communities and Environment
- 9 **Planning Appeals** (Pages 109 - 114)
Report of the Service Director, Communities and Environment
- 10 **Planning Obligations** (Pages 115 - 116)
Report of the Service Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
21 November 2018

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Anneliese Hutchinson, Strategic Director,
Development, Transport and Public Protection

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

| Application Number | Site Location | Ward |
|---------------------------|---|--------------------------------|
| 1. DC/17/00170/FUL | Land To The South Of Whickham Highway | Dunston Hill And Whickham East |
| 2. DC/18/00568/COU | Brockburn 32A Barlow Lane | Winlaton And High Spen |
| 3. DC/18/00764/FUL | Land At Church Road Gateshead | High Fell |
| 4. DC/18/00972/HHA | 4 Cleasby Gardens Gateshead | Low Fell |
| DC/16/00698/OUT | Former Wardley Colliery, Wardley Lane Felling, Gateshead NE10 8AA | Wardley and Leam Lane |

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.'

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published in June 2018 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

LOCAL PLAN

In 2015 Gateshead Council and Newcastle City Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP). This Development Plan Document (DPD) sets area-wide Planning Policies for Gateshead and Newcastle, (including policies setting out the amount, and broad distribution of new development) and provides more detailed policies for the Urban Core of Gateshead and Newcastle.

In accordance with the 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). A list of deleted UDP policies is provided in Appendix 1 of the CSUCP.

The Unitary Development Plan for Gateshead was adopted in 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.

Some UDP policies are supported by Interim Policy Advice notes (IPA), or Supplementary Planning Guidance (SPG). IPA 4 and 17 and SPG 4 and 5 excerpts, will continue to be used until they have been replaced by appropriate alternatives.

The Council is currently working on new draft detailed policies and land allocations for the new Local Plan. The DPD will be called Making Spaces for Growing Places (MSGP), which once adopted will replace any remaining saved UDP policies and designations/allocations.

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 the day prior to 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; amongst other procedural requirements, a person must have submitted a request to speak in writing at least a week, in advance of the meeting, and subsequently confirmed their intention to speak.

For further details of speaking rights at committee contact the Development Management Section on (0191) 4333150 or please view the leaflet 'Having Your Say' available from Development Management.

SITE PLANS

The site location plans included in each report are for illustrative purposes only. Scale plans are available to view on the application file or via Public Access.

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 on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

SITE VISITS

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. 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 will not 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)

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

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.

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Committee Report

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| Application No: | DC/17/00170/FUL |
| Applicant | Persimmon Homes |
| Date Application Valid | 23 March 2017 |
| Site: | Land To The South Of Whickham Highway |
| Ward: | Dunston Hill And Whickham East |
| Proposal: | Hybrid application seeking detailed approval for 352 dwellings (C3 use) inclusive of 32ha of ecological habitat creation, new Park and Ride facility and associated open spaces, drainage and highways infrastructure and partial diversion of Public Right of Way number WH66/2 through public open space and Outline approval for up to 230 dwellings (C3 use) across 8.2ha with associated landscaping, highways and drainage infrastructure all matters reserved with the exception of access (for the avoidance of doubt, access meaning to the site not within the site) (additional information received 08/05/17, 09/08/17, 21/03/18, 18/04/18 08/05/18, 13/08/18 and 22/10/18 and amended 27/07/17, 19/02/18, 07/09/18, 17/09/18 and 18/10/18). |
| Recommendation: | GRANT SUBJECT TO A SECTION 106 AGREEMENT |
| Application Type | Hybrid Application |

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

The site comprises 23.7ha of land located in the Dunston / Whickham area of Gateshead. The site is bounded to the north, in parts, by the Whickham Highway, running on a north-east/south-west axis. Where the site is not met by the Whickham Highway, the curtilages of residential dwellings on Broom Lane back onto the development site. A private track, that operates on an in-out basis, giving access to the rear of these properties, runs at the back of the gardens to these houses, a section of this track is included in the application site. The site rises from east to west and is surrounded by agricultural land to the south and west, bounded by a narrow strip of trees.

1.2 The site is largely greenfield land, with several clusters of trees lining areas of the site perimeter. Towards the east of the site is the existing Gateshead Central Nursery which comprises a number of greenhouses and horticulture related development. The eastern corner of the site is an area of hardstanding currently used as a car park associated with Watergate Forest Park. There is a single telecommunication mast on the site, within the Central Nursery.

- 1.3 The site is in a highly accessible location, located less than 1km to the west of the A1. The site is located within a short distance of commercial/service centres across the city region including the Team Valley Trading Estate.
- 1.4 The site is served by the existing bus network and lies within short walking distance of bus stops along the B6317 Whickham Highway.
- 1.5 Dunston Railway Station is 1.3km from the site providing frequent non-stop direct services into Newcastle Central Station, for national rail services and Tyne and Wear Metro.
- 1.5 Emmanuel College is the nearest school to the application site. Located to the east of Watergate Forest Park, Emmanuel College is a secondary school, providing education for 11-18 year olds.
- 1.6 An area of deciduous woodland, a cluster of trees set over a hill in the northern part of the site known as The Copse are the subject of Tree Preservation Order.
- 1.7 There are 3 listed buildings within 240 metres of the site, at Dunston Hill Hospital. The hospital site includes the Grade II* Listed main hospital building alongside the Grade II Listed outpatients department and stable block to the north. The Washingwells Roman Fort Scheduled Monument is located 520 metres from the southern perimeter of the site.
- 1.8 **DESCRIPTION OF THE PROPOSAL**
This hybrid application is for residential development of up to 582 dwellings, associated infrastructure, a Park and Ride facility, SuDS, 30 hectares of habitat creation and public open space.
- 1.9 A hybrid planning application is when part of the development is submitted in full i.e. with all details provided, with another part submitted in outline. An outline application is when the developer wants to establish if the broad scale and nature of their scheme would be acceptable and fewer details are therefore provided up front. Once outline permission is given, a reserved matters application is required to provide all the 'missing' details, before development can start.
- 1.10 The proposals comprise three distinct development areas which for the purposes of this planning application are referred to as Phases A, B and C together with an area of land to the west comprising 30ha for habitat creation.
- 1.12 **Full Planning Permission**
The full element of this application is for 352 dwellings to be located across Phases A and B and the interim Park and Ride layout.
- 1.13 Phase A comprises 75 dwellings covering an area of approximately 3.7ha. Phase A of the site is separated from the southern parts of the site (Phases B and C) by The Copse.

- 1.14 Area A is proposed to be developed under the Charles Church executive housing brand. These are proposed to be 4 and 5 bedroom dwellings, at a density of approximately 22 dwellings per hectare. Access to Phase A is from one road junction with the Whickham Highway (B6317).
- 1.15 Phase B of the site covers an area of 7.98ha on which 277 dwellings ranging between 3 and 5 bedrooms are proposed at a density of approximately 34 dwellings per hectare. Phase B will initially be accessed from a single junction onto the Whickham Highway (B6317). As part of future Reserved Matters application, a loop road is proposed which links Phases B and C.
- 1.16 Outline Planning Permission
Permission in outline is sought for up to 230 dwellings across Phase C and the final Park and Ride layout. The southern part of the site has an area of approximately 6.56ha, and an anticipated density of 35 dwellings per hectare. All details for these parts of the application site are reserved for consideration under future Reserved Matters (RM) application(s). The land in Phase C is owned by Gateshead Council.
- 1.17 Ecological Mitigation and Enhancement
The proposals include provision of an ecological mitigation area (30ha) within the existing agricultural land adjacent to the site, to the west, in order to accommodate and enhance the existing habitats, to compensate for the loss of the habitat on land used for the proposed residential development.
- 1.18 The application is accompanied by the following supporting documents:
Design and Access Statement
Statement of Community Involvement
Coal Mining Risk Assessment
Archaeological Report
Noise Impact Assessment
Ground Investigation Reports
Ecological Habitat Report
Air Quality Report
Soil Quality Report
Affordable Housing Strategy
Arboricultural Impact Assessment
Tree Survey
Open Space Assessment
Flood Risk Assessment
Transport Assessment
Travel Plan
Heritage Statement
- 1.19 PLANNING HISTORY
The site was identified through the Strategic Land Review and Green Belt Assessment Process. The Dunston Hill Deliverability Framework was published in February 2013 by Persimmon Homes to demonstrate that no viability, physical or policy constraints exist that would prohibit development on the site. This resulted in the allocation of the site for residential development

within the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 - 2030 (CSUCP) following independent examination.

- 1.20 The site proposed for development has been subject to a process of land assembly, and as such any historic planning permissions only relate to parts or individual structures on the site, such as at the Central Nursery. There are no planning permissions extant for any form of residential development on the application site. In the northern part of the site, there are two permissions for telecommunication structures. Below are permissions given to development on the site:
- 1.21 Application Reference 747/96: Erection of two storey sporting pavilion and associated infrastructure.
- 1.22 Application Reference 446/01: Installation of 25m high telecommunications 'tree' mast with 3 dual band dual polar antenna and 2 x 0.6m microwave dishes and 10 equipment cabinets at base.
- 1.23 Application Reference DC/04/01174/TDPA: Installation of 15m high slimline telecommunications mast with associated cabinet at base.
- 1.24 Application DC/08/00027/FUL: Erection of a temporary 'big top style' tent for recreational use for a 10-week period.

2.0 Consultation Responses:

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| Coal Authority | No Objection subject to a condition requiring the mitigation measures as recommended in September 2016, prepared by Shadbolt Environmental to be implemented. |
| Highways England | Highways England has no objections. |
| Tyne And Wear Archaeology Officer | A strip, map and record excavation has now taken place and a summary report provided. There is no objection subject to suggested conditions being imposed. |
| Northumbria Water | An enquiry was received by NWL from the applicant for allowable discharge rates & points into the public sewer for the proposed development. Because the applicant has not submitted a detailed drainage scheme including the points of connection for the foul water or yet confirmed how surface water will be discharged, NWL request a condition requiring a detailed scheme for the disposal of surface and foul water from the |

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| | development |
| Tyne And Wear Fire And Rescue Service | No Objections |
| Nexus | Nexus support the application subject to Go North East reaching agreement on final layout of Park and Ride |
| Sport England | Sport England has no subject to the contribution for Sport provision being secured through the S106 for the development or improvement of sports pitches/facilities and associated changing facilities within the Inner West area of Gateshead Council as identified. |
| Environment Agency | The Environment Agency offered no objections but made statements regarding site drainage, that are covered in the relevant section below. |

3.0 Representations:

Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. Letters were sent on 6th April 2017 and 21st February 2018.

- 3.1 A press notice was published in The Journal on 19th April 2017 and 7th March 2018.
- 3.2 Site notices were posted on 6th April 2017, 4th May 2017 and 7th March 2018.
- 3.3 There have been a total of 3 Ward Member objections, 52 letters of objection received from a total of 39 individuals and five letters of support, with three being from the same individual. The objections include concerns over:
 - extra dwellings contrary to CSUCP policy GN1 530 dwellings
 - the increase in traffic and highway safety,
 - park and ride will not be used, should locate on Team Valley,
 - park and ride will prevent users of Watergate Park and the church from parking,
 - increase in noise and pollution,
 - risk of subsidence,
 - drainage,
 - the loss of public open space,
 - residential amenity,
 - houses are poor design and small,

- the larger houses do not include affordable housing,
- out of character,
- out of character with conservation area,
- overdevelopment,
- overbearing,
- loss of privacy,
- flooding,
- impact on trees and hedgerows,
- impact on Public Right Of Way
- green belt,
- should build on derelict sites,
- should build retirement homes to free up family homes,
- impact on ecology
- doctors / dentists will be unable to cope
- inadequate consultation,
- loss of property value
- compensation for triple glazing should be met by Council.

- 3.4 More specific objections have been received from residents of Broom Lane:
- development conflicts with letter from Brandon Lewis Minister of State for Housing and Planning entitled Development on brownfield and Green Belt land dated 7th June 2016,
 - access to Phase A should be deleted as it is dangerous given proximity to Dunston Bank. It was originally proposed to be accessed through the copse of trees using the second access now proposed. This originally proposed access arrangement should be reinstated and existing access arrangement should be left,
 - future occupants will use track as a rat run to access estate,
 - residents of Broom Lane have a right of access along the existing track,
 - proposed housing opposite existing dwellings should be bungalows,
 - proposed dwellings at eastern end of track face onto track extension out of character with other proposed dwellings that back onto Broom Lane, and occupants of the dwellings will use the existing track,
 - loss of trees west of proposed access.

- 3.5 A specific objection from Gibside Court, with concerns that the property faces the existing access to the Council Nursery and headlights shine into rooms on front elevation and increase in traffic will exacerbate problem and Emmanuel College has concerns the Park and Ride may impact on parents parking to collect pupils and the need for additional school places.

- 3.6 The letters of support favour the provision of new housing.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GN1 Dunston Hill

CS3 Spatial Strategy for Neighbourhood Area

DEL1 Infrastructure/Developer Contributions

DC1C Landform, landscape and after-use

DC2 Residential Amenity

H2 Five Year Supply Figures

H3 Sites for New Housing

H5 Housing Choice

H12 Housing Density

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

T1 Transport req for New Developments

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV47 Wildlife Habitats

CS1 Spatial Strategy for Sustainable Growth

H14 Neighbourhood Open Space-New Housing Dev

T1 Transport req for New Developments

PO2 Planning Obligations - Emp/Training

GPGSPD Gateshead Placemaking Guide SPG

CS5 Employment-Economic Growth Priorities

CS20 Minerals

ENV22 Sites of Archaeological Imp - Potential

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

5.0 Assessment of the Proposal:

When determining this application the main planning issues to be considered are the principle of residential development, impacts on highway safety, archaeology, ground conditions, flood risk and drainage, biodiversity, landscape, trees, urban design, residential amenity, noise, air quality and visual amenity.

5.1 PRINCIPLE

The application site is allocated for residential development under policy GN1 of the CSUCP having been deleted from the Green Belt. The policy allows for approximately 530 dwellings on this site. Being an allocated site, the proposal is in accordance with the Spatial Strategy for Growth set out within CSUCP policy CS1.

5.2 Core Strategy and Urban Core Plan (Core Strategy), 2015

Policy CS1 of the Core Strategy sets out that to create and sustain thriving communities and a more prosperous economy development will be directed to sustainable locations, including providing for approximately 30,000 new homes. As is demonstrated by the allocation of the site for development within the Core Strategy the site is considered to be a sustainable location for development.

5.3 Policy CS3 of the Core Strategy outlines the ambition of neighbourhood growth areas, to account for 21,900 new homes, of which approximately 530 homes are to be provided in accordance with Policy GN1 at the Dunston Hill site. The development will bring forward the Park-and-Ride facility, a strategic item of infrastructure delivered as part of a neighbourhood growth area, in accordance with Policy C3. Indeed, the delivery of housing on this site is vital in assisting the Council in meeting the housing delivery requirements set out within Policy CS3.

5.4 Policy CS5 sets out the aim of 'attracting and supporting a skilled labour force' to support growth in key economic industries. The development will help sustain the competitive advantage Gateshead offers in terms of housing cost-value, and the benefits this offers to people and business. The provision of a range of 3-5 bedroom homes ensures that there are attractive homes available for people at all levels of the housing ladder, including large executive style homes.

5.5 Policy CS10 sets out the phasing of the delivery of new homes in Newcastle and Gateshead, allocating approximately 30,000 (net) new homes across the plan period. Paragraph 10.14 of the Core Strategy recognises that due to the present state of the economy, the limited availability of housing finance, the necessity for demolition and a lack of deliverable housing sites prior to the adoption of the Plan it will take some time for development to reach the level required to accommodate needs. This indicates that it is imperative that allocated sites such as Dunston Hill are able to be delivered in accordance with the phasing proposed in the Core Strategy.

5.6 RANGE AND CHOICE OF HOUSING

Family Homes

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). Policy GN1 states that this allocated site should provide a mix of predominantly family housing. The plans show the proposal is for the development of 75 dwellings on Phase A comprising 10 x 5 bedrooms, 65 x 4 bedrooms; Phase B comprising 12 x 5 bedrooms, 95 x 4 bedrooms, 170 x 3 bedrooms which satisfies the above policy requirements. Phase C is the subject of the outline element of this application and permission is sought for a maximum of 230 dwellings. The proposed development is in accordance with the aims of Policy CS11 in the following ways:

- the development will comprise a wide range of attractive family homes.
- the development will create provision for a choice of suitable accommodation for differing needs of future residents, through a range of house types and size.
- the homes will have sufficient amenity space internally and externally to meet the needs of residents.
- will provide around 87 affordable dwellings (15 percent of the development).

5.7 Affordable Housing

The NPPF at Annex 2 of the revised NPPF (July 2018) amends the definition of affordable housing and makes it clear that affordable housing is housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).

- 5.8 Policy CS11 of the CSUCP requires developers to provide 15% affordable homes on all developments of 15 or more dwellings, subject to development viability. The applicant is committed to providing the required 15% of affordable homes within the planning application site. The tenure of these homes has been agreed as 65% affordable rent and 35% subsidised home ownership. The proposed affordable units are defined on the layout plans and comprise two and three bedroom Moseley and Souter housetypes. The scheme is anticipated to provide up to 87 new affordable dwellings across Phases B and C. The affordable housing requirement will be secured through S106 legal agreement and subject to this, is considered to be policy compliant.
- 5.9 With regard to the outline aspect of the application, the Developers will work with the Council and local housing providers to ensure that the mix and type of affordable units will meet the demand within the local area and the final mix will be confirmed within subsequent Reserved Matters application(s). A condition is recommended to secure a scheme (CONDITION 86).
- 5.10 It is expected that Phases A and B of the development will take 6 years from commencement to completion making a contribution to housing supply in accordance with Saved UDP policies H1 and H2 and CSUCP policy CS10.
- 5.11 Lifetime Homes and Wheelchair accessible homes
CSUCP Policy CS11 (2) and saved UDP policies H9 and H10 require Lifetime Homes and Wheelchair Standard housing, within developments of 25 or more dwellings, or on sites of 1.0 ha or more.
- 5.12 The proposal does not indicate whether there is provision of Wheelchair Housing and Lifetime Homes, as required by CSUCP Policy CS11 (2), and saved UDP policies H9 and H10, for 2% of dwellings to meet Wheelchair Housing Standards, and 10% Lifetime Homes, within developments of 25 or more dwellings.
- 5.13 To accord with policy, Phases A and B of the development should contain 7 houses that meet Wheelchair Housing Standards, and 35 houses that meet the Lifetime Homes Standard. Due to the site topography, it would not be physically possible to provide achieve the required gradients, consequently, neither Lifetime Homes, nor Wheelchair Housing Standards can be secured by condition.
- 5.14 However, as the gradients in Phase C (the Outline part) are less severe, both Lifetime Homes and Wheelchair Housing Standards can be achieved and this can be secured through condition (CONDITIONS 101 and 102).
- 5.15 Suitable accommodation for the elderly
No specific provision has been made in relation to policy CS11(3), which relates to increasing the choice of suitable accommodation for the elderly population.
- 5.16 This policy requirement includes the provision of mainstream housing suitable for retirement living, such as adaptable and accessible bungalows. Given its nature and location, this site is likely to capture demand from older people

looking for retirement living accommodation in an attractive but not remote setting, and in turn lead to the release of existing family homes onto the market. Recommended conditions 101 and 102 would help to meet the Lifetime Homes requirement referred to above.

- 5.17 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". It is considered that based on the submitted information that the application in part meets the above requirements, providing an acceptable level of internal and external space.
- 5.18 The proposed house types on the development all accord with the internal room and minimum sizes of bedrooms with the exception of 2x house types (Sutton and Moseley). This equates to 73% of the site effectively complying with the NDSS.
- 5.19 The house types which do not comply are as a result of them having rooms in the roofspace, where the roofslope reduces the useable floorspace.
- 5.20 With regard to the two house types which do not comply, the Applicant has stated that they are the most popular and fastest selling house types they have both in the North East and across the country, owing to their versatility and affordability for first time buyer households. According to the Applicant, based upon the anticipated sales prices of these houses and the average income of first time buyers in the Gateshead area, requiring the NDSS on these house types would equate to another 1.5 years of living either at home or in rented accommodation while saving for the deposit (this is despite them being provided additional assistance through Help to Buy).
- 5.21 Of the house types which effectively do not comply with the NDSS the key requirement is additional internal storage and minor internal changes.
- 5.22 Given the above, the development will provide a mix of homes comprising affordable homes, family homes and executive homes in accordance with the NPPF, CSUCP policies GN1, CS11 and Saved UDP policies H9 and H10.
- 5.23 OPEN SPACE AND PLAY
The site is a neighbourhood growth area allocated by the Core Strategy and Urban Core Plan policy GN1, which states inter alia that development is required to provide open space, sport and recreation facilities where necessary.
- 5.24 The site is located within a residential neighbourhood that is not deficient in open space provision.
- 5.25 The proposals include the creation of additional areas of public open space. Within the development, the public realm will take the form of larger usable green spaces, 'incidental open space' along secondary road routes, children's play and front gardens 'providing a landscaped feel to the street scene'. 'The Copse' is also retained within the proposal provision an area of open space.

There are also excellent linkages from the site to the Watergate Forest Park to ensure further access to open spaces.

- 5.26 In this regard it is noted that all open space and play space will be provided on site with a total of 3.08ha of open space and 0.72ha of play space provided. Additionally, a contribution for the development or improvement of sports pitches/facilities and associated changing facilities within the Inner West area of Gateshead Council is to be secured through the S106 agreement.
- 5.27 The application therefore complies with CSUCP policy GN1(5) and saved UDP policies CFR20, CFR21, CFR22.
- 5.28 **SITE SPECIFIC POLICY**
Policy GN1 states 'Land at Dunston Hill is allocated for approximately 530 homes (GN1). It is noted the interpretation of 'approximately' relates to the provision of plus or minus 10% (i.e. a maximum of 583). The assessments submitted alongside this application have demonstrated that the site and surrounding infrastructure has capacity to accommodate the 582 dwellings proposed. The policy goes on to say 'Development, delivering a mix of predominantly family housing, must take place in accordance with an approved masterplan and phasing plan.' The Policy then sets out the criteria for acceptable development on this site each of these will be addressed in turn below under the relevant headings:
- 5.29 **URBAN DESIGN**
The proposal is for a low density development form of mainly detached dwellings in Phase A and higher density detached, semidetached and linked terraces in Phase B.
- 5.30 The Masterplan has a hierarchical highway network. Phase A has a single access with an estate road and nine cul de sac shared surface driveways. Phase B has an estate road running through the Phase with a number of smaller roads from the spine road that then lead to shared surface cul de sacs. The materials proposed distinguish between main street, transitional and rural zones with the rural zone dwellings being on the Green Belt edge of the site. The proposed house types final materials and boundary treatment (CONDITIONS). Final details will also be secured by condition (CONDITIONS 32 and 33, 34 and 35).
- 5.31 As Dunston Hill is an allocated site on land that has been released from the Green Belt it is critical to ensure that the new boundary to the Green Belt is robust and defensible, as required by policy GN1 3vi. A new hedge and tree planting supported by SuDS and landscaped areas are proposed, located within the Green Belt. This will not involve any built development and is therefore appropriate within the Green Belt.
- 5.32 The SuDS basin as submitted has an engineered appearance that once landscaped would have a more naturalistic appearance and a condition is recommended for the final detail (CONDITION 22).

- 5.33 Given the above, subject to the recommended conditions, the layout, house types, boundary treatments and proposed landscaping are considered will create an acceptable development in accordance with CSUCP policy CS15 and Saved UDP policy ENV3.
- 5.34 **RESIDENTIAL AMENITY**
Policy CS14 outlines measures to assist in maintaining and improving the wellbeing and health of communities, including through: the creation of an inclusive built and natural environment, promoting and facilitating active and healthy lifestyles, preventing negative impact on residential amenity and promoting access to green spaces, sports facilities, play and recreation opportunities.
- 5.35 Policy CS15 requires development to contribute to good place-making through the delivery of high quality and sustainable design. The policy recognises that this will be achieved through requiring development to, inter alia, respond positively to local distinctiveness and character, creating safe and inclusive environments and ensuring connectivity, accessibility and legibility.
- 5.36 The development has been designed with a strong emphasis on improvements to pedestrian and cycle links through the creation of new linkages.
- 5.37 The layout has been designed to ensure a high quality, inclusive residential development with good accessibility by cycle, foot and public transport to a wide range of facilities. Links to Watergate Forest Park and the Tanfield Railway Path will be strengthened. Within the development itself green spaces will be provided to allow for recreation and play areas, together with private gardens to residential properties.
- 5.38 There are 10 existing residential properties on Broom Lane and four properties on Whickham Highway that share a common boundary with the application site.
- 5.39 There are also residential properties on the opposite side of Whickham Highway that face the application site.
- 5.40 The properties on Broom Lane are a minimum of 42m distant from the rear elevations of the proposed dwellings thus there is no opportunity for overlooking or loss of privacy or any overbearing impact. A verge of tree and shrub planting that varies from a minimum of 6m to 18m deep is proposed in front of a masonry wall with timber infills that are proposed to form the rear boundary treatment of the dwellings. It is considered this will create an attractive outlook from the existing dwellings and a screen to the new development. In terms of the impact of the development upon amenity of existing residents the proposal is considered to be acceptable.
- 5.41 As mentioned earlier in the report the existing properties on Broom Lane are accessed from a private track in the ownership of the applicant. It is proposed to improve the track where it joins the newly proposed estate road. This is discussed under the Highways section of this report. The residents of the existing properties have made several objections to the amended layout for the

track and consider that the track will be used as a rat run and by pedestrians from the new housing to the detriment of their amenities. There would be no need for pedestrians to use the track as two footpath links from Phase A to the PROW are proposed ensuring the proposed layout is permeable. A condition is recommended in the Highways section to secure details to prevent vehicles rat running that may include physical features.

5.42 The layout as proposed has also been assessed in terms of the impact on the residential amenities of the future residents of the proposed dwellings. Adequate separation distances are provided, there is no opportunity for overlooking, each dwelling has private garden space, bin and cycle storage, and either a private drive or a garage and drive. The proposal is considered to be acceptable in terms of its impact on residential amenities of future residents. Air quality and noise levels are assessed below.

5.43 Given the above, subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.

5.44 HIGHWAYS

The application is supported by a Transport Assessment (TA) and Interim Travel Plan.

5.45 Paragraph 109 of the revised NPPF states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe’ (NPPF paragraph 109).

Paragraph 111 of the NPPF seeks for decisions to take account of “All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed”.

5.46 CSUCP policy CS13 has regard to Transport and aims to deliver and enhance an integrated transport network to support sustainable development and economic growth. With regard to developments, Policy CS13 aims to ensure that development which generates significant movement is located where the use of sustainable transport methods can be maximised, the Policy also aims to minimise car trips, promote and enhance public transport and requires major development to provide sustainable travel plans. With regard to road linkages the Policy requires developments to connect safely to and mitigate its effects on the existing transport network. The application site is within a highly sustainable location, with access by foot, cycle and public transport to local services and facilities.

5.47 The application is supported by a Transport Assessment (TA). This document has been prepared by Milestone Transport Planning Ltd on behalf of Persimmon Homes and Gateshead Council.

5.48 Vehicle access

The application proposes 3 vehicle accesses to the site in addition to the access for the park and ride.

- 5.49 The access arrangements have been considered at length by officers, locations have been agreed as have the indicative designs for access 2 and 3, the details relating to access 1 are to be conditioned to ensure appropriate tie in to existing cycle, pedestrian and public transport infrastructure (CONDITIONS 46 and 47).
- 5.50 Visibility splays associated with the three access points have been provided but must be updated to ensure it has been based on appropriate topographical surveys. A stage 1 road safety audit must also be provided together with an agreed designer response to any problems raised. This information will be provided prior to completion of the S106 agreement.
- 5.51 Access 1
Will primarily serve 230 dwellings on the southern part of the site (Outline part/Phase C) but will also act as a secondary access for the 277 dwellings served off access 2.
- 5.52 Final details relating to the design of this access are yet to be agreed. The final details will need to be secured through condition (CONDITIONS 46 and 47). and submitted, agreed and implemented prior the access coming into use, whether this is as part of the outlined element of the site or prior to occupation of the 251st dwelling accessed via access 2.
- 5.53 Access 2
Will primarily serve 277 dwellings at the centre of the site (Persimmon Homes/Phase B), on completion of the development this access would also act as a secondary access for the outline element of the development.
- 5.54 The details of the access include a kerbed radii with footway and appropriately placed crossing points on either side. Footways will connect with access 3 to the north together with pedestrian refuges to allow connections for new residents to the southbound bus infrastructure and existing residents access to northbound bus services. A right turn pocket is proposed to effectively allow the movement of vehicles from Whickham Highway in to the site.
- 5.55 Access 3
Will only serve the 75 dwellings to the north end of the site (Charles Church/Phase A) as well as provide egress for the properties on Broom Lane. A condition will control the first use of this access to be dependent on the closure of the existing access in this area (CONDITION 62).
- 5.56 The design of the access includes kerbed radii with footways and crossing points on either side of the junction. A new pedestrian refuge is to be incorporated on Whickham Highway to improve connectivity to bus infrastructure and the pedestrian network beyond. A new footway between the access 3 and access 2 is to be provided, which will require some localised carriageway narrowing.

- 5.57 Final details of the off site highway associated with the accesses is to be secured by condition (CONDITIONS 63 and 64) and delivered through section 278 agreement.
- 5.58 **Accessibility**
The accessibility of the site by non-car modes has been a key consideration when determining the application, consequently a number of measures to enhance the accessibility and sustainability of the site are expected. When taking in to account the level of detail received from the applicant and also the timescales for delivery of a number of the measures, appropriate planning conditions (CONDITIONS 65 and 66) and a section 106 agreement will be utilised to secure some of the measures required.
- 5.59 **Pedestrians**
The current nature of the site means that aside from the existing rights of way network pedestrian connectivity is weak. As part of the final scheme the site will offer good permeability, route continuity and improvements that will see the existing adopted highway that runs adjacent to the site as well as the PROW networks including that running through the site upgraded to encourage trips by foot, additional features will also be incorporated in the final design that will assist with pedestrian safety, particularly when considering the existing and the increase in vehicle movements in the vicinity of the site.
- 5.60 **Cycling**
The TA acknowledges the need to provide cycle parking on site in line with the Council's standards, although details of how this will be achieved are yet to be provided. A condition can secure the details (CONDITIONS 36 and 37). The general permeability of the site, together with improvements to the PROW network and adjacent adopted highway will help to tie the site in with existing cycle infrastructure in the area, and in particular the Tanfield Railway path, as required by CSUCP policy GN1(4).
- 5.61 As with pedestrian accessibility and public transport use it is anticipated the site wide travel plan that is to be secured through planning condition (CONDITION 61) will play a key role in promoting cycle trips to and from the site both leisure and non-leisure purposes.
- 5.62 **Public Transport**
As identified in the TA the applicant has been in dialogue with the Council, Nexus and the bus operators in order to establish an appropriate public transport strategy for the site. Many of the aspects of the design have now been agreed, however, there are further details that will need to be secured through planning condition (CONDITIONS 67 and 68) and section 106 agreement.
- 5.63 The policy requirements for the site (GN1(1ii)) require the delivery of a park and ride (P and R) facility, which is to be located at the existing Watergate Park car park. As the scheme has been designed by the applicant to enable a bus to enter the P and R and pick up/drop off and exit in a "loop" or "tear drop" design, this meets the policy requirement.

- 5.64 In discussions that have taken place with Nexus and Go North East the servicing of a facility as described above has been difficult to get agreement on without the provision of a dedicated bus service, which is not to be secured as part of the development proposal. As a consequence, the P and R will need to be secured in two phases. The first of these phases to be secured through planning condition (CONDITIONS 69 and 70) should be delivered at the same time as the wider highway improvements, ahead of the development being occupied, the details of the scheme will allow for parking by commuters within a redesigned car park, pick up and drop off will occur from Whickham Highway through the provision of new bus stops inclusive of bus shelters, a new signalised pedestrian crossing and pedestrian and cycle connections in to the site, the final details will need to be secured through planning condition (CONDITIONS 71 and 72).
- 5.65 Phase two of the P and R facility which will allow for a dedicated bus service manoeuvre in and out of the facility, will need to be secured through the s106 agreement and delivered at a timescale to be determined by the Council and within 10 years of occupation of the final dwelling. The final layout of the parking area for both phases 1 and 2 of the Park and Ride will allow for commuter use, leisure use associated with Watergate Park and pick up and drop off associated with the nearby secondary school, a further community facility is also to be investigated and potentially delivered.
- 5.66 In addition to the P and R facility, the pedestrian connectivity improvements will promote public transport use. This together with the internal layout design will result in the majority of the dwellings being within 400m of public transport infrastructure and all dwellings within 800m. In order to achieve this there is a requirement to move 3 of the existing bus stops out of the existing layby's and replace one of the existing brick bus shelters. This approach is supported by Nexus and the bus operator and details are to be secured through condition (CONDITIONS 73 and 74).
- 5.67 In summary, the following measures are to be secured in order to ensure the proposed developed is suitably accessible by sustainable modes of transport:
- o New footway and pedestrian crossings on Whickham Highway, including pedestrian refuges fronting the site and signalised crossing at park and ride. Condition required to secure final details and timetable for delivery (CONDITIONS 71 and 72).
 - o Greater connectivity with public transport infrastructure and changes to bus stops. Condition required to secure details and timetable for delivery (CONDITIONS 67 and 68).
 - o Improvements to the public rights of way network that will see higher quality surfacing and drainage that will promote sustainable trips between the development and local amenities including schools. A condition will be required to secure final details and timetable for delivery (CONDITION 30).
 - o Improvements to Southfield road. These improvements will be secured through s106 agreement, costs associated with these works are yet to be provided for review and approval.

- o Connections to Watergate Park. Final details will need to be provided as part of future reserved matters applications associated with the outline element of the development. (CONDITION 105)
- o Improvements to the Tanfield Railway Path through the introduction of a Pegasus Crossing on Whickham Highway. A condition will be required to secure the final details and timetable for delivery (CONDITION 106).
- o Park and Ride facility, to be delivered in two phases a condition will be required to agree the final details of the first phase including the internal layout and the bus stop infrastructure together with a timetable for delivery. The second phase should be secured through s106 agreement, at the time of writing costs associated with this have not been provided for review or approval.
- o Travel plan. A final travel plan will need to be secured through s106 agreement; measures shall include but should not be limited to:
 - Welcome packs
 - Travel plan co-ordination with agreed annual budget for running initiatives and promotion of sustainable travel.
 - Promoting electric vehicle use through provision of charging infrastructure at every property
 - Pre loaded Pop card for each property to encourage public transport use
 - Cycle vouchers to assist with the purchase of bikes, together with provision of appropriate cycle parking facilities in line with Gateshead Council's Cycling Strategy.
 - Car sharing initiatives
 - Monitoring and review regime

5.68 Trip generation and impact

For consistency of approach the trip rates used in the assessment of this planning application are the same as those used for the other village growth sites allocated within the CSUCP for Gateshead and Newcastle. It is considered that this allows for a robust assessment of the traffic impacts. The assignment of these trips on the network is based on a methodology derived by the applicant's consultants considering education, employment and other trips, using census information and distributed accordingly

5.69 In order to assess the impact of these trips on the transport network detailed transport modelling has been undertaken using a micro simulation technique that allows the interaction of several junctions to be considered and a review of queue lengths and journey times for general traffic and public transport to be reviewed.

5.70 While the TA concludes that there are no residual cumulative impacts in terms of the operational capacity of the surrounding road network, it should be noted that within the modelled environment the future network is shown to suffer from significant levels of congestion, with long queues on Whickham Highway and the A692 (Consett Road). This congestion is exacerbated with the inclusion of the anticipated development traffic, resulting in severe queuing and vehicles being unable to exit side roads with negative implications on public transport and general traffic journey times.

- 5.71 The biggest impact is for vehicles travelling from Whickham Highway during the am peak, which is where the development traffic will leave the development and join the highway network to travel to work, with many vehicles travelling towards the A1 and Team Valley areas.
- 5.72 Through allocation of the site, the CSUCP identified a series of transport measures to mitigate the cumulative impacts of the development, these are:
- Improvements to the junction of Whickham Highway and the A692
 - Revised signal timings and stop line
 - Improvements to physical arrangement for eastbound approach
 - Retained/improved bus and cycle infrastructure
 - Provision of a park and ride facility
 -
 - Improvements to the junction of the B6317 and Dunston Bank (CONDITION 63)
 - Improvements to pedestrian crossing facilities
 - Pegasus crossing at Tanfield Railway Path
 - Crossing facility associated with P&R
 - Several pedestrian refuges along the frontage of the site
 - Improvements to pedestrian facilities on Southfield Road
 - Details to be secured through S106 agreement
- 5.73 The extensive modelling led Transport Officers to conclude that while schemes have been developed for each of these, on their own they would not suitably mitigate the impact of the development, leaving significant levels of queuing traffic during both the peak hour periods but particularly during the am peak where excessive queuing would be expected along the A692 towards Sunnyside and on Whickham Highway extending beyond Dunston Bank, again resulting in increased journey times for both general traffic and public transport and vehicles experiencing difficulties entering the main transport corridors from side roads including those associated with the new development.
- 5.74 Further Mitigation proposals
Through an iterative process, additional mitigation proposals have been drawn up by the applicant and tested through further transport modelling and these show significant benefits to the local road network compared to the alternative approach including the measures detailed above.
- 5.75 Transport Officers consider that the benefits of the indicative improvement scheme allow for the following.
- Local congestion eased in both the am and pm peak periods when compared to the reduced mitigation approach.
 - Improved journey times for both general traffic and public transport.
 - Reduce the likelihood of the peak periods spreading.
 - Reduce the likelihood of traffic seeking alternative less suitable routes.
- 5.76 While Transport officers consider that the indicative improvement scheme would suitably mitigate the impacts of the development, in order to allow further development of the proposals and allow full consultation with Members, Local residents and other stakeholders as well as control over delivery, the off-site

highway works are to be secured through s106 agreement, allowing delivery up to 10 years post occupation of the development.

5.77 Additional Assessments and Conclusions

In addition to the schemes discussed above, further areas of the transport network have been considered for mitigation based on the impact of the development, these include:

- o Coniston Avenue/Whickham Highway
- o Dunston Bank/Mountside Gardens
- o Front Street/Rectory Lane
- o Front Street/Broom Lane
- o Dunston Bank/Market Lane
- o Duckpool Lane/Whickham Highway
- o Fellside Road/Swalwell Bank

5.78 The TA reports that the first 5 of these junctions operated at an acceptable level with a 2030 base flow and development traffic added. On review and based on wider investigations it is accepted that options available to allow improvements are limited and the predicted levels of additional queuing that will result from the development are not considered to be of a significant level to warrant mitigation as part of this development.

5.79 The latter 2 junctions were identified as areas where potential further mitigation should be investigated, however on review the options available were not considered to be suitable and would not be in the best interest of the local area.

5.80 Road Safety

The TA has carried out a thorough 5 year review of accident records for the road network extending from the site covering Whickham Highway, A692, Dunston Bank, Front Street Dunston, A1, Lobley Hill interchange and the Kingsway North interchange. This has identified a total of 117 incidents within a c.6km study area equating to approximately 23 accidents per year, while every accident is unfortunate the analysis does not suggest any particular patterns or clusters that would warrant the need for this development proposal to add further mitigation from that already discussed. However, as this analysis was carried out covering the period 2011 to 2016 the applicant should prior to determination provide an update for the most recent records to ensure the findings area accurate. This will be reported in an Update to Committee.

5.81 In summary and on review of all the information submitted as part of the application, a number of mitigation measures are to be delivered as part of the proposal in order to attempt to suitably mitigate the impacts of the increase in movements, and encourage trips by sustainable modes. The proposals will result in an increase in traffic and as a consequence an increase in queuing and journey times on the network fronting the site and beyond. The most significant impact will be experienced on Whickham Highway and the A692 during the am and pm peak periods. If all of the mitigation as outlined within the report is delivered through planning condition and section agreements (S106, S278 and S38) then it is the Transport Officer's view that the severity of the impact will be significantly reduced.

- 5.82 Given the above, subject to the recommended conditions the proposal is considered to be acceptable and in accordance with CSUCP policy GN1.
- 5.83 **LAYOUT**
Whilst the general layout shown is considered to be acceptable, a number of conditions are required to cover matters of detail, such as surface materials, visibility splays at accesses and junctions, gradients, construction timescales, pedestrian and cycle links, cycle parking, electric vehicle charging points, street lighting, tracking at turning heads and the lighting and drainage of internal Public Rights of Way.
- 5.84 The internal layout will be subject to a 20MPH speed limit and the internal road layout and access arrangements have generally been agreed.
- 5.85 A condition will be required to ensure the access associated with Phase A is not brought in to use prior to the existing access associated with the properties along Broom Lane having been closed to traffic (CONDITION 62).
- 5.86 Clear demarcation will be required between the development site and the existing private road serving the dwellings on Broom Lane, this may include physical measures to prevent vehicles misusing the lane. (CONDITIONS 75 and 76).
- 5.87 Two Public Right of Way (PROW) links are to be provided to the western boundary of the site. Details of these have not been provided to demonstrate how they will tie in with the wider ROW network, while the actual works are to be covered within the s106 the details should be covered by planning condition (CONDITIONS 30 and 31).
- 5.88 Concerns remain surrounding the tie in between the full element Phase B and the outline element Phase C of the application site. A condition is required for full details to be provided for the vehicle link and the pedestrian links particularly in view of the gradients that will need to be achieved going forward as part of their reserved matters application (CONDITIONS 89 and 90).
- 5.89 For developments of 150-250 dwellings two points of access should be provided for emergency access purposes. It is understood that as the outline element of the proposals are brought forward, this requirement will be met, however, as there are no timescales linked to this in the context of the construction of Phase B, a strategy for the delivery of the secondary access is to be agreed. It may be acceptable to deliver the alternative access for emergency use only for an interim period (150 - 250 dwellings). A fully constructed secondary access must be constructed prior to occupation of the 251st unit on Phase B of the site. This should be secured by planning condition (CONDITION 77).
- 5.90 Final details will need to be conditioned that resolve conflicts between traffic calming, driveways and visitor parking bays (CONDITIONS 28 and 29).

- 5.91 Links from Phase C to Phase B, the park and ride facility and the wider Watergate park in line with the accessibility plan will be required as part of any reserved matters application (CONDITIONS 48, 49, 69, 70, 105).
- 5.92 Given the above, subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with CSUCP polices CS13, GN1 and the NPPF.
- 5.93 BIODIVERSITY/Mitigation of effects on biodiversity
The NPPF, paragraph 170 sets out strategies for delivering enhancements to the natural environment, 'including by establishing coherent ecological networks'. Paragraph 109 states that 'the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible'.
- 5.94 Site specific policy GN1 requires at point 3 mitigation of the impacts of the development of the development on the historic environment, landscape, biodiversity and ecological connectivity, including:
- iv. the protection and enhancement of existing habitats of high ecological value,
 - v. the provision of 30 hectares of land for habitat creation to the northwest of the site, and
 - vi. the provision of a new defensible Green Belt boundary on the southern part of the site where the boundary cuts across fields.
- 5.95 The proposed development site is located within 1km of several designed Local Wildlife Sites (LWSs) including: Dunston Hill Pond, Wickham Thorns, Watergate Forest Park Lake, Ravensworth Ponds & Woods, Washingwell Wood and Bucks Hill Plantation. Habitats within and adjacent the proposed development site comprise predominately arable fields bound by native hedgerows (DBAP priority habitat), a former plant nursery/buildings and events field, mature broadleaved plantation woodland and several small ponds. Watergate Forest Park is located less than 250m south of the proposed development site.
- 5.96 Habitats within and immediately adjacent the proposed development site have the potential to support a broad range of statutorily protected and/or priority (S.41 NERC Act/DBAP) species. The application for planning permission is supported by a series of ecological surveys including: Preliminary Ecological Appraisal, Butterfly and Reptile Survey; Great Crested Newt Survey; Bat Survey; Ornithological Assessment; and Preliminary Mitigation, Compensation and Enhancement Strategy undertaken in accordance with recognised good practice guidelines.
- 5.97 The majority of the buildings on site are considered to pose a negligible risk for roosting bats. Detailed survey work confirmed the likely absence of roosting bats within the only building on site assessed as posing a low risk of supporting roosting bats. Several trees/tree groups on site are considered to pose a moderate to high risk for roosting bats. A combination of transect surveys and remote monitoring has confirmed that the existing boundary hedges and areas

of broadleaved plantation woodland are of particular value for foraging and commuting bats.

- 5.98 The proposed development site and adjoining areas supports an extensive assemblage of breeding and foraging birds typical farmland, woodland and urban habitats. This includes but is not limited to the following priority/notable species: linnets, yellowhammers, tree sparrows, grey partridges, skylarks, meadow pipits, song thrushes, mistle thrushes, stock doves, bullfinches, house sparrows, kestrels, barn owls and tawny owls.
- 5.99 Survey work has confirmed the likely absence of great crested newts within the site and the adjoining Watergate Forest Park. Smooth newts, common toads (S41 NERC & DBAP priority species) and common frogs were recorded within several ponds within and adjacent to the proposed development site. With the exception of the areas of arable land, buildings and hardstandings; the site is considered to provide good quality terrestrial habitat for amphibians.
- 5.100 Habitats within and immediately adjacent to the proposed development site are considered to pose a residual risk for reptiles, priority butterfly species, hedgehogs and badgers.
- 5.101 The development proposals incorporate a series of mitigation and on-site compensation measures designed to avoid/minimise adverse impacts on biodiversity including designated sites, priority habitats, protected and priority/notable species and ecological connectivity; including (where possible) the retention, buffering and positive management of existing habitats (incl. broadleaved plantation woodland and hedgerows) and the creation of new/replacement habitats/features (incl. hedgerow, semi-improved grassland, wetland, tree mounted and integral bat roost features and bird boxes).
- 5.102 Despite the provision of on-site mitigation and compensatory measures, and the provision of 30ha of land to the northeast of the development for the purpose of habitat creation; the proposed development will result in a residual adverse impact on farmland birds, including ground nesting species. In this instance and in accordance with the mitigation hierarchy set out in the NPPF the provision of off-site ecological compensation will be required to address the residual impacts of the development on farmland birds and to ensure no-net loss of biodiversity.
- 5.103 Subject to the imposition of a suitably worded planning condition(s) requiring a Biodiversity Method Statement (CONDITIONS 11 and 12), a Lighting Design Strategy (CONDITIONS 41 and 42), a Landscaping Scheme (CONDITIONS 38 and 39). Along with and a suitable legal agreement to secure a developer contribution for the purpose of delivering an appropriate/proportionate scheme of off-site ecological compensatory measures for farmland birds; it is considered that the proposed development will not result in a significant adverse impact on biodiversity, including designated sites, priority habitats, protected and priority species, and ecological connectivity and in accordance with both national and local planning policies.

5.104 Given the above, and subject to the recommended conditions and s106, the proposal is considered to be acceptable and in accordance with Saved UDP policies DC1(d), ENV44, ENV46, ENV47, ENV49 and ENV51, CSUCP policies GN1 (3) CS18 and the NPPF.

5.105 HERITAGE ASSETS

WHICKHAM CONSERVATION AREA

Site specific policy GN1 requires, at point 3, mitigation of the impacts of the development on the historic environment, landscape, biodiversity and ecological connectivity, including the protection of the setting of the adjacent locally listed Dunston Hill Estate and the Whickham Conservation Areas.

5.106 With regard to the protection of the heritage assets a Heritage Statement has been submitted in support of this planning application which recognises that the proposed development will not be visible from the village core or the Dunston Hill Estate and that the open space between the village and the Estate will be maintained ensuring no adverse impact on these elements of the assets. It is recognised that the development will be visible from the rear of the houses along Broom Lane, adjacent to the site, and there will be slight effect on the setting of these, however, their primary contribution to the Conservation Area is to the Whickham Highway approach road, which will be maintained.

5.107 Given the above, and subject to the recommended conditions in respect of materials and landscaping and S106, the proposal is considered to be acceptable and in accordance with Saved UDP policies ENV7, CSUCP policies GN1 (3) CS15 and the NPPF.

5.108 LANDSCAPE AND VISUAL IMPACT - An adequate landscape buffer

Site specific policy GN1 requires at point 3 mitigation of the impacts of the development of the development on the historic environment, landscape, biodiversity and ecological connectivity, including:

- ii the provision of a landscape strategy for the combined sites
- iii the use of landscaped buffers between any new housing and the adjacent countryside and existing housing,

5.109 The application is supported by a Landscape and Visual Impact Assessment (LVIA) although the principle of development of this site has already been established through the CSUCP allocation. The LVIA provides detail of the main change in relation to the Landscape Character of the site and that is it will change from a mix of pastoral and commercial use to a residential development, infilling the existing residential areas to the north and east of the site.

5.110 The assessment submitted in support of this planning application outlines the range of landscaping measures proposed to provide sufficient green buffers between the site and surrounding areas of historical and/or ecological interest. To the north, property boundaries, tree planting and the B6317 provide a buffer between existing housing at the Dunston Hill estate north of the B6317. To the west of the development site, the Forest Park provides a buffer between the Whickham Conservation Area, preventing encroachment and possible merging

of Dunston and Whickham south of the B6317. Conditions can secure the final details (CONDITIONS 38 and 39).

5.111 GREEN INFRASTRUCTURE

Site specific policy GN1 requires, at point 4, mitigation of the impacts of the development of the development on the historic environment, landscape, biodiversity and ecological connectivity, including Improvements to the recreational amenity of, and green infrastructure links with, Watergate Forest Park and the Tanfield Railway Path and, at point 5, Open space, sport and recreational facilities, where necessary. At 1.5 the policy requires improvements to pedestrian facilities on Southfield Road. This can be secured through the S106.

5.112 The proposed reinforcements to the existing landscaped boundaries and buffer to the green belt, landscaped areas and open spaces seek to ameliorate the negative changes on the landscape character with an overall improvement by removal of large scale commercial buildings and hardstanding areas.

5.113 Structural and low level planting is proposed in the submitted landscape strategy to maximise habitat creation on site and it is recommended that this be secured by a series of conditions.

5.114 Information on proposed and existing ground levels is required along with an amended Landscape Strategy drawing. These details can be secured by condition.

5.115 A defensible Green Belt boundary will be created through the provision of a new hedge and tree planting supported by the use of SUDS and existing trees to the south of the site. Additionally, Watergate Forest Park will prevent housing encroachment from the west.

5.116 Given that the site is largely contained by existing topography and vegetation and as such the development is considered will integrate into the southern settlement edge of Sunnyside and is in accordance with Saved UDP policy DC1 and CSUCP policies GN1, CS18 and CS15.

5.117 TREES

The trees that comprise the copse separating Phases A and B are subject to a Tree Preservation Order. The layout has respected the constraints of the Root Protection Areas of all trees on site. An Arboricultural Impact Assessment has been submitted in support of the application and includes measures for the protection of trees during the construction period and it is recommended that these be secured by condition (CONDITIONS 16 and 17).

5.118 Given the above the proposal is considered to be acceptable and in accordance with the CSUCP policy CS18 and Saved UDP policy ENV44.

5.119 FLOOD RISK, DRAINAGE AND WATER QUALITY

Site specific policy GN1 requires by point 7 a flood risk assessment to demonstrate there is no increase in flood risk downstream as a result of

discharging surface water into the Black Burn. Required by point 8 is evidence that there is adequate foul and surface water infrastructure capacity before connecting to the existing public sewerage system and by point 9 measures to ensure existing greenfield run off rates for up to a 100 year rainfall event taking into account anticipated climate change and maintaining overland flow paths.

5.120 Flood Risk

A Flood Risk Assessment (FRA) has been submitted in support of the application. The site lies within flood zone 1 which is appropriate for residential use. The assessment considers the flood risk of the site itself as well as surface and foul water drainage proposals.

5.121 The NPPF requires local planning authorities to ensure that flood risk elsewhere is not increased by proposals. The NPPF also requires new development to be planned to avoid increased vulnerability to the range of impacts caused by climate change, including flood risk.

5.122 Policy CS17 of the CSUCP sets out the local expectations with regard flood risk and drainage. As the site is over 0.5ha, and as per the requirement of the policy, the application is supported by a flood risk assessment. The FRA and Drainage Strategy submitted in support of this application is in accordance with the sequential approach set out in Policy CS17. Policy CS17 also requires development to avoid and manage flood risk from all sources, taking into account the impact of climate change over its lifetime.

5.123 SuDS

Following the application of the hierarchy of drainage outlined in CSUCP Policy CS17 it is anticipated that surface water will be ultimately discharged into the Black Burn via an unnamed watercourse and the Watergate Forest Park. SuDS features such as detention basins are proposed to attenuate surface water run-off to the equivalent existing greenfield run-off rate to ensure that the risk of flooding elsewhere is not increased by the development.

5.124 It is proposed that a SuDS storage basin will be constructed during the Phase B (full/Persimmon Homes) area development works within the south corner of the Phase C (outline) development area. As such the conditions for the Phase B area development area need to be worded to cater for this scenario.

5.125 The Drainage Strategy demonstrates that it would ensure that there is no risk of flooding and the hydraulic performance of the network ensures that there will be no overland flooding within the development up to and including the 1 in 30 year rainfall event inclusive of an allowance for climate change. The network has been designed such that there is no flooding during the 1 in 100 year rainfall event inclusive of an allowance for climate change. Delivery of the SuDS features can be secured by condition (CONDITION 100).

5.126 Given the low risk of flooding and the ability to deliver an effective water management system on-site, the approach taken is acceptable and in accordance with the NPPF and Policy CS17.

5.127 Foul Water Drainage

A Pre-Development enquiry was submitted to Northumbria Water (NWL) who have confirmed that there is sufficient capacity within the drainage network to accommodate the foul flows from the development. It is anticipated that all foul flows will be able to discharge into Whickham Highway without needing to be pumped. The FRA and Drainage Strategy highlight the discharge points which can accommodate the flows without restriction. The final detail of the connections between the development and these points can be secured by condition (CONDITION 46).

5.128 A sustainable drainage system has been incorporated into the development in the form of filter strips, swales, detention basins, crates; and the surface water which will discharge to unnamed watercourses which connect to Watgate Park Lake and then into the Black Burn watercourse. The principles of providing SuDS and the approach to the drainage hierarchy is in accordance with Core Strategy Policy CS17:

5.129 Policy CS17 of the Core Strategy requires that development will prioritise the use of Sustainable Drainage Systems (SuDS), given the multi-functional benefits to water quality, green space and habitat enhancement. The advice from LLFA should be followed to ensure compliance with Core Strategy Policy CS17:3. The water quality is particularly important given the surface water discharge route into Watgate Forest Park Local Wildlife Site; and design of the SuDS features should maximize their amenity and ecological value.

5.130 The final drainage scheme and SuDS management plan will need to be the subject of appropriate conditions to ensure that the SuDS are maintained over the lifetime of the development (CONDITIONS 22 - 25).

5.131 Given the above and subject to the recommended conditions, the measures set out within the FRA and the Drainage Strategy are considered to be acceptable and in accordance with CSUCP policies CS17 and GN1, paragraphs 163 and 165 of the NPPF.

5.132 GROUND CONDITIONS

Soil contamination has been identified in isolated locations in Phases B and C. Further site investigation is required in Phase C and Remediation statements are required for Phases B and C.

5.133 As referred to in the drainage section above, the SuDS are to be constructed in the southern part of Phase C as part of the Phase B where no site investigation works have been undertaken to date. This area includes an area of the Watgate Remediation scheme where backfilled contaminated / potentially combustible colliery ash was deposited and capped with 1m of clay, and later the nursery site as extended to include this reclaimed area.

5.134 As such, further site investigation is required in the proposed location of the SuDS pond area as part of the Phase B planning conditions and any required remedial works for this part of Phase C also included in the required remediation statement for Phase B works. The remediation statement will need

to assess how any excavated contaminated potentially combustible material will be dealt with and how any retained colliery ash will be dealt with to maintain the integrity of the original remediated site

- 5.135 A number of Phase specific conditions are required to ensure that land contamination issues are appropriately dealt with.
- 5.136 COAL LEGACY
The site is in a Coal Authority Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 5.137 The Ground Investigation Interpretative Report correctly identifies that the application site has been subject to past mining activity. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth and that thick coal outcropped across the site.
- 5.138 The Ground Investigation Report has been informed by an appropriate range of sources of information; including a Coal Mining Report, BGS geological mapping and the results of intrusive site investigation works. Based on this review of existing sources of geological and mining information and the intrusive investigations, the Report concludes that there is a high risk of potential shallow unrecorded workings across the site. Accordingly, appropriate recommendations are included for measures including drilling and grouting to stabilise these potential features on a plot by plot basis. A condition is recommended to ensure that these works are undertaken on site prior to commencement of development (CONDITION 10).
- 5.139 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV54 and CSUCP policy CS14.
- 5.140 Minerals
The NPPF recognises that minerals are essential to support sustainable economic growth and our quality of life and recognises that these are a finite resource which should be made best use of. The NPPF goes on to require planning authorities to define Minerals Safeguarding Areas and encourage the prior extraction of minerals where practicable and environmentally feasible. Policy CS20 of the Core Strategy allocates the whole plan area as a Mineral Safeguarding Area and states that where non-mineral development is proposed within the Mineral Safeguarding Area, consideration should be given to the feasibility of prior extraction of the mineral resource from sites over 1ha unless there is evidence that:
- 5.141 The mineral resource is not present, has already been extracted or is of insufficient extent to be of any economic value, or extraction of the mineral would have unacceptable impact on the environment, local communities or

other neighbouring uses, or There is an exceptional overriding need for the development, which outweighs the value of the mineral resource.

- 5.142 In respect of this requirement, a Mineral Extraction Feasibility study has been prepared which demonstrates that there is a likely excessive ratio of overburden to winnable coal which indicates that the extraction of the coal would not be economical. There is also evidence that some coal reserves beneath the site have already been extracted which would further reduce the value of the present coal. It is therefore concluded that the prior extraction of coal would not be of economic value and therefore the requirements of Policy CS20 have been met.
- 5.143 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV54 and CSUCP policy CS20.
- 5.144 **ARCHAEOLOGY**
Saved UDP Policy ENV22 relates to sites and areas of archaeological importance and states that 'where there is the likelihood that archaeological remains will be encountered as a result of development the Council will require a programme of investigative research and/or fieldwork to determine whether the remains, that might exist, merit preservation in situ or by record. Research and fieldwork findings should be published'.
- 5.145 The site has undergone a desk-based investigation by Tyne and Wear Museums to assess the site for archaeological interest. An archaeological geophysical and evaluation report has been submitted in support of the application. Following on from this initial desk-based investigation, geophysical survey works were undertaken between 29th April and 1st May 2014. The evidence compiled during the fieldwork confirms that the site could potentially host a number of archaeological remains. Subsequently, in response to a requirement of the County Archaeologist, trial trench evaluation of the site was undertaken during May 2018 by Durham University (Archaeological Services) to in order to inform any decisions that may be made for the planning application.
- 5.146 The scope of the works included twenty trial trenches excavated within the proposed development area. Evaluation trenches were excavated across the development site (25 trenches in total). As a result of the findings it has been concluded that no archaeological resource was identified which requires preservation in situ and no further works are required prior to the determination of the planning application. A report of the findings is outstanding and a condition is recommended to secure an Archaeological Post Excavation Report (CONDITION 26)
- 5.147 As per the requirements of Policy GN1 the route of the Whickham Grand Lease Waggonway is to be preserved in situ as a footpath linking the development, surrounding residential areas at Whickham and Dunston Hill with the Watergate Forest Park and recreational areas south of the site. The Waggonway will be a tree lined route, creating a green buffer between the development and

agricultural land adjacent to the site. Interpretation Boards will also be provided to aid public understanding of the Waggonway. (CONDITIONS 103 and 104)

5.148 Given the above, subject to the recommended conditions, there is unlikely to be any significant impact on heritage assets, particularly given that appropriate care and recording would take place, should any archaeological resource be found and therefore the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV22 and CSUCP policy CS15.

5.149 Given the above the proposal is considered to be acceptable and in accordance with the NPPF and Saved UDP policy ENV21.

5.150 NOISE

A Noise Survey has been submitted in support of the application. The report indicates that prevailing noise levels (road noise from Whickham Highway) have been measured in detail and assessed according to representative "worst case" conditions. Detailed noise measurement has been carried out on a typical weekday. Levels at the most exposed site boundary i.e. the northern boundary with Whickham Highway, vary due to road traffic speed variation and distance of the site boundary from the road. Future housing plots at this site perimeter will, assuming a typical stand-off and allowing for some façade reflection effects, be exposed to noise levels up to 68dB(A). Lower noise levels are where traffic speed is diminished and/or the road gradient varies.

5.151 For all plots at the northern site perimeter there will, therefore, be a requirement for suitable amelioration, possibly in the form of enhanced screening (to ensure amenity garden noise levels are at 55dB(A) or less) and enhanced sound insulation of the building envelope to ensure all internal noise levels within habitable rooms are also within relevant criteria.

5.152 Night time noise is not a significant issue, in comparison to Daytime Noise Levels. Equivalent Continuous Noise Levels will be reduced by at least 7dB(A). Accordingly, noise amelioration appropriate to Daytime Noise Levels will easily suffice for Night Time.

5.153 On the basis of the proposed layout, noise amelioration measures are given in Section 6 of the report. These relate to the inclusion of additional sound insulation measures in the building envelopes at those facades affected by road traffic noise. These would afford, the residents of the proposed dwellings with acceptable internal and external (private amenity areas) noise environments. It is recommended that the measures be secured by an appropriate condition (CONDITION 107).

5.154 In order to protect the residential amenities of existing residents and future occupants of the early completions on the site it is considered necessary to condition a construction methodology statement that should include details of the compound, car park and a further condition restricting the hours of construction (CONDITIONS 18).

5.155 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV61 and CSUCP policy CS14.

5.156 AIR QUALITY

Paragraph 17 of the NPPF requires planning to ensure a good standard of amenity for all existing and future occupants of land and buildings and paragraph 109 requires that new developments are not put at unacceptable risk of air or noise pollution. As such an Air Quality Assessment (AQA) has been submitted in support of this planning application.

5.157 The assessment methodology and predictions/conclusions that the housing development (operational phase) will not significantly impact on air quality or place residents in areas of unacceptable pollution is accepted by officers.

5.158 However, the assessment does not include the proposed park and ride scheme and a report will be needed regarding this aspect of the development (CONDITION 14).

5.159 Construction Phase

The AQA includes an assessment of the construction phase of the proposals to determine the risk and significance of dust effects from demolition, earthworks, construction associated with the proposed development.

5.160 The Assessment proposes a number of mitigation measures such as:

- Dampening down of exposed stored materials, which will be stored as far from sensitive receptors as possible;
- Removal of top cover in small areas and not all at once;
- Ensure all vehicles switch off engine when stationary; and
- Avoiding dry sweeping of large areas.

5.161 It is considered that the measures outlined in the Air Quality assessment be conditioned to ensure the implementation of these measures to reduce the impact from dust effects (CONDITION 14).

5.162 Operational Phase

The AQA has considered the potential impact of the increase in vehicles resulting from the housing proposals. The Assessment assesses both existing sensitive receptors and also proposed sensitive receptors within the site. The Assessment concludes that once the development is operational the pollutant concentrations will be below the air quality objectives and target levels, therefore no mitigation measures are required.

5.163 Given the above, and subject to recommended conditions, the proposals are considered to be acceptable and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.

5.164 LAND QUALITY

An assessment of the soil quality at site, that considers if development would result in a loss of high quality agricultural soils, has been submitted in support of the application.

- 5.165 The Ministry of Agriculture, Fisheries and Food (MAFF) Agricultural Land Classification of England and Wales - Revised Guidelines and criteria for grading the quality of agricultural land, October 1988 provides guidance on the standard assessment method for the grading of Agricultural Land Classification.
- 5.166 Having assessed the soil quality the report concludes that the land falls into the Agricultural Land Classification of Grade 3b.
- 5.167 The definition of Grade 3b is "Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed over most of the year." Historical cropping highlights that the land has been cropped in a limited, narrow range of cereal crops, with some grassland and areas of unmanaged fallow and woodland.
- 5.168 Given the above, the report concludes that following a full and detailed assessment that the Agricultural Land Classification for the site is Grade 3b with limited amounts of Grade 3a present, and that possible development of the site would not result in the loss of high grade agricultural land. Therefore the proposal is considered to be acceptable and in accordance with the requirements of the NPPF.
- 5.169 STATEMENT OF COMMUNITY INVOLVEMENT
Public and Stakeholder Consultation
A comprehensive community engagement process has been undertaken. The consultation strategy was agreed at an early stage with Officers.
- 5.170 In brief, a two-stage public consultation was agreed. The first stage of the consultation was undertaken in May 2016 and took the form of two drop-in consultation events. The events were advertised via a leaflet drop which was distributed to local residents. The area of distribution was agreed with Officers prior to the event and included areas of Whickham, Dunston and Lobley Hill, with approximately 800 households receiving flyers. Invitations to the event were also sent directly to Ward Members for Whickham, Dunston and Lobley Hill. In addition to the events, a consultation website was set up with links provided on the flyer. The flyer also included contact details where members of the public could contact the developer's project team directly if they were unable to attend the event.
- 5.171 The events were held on 23rd May 2016 at Whickham Library from 3-6:30pm and 24th May 2016 at Lobley Hill Community Centre from 3-7pm. At the event information boards were displayed which provided an overview of the proposals including a draft layout. A questionnaire was provided at the event which could be filled out on the day or taken away and posted to the project team. The

information boards were also uploaded to the consultation website to allow those who were unable to attend the event to view the proposals.

5.172 Following the first stage of consultation amendments were made to the proposals and the final scheme was presented to Planning & Development Committee of 4th January 2017. Following the committee presentation a feedback session held at Lobley Hill Library on Monday 9th January 2017 which provided residents with an update as to the progress of the proposals and demonstrated the ways in which their comments have been taken into account in the background research undertaken to inform the proposals and the design of the proposals.

5.173 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 application site is within Residential Zone A and the levy is £60 per sqm for market housing with an exception provided for the on site affordable housing. CIL is charged on all new developments which create more than 100m² of floor space and on all those developments which create 1 or more new dwellings. The chargeable amount of CIL is calculated on the gross internal area of the net increase in floor area.

5.174 A requirement of policy GN1(2) is 'contribution to local primary school provision'. Gateshead's Regulation 123 List of Recipient Infrastructure (November 2016) sets out that the provision of additional primary school places will be secured via CIL and specifically references that the additional primary school places required under Policy GN1 will be provided for through CIL. As such, the development will make the required contribution in accordance with Policy GN1 and DEL1 through the Community Infrastructure Levy (CIL).

5.175 LOCAL EMPLOYMENT AND TRAINING

Policy CS5 of the CSUCP sets out the need to attract and support a skilled labour force and improving skills and access for local people to job opportunities including through targeted recruitment and training.

5.176 In accordance with the Planning Obligations Supplementary Planning Document (first review dated December 2016) the Council is seeking a section 106 obligation to secure benefits to the Local Workforce that may include direct, indirect and induced jobs employment, apprentices, graduates or trainees.

5.177 OTHER MATTERS

Objectors have commented that housing should not be built on this land. The site is an allocated housing site that was removed from the Green Belt.

5.178 Objectors have made reference to their right of way along an existing track Broom Lane. Land ownership and Right of Access are civil law matters and they are not issues that can be considered under planning legislation. However, the concerns raised in respect of the use of the track by residents of the new housing by both drivers and pedestrians taking short cuts have been assessed in this report.

- 5.179 An objector has referred to a letter from Brandon Lewis in respect of development of brownfield over green belt land. The site is not in the green belt as it is allocated for housing under CSUCP policy GN1 examined in public. The Inspector did not impose any limit on the policy that states "approximately 530 dwellings" as suggested by another objector that the Inspector set a limit of a further 20 dwellings in addition to the 530 dwellings.
- 5.180 In regard to the insufficient GP places and pharmacies in the area to cope with the development, the site was allocated for housing following the Examination in Public (EIP). No concerns were raised from the NHS to this allocation and no objections have been received to this application from the NHS. It is not considered that this issue would justify a refusal of planning permission.
- 5.181 In terms of potential risk of crime from access for new residents into neighbouring residential areas, it is not considered that there is any evidence that this would be the case.
- 5.182 On the contrary, it is considered that the proposed development would provide more overlooking of areas which currently do not benefit from much surveillance.
- 5.183 It is acknowledged that the plans submitted for the application and subsequently amended will, inevitably be different from those displayed by the developer during community consultation events. However, it is not considered that this would be an unusual situation as development proposals evolve as a result of representations received during the early consultation events. In any event, the consultation of local residents by the Council on the planning application gives residents the opportunity to comment on the latest plans.
- 5.184 In regard to concerns about the loss of value of nearby properties, this is not a matter that can be taken into consideration by the Council when determining the application as it has long been a principle of the planning system (established by the courts) that planning is concerned with land use in the public interest, so that protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of a private view could not be material considerations.
- 5.185 In addition, the proposed development would comprise approximately £160,00 in annual council tax receipts and £640,000 in New Homes Bonus receipts from the Government to be spent by the local authority where it is most needed.

6.0 CONCLUSION

- 6.1 Taking all of the above into account the proposed development is within a sustainable location, as established through the CSUCP allocation (Policy GN1) and provides a significant amount of housing, responding to an identified need over the plan period.

- 6.2 The application has demonstrated that the proposal is acceptable in terms of Sustainability, Landscape and Visual, Flood Risk, Drainage and Foul Sewerage, Utilities, Ecology, Noise, Air Quality, Land Contamination, Transport, and Archaeology.
- 6.3 The benefits of the proposals are the provision of housing development on a strategic scale; provision of the Park-and-Ride facility; potential for safe pedestrian access to the existing urban area; a number of services and facilities, including schools, recreation opportunities, retail centres and a supermarket within walking distance.
- 6.4 The proposed development is consistent with the allocation of the site delivering 582 family homes that includes 15% affordable on site housing. The development as proposed integrates with the surroundings linking to the centre of Whickham. The design is sympathetic to the site constraints and character of the area and includes a significant amount of open space and landscape buffers to lessen the visual impact, providing opportunities for outdoor play, dog walking and other leisure activities. Green spaces will be provided, together with private gardens to the residential properties. The proposed development will make a significant contribution to the local economy in providing a range of jobs and training opportunities both during the construction phase of development and longer term through indirect job creation through an uplift in local expenditure generated by new residents.
- 6.5 A section 106 legal agreement is required to secure the requirements of CSUCP policy GN1 and these are:
- Delivery of the Park and Ride
 - Sport Contribution
 - Affordable housing in perpetuity
 - Off Site Highway mitigation works
 - Off site Biodiversity mitigation
 - Park and Ride
 - Local workforce commitments

7.0 Recommendation:
GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

- Delivery of the Park and Ride
- Sport Contribution
- Affordable housing in perpetuity
- Off Site Highway mitigation works
- Off site Biodiversity mitigation
- Local workforce commitments

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

3) That the Service Director of Development, Transport and Public Protection be authorised to add, delete, vary and amend the planning conditions as necessary.

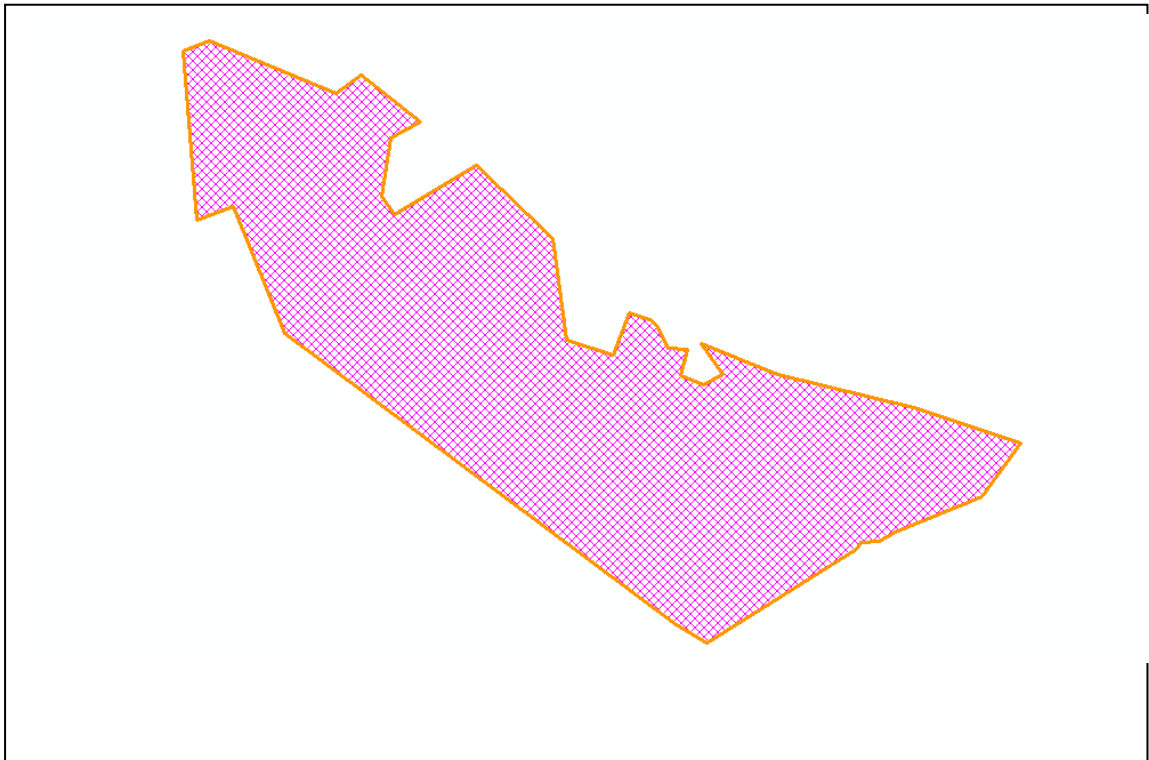
4) And that the conditions shall include:

- 1 plans
- 2 Masterplan
- 3 timescale
- 4 PHASE A unexpected contamination
- 5 PHASE B Ph 2 Risk Assessment
- 6 PHASE B remediation
- 7 PHASE B Implement Remediation
- 8 PHASE B Verification report
- 9 PHASE B Unexpected contamination
- 10 PHASES A and B Coal Legacy
- 11 biodiversity method statement
- 12 implement biodiversity method statement
- 13 in accordance with FRA
- 14 construction management plan
- 15 implement CMP
- 16 tree protection measures
- 17 implement tree protection measures
- 18 hours of construction
- 19 drainage construction method statement
- 20 implement drainage construction method statement
- 21 Drainage Assessment to include surface and foul water drainage
- 22 SUDS Scheme
- 23 Implement SUDS scheme
- 24 drainage maintenance document
- 25 implement drainage maintenance
- 26 archaeological report
- 27 PH A AND B implement SITE LEVELS
- 28 Phases A AND B 20 MPH to include revisiting visitor parking bays adj 305, 308, 309 and 328 and driveway conflicts and curtailed footways
- 29 PH A AND B Implement 20 MPH
- 30 PROW links to wider ROW network, surfacing, lighting and drainage
- 31 Implement PROW lighting etc.
- 32 materials
- 33 implement materials
- 34 Surface treatment materials
- 35 implement surface treatment
- 36 cycle storage
- 37 implement cycle storage
- 38 Landscaping scheme for suds
- 39 implement landscaping
- 40 boundary planting rear broom lane
- 41 lighting strategy
- 42 implement lighting strategy
- 43 landscape management plan

44 EV charging points
45 implement EV points
46 access to phases
47 implement access to phases
48 vehicular cycle pedestrian link between Phase B & C (up to boundary of Phase B)
49 Implement links between B and C
50 details of gradients of roads and paths
51 implement gradients of roads and paths
52 tracking for all turning heads on all phases to include location of lighting columns
53 implement turning heads
54 drives 2m x 2m and gradient 1:8
55 park and ride details
56 implement park and ride details
57 phases a and b play areas
58 implement play areas
59 on site landscaping
60 implement on site landscaping
61 travel plan
62 first use of access to Charles church
63 off site highway works
64 implement off site highway works
65 accessibility details
66 implement accessibility measures
67 public transport strategy
68 implement public transport strategy
69 park and ride interim and final
70 implement park and ride interim and final
71 bus stops crossing points cycle connections
72 implement bus stops etc.
73 relocated bus stops
74 implement relocated bus stops
75 Signing and Lining of private road demarcation
76 implement signing and lining Broom Lane
77 PHASE C access prior to occupation of 251st unit on Phase B
78 PHASE C RES MATS
79 PHASE C timescale
80 PHASE C 230 dwellings
81 PHASE C ph 2 risk assessment
82 PHASE C remediation
83 PHASE C implement remediation
84 PHASE C verification
85 PHASE C unexpected contamination
86 PHASE C affordable scheme
87 PHASE C suds scheme
88 PHASE C implement suds
89 PHASE C site levels
90 PHASE C implement site levels
91 PHASE C house types

- 92 PHASE C implement house types
- 93 PHASE C landscaping
- 94 PHASE C implement landscaping
- 95 PHASE C SuDS Management plan
- 96 PHASE C implement SuDS management plan
- 97 PHASE C play area
- 98 PHASE C implement play area
- 99 PHASE B implement suds in phase c for plots in ph b
- 100 no trees to be removed
- 101 PHASE C wheelchair housing
- 102 PHASE C Implement wheelchair housing
- 103 PHASE C Waggonway interpretation
- 104 PHASE C implement Waggonway Interpretation
- 105 PHASE C connections to watergate park
- 106 PHASE C improvement to Tanfield Railway Path
- 107 Noise Mitigation Phases A, B and C

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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, DEVELOPMENT, TRANSPORT AND PUBLIC
PROTECTION**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
21 November 2018**

Please note this document should be read in conjunction with the main report of the
Service Director, Development, Transport and Public Protection

MINOR UPDATE

| | |
|-------------------------|---|
| Application No: | DC/17/00170/FUL |
| Site: | Land To The South Of Whickham Highway |
| Proposal: | Hybrid application seeking detailed approval for 352 dwellings (C3 use) inclusive of 30ha of ecological habitat creation, new Park and Ride facility and associated open spaces, drainage and highways infrastructure and partial diversion of Public Right of Way number WH66/2 through public open space and Outline approval for up to 230 dwellings (C3 use) across 8.2ha with associated landscaping, highways and drainage infrastructure all matters reserved with the exception of access (for the avoidance of doubt, access meaning to the site not within the site) (additional information received 08/05/17, 09/08/17, 21/03/18, 18/04/18 08/05/18, 13/08/18 and 22/10/18 and amended 27/07/17, 19/02/18, 07/09/18, 17/09/18, 18/10/18 and 19/11/18). |
| Ward: | Dunston Hill And Whickham East |
| Recommendation: | Grant subject to S106 |
| Application Type | Full Application |

Reason for Minor Update

The proposal description makes reference to 32ha of ecological habitat creation. This should read 30ha of ecological habitat creation.

Four further representations have been made. The concerns raised reflect the concerns reported in the main report in terms of:

- increase in traffic,
- increase in pollution,
- loss of habitat,
- the land should not have been released from the green belt as government guidelines in letters from Brandon Lewis and Greg Clarke have not been complied with,
- the scale of this development is too large,
- no additional healthcare or educational facilities will place a burden on the existing facilities,
- disturbance of sleep due to traffic going over speed bumps, and
- rat running will put children at increased risk.

Highways

At paragraph 5.50 of the main report reference is made to the need for a road safety audit.

A stage 1 road safety audit has now been undertaken, we await the designers response to this audit, which will need to be agreed prior to the signing of the s106.

At paragraph 5.80 of the main report reference is made to the need for updated analysis of accident data covering Whickham Highway, A692, Dunston Bank, Front Street Dunston, A1, Lobley Hill interchange and the Kingsway North interchange.

Updated accident data has now been provided by the applicant. Officers are satisfied that the incidents that have occurred do not fall into any patterns that raise undue concerns and therefore consider that the findings within the Transport Assessment remain valid.

SEE MAIN AGENDA FOR OFFICERS REPORT.

Committee Report

| | |
|-------------------------------|---|
| Application No: | DC/18/00568/COU |
| Case Officer | Owain Curtis |
| Date Application Valid | 10 October 2018 |
| Applicant | Mrs Debby Brown |
| Site: | Brockburn 32A Barlow Lane Winlaton Blaydon On Tyne NE21 6EZ |
| Ward: | Winlaton And High Spen |
| Proposal: | Change of use of house and garden (use class C3) to mixed use house and garden and dog boarding business (sui generis) for up to twelve dogs (Retrospective) |
| Recommendation: | REFUSE |
| Application Type | Change of Use |

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

The application site is a 3-bedroom split-level detached property on Barlow Lane which is sited between a bungalow and two storey house. The property has a large garden at the rear and a driveway and parking area to the side with access gained from Barlow Lane. There is a small garden at the front of the property enclosed by a low wall. The surrounding area is residential in nature.

1.2 DESCRIPTION OF APPLICATION

This application is for the use of 32A Barlow Lane as a dog boarding service. In planning terms this would result in the change of use from a dwelling (use class C3) to a mixed residential and commercial use (sui generis). Planning permission is required in this instance as, as a matter of fact and degree, the overall character of the dwelling has changed as a result of the business activities therefore a material change of use has occurred.

1.3 Retrospective planning permission is sought for the boarding of up to 12 dogs within the property. The applicant states there are 7 rooms designated for dog boarding, with 4 further rooms (including a detached 'quarantine building') in the event that dogs need to be separated. Of the 13 of rooms in the house, 11 of them are used for the dog boarding business. The remaining 2 rooms (which includes a bathroom) are retained for standard residential use. The business employs 7 staff.

1.4 PLANNING HISTORY

Ref No DC/11/00877/HHA Status: GRANT Proposal: Proposed erection of pitched roof on porch, rebuilding of existing porch pillars and infilling of existing boundary wall at rear of property. Decision Date: 09.11.2011

2.0 Consultation Responses

None

3.0 Representations:

- 3.1 This application is referred to the Planning and Development Committee for determination due to the number of representations received.
- 3.2 Ward Councillor Simpson objects to the development due to the noise levels the development will produce and questions whether the provision is in keeping with the area and in keeping with a residential property.
- 3.3 Neighbour notifications were carried out in accordance with Article 15 of the Town & Country Planning (Development Management Procedure) Order 2015 (as amended). A total of 32 representations have been received with 15 letters in support and 17 objections received.
- 3.4 The letters of support raise the following points:
- Business accommodates dogs in an efficient, safe, bountiful and contained manner, that remains sympathetic throughout to neighbours, clients, and dogs alike.
 - House is well maintained
 - Dogs are well looked after
 - Clients park off-road in the driveway
 - Well run house boarding service/ dog walking which is essential to a lot of local people.
 - Their training sessions or lessons have always been well organised and carefully planned ahead of time.
 - No above normal noises
 - The property has adequate parking
- 3.5 The objections raise the following concerns:
- Loss of residential amenity
 - Additional noise
 - Disturbance in early mornings / late evenings
 - The business is inappropriate in a residential area
 - Increase of bad smells
 - Inadequate parking facilities
 - Light pollution from the security light
 - Concern over health issues
 - Increase of traffic
 - Out of character with area

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

DC1H Pollution

DC2 Residential Amenity

ENV61 New Noise-Generating Developments

5.0 Assessment of the Proposal:

5.1 The main issues to be taken into account when assessing this planning application are:

- i. the effect of the development upon the living conditions of the occupiers of nearby properties;
- ii. the impact on highway safety and parking; and
- iii. any other material considerations.

5.2 EFFECT ON LIVING CONDITIONS

Paragraph 117 of the revised NPPF states that planning policies and decisions should, amongst other things, ensure safe and healthy living conditions. Paragraph 180 goes on to state that decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. Decisions should, amongst other things, mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

5.3 Local policies CS14 of the CSUCP and saved policies DC1(h) and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of amenity for residents.

5.4 The dog boarding business is principally contained within the house although dogs are allowed to exercise in the rear garden and there is a detached garage or 'quarantine building' to the side. The applicant states time in the garden is restricted to 2 dogs at any one time for a period of 15 to 20 minutes per session.

5.5 Officers have considered the potential for noise and disturbance from the business use and associated comings and goings of vehicles and pedestrians. The applicant states that dogs are walked offsite rather than being left to roam in the garden for exercise and the service includes a collection and drop off service for all dogs. Clients are able to drop off and pick up their dogs and the applicant states this is restricted to between 9:30am and 4pm.

- 5.6 It is considered the general level of activity associated with the business is considerably greater than that of a typical home and therefore, increases the potential for noise and disturbance. The boarding of 12 dogs has led to, and would continue to, cause a significant intensification of the use of the property and associated activity when compared to standard home under use class C3. Officers consider that the level of activity and associated movements on a daily basis causes a significant and abnormal level and nature of activity. Consequently, the business is inappropriate in a residential area and would continue to cause unacceptable levels of noise and disturbance to the occupiers of the surrounding residential properties.
- 5.7 Although the letters of support state that the business is well organised and run well, it is clear from the objections received that despite this, the business is currently causing harm to the occupiers of the surrounding residential properties.
- 5.8 Paragraph 54 of the revised NPPF states that the LPA should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. National Planning Practice Guidance also advises that conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
- 5.9 Case law has found that the keeping of 6 dogs in a detached cottage in a relatively isolated village location, where the property was large enough to accommodate 16 dogs indoors and a further 25 outside, was seen by the Court as a 'generous' estimate of the number which might normally be kept in such a setting. It has also been held that activities such as the keeping of dogs in large numbers will amount to a material change of use if outside what could normally be expected to occur within a dwellinghouse and its curtilage. Scale is therefore an essential determinative of what might be held to be 'normal'. Officers have considered whether planning permission could be granted subject to a reduction in the number of dogs allowed at the property which is more suitable to a residential area.
- 5.10 Officers are of the view that conditions trying to restrict the number of dogs boarding at all times, the number of dogs in the rear garden or comings and goings in an attempt to reduce the level and intensity of the business activity would not be practicably possible to enforce and detecting a contravention would be extremely difficult. As such, conditions of this nature would not meet the six tests set out in paragraph 55 of the revised NPPF.
- 5.11 To conclude on this issue, the intensive use of the property and significant and abnormal level and nature of activity causes material harm to the living conditions of the occupiers of the surrounding residential properties by virtue of noise and disturbance. The development therefore fails to accord with the revised NPPF, policy CS14 CSUCP and saved policies DC1(h) and DC2 of the UDP.

5.12 HIGHWAY SAFETY AND PARKING

Paragraph 109 of the revised NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.13 Several representations raise concerns regarding the traffic associated with the business and problems with parking. Barlow Lane is not subject to parking restrictions therefore there is scope for parking without obstructing neighbours' driveways – albeit this may not be directly outside the application property. Further, it is highly unlikely that all dog owners would arrive and leave at the same time and it is noted the applicant provides a pick up / drop off service. Accordingly, the development does not result in any unacceptable highway safety issues nor does it have a severe impact on the road network. The development would therefore accord with the revised NPPF and policy CS13 of the CSUCP.

5.14 OTHER ISSUES

An objection states that security lights are causing light pollution however the installation of security lights would not require planning permission. Concern is also expressed over health issues however there is no evidence that the business is or would cause any health implications for surrounding residents. It is considered all other material considerations are dealt with in this report.

- 5.15 It has also been raised that the property is licenced by the Council for home boarding of dogs. The property is licenced for the boarding of 4 dogs. The current licences expires on 31 December 2018. The licencing process takes into account how the operators take booking, number of rooms, infection control and whether they are registered with a vet as well as other welfare concerns. It is therefore appropriate for the impact on neighbours' living conditions to be fully assessed through the planning system and there would be no conflict with replicating an assessment already undertaken through another regulatory regime.

5.16 COMMUNITY INFRASTRUCTURE LEVY

This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying housing or retail related development.

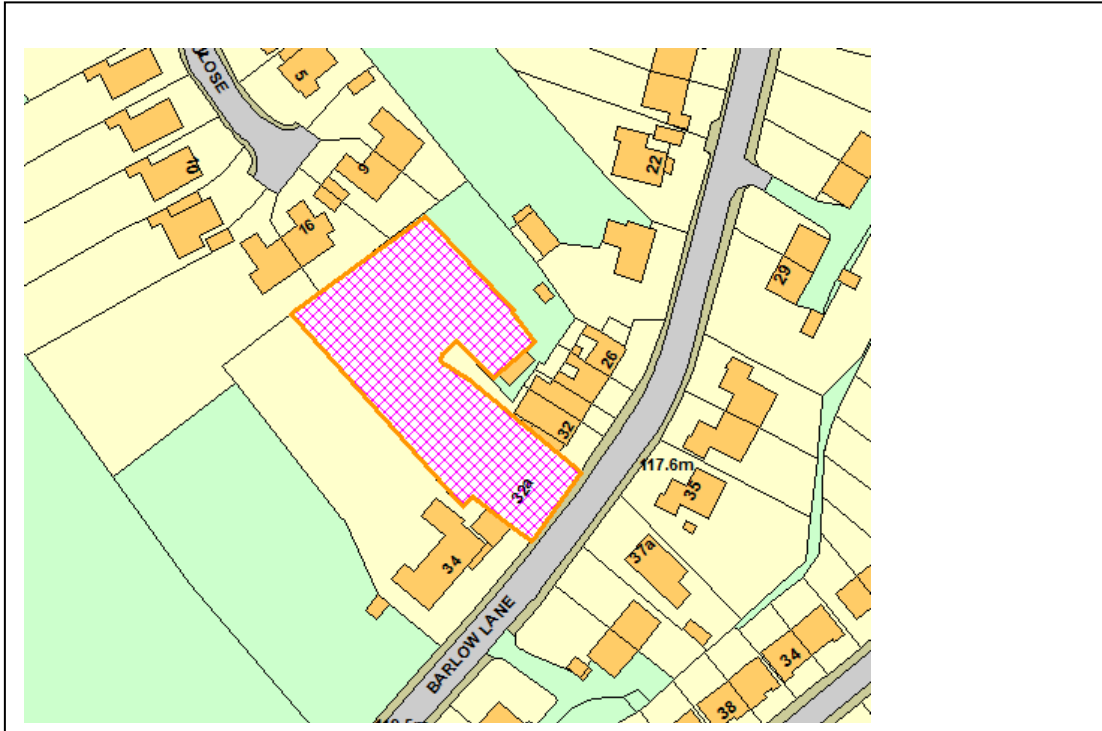
6.0 CONCLUSION

- 6.1 Taking all the material planning considerations into account, including the representations received, it is recommended that planning permission be refused.

7.0 Recommendation:

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

The intensive use of the property causes a significant and abnormal level and nature of activity resulting in material harm to the living conditions of the occupiers of the surrounding residential properties by virtue of noise and disturbance. The development therefore fails to accord with the revised NPPF, policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle and saved policies DC1(h) and DC2 of the Gateshead Unitary Development Plan.



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Committee Report

| | |
|-------------------------------|--|
| Application No: | DC/18/00764/FUL |
| Applicant | Mr Bernard Carney |
| Date Application Valid | 23 July 2018 |
| Site: | Land At Church Road Gateshead |
| Ward: | High Fell |
| Proposal: | Erection of twelve dwellinghouses with associated accesses, parking and landscaping (amended and additional information received 09/10/18). |
| Recommendation: | GRANT SUBJECT TO A SECTION 106 AGREEMENT |
| Application Type | Full Application |

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is a vacant area of land of approximately 0.4 hectares in area on Church Road, Gateshead that slopes downwards from south to north. The site was formerly occupied by Ravenswood Care Home that was demolished in 2008 and it has been vacant since then. The site defined by a stone wall along 3 sides that ranges in height from approximately 0.5m at the junction with Church Road and climbs to approximately 2.5m in height at the northwest corner of the site. However, the majority of the wall is less than 2m in height. The front (southern) boundary of the site onto Church Road is defined by a tall hedge in excess of 2m in height.

1.2 The site is located between Church Lane to the east, Sourmilk Hill Lane to the west, the rear of properties on Egremont Gardens to the north and Church Road to the south. The site has a pedestrian access gate from Church Road and a vehicular access gate from Church Lane. The site previously also had vehicular access from Sourmilk Hill Lane, but this was removed as part of the demolition works.

1.3 The site has several trees on site, a mature hedge along the front boundary and has developed into a high quality grassland habitat due to being left undeveloped since 2008. The site is located in Sheriff Hill Conservation Area, is close to the QE Hospital, Sheriff Hill Local Centre and Low Fell District Centre. The character of the area is made up residential properties of differing sizes and types, with a mixture of stone, brick, render, slate and tiles being the predominant materials.

1.4 DESCRIPTION OF THE APPLICATION

This application proposes the erection of twelve dwellinghouses with associated accesses, parking and landscaping (amended and additional

information received 09/10/18). The scheme involves 8 semi-detached 3 bed two-storey houses, 2 detached 4 bed houses and 2 detached 5 bed houses. The semi-detached houses are to be constructed from red brick with slate roofs and the detached properties are to be built from stone with slate roofs. The properties would be laid out in 2 rows of six, with plots 1-6 facing onto Church Road and 7-12 behind. All the properties will have off-street parking provision, with plots 1-6, 7 and 12 also having garages. Plots 2-5 access their off-street parking and garages from Church Road, plot 6 access their garage of Church Lane and plots 1 and 7-12 access their off-street parking and garages off Sourmilk Hill Lane. Sourmilk Hill Lane is to be widened to 5m as part of the development by removing the existing boundary wall to the application site along its western boundary and giving over a section of the site for the road expansion.

- 1.5 The development would provide 4 visitor parking bays, landscaping and open space/drainage provision.
- 1.6 RELEVANT PLANNING HISTORY
DC/08/00071/CON: CONSERVATION AREA CONSENT issued for demolition of residential care home.

2.0 Consultation Responses:

Coal Authority No objection subject to conditions.

Tyne And Wear Fire And Rescue Service No comments received.

Northumbria Water No objections subject to a condition.

3.0 Representations:

- 3.1 Neighbour notification letters were issued on 02/08/2018 and a site notice was displayed.
- 3.2 A 16 name petition was received from local residents on the back of the August 2018 notification process, raising concerns regarding highway safety and flood risk associated with Sourmilk Hill Lane.
- 3.3 12 letters of objection were also received from local residents and raise the following concerns:
- Increase in traffic.
 - Problems with drainage.
 - Streetlighting.
 - Loss of light.
 - Visual intrusion.
 - Overlooking.
 - Loss of trees.
 - Parking issues.

- Out of keeping with the area.
- Impact on bats.
- Refuse storage.

3.3 1 letter of support was also received from a local resident.

3.4 Following the submission of amended plans, further neighbour notification letters were issued on 09/10/2018 and 7 letters of objection have been received from local residents raising similar concerns to those listed above.

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

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

DC1D Protected Species

DC1P Contamination, derelict land, stability

H4 Windfall and Small Housing Sites

H9 Lifetime Homes

H10 Wheelchair Housing

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

MWR28 Prov of Facilities in new Developments

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues to be considered are the principle of the development, CIL, play and open space provision, design, landscape, ecology, trees, highway safety, drainage, contaminated land, coal mining legacy, refuse and residential amenity.

5.2 PLANNING POLICY

5.3 Windfall housing

As the application site is not specifically allocated for housing in the UDP (2007), proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP.

5.4 The site forms a windfall site. The National Planning Policy Framework (NPPF) states that "... housing applications should be considered in the context of the presumption in favour of sustainable development."

5.5 With regards to sustainable development, this is a largely residential area, which is also close to Sheriff Hill Local Centre. It is considered that this proposal would not be at odds with the established character of the area and the amenity of future residential occupiers can be safeguarded. This will be discussed in more detail later in the report. As a result, the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.

5.6 Notwithstanding the above, as part of the emerging Making Spaces for Growing Places (MSGP) document it is proposed that this site becomes an allocated housing site. Therefore, should policy MSGP10 become adopted, this proposal would comply with the principle of the policy.

5.7 Family Homes

Core Strategy and Urban Core Plan (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 proposal is for the development of 8 x 3 and 4 x 5 bedroom dwelling houses, which satisfies this policy objective.

5.8 Affordable Homes

This proposal falls below the policy threshold within CSUCP CS11 (5) and therefore no affordable housing provision or contribution is required.

5.9 Lifetime Homes and Wheelchair accessible homes

This proposal falls below the policy threshold within CSUCP CS11 (2) and saved UDP policies H9 and H10.

5.10 Residential space standards

Policy CS11 of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". This proposal is considered to provide good size properties that would provide more than adequate space inside and outside of the home and therefore complies with policy CS11.

5.11 Open space

The application site has developed an informal status as an open space due to the site being vacant since 2008. However, given its informal status and the emerging MSGP10 policy, which allocates the site for housing, it is not considered that the site should be considered to contribute to the public open space provision of the Sheriff Hill area. Therefore, there would be no requirement for this development to provide any.

5.12 Play provision

Saved UDP Policies CFR28, CFR29 and CFR30, relating to the provision of play facilities is considered to apply to the current application.

5.13 The application includes an area of land adequate to meet the requirements of an on-site toddler play area that would also serve as an open space and SuDS feature. Therefore, the proposal does accord with saved policy CFR28 of the UDP.

5.14 Regarding off-site contributions towards junior and teenage provision, 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.

5.15 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 the contribution generated by this development would not be sufficient to fund the improvements required at the sites referred to above or provide new facilities. Therefore, the Council cannot seek any further obligations in respect of these matters.

5.16 Consequently, while it cannot be concluded that the proposed development would comply with saved policies CFR29 and CFR30 of the UDP it is

considered that it is not possible to require any contribution for play provision in this case, based on the above assessment.

5.17 COMMUNITY INFRASTRUCTURE LEVY

On 1st 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, as it is housing related. However, the development is located within Charging Zone C, which has a levy of £0 per square metre for this type of development. As such no CIL charge is liable.

5.18 DESIGN AND VISUAL AMENITY/CONSERVATION AREA/LANDSCAPING AND BOUNDARY TREATMENT

The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area, including the character and appearance of Sheriff Hill Conservation Area and would not appear out of keeping with the existing housing stock and other buildings as a result.

5.19 Furthermore, the design of the properties would create sufficient amenity space and prevent the site from being overdeveloped. Precise details of the materials to be used as part of the development (facing bricks and stone, roof slate, door and window frames, etc.) have been submitted and are considered to be acceptable in terms of preserving visual and residential amenity. Therefore, it is considered appropriate to condition that final details of materials should be submitted for approval (conditions 9 and 10).

5.20 Some boundary treatment information has been submitted showing a combination of brick walls, timber fencing and hedging, which is broadly considered to be acceptable in terms of preserving visual and residential amenity. Therefore, it is considered appropriate to condition that the final boundary treatments are submitted for approval (conditions 11 and 12).

5.21 Regarding landscaping, some details of soft and hard landscaping have been submitted but it is considered that more information is required to ensure that an appropriate landscaping scheme comes forward. This is particularly relevant in respect of replacing the hedge on the Church Road boundary and the new trees and other planting to replace the number of trees to be lost as part of the development. Therefore, it is considered necessary to condition their final approval to ensure visual amenity is preserved (conditions 13-15).

5.22 Subject to the above the development would accord with the NPPF, policy CS15 of the CSUCP and saved policies ENV3, ENV7 and DC1(c) of the UDP.

5.23 TREES

The site has several trees on it and there is also a mature hedge along the front boundary of the site with Church Road. The site is in a conservation area and hence the trees have statutory protection and cannot be removed without first requesting consent from the Local Planning Authority. This application proposes to keep only one of the existing trees, which is towards the north-east

corner of the site and proposes the remove the hedge from the front boundary too. A tree survey has been submitted, which sets out that all but two of the trees are of limited amenity value and hence should be removed and one of the two good quality trees cannot be retained, as it would unduly impact on the site layout. The report also concludes that the hedge is of poor quality and should be removed and that a high-quality landscaping scheme with replacement planting would be better than retaining the existing soft landscaping.

5.24 The submitted tree survey has been assessed and the works proposed are accepted, subject to a good quality landscaping scheme being submitted, including replacement tree planting and appropriate tree protection measures be installed for the tree to be retained. This can be controlled by conditions (conditions 3-5) and subject to them the proposed development accords with the NPPF, policy CS18 of the CSUCP and saved policy ENV44.

5.25 ECOLOGY

The proposed development site is dominated by an area of semi-improved (neutral) grassland with individual/scattered self-sown and semi-mature trees and a beech/hawthorn hedge along the southern boundary. The proposed development will result in the direct loss of most habitats on site, as is set out in the submitted ecology report, which confirms the development will result in residual impacts on biodiversity, including the direct loss of habitat for which no onsite compensation is provided/possible. In accordance with the mitigation hierarchy/NPPF the report acknowledges the requirement for suitable ecological compensation (to be delivered offsite) to ensure no net loss of biodiversity.

5.26 The Council's ecologist has identified an appropriate/proportionate biodiversity offset to be delivered on Council land near (i.e. less than 1.5 kilometres) to the proposed development site. This comprises the restoration and enhancement of an existing area of grassland requiring:

- Preparation of a concise management plan/annual maintenance programme
- Scrub clearance/control including herbicide treatment
- Annual mechanical cutting and removal/disposal of arisings offsite
- Periodic monitoring to ensure conservation objectives are achieved
- Maintenance of offset for a period of no less than 20yrs.

5.27 The provision of an appropriate biodiversity offset is secured through a S106 agreement, which means the proposed development can be delivered within ecologically acceptable limits and achieving no net loss of biodiversity and thus according with the NPPF and the relevant Core Strategy policy CS18 and saved UDP policies DC1(d), ENV44, ENV46 and ENV47.

5.28 The site is also likely to support bat activity and therefore the loss of several trees, which will support bat activity, should be mitigated against by the addition of bat roost features within the new buildings. This can be addressed by conditions (conditions 16-17).

- 5.29 An invasive non-native species plant (Cotoneaster) was identified on site during the site visit and should be dealt with appropriately in accordance with Schedule 9 of the Wildlife & Countryside Act, 1981 (as amended). An informative to that effect has been added to this recommendation.
- 5.30 Vegetation clearance should not take place during the bird breeding season wherever possible and thus a condition to that effect is recommended (condition 6).
- 5.31 FLOOD RISK AND DRAINAGE
The application has been submitted with a flood risk assessment that has assessed all sources of flooding in accordance with policy CS17 of the CSUCP. It has identified any potential risks and the layout of the development reflects this by locating the main SuDS feature and recreational area in the part of site most likely to suffer surface water flooding and likewise the houses are positioned to help minimise the risk of being flooded.
- 5.32 The principle of the drainage strategy is acceptable, but several further details are deemed necessary to ensure that the development accords with the NPPF and policy CS17 of the CSUCP. These further details include detailed drawings, electronic drainage model, adoption plan, detailed health and safety and construction method statement to ensure the required discharge rate for the site is achieved. It is considered that these amendments can be dealt with via conditions (conditions 18-19).
- 5.33 Furthermore, Northumbrian Water have offered no objection, subject to conditioning that the scheme comes forward in accordance with the submitted drainage scheme report (condition 20).
- 5.34 CONTAMINATED LAND/COAL MINING LEGACY
The site is situated on potentially contaminated land based on previous historic development use and from contamination existing in imported made ground used as a historic development platform and from contamination present in the ground from building materials/demolition arisings.
- 5.35 In view of the sensitive end use proposed and following discussions at pre-application stage the planning application is supported by a Preliminary Risk Assessment (PRA), a Phase 2 Site Investigation Report and a Remediation Statement.
- 5.36 Only a limited number of samples at the site have been undertaken over and above the 2010 report, which recommended further sample testing. Furthermore, no soil vapour monitoring has undertaken, which is also recommended in the submitted report.
- 5.37 Therefore, further ground investigation and remediation work is required to be submitted for approval by the LPA and this can be addressed by conditions. It is considered that these conditions can also address any outstanding coal mining legacy issues (conditions 21-23).

- 5.38 It is also considered necessary to apply a condition, should planning permission be granted, to address the necessary course of action if unexpected contamination not previously identified is discovered during construction (condition 24).
- 5.39 Subject to the conditions referenced above the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies ENV54 and DC1(p) of the UDP.
- 5.40 TRANSPORT AND HIGHWAYS
The principle of residential development on this site is acceptable and subject to the following paragraphs there is no objection to the scheme on transport and highways grounds.
- 5.41 The location of the access off Church Road is acceptable and a suitable visibility splay has been demonstrated. The proposed dropped kerb access is acceptable for such a small private drive serving 4 dwellings, although due to the parking which takes place on Church Road, it is considered that a white H-bar marking be installed over the access to reduce the likelihood of obstruction, which can be dealt with through a Section 38 agreement between the developer and the Council's Highway Authority.. The low boundary treatment either side will allow inter-visibility between emerging vehicles and pedestrians on the footway.
- 5.42 The access off Sourmilk Hill Lane is also acceptable given the proposed widening of the lane from 3.25m to 5m, which will enable two vehicles to pass.
- 5.43 The kerbed radii on the existing junction with Church Road will need to be reconfigured accordingly and dropped kerbs and tactile paving installed. Drainage of the Lane should be assessed as part of the widening with gullies relocated and new gullies installed where needed. Street lighting and road signs should also be relocated/upgraded at the Sourmilk Hill Lane junction. Roadside gullies and streetlighting can be addressed by conditions (conditions 25-28).
- 5.44 The 2m footway alongside the lane, the visitor parking bays and a section of the access road will also be adopted up to a point where a refuse vehicle would reverse into the site, which is 5m wide over the adopted section. Vehicle tracking of a refuse collection vehicle has been provided and is considered acceptable. Given that the access only serves 4 dwellings and vehicle tracking of a refuse vehicle has been proven the width of the proposed access as shown is accepted.
- 5.45 Any further development off Church Lane is undesirable given that it is an unadopted road already serving 5 dwellings (the maximum typically permitted) and there is poor visibility when emerging onto Church Road. However, it is considered unreasonable to object to a single additional dwelling, given that the site previously had a vehicular access off this road and as such there is a presumably a right of access. Dwelling 6 will also have a pedestrian access

onto Church Road and the visibility to the right when emerging onto Church Road will be improved by the development.

- 5.46 The car parking provision for residents is acceptable, averaging between 1 and 2 spaces per property. The provision of 4 visitor bays is also acceptable and equates to a space for every 3 dwellings.
- 5.47 Refuse collection for dwellings 1 to 6 can take place from Church Road.
- 5.48 Secure and weatherproof cycle parking for bicycles has been provided for each dwelling in the form of garages and sheds.
- 5.49 Overall, subject to the conditions set out above the proposal would safeguard highway safety and hence would accord with the NPPF and policy CS13 of the CSUCP.
- 5.50 **RESIDENTIAL AMENITY**
It is considered that the orientation of windows, the layout of the site, including car parking, and the sympathetic design approach should help to safeguard residential amenity to neighbouring properties, both existing and proposed. Furthermore, the separation distances to all the nearest neighbouring properties exceeds the relevant minimum recommendation distances of 13m and 21m respectively, and therefore visual intrusion, overshadowing, loss of light and overlooking are not considered to be issues.
- 5.51 In addition to the comments above, it is considered reasonable to condition that construction works should only take place during typical daytime hours of 8am-5pm Monday to Saturday to safeguard residential amenity (condition 29).
- 5.52 It is also necessary to condition the submission of a construction control plan to further help safeguard the amenity of nearby residents by minimising the impact of the construction phase (conditions 7-8).
- 5.53 Subject to these conditions the proposal would accord with the NPPF, policy CS14 of the CSUCP and policies DC2 and ENV61 of the UDP.
- 5.54 **REFUSE**
Each plot has sufficient rear garden space for the storage of wheeled bins, with easy access to wheel them out for collection, the road layout is good and the provision of a refuse collection area for plots 7-12 reduces the need for reversing for the 26 tonne HGV waste collection vehicles and would rationalise the bins on collection day. Therefore, it is considered that the proposal accords with the NPPF and saved policy MWR28 of the UDP.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does 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:

GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

- £15,600 off-site ecological mitigation works

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

3) That the Service Director of Development, Transport and Public Protection 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 -
PL-01; PL-02 Rev B; PL-03 Rev B; PL-04 Rev A; PL-05 Rev A; PL-06 Rev B; PL-07 Rev A; HT-3B5P-1-01 Rev B; HT-5B9P-01 Rev A; HT-5B10P-01 Rev B; HT-5B10P-02 Rev B; GAR-01; AIA TPP Rev A dated 8/10/2018.

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

Reason

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

2

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

Reason

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

3

The details shown on approved tree protection scheme plan ref AIA TPP Rev A dated 8/10/2018 for the protection of tree "T10A" shall be implemented on site, and the Local Planning Authority notified in writing, prior to all other development or other operations commencing on site.

This includes soil moving or any operations involving the use of motorised vehicles or construction machinery. Once implemented the fencing must be retained intact for the full duration of the construction of the development and there shall be no access, storage, ground disturbance or contamination within the protected areas without the prior written approval of the Local Planning Authority.

Reason

In order to maintain the health and visual amenity of the tree concerned in the interests of the visual amenity of the area and in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV44 of the Unitary Development Plan.

4

The approved tree protection plan ref AIA TPP Rev A dated 8/10/2018 shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked daily with a record of the daily checks being kept on file in the site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the Local Planning Authority being obtained all construction operations should stop until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason

In order to maintain the health and visual amenity of the tree concerned in the interests of the visual amenity of the area and in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV44 of the Unitary Development Plan.

5

Notwithstanding the submitted information, no development or other operations of any kind in connection with the construction of plot 7 shall commence on site until a site-specific manufacturers construction specification for the area shown as hatched green on the approved Tree Protection Plan AIA TPP Rev A dated 8/10/2018 has been submitted to and approved in writing by the Local Planning Authority. The design must be based on the principles recommended in the All About Trees Arboricultural Impact Assessment revision A.

Reason

In order to maintain the health and visual amenity of the tree concerned in the interests of the visual amenity of the area and in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV44 of the Unitary Development Plan.

6

No vegetation clearance works shall be undertaken during the bird breeding season (i.e. March to August inclusive). Where this is not possible a breeding bird checking survey will be undertaken by a suitably qualified ecologist immediately prior (i.e. no more than 48hrs) to the commencement of works on site. Where active nests are confirmed these must be retained undisturbed until the young have fledged and the nest(s) is no longer in use.

Reason

To safeguard biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy DC1(d) of the Unitary Development Plan.

7

Save for the tree protection works and vegetation clearance works, the development hereby approved shall not commence until a construction control plan including the hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access locations shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

8

The construction control plan approved under condition 7 shall be implemented and complied with in full during all stages of construction, until completion.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

9

Construction of the new development hereby approved shall not proceed beyond damp proof course until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the

appearance of the existing building in accordance with the NPPF, Saved Policies DC2, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

The development shall be completed using the materials approved under condition 9 and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2, ENV3 and ENV7 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 development hereby approved shall not be occupied 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 amenity of the area 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

The boundary treatment details approved under condition 11 shall be implemented wholly in accordance with the approved details prior to the development being occupied and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of amenity of the area 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.

13

The development hereby approved shall not be occupied until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, the

proposed replacement tree and hedge planting scheme, which shall include numbers, location, size and species proposed, ground preparation and planting plans noting the species, plant sizes and planting densities for all other new planting.

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 policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

The landscaping scheme approved under condition 13 shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

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 policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

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

Reason

To ensure 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 policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

Prior to the first occupation of the development, information detailing a minimum of 3no. potential bat roost features incorporated within the fabric of the new buildings shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV46 of the Unitary Development Plan.

17

The 3 potential bat roost features approved under condition 16 shall be implemented prior to the first occupation of the respective properties and retained as such thereafter.

Reason

To safeguard biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV46 of the Unitary Development Plan.

18

Save for the tree protection works and vegetation clearance works, the construction of the development hereby approved shall not be commenced until a final SuDS scheme and detailed drainage assessment (including modelling results) has been submitted to and approved in writing to the Local Planning Authority. The scheme and assessment shall include detailed drainage layout and detail designs of the SuDS components; drainage maintenance plan for the lifetime of the development; drainage construction method statement; and evidence to demonstrate that there is adequate foul and surface water public sewerage capacity based upon NWL's agreed discharge volumes and rates before connecting to the public sewerage system. All submitted information shall be in accordance with the Gateshead Council Interim SuDS Guidelines (V2).

Reason

To ensure appropriate drainage and the exploration as to sustainable drainage systems 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.

19

The details approved under condition 18 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

To ensure appropriate drainage and the exploration as to sustainable drainage systems 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.

20

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk & Drainage Impact Assessment Revision B (18N2004/Rep001/RevisionB) by Billingham George & Partners for Church Road, Gateshead for New Forest Developments" dated "18 July 2018". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 4505 and

ensure that surface water discharges at a restricted rate to the combined water sewer at manhole 4505. The surface water discharge rate shall not exceed 5l/s into this sewer.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

21

Save for the tree protection works and vegetation clearance works, the development hereby approved shall not be commenced until a reassessment of the contamination / ground gas findings and recommendations provided in the Atkins 2010 phase 2 report shall be undertaken, and where necessary further Phase 2 site investigations undertaken. The findings are to be provided in a Remediation Statement with proposals for remedial mitigation measures to deal with soil contamination, coal mining legacy and ground gas related issues at the site and should be submitted for the written approval of the Local Authority.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

22

The details of remediation measures approved under condition 21 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

23

Following completion of the remediation measures approved under condition 21 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted and maintained for the life of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

24

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. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

25

Prior to works commencing on the widening of Sourmilk Hill Lane details where the existing roadside gullies are to be relocated to and details of new gullies to be installed where needed shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

26

The roadside gullies approved under condition 25 shall be implemented prior to the first occupation of the development and shall be retained as such thereafter.

Reason

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

27

Prior to the first occupation of the development hereby approved full details of the proposed street lighting scheme, including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

28

The street lighting details approved under condition 27 shall be implemented in accordance with the timetable approved under condition 27 and maintained as such for the life of the development.

Reason

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

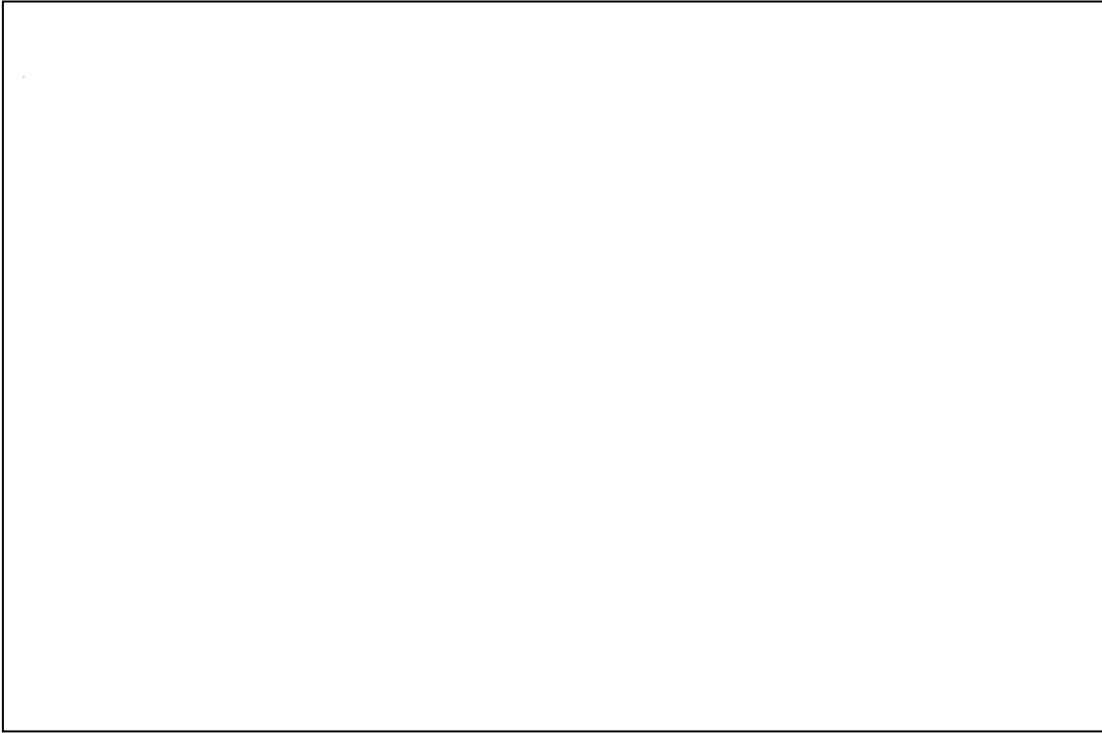
29

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 policies DC1(h), 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.



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Committee Report

| | |
|-------------------------------|---|
| Application No: | DC/18/00972/HHA |
| Case Officer | George Spurgeon |
| Date Application Valid | 30 August 2018 |
| Applicant | Mr Kevin Whing |
| Site: | 4 Cleasby Gardens Gateshead NE9 5HL |
| Ward: | Low Fell |
| Proposal: | Single storey extension (retrospective) and decking to rear (final amendment 22.10.18) |
| Recommendation: | GRANT |
| Application Type | Householder Application |

1.0 The Application:

1.1 BACKGROUND

This planning application was considered at the Council's Planning and Development Committee on 31 October 2018 where Members resolved to defer the application for a site visit. The site visit took place on 15 November 2018.

1.2 DESCRIPTION OF THE SITE

The application concerns 4 Cleasby Gardens, Low Fell. The property is a semi-detached dwelling located within a residential street scene. Adjoining property number 2 Cleasby Gardens is a corner plot with the side of the house fronting Heathfield Road.

1.2 Externally the property is finished in red facing brick at ground level and a pebble dash render at first floor level, typical of the area. The dwelling features a hipped roof finished in red plain tiles, but there is more variation of this on the street as some of the properties on the south of the street have darker concrete roof tiles. The property has a rounded bay window at both ground and first floor level and a gable detail above. The properties on the street also have similar details to the front and overall there is a general consistent style throughout the street with some variation of materials.

1.3 The property has a garage to the side and an existing two storey extension to the rear. This extension has a hipped roof with a ridge height of approximately 6.8 metres for a projection of 2.8 metres, and is located 4.1 metres away from the boundary with number 2. This extension did not require planning permission when it was built in 2003, according to the building control records.

1.4 Like its adjoining neighbour (no.2) the application property was built with a rounded bay window on the ground floor, rear elevation. The bay

window of each property serves the habitable room closest to the shared boundary.

- 1.5 The property benefits from a large amount of garden space to the rear and the land slopes down in a westerly direction to the end of the rear garden. The host property is also on a slightly lower land level than neighbour number 2. A hedge is located along the boundary between these two properties, with a short section of fence in between the end of the hedge and the rear elevation of the properties.
- 1.6 **DESCRIPTION OF THE APPLICATION**
The application seeks part retrospective planning permission for a single storey extension to the rear of the property. At the time of writing only the external walls of the extension have been constructed.
- 1.7 The extension is positioned so that it would replace the rear bay window. It is located approximately 0.5 metres away from the boundary with number 2 Cleasby Gardens and will have a projection of 2.8 metres from the rear wall of the house so that it will be in line with the existing two storey extension. The external walls of the extension are finished in brickwork that matches the existing house and the roof will be finished in clay Marley Modern flat tiles to match the colour of the existing roof tiles of the house. There will be no windows in the side elevation of the extension and no roof lights are proposed to be installed.
- 1.8 The extension will have a lean-to style roof with a ridge height of approximately 4 metres and an eaves height of 2.5 metres. This is measured from the ground level immediately adjacent to the rear wall of the house, as shown on the plans. After undertaking a site visit it was noted that the land level slopes down from the rear wall of the house towards the end of the garden, so the brickwork that forms the rear elevation of the extension continues below by approximately 0.4 metres, as shown on the amended plans. The gap between the ridge of the roof and the bottom of the first-floor window above is approximately 130 millimetres.
- 1.9 The applicant has amended the application plans to include a decked area that would be accessed via the bi fold doors on the rear elevation. The decking has not yet been installed and is shown on the plans as measuring 3.65 metres wide and 2 metres deep. The decking will be 400 millimetres in height. There will be no windows in the side elevation of the extension and no roof lights are proposed to be installed.
- 1.10 **PLANNING HISTORY**

None

2.0 Consultation Responses

None

3.0 Representations:

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

3.2 One letter of objection received by neighbour. The concerns raised are summarised below:

- The applicant did not notify the neighbours of the development before the work started;
- The extension is overbearing;
- The extension causes loss of light and overshadowing;
- Loss of outlook;
- The extension is out of character with the area;
- Overdevelopment;
- Maintenance of boundary fence and hedge;
- The plans and the application form are inaccurate;
- Drainage.

3.3 The application is being determined at the Planning and Development Committee at the request of three councillors (Councillor Hood, Councillor Duggan and Councillor Beadle).

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

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are set out below:

5.2 IMPACT ON STREET SCENE

Saved Unitary Development Plan (UDP) policy ENV3 along with Core Strategy and Urban Core Plan (CSUCP) policy CS15 require 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 12 of the NPPF (2018) which places a strong emphasis on the requirement for good design.

5.3 The extension is to the rear of the property, although it is possible to see the top of it from Heathfield Road. No development is proposed in this application that affects the front of the property. However, given the scale of the extension and the distance it is located from Heathfield Road, although it can be seen, it is not prominent within the street scene and is not considered to have a detrimental impact on the character of the area. The bay window to the rear of the property will be removed as part of the works, but, as it is located to the rear, it is only visible from the applicants rear garden and that of number 2, so it cannot be considered to have a detrimental impact on the street scene. Further to this, planning permission would not be required to remove this bay window.

5.4 The roof will be finished in clay Marley modern flat roof tiles of a colour to match the existing roof tiles. It would not be possible to have plain tiles of an exact match because of the pitch of the roof. However, the proposed roof tiles are considered to be appropriate for this location. Further to this, as the extension is only visible from Heathfield Road by looking over the boundary fence of 2 Cleasby Gardens and across their rear garden, the tiles would not be highly visible.

5.5 It is considered that the scale and design of the development as a whole is appropriate to the host property and surrounding area. To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials is recommended. It is considered that the development is in accordance with policy ENV3 of the Unitary Development Plan for Gateshead (UDP) and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).

5.6 HIGHWAY IMPACTS

The proposal 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.

5.7 RESIDENTIAL AMENITY

The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is a key aspect 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.

- 5.8 The Householder Alterations and Extension Supplementary Planning Document (HAESPD) advises that extensions to the rear should be limited to a projection of 3 metres on semi-detached houses. The extension in this application is of a reasonably small scale, with a projection of 2.8 metres and leaves a gap of approximately 0.5 metres between the boundary with number 2.
- 5.9 The HAESPD also advises that extensions:
- “should be designed so as not to project beyond a 45° line (on plan) that extends from the centre of an adjoining neighbours’ nearest ground floor habitable room window, which is perpendicular to the proposed extension.”*
- 5.10 The closest habitable room window in the rear elevation of number 2 is a bay window that serves a living room. This assessment has been carried out on this extension and the 45° line does not extend further than the centre of the bay window of number 2. The line was drawn to the back of the bay window, which is perpendicular to the extension. Therefore, due to the modest scale of the extension and its compliance with this policy, it is considered that the extension will not have an unacceptable impact on the residential amenity of the occupiers of number 2 in terms of overshadowing, loss of light, loss of outlook or an overbearing visual impact.
- 5.11 There will be no windows in the side of the extension facing the boundary, so the extension will not cause any loss of privacy.
- 5.12 A site visit was undertaken, which included going to meet the occupants of number 2 in their living room and rear garden to view the impact of the extension. The extension is visible from the living room and rear garden of number 2. However, this does not automatically mean the extension therefore must have an overbearing visual impact. Due to the distance the extension is located away from the boundary, 0.5 metres, the limited projection of under 3 metres and the extension being single storey it cannot be concluded that the extension would have an overbearing visual impact. The addition of the roof, when the extension would be completed, would not significantly increase the height of the extension. Further to this, the extension is not much taller than the existing hedge that runs along the boundary between the two properties, which effectively screens much of the extension from number 2.
- 5.13 With regards to the outlook from the bay window, the extension sees a small section of open space replaced with a brick wall, but this in itself is not a reason to warrant the refusal of an application. The extension

can be seen from the living room, but only when looking directly to the left, towards the boundary. The bay window is made up of five panels of glass. When looking through the middle panel the extension cannot be seen and there is a clear unimpeded view of the occupant's rear garden and the hedge that borders the two properties. Therefore, the extension will not have an unacceptable impact on the outlook from this bay window, as there clearly remains a high level of outlook from the living room of number 2.

- 5.14 Decking is a common feature in many gardens and it is not considered that this element raises any concerns regarding any impact on the living conditions of the neighbouring occupiers.
- 5.15 It is considered that the proposed development would not have an unacceptable impact on the nearby residential properties as it would not result in a harmful increase in loss of light, overshadowing or visual intrusion. Therefore, it is considered that the proposal is in accordance with saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.16 **OTHER MATTERS**
In the objection letter that was received, concerns are raised over the application form and submitted plans being inaccurate. The application form states that no hedges have been pruned, which the letter states is incorrect. However, the hedge is not protected so can be pruned by the applicant without needing any permission from the Council.
- 5.17 Another concern was raised over the plans not showing all of the drainage and soil pipes that are and that will be in place after the completion of the extension. The Tyne and Wear Validation checklist sets out the information that should be included on plans as part of an application. There is no mention of the need to show all of the drainage and soil pipes on the plans. This is something that would be dealt with at the building control stage if the application were to be granted planning permission.
- 5.18 The future maintenance of the extension, boundary fence and hedge are not material considerations, nor is the alleged lack of communication from the applicant in advance of the building work starting. Section 73A of the Town and Country Planning Act 1990 allows for the determination of retrospective planning applications and these should be treated in exactly the same way as if building work had not commenced.
- 5.19 If the extension was not physically joined to an earlier two storey, rear extension (that did not require planning permission when it was built) the proposed extension would be considered to be Permitted Development, such is its modest scale.

6.0 CONCLUSION

6.1 Taking all the relevant planning policies into account along with all other material planning considerations, it is recommended that planning permission be granted, subject to conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

Location Plan 1:1250

Proposed Elevations 1:50 (received 22.10.18)

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

Reason

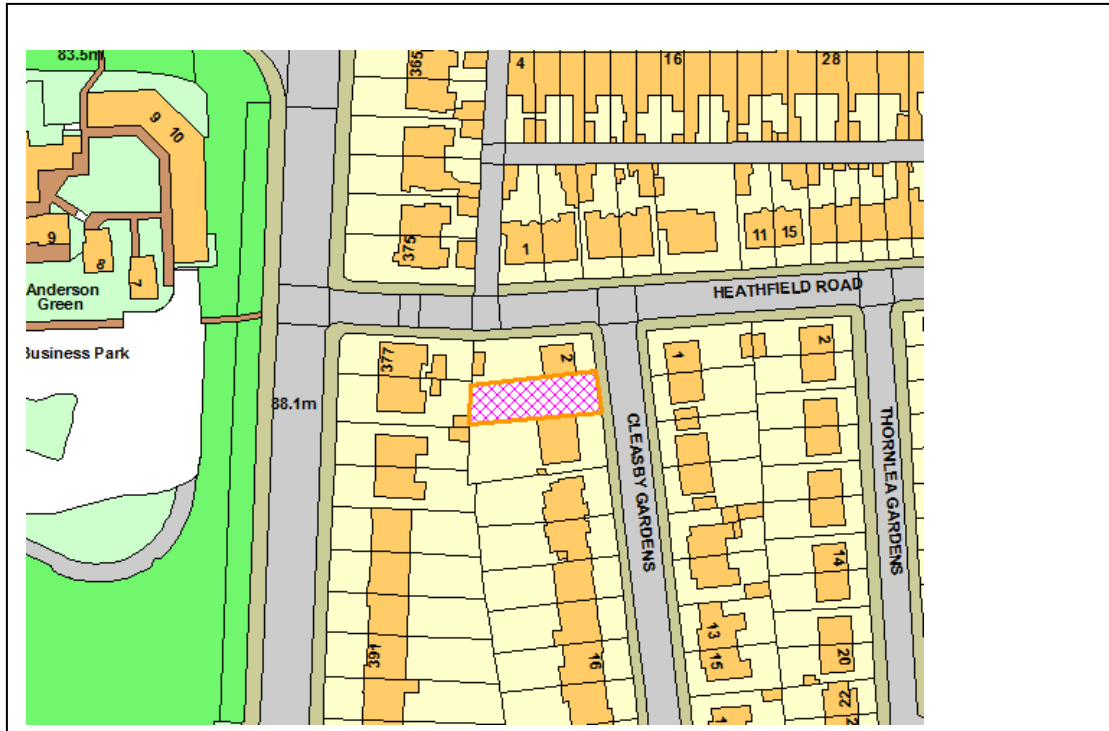
In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development hereby permitted shall be constructed entirely of the materials detailed and shown on the Existing and Proposed Plans and Elevations plan apart from the roof of the extension which will be finished in clay Marley modern flat roof tiles of a colour to match the existing roof tiles of the house.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality 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.



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TITLE OF REPORT: Planning and Development Committee site visit in advance of the meeting on 12 December 2018

REPORT OF: Anneliese Hutchinson, Service Director, Development, Transport and Public Protection

Purpose of the Report

1. To inform members of a planning application which is scheduled to be reported to Planning and Development Committee on 12 December 2018 and to request members to decide if they wish to visit the site (6 December 2018) in advance of that meeting.

Application Reference DC/16/00698/OUT (Former Wardley Colliery/Former JW Coats and Sons Ltd, Wardley Lane, Felling, Gateshead)

Outline application for no more than 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. All matters reserved (additional information and amended 07/02/18, additional information 29/05/18 and amended 10/09/18).

2. The above application was received and made valid on 13th July 2016.

Prior to submission, the applicant undertook public consultation by way of a flyer drop in the local area and subsequently a public drop-in session was held at Priory Court, Manor Gardens, Wardley on 9th June 2016.

Following receipt of the application the Local Planning Authority also notified a total of 63 local residents by letter to give them the opportunity to make representations on the application and 3 site notices were displayed around the site. The development was also advertised in the press. On the back of this a letter of support from Ward members Stuart and Linda Green was received, as well as one letter of objection and one letter of support from local residents.

The application was reported to Planning and Development Committee on 25th January 2017 and was deferred for a site visit. The site visit took place on 9th February 2017 prior to the application being debated at Committee on 15th February 2017. At this meeting, the decision was taken to defer the application to allow further discussions between the applicant and the Local Planning Authority (LPA) in respect of Green Belt, ecology and the other key issues highlighted in the officer report.

Following extensive discussions with the applicant further information was submitted to the LPA on 7th February 2018, which included reducing the total possible number of houses down from 155 to 144 and further information in respect

of Green Belt impact, Ecological impacts, viability, drainage, access and landscape. The LPA issued further neighbour notification letters to local residents on 9th February 2018 and a total of 6 letters of support were received and a further letter neither supporting nor objecting.

Separate from the LPA's neighbour notification process the landowners undertook their own public consultation process, which took the form of letter drops and door knocking. This resulted in a total of 140 individual letters of support, all individually signed, being received in one bundle by the LPA on Friday 20th April 2018.

Further additional information was received on 29th May 2018 and an amended Transport Assessment (TA) was received on 10th September 2018 to bring it up to date, given the length of time that has elapsed since the previous TA was undertaken.

3. The application site is previously developed land within Green Belt land that forms the strategic gap between Wardley and Hebburn and hence prevents Gateshead from merging with South Tyneside.

The current outline application proposes the erection of no more than 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works.

4. Officers consider that it would be beneficial for members to view the site prior to making a determination, given the length of time that has elapsed since the previous site visit and changes to Committee membership.

Recommendations

4. It is recommended that the Committee
 - (i) Resolve whether or not to visit the above site in advance of the meeting on 12 December 2018.

Contact: Andrew Softley - extension 2743

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

Nil.

8. WARD IMPLICATIONS

Wardley and Leam Lane

9. BACKGROUND INFORMATION

Nil

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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 21 November 2018

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.

| Application ref. | Nature of proposed development | Location of proposed development | Decision | Ward |
|-------------------------|---|---|-----------------|--------------------------------|
| DC/18/00699/HHA | Provision of external access ramp to front of property. | 112 South Sherburn, Rowlands Gill, | Granted; | Chopwell And Rowlands Gill |
| DC/18/00704/FUL | Construction of 89 residential dwellings, including access to Pennyfine Road and associated infrastructure and landscaping (amended 18/07/18, 28/08/18, 04/09/18, 25/09/18 and 24/10/18 and additional information received 31/07/18, 04/09/18, 14/09/18, 08/10/18, 19/10/18 and 23/10/18). | Land West Of Pennyfine Road, Sunnyside, | Granted; | Whickham South And Sunnyside |
| DC/18/00722/TPO | Beech tree located in the front garden to have a crown reduction, 3m height, 2m width. | Newlands , 30B Broom Lane, | Granted; | Dunston Hill And Whickham East |
| DC/18/00740/HHA | Wall along east boundary and front gates to serve driveway (amended 28.10.18) | 65 Grange Lane, Whickham, | Granted; | Whickham South And Sunnyside |

| | | | | |
|-----------------|---|---|----------|-----------------------------|
| DC/18/00755/HHA | First floor extension over side garage, rear sunlounge, external stairs and balustrade to existing balcony and reconstruction of front boundary wall (amended 01.11.18) | 6 Ravensworth Avenue, Eighton Banks, | Granted; | Lamesley |
| DC/18/00770/FUL | Construction of single storey log cabin (Use Class C3) with associated access, hardstanding and landscaping | Land At Longridge Road, Blaydon Burn, | Refused; | Crawcrook And Greenside |
| DC/18/00809/HHA | Single storey side and rear extension and decking to rear (as amended 29.10.2018) | Hazeldene , 8 East View, | Granted; | Chopwell And Rowlands Gill |
| DC/18/00867/FUL | Resubmission of application DC/18/00277/FUL to convert and extend storage/garage area at side of building and change of use to self-contained house (Use Class C3) | 4 West Way, Winlaton, | Granted; | Blaydon |
| DC/18/00848/COU | Change of use from Newsagent (use class A1) to Cafe (use class A3) and incorporation of adjacent land to form seating area (additional information received 27/09/18 and 19/10/18). | The Clavering Centre, Martin The Newsagent Ltd , Oakfield Road, | Granted; | Whickham South And Sunnside |

| | | | | |
|-----------------|--|-------------------------------------|----------|--------------------------------------|
| DC/18/00870/HHA | Single storey side and rear extension. | 10 Ruskin Road, Birtley, | Granted; | Birtley |
| DC/18/00873/HHA | First floor side extension | 1 Harcourt Park, Low Fell, | Granted; | Low Fell |
| DC/18/00933/HHA | Single storey side extension to replace garage (amended 05.11.18) | 331 Rawling Road, Gateshead, | Granted; | Saltwell |
| DC/18/00891/HHA | New first floor gym/ study to be built above existing detached garage | 54 Whaggs Lane, Whickham, | Granted; | Dunston Hill And Whickham East |
| DC/18/00892/HHA | Single storey side and rear extension | 31 Milton Road, Whickham, | Granted; | Whickham North |
| DC/18/00894/HHA | Demolition of outbuildings, erection of single storey side and rear extension, ramped access and hard standing to rear | 81 Keir Hardie Avenue, Wardley, | Granted; | Pelaw And Heworth |
| DC/18/00899/HHA | Two storey side extension | 6 Buttermere Gardens, Sheriff Hill, | Granted; | Low Fell |
| DC/18/00902/HHA | Single storey rear extension | 2 Bowes Close, Sunnyside, | Granted; | Whickham South And Sunnyside |
| DC/18/00903/HHA | Extension to front and conversion of garage | 28 Douglas Gardens, Dunston Hill, | Granted; | Dunston Hill And Whickham East |

| | | | | |
|-----------------|---|--|----------|----------------------------|
| DC/18/00904/HHA | Single storey rear extension | 8 Portobello Way, Portmeads, | Granted; | Birtley |
| DC/18/00910/HHA | Single storey extension to rear of building with succah roof. | 54 Grasmere Street, Bensham, | Granted; | Saltwell |
| DC/18/00995/HHA | Single storey front extension | Merriden, Taylor Avenue, | Granted; | Chopwell And Rowlands Gill |
| DC/18/00997/HHA | Proposed two storey side extension, block paving, boundary treatment and vehicular crossing to front garden | 1 Lingshaw, Felling, | Granted; | Wardley And Leam Lane |
| DC/18/00921/FUL | installation of a modular metal mesh access ramp and stepped access to a communal domestic residence. | 7- Appledore Close , Rockwood Hill Road, | Granted; | Crawcrook And Greenside |
| DC/18/00925/HHA | Outbuilding in the garden measuring 7.53 length x 3.06 width x 2.63 mt tall from ground and construction of 1.69 mt tall brick wall with 1 mt tall fence on top | 18 Wynbury Road, Sheriff Hill, | Granted; | Low Fell |
| DC/18/01008/HHA | Proposed conservatory, dormer and access ramp to rear | 42 Coniston Gardens, Gateshead, | Granted; | High Fell |
| DC/18/00927/HHA | Single storey rear extension with porch to front elevation | 19 Cherrytree Gardens, Low Fell, | Granted; | Low Fell |
| DC/18/00929/HHA | Retrospective single storey rear extension | 78 Bewick Road, Bensham, | Granted; | Bridges |

| | | | | |
|-----------------|--|---------------------------------------|----------|------------------------------|
| DC/18/00934/HHA | Retrospective enlargement of existing driveway | 34 Lockwood Avenue, Gateshead, | Granted; | Lamesley |
| DC/18/00937/HHA | The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The creation of a new opening in the boundary wall followed by the laying of new paving to marry access ramp in with public footpath. The Supply and installation of a new low access UPVC front door | 41 Keir Hardie Avenue, Wardley, | Granted; | Pelaw And Heworth |
| DC/18/00957/TPO | Tree works at 26 Cedars Green | 26 Cedars Green, Gateshead, | Granted; | Chowdene |
| DC/18/00958/TPO | Tree works at Woodlands, Derwent Avenue, Rowlands Gill | Woodlands, Derwent Avenue, | Refused; | Chopwell And Rowlands Gill |
| DC/18/00959/FUL | Variation of condition 2 of DC/08/00422/FUL to increase the hours of use of floodlights from no later than 20:45 Monday to Thursday to no later than 21:00 Monday to Friday | Hedley Lawson Park, Eastwood Gardens, | Granted; | Low Fell |
| DC/18/00983/HHA | Proposed balcony and staircase to rear | 4 Norhurst, Whickham, | Granted; | Whickham South And Sunnyside |

| | | | | |
|-----------------|---|-----------------------------------|-------------------------------|--------------------------------|
| DC/18/00967/HHA | Proposed single storey side and rear extension | 13 Burnmoor Gardens, Wrekenton, | Granted; | High Fell |
| DC/18/00975/HHA | Front porch and canopy, garage conversion and rear single storey extension | 8 Dockendale Lane, Whickham, | Granted; | Dunston Hill And Whickham East |
| DC/18/01004/HHA | Proposed two storey rear extension | 2 School House, Lobley Hill Road, | Granted; | Whickham South And Sunnyside |
| DC/18/00973/HHA | Proposed two storey side extension and conversion of existing garage in to habitable room | 72 Meadow Rise, Beacon Lough, | Granted; | High Fell |
| DC/18/00980/FUL | Installation of five replacement roller shutters to windows in apse (south elevation) | The Sound Room, Redheugh Studios, | Granted; | Lobley Hill And Bensham |
| DC/18/00986/HHA | Two storey extension to side and single storey extension to front | 9 Whitmore Road, Blaydon, | Granted; | Blaydon |
| DC/18/00990/HHA | Two storey side extension and single storey rear extension | 10 Ringle Close, Festival Park, | Granted; | Lobley Hill And Bensham |
| DC/18/01003/ADV | Display of non-illuminated individual lettering reading "MORRISONS" | 34 Durham Road, Birtley, | Temporary permission granted; | Birtley |

DC/18/01014/FUL

Erection of security fencing to rear yard/parking area and minor landscaping alterations (Revised application)

Redforrest House , Queens Court North,

Granted;

Lobley Hill And Bensham

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TITLE OF REPORT: Enforcement Team Activity

REPORT OF: Anneliese Hutchinson, Service Director, Development, Transport and Public Protection

Purpose of the Report

1. To advise the Committee of the activity of the Enforcement Team since the last Committee meeting.

Background

2. The Enforcement team deal with proactive and reactive investigations in relation to Planning, Highway and Waste related matters.

Recommendations

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

Within the date range commencing 17.10.18 and ending 07.11.18, the enforcement team has received **77** new service requests:

| Type of complaint | Cases under investigation | New complaints received | Cases allocated to officer | Cases resolved | Pending prosecutions |
|-------------------|---------------------------|-------------------------|----------------------------|----------------|----------------------|
| PLANNING | 372 | 24 | 16 | 17 | 2 |
| HIGHWAYS | 212 | 25 | 6 | 13 | 0 |
| WASTE | 504 | 28 | 9 | 10 | 40 |
| TOTALS | 1088 | 77 | 31 | 40 | 42 |

COURT HEARINGS

The Enforcement Team attended **three** Court Hearings, **one** of which were finalised, resulting in **£0** fines and **£0** costs

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
21st November 2018**

TITLE OF REPORT: Enforcement Action

**REPORT OF: Anneliese Hutchinson, Service Director,
Development, Transport and Public Protection**

Purpose of the Report

1. To advise the Committee of the progress of enforcement action previously authorised by the Committee.

Background

2. The properties, which are the subject of enforcement action and their current status, are set out in Appendix 2.

Recommendations

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

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

8. WARD IMPLICATIONS

Birtley, Bridges, Blaydon, Pelaw & Heworth, Chowdene, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Windy Nook And Whitehills, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

| Item Number | Site | Ward | Alleged Breach of Planning Control | Date Approval given for Enforcement Action | Date Served | Date Notice comes into Force | End of Compliance Period | Current Status |
|-------------|--|--------------------------|--|--|--|--|--|---|
| 1. | Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead | Winlaton and High Spen | Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies. | 25 March 2013 | 25 March 2013 | 29 April 2013 | 29 June 2013 | Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the 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. |
| 2. | Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead | Winlaton and High Spen | Erection of a breeze block building | 25 March 2013 | 25 March 2013 | 29 April 2013 | 29 June 2013 | Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigations, it was established that a building had been erected without consent. The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building No appeal has been received and the notice has taken effect. The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future A site visit has been arranged for the week commencing the 29 th October to look at the costs of carrying out work in default. |
| 3. | Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One) Known as South West Farm Site Two) | Swalwell Swalwell | Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture | 11 January 2016 11 January 2016 | 12 January 2016 12 January 2016 | 15 February 2016 15 February 2016 | 14 March and 4 July 2016 14 March and 4 July 2016 | Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development. As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. Both defendants pleaded guilty at Newcastle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months. The site has recently been revisited and it is likely further action will be required. |

| Item Number | Site | Ward | Alleged Breach of Planning Control | Date Approval given for Enforcement Action | Date Served | Date Notice comes into Force | End of Compliance Period | Current Status |
|-------------|---|-----------------------|--|--|--------------------------------|--------------------------------|---|---|
| | (Known as South West Farm Site Three) | Swalwell | and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste. Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair | 11 January 2016 | 12 January 2016 | 15 February 2016 | 14 March and 4 July 2016 29 th Sep 2018 | |
| 4. | 23 Hopedene Felling Gateshead NE10 8JA | Wardley And Leam Lane | Unightly Land | 19 th October 2017 | 19 th October 2017 | 23 rd November 2017 | 4 th January 2018 | Complaints were received regarding the condition of the garden. the enforcement notice was not complied with and the owner was therefore prosecuted. The defendant attended court on the 13 th June and was found guilty and ordered to pay a £300 fine and £100 costs. Estimates have been received to do works in default. Officer are currently assessing the quotes against the proposed timescales to complete the works. |
| 5. | Gleeson's housing site, formally grazing land between Portobello Road Birtley | Birtley | Breach of Planning Conditions | 29 TH November 2017 | 29 th November 2017 | 29 th November 2017 | 26 th December 2017 | Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site. Conditions have now been submitted and discharged. The Council are awaiting confirmation from the Developer to confirm when they are due to recommence works on site. A site visit was undertaken on the 26 th September to see if work had re commenced on site. Although there were no builders on site at the time of the visit, it appears that development has re commenced since the Temporary Stop Notice was served as the most recent unit constructed has now had its roof erected. A letter has been sent to the developer, from the Councils Legal Department asking them to consider erecting a secure hoarding to prevent continued visual impact on the amenity of the area and to protect the site from unauthorised access. |

| Item Number | Site | Ward | Alleged Breach of Planning Control | Date Approval given for Enforcement Action | Date Served | Date Notice comes into Force | End of Compliance Period | Current Status |
|-------------|---------------------------------------|----------------------------|------------------------------------|--|-------------------------------|--------------------------------|-----------------------------|--|
| | | | | | | | | |
| 6.A | 44 Ponthaugh Rowlands Gill NE39 1AD | Chopwell and Rolwands Gill | Unauthorised change of use | 12 th January 2018 | 12 th January 2018 | 16 th February 2018 | 16 th March 2018 | Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. An enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. The notice has not been fully complied with. Prosecution files are now being prepared. |
| 7. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27 th March 2018 | 28 th March 2018 | 28 th March 2018 | 28 th April 2018 | <p>Despite communication with the occupiers and owners of the site, conditions relating to planning permission DC/12/01266/MIWAS have not been discharged.</p> <p>Notice served in relation to breach of condition 12 to require submission of a noise monitoring scheme for all restoration activities. A Consultant has been employed by the owner and occupiers of the site to address the issues contained within each of the Notices. The Consultant is currently working with the Council to secure compliance.</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted.</p> |
| 8. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27 th March 2018 | 28 th March 2018 | 28 th March 2018 | 28 th April 2018 | <p>Notice served in relation to breach of condition 13 to require submission of a vibration monitoring scheme for all restoration activities. This condition has not been discharged</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p> |
| 9. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27 th March 2018 | 28 th March 2018 | 28 th March 2018 | 28 th April 2018 | <p>Notice served in relation to Breach of condition 14 to require Submission of a scheme for the management and minimisation of dust from restoration activities. This condition has not been discharged</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p> |
| 10. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27 th March 2018 | 28 th March 2018 | 28 th March 2018 | 28 th April 2018 | <p>Notice served in relation to breach of condition 18 to require the Submission of a report to the Council recording the operations carried out on the land during the previous 12 months. This condition has not been discharged</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p> |
| 11. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27 th March 2018 | 28 th March 2018 | 28 th March 2018 | 28 th April 2018 | <p>Notice served in relation to breach condition 23 to require Submission of details of a drainage system to deal with surface water drainage, and implementation of agreed scheme. This condition has not been discharged</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p> |

| Item Number | Site | Ward | Alleged Breach of Planning Control | Date Approval given for Enforcement Action | Date Served | Date Notice comes into Force | End of Compliance Period | Current Status |
|-------------|---|-------------------------------|------------------------------------|--|--------------------|------------------------------|--------------------------|---|
| 12. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | 28th March 2018 | 28th April 2018 | Notice served in relation to breach condition 24 to require submission of a timetable and a maintenance scheme to the Council for the installation and maintenance of the drainage system. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted |
| 13. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | 28th March 2018 | 28th April 2018 | Notice served in relation to breach of condition 25 to require the Submission of an up to date survey of Cell 2 in relation to clearance heights beneath the electricity power lines. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted |
| 14. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | 28th March 2018 | 28th April 2018 | Notice served in relation to breach condition 26 to require the submission of details for the illuminate activities on site. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted |
| 15. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | 28th March 2018 | 28th April 2018 | Notice served in relation to Breach of condition 27 to require the submission of details as requested in condition 27 of permission DC/12/01266/MIWAS. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted |
| 16. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | 28th March 2018 | 28th April 2018 | Notice served in relation to breach of condition 28. To require submission of details for alternative provision for Sand Martin nesting and other bat and bird boxes and a timetable for implementation. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted |
| 17. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | 28th March 2018 | 28th April 2018 | Notice served in relation to breach of condition 31. To require the submission of details for reflective road marking scheme adjacent to the site access on Lead Road. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted |
| 18. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | 28th March 2018 | 28th April 2018 | Notice served in relation to breach of condition 32 to require the Submission of a timetable for the early restoration of the north east corner of the site. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted |
| 19. | Blaydon Quarry , Lead Road, Gateshead | Crawcrook and Greenside | Breach of Planning Conditions | 27th March 2018 | 28th March 2018 | 28th March 2018 | 28th April 2018 | Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter of leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays. A site visit was undertaken on the 20 th June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored. |

| Item Number | Site | Ward | Alleged Breach of Planning Control | Date Approval given for Enforcement Action | Date Served | Date Notice comes into Force | End of Compliance Period | Current Status |
|-------------|--|------------------------|------------------------------------|--|---------------------------------|---------------------------------|--------------------------------|--|
| 20. | 25 Sundridge Drive Felling Gateshead NE10 8JF | Wardley And Leam Lane | Unauthorised change of use | 10 th August 2018 | 10 th August 2018 | 14 th September 2018 | 12 th October 2018 | Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. An appeal has been received but no start date has been given yet. |
| 21. | 27 Sundridge Drive Felling Gateshead NE10 8JF | Wardley And Leam Lane | Unauthorised change of use | 10 th August 2018 | 10 th August 2018 | 14 th September 2018 | 12 th October 2018 | Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. An appeal has been received but no start date has been given yet. |
| 22. | Blaydon and District Club and Institute, Garden Street | Blaydon | Untidy Land | 03 rd September 2018 | 03 rd September 2018 | 5 th October 2018 | 30 th November 2018 | Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished Given the potential bat roost, Natural England will not issue a licence for the roost to be destroyed until after the hibernation period which is November to March. |
| 23. | Three Ts Bar, Longrigg Gateshead | Whickham North | Untidy Land | 05 th September 2018 | 05 th September 2018 | 5 th October 2018 | 30 th November 2018 | Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and a hoarding erected. The owner has been in contact and will submit a scope of works with timescales to make this building safe and in part to be brought back into use, rather than demolish property. |
| 24. | 3 Westwood View, Crawcrook, Ryton, NE40 4HR | Crawcrook and Greeside | Untidy Land | 21 st August 2018 | 23 rd August 2018 | 20 th September 2018 | 23 rd October 2018 | Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring works to be undertaken to repair the garage roof, utility roof, windows, facias and gutters and the land to be cleared and tidied. The Notice has now been fully complied with. Permission is sought from Committee to remove this item from the report. |
| 25. | 3 Charlton Villas, Greenside, Ryton NE40 4RR | Crawcrook and Greeside | Untidy Land | 18 th October 2018 | 18 th October 2018 | 15 th November 2018 | 13 th December 2018 | Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring works to be undertaken to repair the garage roof, utility roof, windows, facias and gutters and the land to be cleared and tidied. |
| 26. | 321 And 323 Rectory Road Bensham Gateshead NE8 4RS | Saltwell | Unauthorised change of use | 7 th November 2018 | 7 th November 2018 | 11 th December 2018 | 8 th January 2019 | Complaints have been received regarding the use of a dwelling as a House of Multiple Occupation (HMO). A previous planning application was refused for the change of use and the subsequent appeal dismissed; therefore, an Enforcement Notice has been issued requiring the use of the property as an HMO to cease. |

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
21 November 2018**

TITLE OF REPORT: Planning Appeals

REPORT OF: Anneliese Hutchinson, Strategic Director, Communities
and
Environment

Purpose of the Report

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

New Appeals

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

Appeal Decisions

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

DC/18/00244/ADV - 592-596 Durham Road, Gateshead NE9 6HX
Display of 1 x 48 sheet LED advertisement with changeable content on gable elevation.

This application was a delegated decision refused on 19 April 2018.
Appeal dismissed 16 October 2018.

Details of the decisions 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



The Planning Inspectorate

Appeal Decision

Site visit made on 2 October 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 16 October 2018

Appeal Ref: APP/H4505/Z/18/3202633

592-596 Durham Road, Gateshead, NE9 6HX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Alan Mottershead against the decision of Gateshead Council.
 - The application Ref DC/18/00244/ADV, dated 14 March 2018, was refused by notice dated 19 April 2018.
 - The advertisement proposed is a 1 x 48 sheet LED advertisement with changeable content.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and replaced the version published in 2012. None of the revisions to the Framework materially affect the issues in this appeal. However, for clarity, references made to the Framework in this decision are to the 2018 version.

Main Issue

3. The main issue is the effect of the proposed advertisement on the character and appearance of the host building and the surrounding area, and whether it would preserve or enhance the character or appearance of the Low Fell Conservation Area.

Reasons

4. The appeal property is a two storey brick building with an ornate frontage at upper floor level and shop units at ground floor level. It is the former Co-op building and is identified by the Council as a Building of Local Interest. It is also within the Low Fell Conservation Area which covers much of this suburb of Gateshead including the shopping area and principal public buildings along Durham Road. It is diverse in character and appearance but includes a number of early nineteenth century vernacular buildings and Victorian terraces and villas. The appeal property along with the other traditional buildings in this part of Durham Road makes a positive contribution to the street scene and plays a role in defining the character of the area, which is part of the Conservation Area's significance as a heritage asset.

<https://www.gov.uk/planning-inspectorate>

5. The regulations require that advertisements are subject to control only in the interests of amenity and public safety (taking account of cumulative impacts). The National Planning Practice Guidance notes that amenity is not defined in the Regulations, except in so far as to specify that it includes aural and visual amenity and that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural or similar interest.
6. Whilst it was not in place at the time of my visit, I understand that the south facing flank wall of the appeal property has been used to display an internally illuminated 48 sheet advertisement hoarding at first floor level. The appellant and the Council are agreed that this has been in place for over 10 years and has deemed consent. The proposal would see that hoarding's replacement with a LED display of the same proportions (it would be 6 metres off the ground, 3.05 metres high by 6.10 metres wide and made of brushed steel/aluminium).
7. I am mindful that the advertisement with deemed consent is itself a substantial feature on the appeal property and in the street scene. It is large in size and positioned at first floor level on the appeal property's flank elevation which has a decorative roof line and is of a relatively modest two storey scale. Despite the shop windows and signage at ground floor level along with the fire escape and satellite dishes on that elevation, the existing hoarding somewhat dominates the appearance of the host property. It is also exposed in views by the setback position of the adjacent tyre workshop and so is seen in long uninterrupted views on approach along Durham Road from the south. Thus, it already stands out as an obvious and eye catching feature in the street scene.
8. The surrounding area is mixed in character and there are some commercial properties and signage in the immediate vicinity of the site including those at ground floor level at the appeal property, the adjoining tyre workshop and the medical centre opposite. However, there are no other gable end hoardings nearby and only one other in the wider district centre of Low Fell further to the north. The commercial uses close to the appeal site are relatively low key and generally maintain a two or three storey scale with an absence of advertisements at first floor level. In this overall context, I agree with the Council that the existing hoarding fails to respect the architectural features of the host building and is visually intrusive in the street scene.
9. Although the images on the proposed display would be changeable, it would only show sequential static poster images rather than moving images, animation or apparently moving images. Each advertisement would be displayed for a minimum of 15 seconds and the transition to the next advert would appear instantaneous. The digital display would be controlled remotely by software which would automatically adjust brightness levels to track the light level changes in the environment. Maximum brightness levels would be 660 candelas per square metre during the day, dropping to 300 candelas per square metre during hours of darkness. Furthermore, the display would be fitted with a safety feature that would turn it off in the unlikely event of a malfunction or error. I also note the appellant's view that the proposal would be slimmer than the existing advertisement and look more in keeping with the more modern buildings nearby.

10. Nevertheless, even taking all these matters into account, it seems to me that by its digital nature the proposed advertisement would be considerably more prominent than the existing hoarding. Whilst the appellant argues that its brightness of illumination would be in line with that of the existing advertisement, in contrast to that hoarding, the proposed display would introduce a digital screen that would display changing images. In my view these factors would inevitably increase its visibility and conspicuousness. They would mean that the proposal would be materially different to the existing situation to the extent that it would add unduly to the already unsatisfactory visual impact of the existing hoarding. This being so, even taking into account the existing advertisement at the site, the proposal would stand out as an unsympathetic and intrusive addition to the host property and the surrounding area.
11. For these reasons, the proposed advertisement would fail to be in keeping with, and detract from, both the appearance of the host building (a non-designated heritage asset), and the historic character of the area, which are both of significance to the area's heritage. Paragraph 192 of the Framework indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Paragraph 197 is also clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Whilst the proposal would lead to less than substantial harm to the significance of the Conservation Area, the harm caused would nevertheless be material. Paragraph 132 of the Framework further advises that the quality and character of places can suffer when advertisements are poorly sited and designed.
12. I therefore conclude on the main issue that the proposed advertisement would have a harmful effect on the character and appearance of the host building and the surrounding area and would fail to preserve or enhance the character and appearance of the Low Fell Conservation Area.

Other matters

13. The appellant considers that the proposal would have environmental and other benefits since it would not require regular visits by service personnel to change its content and the LED lighting is significantly more energy efficient than the existing display. However, since the Regulations require advertisements to be controlled only in the interests of amenity and public safety, these matters have no bearing on my consideration of this appeal.
14. The appellant refers to another example of an LED screen allowed on appeal next to a listed building. However, I am not aware of the full circumstances that led to that decision and so cannot be sure that they are the same as in the case before me. I confirm in any event, that I have considered the appeal proposal on its own individual merits.

Conclusion

15. For these reasons, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

| Planning Application No | Appeal Site (Ward) | Subject | Appeal Type | Appeal Status |
|--------------------------------|--|--|--------------------|-------------------------|
| DC/17/00473/HHA | 17 Limetrees Gardens Low Fell Gateshead NE9 5BE | First floor extensions to side and rear | Written | Appeal in Progress |
| DC/17/01293/ADV | Intu Metrocentre Whickham Gateshead NE11 9YG | Display of 22.25m high internally illuminated LED feature display sign (additional info received 06/03/2018 and 10/04/2018). | Written | Appeal in Progress |
| DC/17/01358/OUT | Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens, Gateshead Dunston Hill NE11 9XE | Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwelling-houses, with new shared-surfaced vehicular and pedestrian access | Written | Appeal in Progress |
| DC/18/00244/ADV | 592-596 Durham Road Gateshead NE9 6HX | Display of 1 x 48 sheet LED advertisement with changeable content on gable elevation. | Written | Appeal Dismissed |
| DC/18/00440/TPO | 9 Axwell Park Road Axwell Park Blaydon NE21 5NR | Felling of one Sycamore tree in garden of 9 Axwell Park Road. | Written | Appeal in Progress |



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

21 November 2018

TITLE OF REPORT: Planning Obligations

REPORT OF: Anneliese Hutchinson, Service Director, Development, Transport and Public Protection

Purpose of the Report

1. To advise the Committee of the completion of Planning Obligations which have previously been authorised.

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee meeting there has been **one** new planning obligations:

DC/18/00704/FUL – Financial contribution plus indexation to be used to offset biodiversity effects of development, upgrading of Tanfield Railway Path and lighting of Tanfield Railway Path.
Land West Of Pennyfine Road, Sunnyside, Newcastle Upon Tyne NE16 5EP
Construction of 89 residential dwellings, including access to Pennyfine Road and associated infrastructure and landscaping (amended 18/07/18, 28/08/18, 04/09/18, 25/09/18 and 24/10/18 and additional information received 31/07/18, 04/09/18, 14/09/18, 08/10/18, 19/10/18 and 23/10/18).
4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 21 November 2018.

Recommendations

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

Contact: Emma Lucas Ext: 3747

1. FINANCIAL IMPLICATIONS

Some Section 106 Agreements require a financial payment when a certain trigger is reached and there is a duty on the Council to utilise the financial payments for the purposes stated and within the timescale stated in the agreement.

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Monitoring: Various wards

9. BACKGROUND INFORMATION

The completed Planning Obligations