

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

**Wednesday, 12 December 2018 at 10.00 am in the Council Chamber Civic Centre**

From the Chief Executive, Sheena Ramsey

Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held 21 November 2018 (copy previously circulated).
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
<b>4</b>	<b>Planning Applications (Pages 3 - 8)</b>  Report of the Service Director, Communities and Environment
4i	<b>No. 1 - West Farm, Kibblesworth Bank, Kibblesworth NE11 0JB (Pages 9 - 58)</b>
4ii	<b>No. 2 - Former Police Station, Sunderland Road, Felling, Gateshead NE10 9NJ (Pages 59 - 66)</b>
4iii	<b>No. 3 - Land East of Collingdon Road, High Spen (Pages 67 - 86)</b>
4iv	<b>No. 4 - 4 - 5 Main Road, Ryton, NE40 3NA (Pages 87 - 98)</b>
4v	<b>No. 5 - Former Wardley Colliery, Wardley Lane, Gateshead NE10 8AA (Pages 99 - 130)</b>
4vi	<b>No. 6 - Former Bleach Green Site (Maple, Sycamore, Hazel, Birch, Elm and Larch Roads) Blaydon (Pages 131 - 154)</b>
4vii	<b>No. 7 - Land at Hepburn Gardens, Cross Row, Gateshead (Pages 155 - 174)</b>
4viii	<b>No. 8 - Land at Hepburn Gardens, Felling, Gateshead NE10 9LQ (Pages 175 - 192)</b>
4ix	<b>No. 9 - Grove House, Glossop Street, High Spen, Rowlands Gill NE39 2EE (Pages 193 - 208)</b>

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| 5 | <b>Delegated Decisions</b> (Pages 209 - 216)<br>Report of the Service Director, Communities and Environment       |
| 6 | <b>Enforcement Team Activity</b> (Pages 217 - 218)<br>Report of the Service Director, Communities and Environment |
| 7 | <b>Enforcement Action</b> (Pages 219 - 226)<br>Report of the Service Director, Communities and Environment        |
| 8 | <b>Planning Appeals</b> (Pages 227 - 234)<br>Report of the Service Director, Communities and Environment          |
| 9 | <b>Planning Obligations</b> (Pages 235 - 238)<br>Report of the Service Director, Communities and Environment      |



PLANNING AND DEVELOPMENT  
COMMITTEE  
**12 December 2018**

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

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

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**Purpose of the Report**

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

**PART ONE:**

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

**PART TWO: FOR INFORMATION ONLY**

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

**Recommendations**

2. Recommendations are specified in the schedule.

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

## Contents

Application Number	Site Location	Ward
1. DC/16/01207/OUT	West Farm Kibblesworth Bank	Lamesley
2. DC/18/00578/COU	Former Police Station Sunderland Road	Felling
3. DC/18/00859/FUL	Land East Of Collingdon Road High Spen	Winlaton And High Spen
4. DC/18/01070/COU	4-5 Main Road Ryton	Ryton Crookhill And Stella
5. DC/16/00698/OUT	Former Wardley Colliery Wardley Lane	Wardley And Leam Lane
6. DC/18/01048/FUL	Former Bleach Green Site (Maple, Sycamore, Hazel, Birch, Elm And Larch Roads)	Blaydon
7. DC/18/00745/FUL	Land At Hepburn Gardens Cross Row	Felling
8. DC/18/00746/FUL	Land At Hepburn Gardens Felling	Felling
9. DC/18/01061/OUT	Grove House Glossop Street	Winlaton And High Spen

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

## **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)

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

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

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### Committee Report

<b>Application No:</b>	<b>DC/16/01207/OUT</b>
<b>Case Officer</b>	<b>Lois Lovely</b>
<b>Date Application Valid</b>	<b>10 November 2016</b>
<b>Applicant</b>	<b>Taylor Wimpey Homes North East</b>
<b>Site:</b>	<b>West Farm Kibblesworth Bank Kibblesworth NE11 0JB</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Outline application for the development of land to north and south of Kibblesworth Bank for up to 225 dwellings including associated infrastructure, open space and SuDS and the demolition of farm buildings and commercial properties with all matters reserved (amended 16/07/18).</b>
<b>Recommendation:</b>	<b>MINDED TO GRANT SUBJECT TO A S106 AGREEMENT</b>
<b>Application Type</b>	<b>Outline Application</b>

### 1.0 The Application:

#### 1.1 DESCRIPTION OF THE SITE

The area of the site for this outline planning application is 15.6ha of which approximately 10 hectares is deemed to be developable

1.2 The application site can be divided in to two distinct areas, the first area consists of Phases 1 and 2 which lie to the north of Kibblesworth Bank, whilst the second area, Phase 3, lies to the south of Kibblesworth Bank.

1.3 The site comprises agricultural fields with a number of hedgerows and some small pockets of woodland along the boundaries.

1.4 Broadly, Phases 1 and 2 are bound to the north and west by agricultural land and Coltspool Burn with the residential areas of Kibblesworth lying adjacent to the east of the Site. Phase 3 lies to the south of Kibblesworth Bank and also forms part of the Village Growth Area allocation. Phase 3 is bound by open agricultural land to the south and west with Kibblesworth lying adjacent to the east.

1.5 Features adjacent or close to the site include the residential area of Kibblesworth to the east and farmsteads and agricultural buildings spread throughout the surrounding area. There are a number of services and facilities available within Kibblesworth as well as walking and cycling routes, including the Bowes Railway Path which runs to close to the southern boundary of Phase 3 and provides access to Birtley in the east and Stanley to the south west.

- 1.6 The local area is characterised by mainly residential properties whilst the Team Valley industrial estate and retail park lies within approximately 1.5 miles to the north of the site and can be accessed via Lamesley Road to the east. There are a number of employment opportunities and retail facilities available within both the Team Valley and Birtley to the north and east of the Site respectively, including a Sainsbury's store, Homebase, McDonald's, GP surgeries, dentists, schools and community facilities. There are various schools within walking and cycling distance of the Site, including Kibblesworth Academy (0.3 miles).
- 1.7 A low voltage overhead powerline runs centrally through the site.
- 1.8 The topography of the site is gently undulating with slight sloping from the north dropping to the south.
- 1.9 There are allotments located on the north east and south east boundaries of the site.
- 1.10 Kibblesworth West Farm sits within the centre of the Site, adjacent to Kibblesworth Bank, which currently comprises a farmhouse and several outhouses and sheds.
- 1.11 In addition to the Bowes Railway Path, a public footpath runs along the southern boundary of the site, connecting to Birtley in the east and the A6076 to the west.
- 1.12 **DESCRIPTION OF THE PROPOSAL**  
This outline planning application seeks consent for up to 225 dwellings with landscape buffers to the Green Belt edge, informal green spaces at key points and provision of public space focal points at intersections between footways, a SuDS detention basin and small ponds to the north east of the site, with all matters reserved. With the exception of the detention basin and the ponds, none of the development is within the Green Belt.
- 1.13 Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward.
- 1.14 This type of planning application allows fewer details about the proposal to be submitted. Once outline permission has been granted, the developer will need to ask for approval of the details ("reserved matters") before work can start. These details will be the subject of a "reserved matters" application at a later stage.
- 1.15 In this case the applicant has asked that all matters are reserved, however, vehicular access points in to the site are shown on the plan. The principle of the location and roundabout design of the access would be agreed, if this application is granted, however, the precise location and design will need to be developed further as part of any subsequent reserved matters application to ensure it meets the needs of all users.

- 1.16 The Masterplan indicates that all dwellings proposed are to be between 2-3 storeys, i.e. with rooms in the roof space. An illustrative housing mix for phases 1, 2 and 3 for a total of 225 dwellings is set out below, however these may be subject to change through future reserved matters applications:

Market Housing

5 Bed 23 dwellings 10%  
4 Bed 97 dwellings 43%  
3 Bed 71 dwellings 32%  
Total 191 dwellings = 24dph/9.8dpa

Affordable Housing

3 Bed 18 dwellings 8%  
2 Bed 16 dwellings 7%  
Total 34 dwellings = 24dph/9.8dpa

- 1.17 Whilst consideration of materials will ultimately come through the reserved matters applications, it is anticipated that a mix of materials will be used, including buff and red brick, ivory render with art stone detailing.
- 1.18 The application is supported by the following documents:
- Agricultural Land Soils Report
  - Archaeological Geophysics Report, Early Risk Appraisal and Evaluation Report
  - Design and Access Statement
  - Ecological Impact Assessment
  - Breeding Bird Survey
  - Wintering Birds report
  - Flood Risk Assessment and Drainage Strategy
  - Hydrological Assessment
  - Masterplan
  - Masterplan Document
  - Landscape Visual Impact Assessment
  - Noise Report
  - Planning Statement
  - Preliminary Risk Assessment
  - Statement of Community Involvement
  - Sustainability Statement
  - Transport Assessment
  - Travel Plan
  - Tree Survey

1.19 PLANNING HISTORY

The Site has no previous relevant planning history. The Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010-2030 (CSUCP) removed the site from the Green Belt and allocated the land for residential development under policy GV5.

**2.0 Consultation Responses:**

Highways England	No objection subject to Highways England being consulted on any future development that uses the Transport Assessment to inform identification of trips.
Coal Authority	No objection subject to condition requiring remediation
Environment Agency	No objections
Northumbria Water	No objection subject to a condition requiring development in accordance with the Flood Risk Assessment
Tyne And Wear Archaeology Officer	<p>The farm buildings will need to be recorded prior to demolition.</p> <p>As the demolition of the farm buildings has not been previously discussed, further archaeological work will be required following their removal. The site of the farm is the most likely part of the site to have been utilised during the medieval period. Evaluation trenching will be required on the site of the extant buildings. The watching brief and evaluation can be submitted as one report. These details can be secured by conditions.</p>
Nexus	<p>Nexus is pleased to see that the application includes proposals to extend existing bus services in the area to bring the whole development within 400m of a bus service. Nexus recommends that the developer continues negotiations with the bus operator to extend all services to the new bus stop to be provided as part of the development. A swept path analysis should also be included in subsequent applications for a full length bus to ensure that the proposed roundabout can be negotiated by buses.</p> <p>Due to the exposed nature of the area Nexus would require that any new bus stop incorporate an enclosed shelter as well as a raised kerb.</p>

### **3.0 Representations:**

3.1 A Press notice was published on 30 November 2016

- 3.2 A total of 681 properties in the surrounding area were notified directly about the application. In addition, site notices were erected on the site and in its vicinity on 30th November 2016. This was to coincide with the publication of notices of the planning application in The Journal newspaper the same day.
- 3.3 There had been a total of 33 letters of objection received from a total of 30 individuals, with three being from the same individual. A petition, objecting to the development, bearing 78 signatures had also been received.
- 3.4 4 letters of support had been received.
- 3.5 The objections include concerns over:
- the increase in traffic and highway safety,
  - the loss of public open space,
  - residential amenity,
  - flooding,
  - impact on trees and hedgerows,
  - impact on ecology.
- 3.6 A further 681 Neighbour letters were sent on the 1st November 2018. 10 site notices displayed, and a press notice appeared in the Journal on the 14th November.
- 3.7 A further 38 letters of representation have been received since the most recent publicity. One is from Lamesley Parish Council. Another is from Lamesley and Ladypark Residents Association.
- 3.8 One letter is in support of the proposed development.
- 3.9 The concerns relate to:
- Loss of Green Belt
  - Not in accordance with Making Spaces for Growing Places Local Plan Document “Area of Special Character”
  - Development does not meet Building for Life Guidelines
  - Increase in traffic
  - Loss of privacy
  - Loss of trees
  - Out of character with street scene
  - Overbearing
  - Overdevelopment
  - No space for footpaths and cyclepaths within layout
  - Residential amenity
  - Eyesore
  - Impact on landscape
  - Loss of open space
  - Should be a buffer to existing properties
  - Historic archaeological interest of village should be preserved
  - Impact on village amenities - school at capacity

- Financial impact on parents who would have to pay for childcare for 3 year olds if unable to secure place at school
- Developer should be made to pay contribution to school
- Loss of village community
- Flooding will be exacerbated by development
- Ground gas
- Risk from Coal mining legacy
- Will development change water levels in mine workings?
- Highway safety
- Public transport is limited and there are no cycle lanes
- Traffic congestion
- Plenty of brownfield sites
- 8000 empty properties across Newcastle and Gateshead
- Birtley expansion meets housing needs of local area
- Additional noise
- Cooking smells and odour
- Disturbance early mornings/ late evenings
- Loss of natural light
- Loss of view
- Out of character with conservation area
- Proposal will attract vandals
- Will sell and move
- Lamesley Residents not notified
- Neighbour letters and Site Notices gave expiry date after Committee Meeting date
- Will the new properties have fibre broadband as existing utilities in village are inadequate?
- Views from Angel of the North will be harmed
- Rat running will affect Coach Road and Ladypark and Coal House Roundabout
- Suggested temporary site access road through fields from Kibblesworth Bank
- Land ownership
- Projected population growth needs to be updated to reflect expected decline following Brexit
- Wrong type of housing as forecast 39% increase in over 65's by 2031 – should be lifetime homes
- Not sustainable as only one bus per hour therefore new residents will need a car as no plans to increase bus service
- Roundabout access will make it feel like separate estate
- Site is not within cycling or walking distance of employment/ retail as there is no crossing point at Coal House roundabout nor a footpath to Birtley and Kibblesworth Bank too steep to cycle up
- Disturbance during construction – access should be from west
- Council should require TW to replace items spoiled by dirt of construction including a window and car cleaning allowance
- SCI report is biased – suggests the 122 registered for updates are interested in buying yet objectors are registered

- Gateshead Council has a conflict of interest as would secure £1.25million for road and cycle path improvements
- Masterplan is out of date – does not reflect changed demographics when new housing became available
- Do residents of Kibblesworth have right of appeal?

3.10 One letter of objection is a detailed critique of the Transport Assessment and the proposed mitigation measures and the objector proposes an alternative solution that includes not implementing the proposed improvements to Coal House Roundabout, nor implementing the signalisation of the Haggs Lane / Lamesley Road roundabout, nor the signalisation of the Haggs Lane / Greenford Lane junction and proposes part time signalisation of the Lamesley Road / Moorhill junction and peak time signalisation or a roundabout at the Lamesley Road / Newcastle Bank junction. A detailed response is included in the Other Matters section of this report.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

GV5 Kibblesworth

CS1 Spatial Strategy for Sustainable Growth

CS4 Spatial Strategy - Rural/Village Area

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1P Contamination, derelict land, stability

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H15 Play Areas in Housing Developments

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

- 5.1 The main planning considerations include the principle of the proposed development, ground conditions, coal legacy, transport network, visual impact, biodiversity, archaeology and residential amenity.
- 5.2 The policies and allocations within the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010-2030 (CSUCP) are part of an up to date, adopted development plan and therefore should be given full weight. Within the CSUCP there is a site specific policy (policy GV5), a policy relating to all Village Growth Areas of which the site is one (CS4) and also general policies on various themes.
- 5.3 The saved policies in the UDP are considered to be compliant with the National Planning Policy Framework (NPPF) and up to date and therefore should also be given full weight. The NPPF, National Planning Practice Guidance (NPPG) and Supplementary Planning Documents (SPDs) are material planning considerations as are representations made on the application.
- 5.4 **PRINCIPLE OF DEVELOPMENT**  
Policy CS1 of the CSUCP sets out the spatial strategy for sustainable growth. Given population and economic growth there is a need to plan for 30,000 homes within Gateshead and Newcastle up to 2030. To plan for this growth has



meant allocating locations for new housing development in villages including Kibblesworth.

- 5.5 Policy CS10 sets out a net provision of 8,500 new homes in Gateshead to contribute to the 30,000 total up to 2030.
- 5.6 The application site is allocated in the CSUCP, under policies CS4 and GV5 for residential development for approximately 225 homes including a mix of predominantly family housing.
- 5.7 Policy GV5 requires that development takes place in accordance with an approved masterplan and phasing plan. This follows on from policy CS4 which requires the approved masterplans to; demonstrate a comprehensive, phased and coordinated approach to site development, setting out how necessary infrastructure, and the strategic infrastructure identified for the site in the Infrastructure Delivery Plan will be delivered on a phased basis; and approved development phasing plans setting out build rates and triggers for infrastructure, and demonstrating how each phase of the development is sustainable and deliverable.
- 5.8 The application site forms the Village Growth Area (VGA) as identified in the adopted CSUCP under policy GV5.
- 5.9 A requirement of the CSUCP policies CS4 and GV5, is the preparation of a Masterplan and phasing plan in addition to 12 specific requirements. These are considered below.
- 5.10 **MASTERPLAN**  
The submitted Masterplanning Document provides information on the design and layout of the proposed development, details of the analysis and background work undertaken, details on consultation and public involvement in the design process and the delivery programme.
- 5.11 The Masterplanning Document has been submitted for approval alongside this application and sets out a broad range of design principles and guidelines to ensure that the development is in accordance with both policy requirements and the Masterplanning Document itself so that there can be confidence that a well-designed and sustainable development will be delivered.
- 5.12 The document focusses on a number of key objectives:
- To help define the linkages required between the proposed development and the existing village, in order to ensure integration and to positively contribute to ongoing regeneration;
  - To establish a full understanding of the opportunities and constraints offered by the Site and its wider context, which will have an influence over the eventual form of the proposed development; and
  - To establish and define a set of design principles which will guide and inform the preparation of the detailed layout.
- 5.13 This document provides a basis for this Masterplan.

- 5.14 The Masterplan document establishes guidelines for the future development of the whole site, identifying:
- Appropriate areas for development;
  - A network of streets and routes;
  - The location of open spaces and key areas of public realm; and
  - Core urban design principles to be applied to future development proposals.
- 5.15 This document is intended to be a tool to inform a future reserved matters application. It sets out urban design principles on issues such as scale, massing, height and density of the proposed development to which a reserved matters planning application would be expected to comply.
- 5.16 The Phasing Plan shows that the site will be built out over three phases (as described above) and that the anticipated build out period, for the whole site, would be five years.
- 5.17 The Masterplan shows how the site will ultimately be developed with the site-specific infrastructure. The necessary off-site infrastructure would be delivered through a Section 106 Agreement.
- 5.18 Given the above, Officers consider that the application demonstrates a phased and coordinated approach to development in line with policy GV5 subject to a planning condition (CONDITION 4) requiring compliance with the masterplan and phasing plan and a Section 106 Agreement for off-site infrastructure.
- 5.19 RANGE AND CHOICE OF HOUSING
- The Local Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure. Accordingly, CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). Saved UDP policy H5 also seeks to improve the choice of housing in Gateshead.
- 5.20 The supporting information for this application indicates that 191 market homes and 34 affordable homes out of the 225 dwellings applied for will have three or more bedrooms. This would be equivalent to 93% of the total new housing provided, and therefore meets the requirements of CSUCP policy CS11 as it exceeds the target of over 60% of new private housing being suitable for and attractive to families.
- 5.21 RESIDENTIAL SPACE STANDARDS
- Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". With regard to this requirement, it should be noted that in March 2015 DCLG published nationally described space standards for new housing. Through the emerging MSGP plan document, the Council will expect that proposals for new residential development will achieve the nationally described space standards. As this application is in outline, and therefore details of specific house types

have not been provided, a condition is recommended relating to internal space standards (CONDITION 36).

5.22 AFFORDABLE HOUSING

Policy CS11 of the CSUCP requires the provision of 15% affordable homes on all developments of 15 or more dwellings subject to development viability. The application proposes 34 on-site affordable homes. This will be secured by a Section 106 Agreement to ensure that these properties are retained as affordable in perpetuity, subject to this it is considered that the application would be in accordance with policy CS11 of the CSUCP.

5.23 OTHER HOUSING POLICIES

Housing type

It is considered that the development would meet the requirements of policies CS11 and GV5 of the CSUCP in providing a majority of family housing and would make an important contribution to the aim of a minimum of 16,000 new homes having 3 or more bedrooms.

5.24 Wheelchair and Lifetime Homes

Policy CS11 of the CSUCP sets out the need to encourage provision of lifetime homes and wheelchair accessible homes. This differs from saved policies H9 and H10 of the UDP which require the provision of a minimum 10% dwellings constructed to Lifetime Homes standards and a minimum of 2% of dwellings to be built or be capable of adaption without structural alteration to Wheelchair Housing Standards.

5.25 The NPPG sets out that where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and / or M4(3) of the optional requirements in the Building Regulations. Emerging MSGP policy 11 requires that on developments of more than 15 dwellings 25% shall be to the Building Regulations M4(2) Category 2.

5.26 Local plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.

5.27 Given the above, it is recommended a condition is imposed to require assessment of whether wheelchair and lifetime homes can be achieved and the provision of such homes where it is possible (CONDITIONS 44 and 45). Subject to the recommended condition the proposal would be in accordance with Saved UDP policies H9 and H10 and CSUCP policy CS11.

5.28 POLICY GV5 (1)  
TRANSPORT AND HIGHWAYS

As part of the site's allocation within the CSUCP, there is a requirement to improve the junction of Lamesley Road and Smithy Lane.

- 5.29 A Transport Assessment has been produced in support of the application to determine the impact of the development on the local transport network. Through this, and discussions with the Council's transport planning team, it became clear that simply carrying out a junction improvement at Smithy Lane would have limited effect in mitigating the impact of the development on the transport network due to the interaction of this junction with wider parts of the network. Consequently, detailed transport modelling has been undertaken to identify suitable mitigation which would offer a level of mitigation appropriate to the scale of the development. Since the original submission there has been an iterative process and updated documents have been submitted up to and including July this year.
- 5.30 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. 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.
- 5.31 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.
- 5.32 The transport modelling concluded that works to mitigate the impacts of the development were required at the following locations:
- Haggs Lane / Lamesley Road Roundabout
    - Replacement of roundabout with signalised 4-way junction incorporating pedestrian and cycle facilities
  - Haggs Lane/ Greenford Lane priority junction
    - Introduction of signals which will be linked to the Haggs Lane/Lamesley Road signals improving the flow of traffic and reducing journey times
  - Coalhouse Roundabout
    - Signalisation of the A1 southbound off-slip approach and circulatory lanes at the A1 Widening of the Lamesley Road approach to increase capacity and improve journey times for public transport and traffic in general
    - Widening on the Chowdene Bank approach to the A1 Coalhouse roundabout
  - A167 Newcastle Bank/ Lamesley Road junction
    - Widening on the approach to Newcastle Bank from Lamesley Road together with relatively small scale cycle improvements

- 5.33 The above works, agreed by the applicant, council officers and Highways England are to be secured through s106 and delivered at a time determined by the increase in traffic flow, the exact details are yet to be agreed however they will need to have regard to Lamesley Conservation Area as required by CSUCP policy GV5.1 and a condition will be required for the applicant to submit a trigger assessment outlining a timetable of delivery, which is to be agreed by council officers (CONDITIONS 33 and 34). Prior to signing the s106, a Stage 1 Road Safety Audit will need to be submitted together with a designer's response that suitably addresses any problems raised. These mitigation measures will enable the development to comply with criteria 1 of CSUCP policy GV5.
- 5.34 While an interim travel plan was submitted as part of the application, this is yet to be agreed and a planning condition will require a further submission to agree the contents (CONDITIONS 50 and 51). The final TP will include, but will not be limited to, the following:
- 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
- 5.35 Access and Movement  
Kibblesworth Bank links up with the A1 Motorway via Moor Mill Lane, Newcastle Bank or Greenford Lane and Lamesley Road and provides wider connections to Team Valley/ Gateshead and Newcastle/ Durham.
- 5.36 Given the outline nature of the application, with all matters being reserved, the internal layout of the site has not been considered, however discussions have taken place with the applicant to ensure they are aware of the need to introduce high levels of connectivity and permeability as part of any future reserved matters applications. It will also be necessary to suitably tie the development into existing highway and right of way infrastructure.
- 5.37 Kibblesworth Bank is the main road through the village and the A1 lies approximately 3km to the east.
- 5.38 Kibblesworth Bank runs through Kibblesworth and will provide the basis for the site's access via a purpose built roundabout junction. The principle of the access proposal is to be agreed at this stage, although full details will need to be considered as part of future reserved matters applications to ensure that it designed to meet the needs of all users including pedestrians, cyclists and public transport.

5.39 Public Transport

Go North East have agreed in principle that the No.28A service can be extended to serve the development at a new bus stop adjacent to the proposed roundabout whilst there is also a possibility the No.1 could do this. The whole of the development site will then be within a 400m walk of the new bus stop. The extended service would provide an hourly frequency Monday to Saturday daytime.

5.40 POLICY GV5 (2)  
BIODIVERSITY

The proposed development site is located within 1km of several designed Local Wildlife Sites (LWSs) including: the Bowes Railway Line LWS (50m to the south), Bowes Valley Nature Reserve LWS (c. 850 to the east), Lamesley Meadows LWS (c. 750m to the north east), and Hagg Wood and Mitcheson's Gill LWS (c. 550m to the north). Habitats within and adjacent the proposed development site primarily comprise arable and pasture fields bound by native hedgerows (Durham Biodiversity Action Plan priority habitat), scattered wooded copses incorporating small burns, and a collection of agricultural buildings associated with Kibblesworth West Farm. Mature woodland incorporating the Coltspool Burn is located immediately north of the proposed development site.

5.41 Habitats within and immediately adjacent the proposed development site have the potential to support a range of statutorily protected and/or priority (S.41 Natural Environment and Rural Communities Act 2006/DBAP) species. The application for planning permission is supported by an Ecological Impact Assessment encompassing dedicated survey work for breeding and wintering birds, and bats undertaken in accordance with recognised good practice guidelines. Despite some of the ecological surveys having been submitted with the application in 2016, all of these surveys are still considered to be reliable and do not require to be updated in advance of determining the planning application as the Council considers there has not been any significant/material change in the baseline conditions of the proposed development site and that the above listed ecological surveys remain sufficiently robust and up-to-date to inform and allow for the determination of the application.

5.42 Several small non-breeding bat roosts have been confirmed within the main body of the farm and the former Co-Op building. All bats and their roosts are fully protected in law. Licenced mitigation will be required in relation to works/activities affecting confirmed bat roosts to avoid the risk of harm to individual bats and to ensure maintenance of the local bat population at, or above, its current conservation status. Survey work has confirmed the site, and in particular, the existing boundary features (i.e. hedgerows, hedgerows trees and woodland), to be of value to commuting and foraging bats.

5.43 The proposed development site and adjoining areas supports a rich assemblage of breeding and wintering birds associated with farmland, woodland and urban habitats. This includes a number of priority/notable species, including (but not limited to): linnet, yellowhammer, tree sparrow, grey

partridge, skylark, meadow pipit, little owl, song thrush, mistle thrush, stock dove, bullfinch, house sparrow, house martin and starling.

- 5.44 Habitats within and immediately adjacent the proposed development site are considered to pose a residual risk for reptiles, terrestrial amphibians and badger. The adjacent watercourse (i.e. Coltspool Burn) is considered to pose a residual risk for commuting otter.
- 5.45 The development proposals incorporate a series of mitigation and onsite compensation measures designed to avoid/minimise adverse impacts on biodiversity and ecological connectivity; including (where possible) the retention, buffering and positive management of existing habitats (e.g. hedgerows) and the creation of new/replacement habitat/features (e.g. hedgerow, wildflower grassland, wetland, tree mounted and integral bat roost features and bird boxes). The inclusion in the layout of ecological buffers to the woodland and wetland to the north of the site is a requirement of CSUCP policy GV5(2). Despite the provision of onsite mitigation and compensatory measures the proposed development will result in a number of residual adverse impacts on biodiversity, most notably farmland bird assemblage, including ground nesting species.
- 5.46 In accordance with the mitigation hierarchy set out in the NPPF the provision of off-site compensatory measures incorporating the creation, restoration and/or enhancement of suitable replacement habitat/features is required to address the residual impacts of the development and to ensure no-net loss of biodiversity.
- 5.47 Given the above and subject to the imposition of a suitably worded planning conditions and/or informatives covering the following:
- o Biodiversity Method Statement (CS18, DC1, ENV44, ENV46 and ENV47) (CONDITIONS 5 and 6).
  - o Ecological Lighting Design Strategy (CS18 and ENV46) (CONDITIONS 48 and 49).
- 5.48 The proposals are considered to be acceptable and subject to the recommended conditions would be in accordance with the NPPF and CSUCP policy GV5(2).
- 5.49 In addition, with a developer contribution for the purpose of delivering an appropriate/proportionate scheme of offsite ecological compensatory measures by way of S106 agreement, 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.
- 5.50 Subject to the S106 agreement, it is considered that the proposed development would conform with the relevant development plan policies through the mitigation for the impacts of the development on biodiversity and ecological connectivity and enhancement of existing habitats (as required by policies GV5

and CS18 of the CSUCP), use of SuDS to enhance habitats (as required by policy CS17 of the CSUCP), would not have an adverse impact on statutorily protected species (as required by saved policy DC1 of the UDP), proposes the retention of trees and hedgerows which have significant wildlife interest (as required by saved policy ENV44 of the UDP) and where possible has protected and enhanced all types of wildlife habitats (as required by saved policy ENV47 of the UDP) and would provide an opportunity to enhance DBAP habitats and species (as required by saved policy ENV46 of the UDP) through the management of off-site land.

- 5.51 The development would also accord with paragraph 170 of the NPPF in terms of minimising impacts on biodiversity and would also accord with the relevant parts of the NPPG in that the development has provided opportunities to enhance biodiversity.
- 5.52 **POLICY GV5 (3)**  
**Green Infrastructure**  
A number of footpaths connect Kibblesworth to the wider landscape. Most footpaths lead to and run along watercourses such as Mitchesons Gill to the north and the River Team to the south. Consequently, there are opportunities to utilise these links through the masterplan to ensure site permeability and improved access to the rest of the village and to the Bowes Railway Path and the Bowes Valley Nature Reserve.
- 5.53 A network of paths are proposed to provide green links around the site, tying into other routes both existing and proposed. The paths would be informal in nature and surfaced in a gravel material, or similar, and seating and naturalistic play or outdoor gym equipment positioned along them providing opportunities for active or passive recreation.
- 5.54 Given the above, the principle of the proposed green infrastructure links are considered to be acceptable and in accordance with CSUCP policy GV5 (3).
- 5.55 **POLICY GV5(4)**  
**Contribution to Bowes Railway Path**  
**Walking and Cycling**  
There are a number of public footpath routes around the site that provide access to the village centre and the built-up areas within the village. The masterplan has been designed to tie in with the existing footpath links to ensure good walking connections to local services and facilities. Wider highway improvements required to mitigate the impact of the development will also offer some benefits to pedestrians and cyclist. Regional Route 11 (RR 11) lies approximately 300m to the south of the site and provides local cycle connections to areas of East Gateshead and South Tyneside. The route is off-carriageway for the majority of its route to South Tyneside. RR 11 also connects to National Cycle Network 725 to the north of Birtley, which provides local cycle connections to Gateshead, Newcastle and Chester-le-Street.
- 5.56 The s106 will include a mechanism that will allow improvement of the right of way in the vicinity of the site and beyond to encourage leisure and non-leisure



uses. The final figure will be determined by the wider investment in highway improvements as described above.

- 5.57 Given the above, subject to recommended conditions, the principle of the proposals is considered to be acceptable and in accordance with CSUCP policy CS13 and the NPPF.

5.58 POLICY GV5 (6)

CONTRIBUTION TO LOCAL PRIMARY SCHOOL

The policies in the CSUCP were drafted and adopted before the Community Infrastructure Levy (CIL) came into place in Gateshead so at that time, s106 contributions were the only way to secure this, albeit that they were subject to the five pooling rule under regulation 123(3) the 2010 CIL Regulations.

- 5.59 Regulation 123 of the CIL Regulations also imposes restrictions on “double dipping” which is paying for the same item of infrastructure twice – i.e. charging for it through CIL and s106. As Primary School provision is included as strategic infrastructure on the Council’s Regulation 123 List contributions can no longer be sought through s106.

- 5.60 Given the above, the proposed development is considered to be acceptable although it cannot be in accordance with CSUCP policy GV5 (6) due to the double dipping restriction.

5.61 POLICY GV5 (5)

OPEN SPACE

The application site is allocated for housing by policy GV5 in the CSUCP and is located in the Kibblesworth Neighbourhood Area which has been identified as sufficient in open space. An increase of 225 homes is anticipated to increase the total population from 1,450 to approx. 2,089, which would result in an increase in the open space requirement to 6.27 hectares. Kibblesworth Neighbourhood Area currently has 178 hectares of open space, meaning that there would still be a surplus of 172 hectares of open space if this development were approved. Supporting information provided with the application indicates that significant areas of open space will be provided as part of the development. Therefore, no additional contributions towards open space provision would be required for this application. Whilst, it should be noted that this conclusion is based on the indicative housing mix provided by the applicant, given that there could be no more than 225 homes built on the site, and as the majority are already shown as being family homes, Officers are confident that whilst the open space demand of the development could change, it is not considered that this could be by a substantial amount. It is considered the proposal is in accordance with policy GV5(5) that seeks provision for open space, sport and recreation facilities.

5.62 PLAY AREAS

The proposed development is not located within a toddler play site catchment area. The site is large enough that one or more equipped toddler play areas should reasonably be provided on site.

- 5.63 The proposal site is located within the catchment area for Grange Estate junior play area. However, the total play space available, at 500m<sup>2</sup> is insufficient to meet the needs of the catchment area for junior children. It would therefore be appropriate to provide junior play on the site. The site is not within the catchment area for any teenage play area, and teen provision should also be made on site.
- 5.64 The final details of the on-site play area(s) and their implementation prior to occupation of the nearest dwellings can be secured by condition (CONDITIONS 46 and 47) The application is considered to comply with CSUCP policy GV5(5) as well as UDP policies H14, H15, CFR28, CFR29 and CFR30
- 5.65 POLICY GV5(7)  
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. In particular, policy GV5(7) refers to identifying the presence and recording of a colliery waggonway.
- 5.66 The County Archaeologist is of the opinion that the historic farm buildings on the site should ideally be retained as part of the development. However, if these buildings are to be removed then they need to be recorded prior to demolition. This will be resolved at the Reserved Matters stage.
- 5.67 The farm buildings will need to be recorded to Historic England Level 3 standard. This can be secured by condition (CONDITION 12).
- 5.68 A programme of archaeological investigation comprising a desk-based assessment, geophysical survey and evaluation has previously taken place and has been submitted as part of this application.
- 5.69 The majority of the evaluation revealed evidence of boundaries and ditches relating to drainage across the site. However, one trench (trench 7) revealed a medieval stone-lined drain.
- 5.70 Although this part of the site (to the west of the farm buildings) is considered unlikely to have been used for occupation, due to the age of the feature ground and the limited information have gained from it, ground disturbing works in this area should be monitored by archaeological watching brief.
- 5.71 Following the demolition of the farm buildings, further archaeological work will be required as the site of the farm is the most likely part of the site to have been utilised during the medieval period. Evaluation trenching will be required on the site of the farm buildings. This can be secured by condition (CONDITION 26).

- 5.72 A report of the findings is recommended to be secured as an Archaeological Post Excavation Report (CONDITION 27).
- 5.73 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 the NPPF, Saved UDP policies ENV21 and ENV22 and CSUCP policies GV5(7), CS15.
- 5.74 POLICY GV5(8)  
LANDSCAPE AND VISUAL IMPACT  
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 use to a residential development, extending the existing residential areas to the south and east of the site.
- 5.75 A specific policy requirement at GV5(8) is that a clear Green Belt boundary on the north east and south west boundaries of the site including significant enhancement and extension of the western hedgerow along (and within) the south west boundary of the site is sought to provide a strong and clear defensible boundary to the new Green Belt limit, and to improve ecological connectivity. The landscape proposals for the site have been considered strategically, particularly regarding the recommendations of the LVIA. Due to topography and existing adjacent footpaths/ residential areas, the site is visible both at close proximity and within the wider landscape particularly in elevated views from the east. Therefore, to minimise or reduce any residual visual effects, and to assimilate the site into its surroundings whilst considering existing green infrastructure and links, proposals are included within the Masterplan to ameliorate the effect. These include retention of the majority of existing trees, hedges and woodland copses and where hedgerows are required to be removed, for example the site access and associated visibility splays along the northern boundary, their loss to be mitigated through the replanting of additional native hedges within the site and along boundaries creating buffer zones to the Green Belt edge. The retained vegetation within the site, and woodland copses adjacent to it, needs to be safeguarded during construction works by tree protection measures (CONDITIONS 10 and 11). Pedestrian footpaths are proposed along the site side of the hedge and incorporated within open spaces. Landscaped buffer zones are proposed on the eastern, northern and western boundaries through additional planting to enhance existing vegetation. This will address the specific requirement of GV5(8). A landscape buffer of between 20-30m is proposed to the west of the site alongside Ouslaw Lane, and between 15-25m along the western site boundary of the site to the south of Kibblesworth Bank. These buffers are proposed to be located on the highest points of the site and will enable the existing hedgerow and individual trees to the north, along with the proposed hedgerows and woodland/ edge planting to the south, to form a green corridor extending north to south, offering a defensible boundary to the Green Belt

beyond. The proposed woodland planting included within these areas will soften the roofscape of the houses proposed to the west of the site, preventing built form from being located along visually prominent edges and ridges. The hedgerows and woodland planting would effectively form the skyline feature in views from within, or in close proximity to the site, and in more distant views from the east would help to integrate the proposals into the surrounding area and existing green infrastructure.

- 5.76 A buffer zone of between 20 - 30m is proposed to the northern boundary of the site, adjacent to Coltspool Burn and its associated landscape features. Within this buffer, a 15m wide section closest to the boundary of the site is to be primarily for ecological mitigation and as such will be separated from the remaining open space by a simple post and rail fence with stockproof mesh and/or hedgerows to prevent access to the area by public and dogs. This section of the buffer would contain native woodland edge planting immediately adjacent to the existing woodland edge, providing a structure to the existing woodland boundary and a buffer to the adjacent habitats. A diverse range of landscape typologies, including Individual native trees, species rich grasslands, wildflowers and shrub areas, will also be provided within these areas. The remaining open space, out with the ecological mitigation area, will incorporate hedgerows to help to integrate and soften any fences, and overland drainage solutions including swales and pools.
- 5.77 Reinforcements to the existing landscaped boundaries to the eastern, northern and western boundaries will create a robust buffer between the development to the Green Belt edge. In addition to the landscaped areas and open spaces seeking to ameliorate the negative changes on the landscape character, structural and low-level planting is proposed in the submitted indicative landscape strategy to maximise habitat creation on site. This will be secured through the Reserved Matters application.
- 5.78 Information on proposed and existing ground levels is required These details can be secured by condition (CONDITIONS 29 and 30).
- 5.79 Given the proposed landscape strategy to mitigate the impact of the development on the existing topography and vegetation the development is considered will integrate into the settlement edge of Kibblesworth and is in accordance with Saved UDP policy DC1 and CSUCP policies GV5(8), CS18 and CS15.
- 5.80 POLICY GV5(9), (10), (11) and (12)  
DRAINAGE  
A Flood Risk Assessment (FRA) has been submitted in accordance with NPPF paragraph 163. In accordance with CSUCP Policy CS17, the FRA has assessed all sources of flooding and has had regard to the Strategic Flood Risk Assessment (SFRA). In accordance with GV5(11) the FRA has fully considered the surface water flood risk in the Grange Estate.
- 5.81 Due to the location of the proposed development site within an area of high sensitivity with respect to historic mining and potential associated groundwater

level change due to historic and ongoing mine dewatering, a site specific hydrogeological risk assessment has assessed the potential for future changes in groundwater conditions to impact upon the proposed SuDS.

- 5.82 On the basis of the information collated, it is considered that the risk to surface water drainage features within the proposed development from rising groundwater levels is very low.
- 5.83 The application proposes the use of SuDS to accommodate surface water run-off. As set out in policy CS17 of the CSUCP, SuDS have multi-functional benefits to water quality, green space and habitat enhancement. In terms of habitat enhancement, this has been covered above.
- 5.84 In accordance with part iv of policy CS17 of the CSUCP, surface water is proposed to be managed following the drainage hierarchy with the use of infiltration based SuDS where ground investigations have shown this to be feasible. Therefore, the SuDS scheme comprises of one water detention basin that would be dry apart from in flooding events when it would hold surface water.
- 5.85 Officers consider that the SuDS system proposed would adequately deal with the level of surface water and overland flows created by the development. The SuDS system has been designed to deal with in excess of a 1 in 100 year storm event and also factors in the relevant climate change allowances set by the Government, in accordance with policy GV5 of the CSUCP. The SuDS system has also been designed to provide additional water storage to reduce flood risk to the area downhill other than which currently exists, again in accordance with policy GV5 of the CSUCP and part iii of policy CS17. The final details can be secured by condition (CONDITIONS 20 - 21).
- 5.86 In terms of the future management of the site SuDS, it is proposed that the developer would retain maintenance responsibility for a five-year period post development after which the land would transfer to the Council, subject to a lease with a private management company, who would maintain the SuDS. This maintenance requirement would be secured by conditions (CONDITIONS 22 - 23). The details would set out both the construction and minimum standard of maintenance over the lifetime of the development and roles and responsibilities between the Council, Northumbrian Water Ltd and the developer in order to ensure the long-term maintenance of SuDS over the lifetime of the development.
- 5.87 Given the above, subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with CSUCP policy GV5(9), GV5(10), GV5(11), and GV5(12) and the NPPF.
- 5.88 **CONTAMINATED LAND**  
As described above, the site can be considered in two parts: land north of Kibblesworth Bank and land south of Kibblesworth bank.
- 5.89 Land North of Kibblesworth Bank:

This is currently farm land and includes part of the existing Kibblesworth West Farm buildings. The land has always been undeveloped apart from the farm buildings. Whilst the likelihood of historic contamination existing from historic site uses is low, there remains the possibility that some contamination issues may exist at the site from the farm building area from:

- Imported fill materials and waste material used to construct a development platform prior to construction of any former farm buildings outbuildings and current buildings on site.
- Demolition arisings still evident on site within made ground deposits from the demolished farm outbuildings.
- Potential asbestos contamination if asbestos material has been used in the construction of any of the farm buildings / former outbuildings.

5.90 Land South of Kibblesworth Bank:

This is currently an undeveloped field. The Council's 'Contaminated land strategy data base' indicates that historically the site is a reclaimed site, (circa 1978-79) and infilled former opencast site backfilled with unknown material. As such the site has been assessed as a potentially contaminated site. Historically to the south of the site lies the former Kibblesworth Pit and associated buildings and the former Bowes Railway route.

5.91 Given the proposed sensitive end use dwellings with gardens, then these potential contamination issues need to be considered. Planning conditions are required for Phase 2 site investigations to investigate potential contamination issues. This information, and any required remediation details, can be secured by condition (CONDITIONS 13 - 17).

5.92 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.

5.93 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.

5.94 The Coal Authority records indicate that the site is in an area of recorded and likely unrecorded coal mine workings at shallow depth. A small part of the site is also within the boundary of a site from which coal has been removed by surface mining methods.

5.95 The planning application is supported by a Coal Mining Risk Assessment (CMRA), dated February 2013 and prepared by Delta-Simons Environmental Consultants. This report has been informed by an appropriate range of sources of information including; historic maps, BGS information and a Coal Mining Report.

5.96 This report makes recommendations for intrusive site investigations to establish the exact situation in respect of coal mining legacy issues.

- 5.97 The application is also supported by a Geoenvironmental Appraisal, dated January 2015 and prepared by Sirius. This report sets out details of the intrusive site investigations carried out on site and their findings.
- 5.98 The report states that 14 boreholes have been drilled on site to depths of 36m. The report notes that evidence of historic shallow coal workings was encountered during the site investigations and these were consistent with what was expected based on the mine abandonment plans. The report acknowledges that shallow coal mine workings pose a risk to the development and therefore recommends that remedial works, in the form of a drilling and grouting exercise are carried out on site.
- 5.99 Although the CMRA is from 2013 officers consider the CMRA can be relied upon as it states that intrusive site investigation is required to investigate and establish if there are any shallow mine workings that could impact on the development and require remedial measures. The Coal Authority have approved this methodology and require appropriate planning conditions. As a reflection of the consultation response received from the Coal Authority, it is recommended that conditions be imposed to secure implementation of the recommendations of Coal Mining Risk Assessment, dated February 2013 and prepared by Delta-Simons Environmental Consultants for intrusive site investigations to establish the exact situation in respect of coal mining legacy issues (CONDITIONS 18 and 19).
- 5.100 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.
- 5.101 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.
- 5.102 The Masterplan has been designed with a strong emphasis on improvements to pedestrian and cycle links through the creation of new linkages.
- 5.103 The strategic 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 Bowes 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.

- 5.104 The layout as proposed through future Reserved Matters applications will be assessed in terms of the impact on the residential amenities of the existing residents and the future residents of the proposed dwellings. The assessment will include ensuring sensitive use of external materials, adequate separation distances are provided, and that there is no opportunity for overlooking, provision of adequate external space, bin and cycle storage, and either a private drive or a garage and drive all of which can be secured by conditions (CONDITIONS 38 – 41).
- 5.105 Given the above, subject to the recommended conditions, the Masterplan is considered to be acceptable and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.
- 5.106 OTHER MATTERS  
The former Co-Op building fronting onto Kibblesworth Bank is in a dilapidated state. The Council is considering taking action to ensure the demolition of the building at the earliest opportunity.
- 5.107 There is no access point indicated in the location of the building and it is anticipated that houses will infill this area. The precise details for this part of the site will come forward with the reserved matters applications.
- 5.108 An objection reported above makes detailed comments on the Transport Assessment. In response to the objection, all of the points raised in the letter have been considered during an extensive assessment period.
- 5.109 While the TA is of significant length this was a study that has been carried out iteratively over many months, with regular correspondence between the parties involved, including the Council, Highways England, and consultants Jacobs, AECOM and WYG.
- 5.110 The distribution and assignment of trips was a key consideration and agreed early in the assessment process, this took account of the number of trips, types of trips and likely routing, fully considering local characteristics.
- 5.111 The final schemes were not the only options considered during the assessment process. For instance, the retention of the roundabout at Smithy Lane had been considered to be the ideal scenario, however, this was discounted following the results of the modelling, demonstrating severe delays once background traffic growth and development trips were added. Part time signalisation could not be introduced at this junction and therefore some journey time delay will be experienced out of the park periods. A reduction in speed limit along Lamesley Road has been suggested, however given the nature of the road this would be extremely difficult to enforce and unlikely to be supported.
- 5.112 The signalisation of the Newcastle Bank/Lamesley Road junction was initially the preferred approach, however, after much work it was considered this needed to be discounted due to the complexities of the junction and the knock-



on effect this has on queuing heading back toward Birtley along the A167, particularly during the am peak period.

5.113 The schemes that have been identified are not solely based on the total volume of traffic moving through them but also other factors including how the different junctions interact, which is key to the overall operation of the network. For instance, it is accepted the Greenford Lane/Haggs Lane junction is relatively easy to navigate during free flow conditions, however during the morning peak, its interaction with the Smithy Lane Roundabout makes it much more difficult due to queuing traffic.

5.114 The Lamesley Road/Moormill Lane junction was given significant focus during the assessment period, resulting in additional scenario testing being carried out. It was concluded that the need for intervention was borderline. On the basis that any improvement of this junction would not only add to additional delay to traffic on Lamesley Road but also encourage further rat running from the Birtley area no improvements were requested.

5.115 An objector has queried the land ownership of the track that runs in front of The Grange. This land lies outside of the red edged plan of the application and therefore it does not form part of the proposed development.

#### 5.116 LOCAL WORKFORCE COMMITMENTS

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.

#### 5.117 STATEMENT OF COMMUNITY INVOLVEMENT

A public consultation event was held at the Kibblesworth Village Millennium Centre on the 1st March 2016 between 3pm and 7pm. The purpose of the event was to introduce the community to the initial proposals developed and site analysis work undertaken to gain further insight from the community into the key issues associated with the area and also to shape the development of the proposals. In total 122 members of the local community attended, with 50 of those people providing feedback on the information. In addition, local Councillors/Ward Members were invited to attend the event, to provide their comments and thoughts on the proposals, with one councillor attending on the day. 147 people have also signed up for updates from Taylor Wimpey's website to receive further information about the proposals.

5.118 Of the 50 responses received analysis of the comments, provided by the applicant, identified the following results:

Strongly in Favour 22%

In Favour 6%

Undecided 20%

Opposed 52%

#### 5.119 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.

- 5.120 Outline applications are still liable for CIL but the liability is calculated at reserved matters stage when the details are known. If an outline application includes phasing of development, each phase is treated as a separate development for the purpose of paying CIL. The CIL liability for each phase is calculated at reserved matters stage for that phase.
- 5.121 In this case, as the application site falls within a Parish Boundary (Lamesley Parish), the CIL Regulations allow for 15% of the final CIL contribution to come directly to the Parish Council, as the Neighbourhood Portion. The remainder would come to the Council to spend on identified infrastructure projects. As explained above, whilst the final amount due can only be calculated once the eventual number of houses and their floor areas are known at Reserved Matters stage, the figure expected to be received by Lamesley Parish Council is approximately £195,000.

## **6.0 CONCLUSION**

- 6.1 Having been removed from the Green Belt, for the explicit purpose of providing land for housing, this site is subject to site specific policy in the CSUCP. Whilst this application has been submitted in outline and therefore only limited information is available, the Masterplan and supporting documents have allowed Officers to conclude that the scheme before Members complies with all 12 criteria of CSUCP policy GV5; or can be made so through the use of the recommended conditions and the suggested s106 legal agreement.
- 6.2 The proposed development is consistent with the allocation of the site, ultimately delivering up to 225 family homes, that include 15% affordable on-site housing. The development as proposed integrates with its surroundings, linking to the existing networks and the centre of Kibblesworth. The illustrative layout is sympathetic to the site constraints and character of the area and includes open space and landscape buffers to lessen the visual impact and provide opportunities for biodiversity enhancement. Links to the Bowes Railway Path are provided as well as a contribution to its recreational amenity. A contribution to primary school provision is to be secured through the CIL contribution. Drainage and flood risk has been taken into account and, as well as providing for the development itself, drainage features would be secured that would lessen flood risk in the Grange Estate and The Crescent area. The proposed development will make a significant contribution to the local economy by ensuring (through the s106) a commitment to use a local workforce during construction.

## **7.0 Recommendation:**

To GRANT permission and subject to the following condition(s) and A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

- Affordable housing in perpetuity
- 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

The development hereby permitted in outline shall not be carried out other than in substantial accordance with the plan(s) accompanying the application as listed below:

Masterplan Document 19568-EH-M-A dated July 2018

Phasing Plan 1N/KIB/01-02

Drainage Strategy QD755-00-15 Rev E

Landscape Strategy 908\_01 Rev E

and with such further details for each phase of the development that shall be submitted to prior to the commencement of development on that phase for the Council's approval in writing in relation to the following reserved matters, namely:

- (1) appearance
- (2) landscaping
- (3) layout
- (4) scale
- (5) access

Reason

This condition is imposed pursuant to article 4 (1) of the Town and Country Planning (General Development Procedure) Order 2010 (as amended) to ensure development is carried out in accordance with the approved details as submitted.

2

Application for approval of the reserved matters referred to in condition 1 above shall be made to the Local Planning Authority within 3 years of the date of this permission.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

3

The development to which this permission relates shall be begun not later than two years from the approval of the reserved matters referred to in condition 1 above.

(N.B. if the reserved matters are approved on different dates, the two-year period is calculated from the approval of the last such matter to be approved.)

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

4

The submission of Reserved Matters and the implementation of the development hereby permitted shall be carried out in substantial accordance with the principles described and illustrated in the approved masterplan, phasing plan and delivery plan as detailed below:

Masterplan Document 19568-EH-M-A dated July 2018  
Phasing Plan 1N/KIB/01-02

Reason

To ensure that the development and associated infrastructure provision is carried out in a comprehensive and co-ordinated manner and in accordance with policies CS4 and GV5 of the Core Strategy and Urban Core Plan.

5

Notwithstanding the information submitted and avoiding duplication with any activities and mitigation subject to licencing; a Biodiversity Method Statement covering:

- o habitats/ecological features to be retained on site
- o protected and priority species including bats, breeding birds, hedgehog, badger and common lizard, and;
- o invasive non-native species

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The content of the method statement shall include details of measures to be implemented to avoid/minimise the residual risk of harm to individual species during the construction and operations phases of the development; and to ensure, where possible, local populations are maintained at or above their current levels.

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with

CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

**Reason for pre-commencement condition**

The proposed Biodiversity Method Statement must demonstrate that the design will ensure habitats and ecological features are retained and protected and that priority species will be protected before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

6

The Biodiversity Method Statement approved under condition 5 shall be implemented in full and retained thereafter for the life of the development.

**Reason**

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

7

The development hereby permitted shall only be carried out within substantial accordance with the submitted document entitled "Flood Risk Assessment dated October 2016 and Drainage Strategy dated June 2015 and Drainage Strategy Plan Revision E" dated July 2018

**Reason**

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

8

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

The CMP shall include:

- construction haul routes for each phase
- a dust management plan
- a noise management plan
- pollution prevention measures
- contractor parking
- details of delivery arrangements including hours and routing
- measures to limit and manage transfer of debris on to the highway

- a drainage construction method statement containing:
  - 1) Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place.
  - 2) Description of any construction methodologies to protect the SuDS functionality including the provision of any required temporary drainage systems, and methods for temporary protection of infiltration features, permeable surfaces, erosion prevention, pollution control, and de-silting prior to completion of works.

**Reason**

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development and to ensure the works do not increase risk of flooding or pollution of watercourses and to protect the river environment of the Coltspool Burn and to ensure correct functioning of the drainage system at completion in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policies CS14 and CS17 of the Core Strategy and Urban Core Plan.

**Reason for pre-commencement condition**

The proposed CMP must demonstrate that the construction operations will not harm residential amenities, highway safety, the drainage network or watercourses before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

9

Each phase of the development shall be implemented in accordance with Construction Management Plan (CMP) measures approved for that phase of the development at condition 8.

**Reason**

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

10

No development or any other operations shall commence on each phase of the development until a scheme for the protection of the existing trees and hedges that are to be retained on that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the trees/hedges to be retained and the location and specification of the protective fencing to be used.

**Reason**

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

**Reason for pre-commencement condition**

The proposed tree protection measures must demonstrate that the construction operations will not fall within root protection areas of existing trees and hedges that would result in harm to trees that are to be retained before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

11

The tree protective fencing for each phase of the development approved at condition 10 must be installed prior to the commencement of development for that phase and thereafter retained intact for the full duration of the construction works on that phase of the development and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

**Reason**

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

**Reason for pre-commencement condition**

To ensure the approved tree protection measures are installed prior to commencement of the development hereby permitted and retained for the duration of the construction to prevent harm to trees that are to be retained.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

12

No demolition shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

**Reason**

To provide an archive record of the historic building or structure and to accord with paragraph 199 of the NPPF and Saved Unitary Development Plan Policy ENV23.

13

Prior to commencement of each phase of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposed validation strategy. 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.

N.B. The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in all soft landscape / garden areas.

#### **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.

#### **Reason for pre-commencement condition**

To ensure the approved remediation measures are undertaken prior to commencement of the development hereby permitted to ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

14

Prior to commencement of each phase of the development hereby permitted the additional soil sampling and chemical analysis works, (as detailed in the Geoenvironmental Appraisal, of land at Kibblesworth, Gateshead report C6193' by Sirius dated January 2015.), to delineate the extent of the previously identified soil contamination around borehole WS103, shall be undertaken and a report and contamination risk assessment of the findings has been produced and submitted for to the Local Planning Authority for written approval.



**Reason**

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

**Reason for pre-commencement condition**

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

15

The details of remediation measures approved under condition 13 shall be implemented prior to commencement of the development of the relevant phase hereby permitted and maintained for the life of the development in that phase.

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.

**Reason for pre-commencement condition**

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

16

Following completion of the remediation measures approved under condition 13 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 relevant phase of the development hereby permitted in that phase.

**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.

17

During development works, any contaminated material observed during excavation of the existing ground should be screened and removed. If any areas of contaminated ground, that had not previously been identified, are encountered during development works, then operations should cease, and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

**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.

18

Prior to the commencement of each phase of the development hereby permitted details of remediation measures to remove risks associated with coal mining legacy in that development phase area shall be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure the ground stability of the development and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1 of the Unitary Development Plan.

**Reason for pre-commencement condition**

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

19

The remediation measures approved under condition 18 shall be implemented wholly in accordance with the approved scheme prior to the commencement of the relevant phase of the development hereby permitted.

**Reason**

To ensure the ground stability of the development and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1 of the Unitary Development Plan.

20

Prior to commencement of each phase of the development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) an updated foul and surface water drainage scheme shall be submitted. This shall include:

- drainage assessment has demonstrating that the final drainage scheme conforms with the DEFRA Non-Technical Standards for SuDS, with confirmation of final discharge rates and volumes and including full Micro drainage modelling results.
- demonstration that the proposed culvert / channel and drainage system will not increase the risk of flooding downstream from Coltspool Burn by quickening the passage of water from flow route 3 to the burn.
- Detailed drainage layout drawing showing clearly numbered pipes, fall, diameters, invert and cover levels that correspond with the submitted drainage model. proposed contours, highway levels and finished floor levels should be submitted along with: existing and proposed site sections and levels; long and cross sections of the proposed SuDS features and drainage system; detailed drawings of all SuDS features and connections; detailed landscape plans showing proposed planting, seeding, and hard works in and around SuDS features.
- full details of the proposed culvert / channel including construction details, confirmation of land ownership and easements, and demonstration that no flood risk would arise to adjacent housing in the event of full culvert blockage.
- demonstration that finished floor levels will be a minimum of 300mm above 1 in 100 year surface water flood levels.
- SuDS Health and Safety Assessment where appropriate.

**Reason**

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

**Reason for pre-commencement condition**

To demonstrate that the SuDS scheme will prevent the risk of flooding prior to commencement of the construction of the SuDS scheme.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

21

The details of SuDS measures approved under condition 20 shall be implemented prior to first occupation of any of the dwellings of that phase hereby permitted in accordance with the approved details and retained thereafter for the life of the development.

**Reason**

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

22

Prior to commencement of the development hereby permitted, a standalone drainage maintenance document shall be submitted for the consideration and written approval of the Local Planning Authority.

It shall confirm the parties responsible for the long term maintenance of the drainage system, and shall include confirmation of expected lifespan of any underground storage, treatment devices, and flow controls, and detailed specification and methodology for their replacement if within the lifespan of the development.

The document shall define the SuDS and drainage features, include specification of maintenance tasks, and schedule of tasks and inspections for the lifetime of the development

**Reason**

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

**Reason for pre-commencement condition**

To demonstrate that the SuDS scheme will be maintained to prevent the risk of flooding prior to commencement of the construction of the SuDS scheme.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

23

The details approved under condition 22 shall be substantially implemented prior to first occupation of any of the dwellings in each phase hereby permitted in accordance with the approved details and retained thereafter for the life of the development

**Reason**

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

**24**

Prior to occupation of the first dwelling, a SuDS information pack for supply to residents shall be submitted for the consideration and written approval of the Local Planning Authority. The final content shall be agreed with Gateshead Council and shall include identification of, and information about the SuDS features, details of maintenance regimes, confirmation and contact details of the organisation(s) responsible for maintenance, which shall be issued to each dwelling on first occupation.

**Reason**

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

**25**

Unless otherwise approved in writing by the Local Planning Authority, all works, demolition and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between:

0700 hours to allow deliveries to come off the public highway;  
0730 hours construction start on site;

and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

**Reason**

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan and CS14 of the CSUCP.

**26**

Following demolition of the farm buildings, archaeological evaluation work shall be carried out in accordance with a specification provided by the Local Planning Authority prior to commencement of the relevant phase of the development hereby permitted.

**Reason**

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any

archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

27

The relevant phase of the development hereby permitted shall not be first occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 26 has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

28

Prior to commencement of development a scheme for the site access and associated off site highway works shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall include but may not be limited to the measures as detailed below:

- A roundabout on Kibblesworth Bank serving as an access to all phases of the development, which can accommodate all highway users safely including public transport, cyclists and pedestrians
- Review of existing street lighting and where appropriate provision of new street lighting.
- Construction of new footways linking the site to existing footway network
- New bus stops and appropriate infrastructure including shelter, bus bay markings and bus borders.
- Suitable links to allow cyclists to safely access/egress from the site and tie in with existing infrastructure.
- Extension of existing 20mph scheme west up Kibblesworth Bank, encompassing the new site access.
- Timetable for delivery

Reason

In the interests of highway safety, to ensure suitable access in to the site can be achieved and in accordance with policy CS13 of the Core Strategy and Urban Core Plan

Reason for pre-commencement condition

The proposed highway works must demonstrate that the design will ensure highway safety.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

29

No development shall commence on each phase of the development until details of the existing and proposed site levels, and any retaining features required, for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure an appropriate form of development in the interest of good design and to accord with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

Reason for pre-commencement condition

The proposed finished ground levels must demonstrate that the design will ensure no harm to visual or residential amenity.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

30

Each phase of the development shall be implemented in accordance with the site levels approved for that phase at condition 29.

Reason

To ensure an appropriate form of development in the interest of good design and to accord with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

31

Each phase of the development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until full details of finished floor level and finished ground levels have been submitted for the consideration and written approval of the Local Planning Authority

Reason

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

Reason for pre-commencement condition

The proposed finished ground levels must demonstrate that the design will ensure no harm to visual or residential amenity and highway safety.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

32

The details approved under condition 31 shall be implemented wholly in accordance with the approved details, prior to first occupation of the relevant plot and retained thereafter for the life of the development

Reason

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

33

Prior to commencement of the development hereby approved a trigger assessment outlining a timetable of delivery for the following highway works and improvements along with a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority:

- o Hags Lane/Lamesley Road Roundabout
  - Replacement of roundabout with signalised 4-way junction incorporating pedestrian and cycle facilities
- o Hags Lane/ Greenford Lane priority junction.
  - Introduction of signals which will be linked to the Hags Lane/Lamesley Road signals improving the flow of traffic and reducing journey times.
- o Coalhouse Roundabout
  - Signalisation of the A1 southbound off-slip approach and circulatory lanes at the A1
  - Widening of the Lamesley Road approach to increase capacity and improve journey times for public transport and traffic in general.
  - Widening on the Chowdene Bank approach to the A1 Coalhouse roundabout.
- o A167 Newcastle Bank/ Lamesley Road junction.
  - Widening on the approach to Newcastle Bank from Lamesley Road together with relatively small scale cycle improvements.

Reason

In the interests of highway safety, to ensure suitable access in to the site can be achieved and improve and promote access to the site by bus and for pedestrians, cyclists in accordance with the NPPF and policies CS13 and GV5 of the Core Strategy and Urban Core Plan.

Reason for pre-commencement condition

The proposed highway works must demonstrate that the design and the timing of their implementation will ensure highway safety.



The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

34

The off-site highway works approved at condition 33 shall be provided in accordance with the approved details and approved timetable for implementation unless otherwise approved in writing by the Local Planning Authority.

Reason

To provide suitable access and improve and promote access to the site by bus and for pedestrians, cyclists in accordance with the NPPF and policies CS13 and GV5 of the Core Strategy and Urban Core Plan.

35

Prior to construction above the damp proof course details shall be submitted for written approval by the Local Planning Authority demonstrating how the site links to the Bowes Railway Path.

Prior to the creation of any new or diverted public rights of way, the final details of their surfacing, gradient and width shall be submitted to and approved in writing by the Local Planning Authority. The creation of the new or diverted public rights of way shall then be implemented on site in accordance with the approved details.

Reason

In the interests of the ease of use of public footpaths and rights of way and in accordance with policy CS13 of the Core Strategy and Urban Core Plan.

36

Prior to each phase of the development being commenced details of floorspace and storage space of each housetype for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the dwellings provide adequate space inside and outside of the home to meet the needs of residents in accordance with CSUCP CS11 and emerging MSGP policy 13.

Reason for pre-commencement condition

To ensure the development will meet the needs of residents.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

37

Each driveway shall have a minimum visibility splay of 2m x 2m with no obstruction above 600mm

Reason

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

38

No dwelling shall be occupied on each phase of the development until final details of the cycle parking provision for each dwelling in that phase is submitted to and approved in writing by the Local Planning Authority and the cycle parking shall be provided on site prior to the occupation of each dwelling in accordance with the approved details.

Reason

In order to ensure adequate provision for cyclists in accordance with the NPPF, policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the Council's Cycling Strategy.

39

The cycle parking facilities approved at condition 38 shall be provided on each phase of the development in accordance with the approved details prior to the relevant dwelling being first occupied and be retained thereafter.

Reason

In order to ensure adequate provision for cyclists in accordance with the NPPF, Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the Council's Cycling Strategy.

40

Prior to the construction of any dwelling above damp proof course in each phase of the development hereby permitted details of external materials to be used on the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the visual amenity of the area and the design quality of the development and in accordance with policy CS15 of the Core Strategy and Urban Core Plan and saved policy ENV3 of the Unitary Development Plan.

41

The materials approved under condition 40 shall be implemented wholly in accordance with the approved details and retained for the life of the

development unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of the visual amenity of the area and the design quality of the development and in accordance with policy CS15 of the Core Strategy and Urban Core Plan and saved policy ENV3 of the Unitary Development Plan.

42

Prior to the construction of any dwelling above damp proof course details of electric vehicle charging points for each garage for each of the affordable units without a garage in that phase of the development shall be submitted for the consideration and written approval of the Local Planning Authority. For all other units a spur should be provided to allow future installation of charging equipment.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

43

The electric vehicle charging points approved at condition 42 shall be provided on each phase of the development for each given house in accordance with the approved details prior to the first occupation of that dwelling in that phase and be retained thereafter.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

44

Prior to the construction of foundations of any of the dwellings hereby permitted an assessment of whether wheelchair and lifetime homes can be achieved shall be undertaken and submitted for the consideration and written approval of the Local Planning Authority.

Where the assessment demonstrates it is possible to achieve delivery of wheelchair and lifetime homes full details for each phase of the development hereby permitted up to 2% of plots that meet Wheelchair Housing Standards, and up to 10% of plots that meet the Lifetime Homes Standard shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure provision of Wheelchair and Lifetime Homes and in accordance with CSUCP policy CS11(2) and saved UDP policies H9 and H10.

45

The details approved under condition 44 shall be wholly implemented in accordance with the approved details prior to occupation of the relevant dwellings and retained for the life of the development unless otherwise approved in writing by the Local Planning Authority

Reason

To ensure provision of Wheelchair and Lifetime Homes and in accordance with CSUCP policy CS11(2) and saved UDP policies H9 and H10.

46

Prior to each phase of the development being occupied final details of the design of the play areas and play equipment and a timetable for its installation for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the amenity, health and wellbeing of occupiers of the development and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC2 of the Unitary Development Plan.

47

The play areas and the respective play equipment approved under condition 46 shall be installed wholly in accordance with the approved details and timetable.

Reason

In the interests of the amenity, health and wellbeing of occupiers of the development and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC2 of the Unitary Development Plan.

48

Prior to first occupation of each phase of the development hereby permitted, a lighting strategy designed to accommodate the ecology and biodiversity of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- o identify those areas/features on site that are particularly sensitive for biodiversity, including bats; and
- o show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can clearly be demonstrated that areas to be lit will not prevent bats and other wildlife using their territory or having access to their resting places.

Reason

To avoid harm to bats and ensure the maintenance of the 'local' bat population at or above its current level in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

49

The details approved under condition 48 shall be implemented prior to first occupation of the relevant phase wholly in accordance with the approved details and retained for the life of the development thereafter. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To avoid harm to bats and ensure the maintenance of the 'local' bat population at or above its current level in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

50

Prior to the construction of any dwellings above damp course level a final Travel Plan shall be submitted and agreed. The Travel Plan shall include but not be limited to:

- o Welcome packs
- o Appointment of travel plan co-ordination with agreed annual budget for running initiatives and promotion of sustainable travel.
- o Details of electric vehicle charging facilities to be provided at every property
- o Details of cycle parking facilities to be provided at every property in line with Gateshead Council adopted cycling strategy.
- o Pre-loaded Pop card for each property to encourage public transport use
- o Cycle vouchers to assist with the purchase of adult bike, together.
- o Car sharing initiatives
- o Monitoring and review regime.

Reason

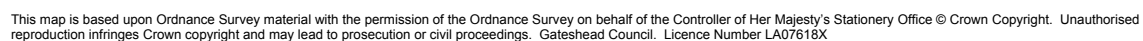
In order to accord with the NPPF and policy CS13 of the CSUCP.

51

The Travel Plan approved under condition 50 shall be wholly implemented in accordance with the approved details for the life of the development

Reason

To ensure sustainable travel and in accordance with CSUCP CS13 and the NPPF.



# **UPDATE**

**REPORT OF THE  
STRATEGIC DIRECTOR, COMMUNITIES AND ENVIRONMENT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
12 December 2018**

Please note this document should be read in conjunction with the main report of the Strategic Director, Communities and Environment.





**MINOR UPDATE**

<b>Application No:</b>	<b>DC/16/01207/OUT</b>
<b>Site:</b>	<b>West Farm Kibblesworth Bank Kibblesworth NE11 0JB</b>
<b>Proposal:</b>	<b>Outline application for the development of land to north and south of Kibblesworth Bank for up to 225 dwellings including associated infrastructure, open space and SuDS and the demolition of farm buildings and commercial properties with all matters reserved (amended 16/07/18 and additional information received 30/11/18).</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Recommendation:</b>	<b>Grant subject to S106</b>
<b>Application Type</b>	<b>Outline Application</b>

**Reason for Minor Update****Further representations made**

**32 name petition has been received objecting to the proposal on the grounds of:**

- **Additional noise**
- **Disturbance**
- **Loss of natural light**
- **Out of character with street scene**
- **Overdevelopment**
- **Concern over health issues**
- **Increase of traffic**
- **Out of character with conservation area**
- **Overbearing**
- **Traffic or highways.**

**51 further representations have been received. The concerns raised additional to those reported in the main report are:**

**Road too narrow for buses**

**Open cast had to use alternative road to Kibblesworth Bank**

**Limit HGVs to off peak times**

**Mud on the road from construction vehicles**

**Pest control on farm buildings needed before demolition starts**

**Concerns about Asbestosis from demolition of farm buildings**

**Water discolouration**

**The existing 20MPH traffic calming does little to slow traffic**

**Following demolition of old coop building must not be used as access to site**

**Should be a relief road to development**

**Where will construction workers park? Want assurance they will not park on main road**

**How will church cope with a funeral when HGVs going past – the road is not wide enough**

**The test drilling missed the main opencast site above Grange Estate**

**Impact on National Wildlife corridor**

**No financial benefits to Millennium Centre or school**

**Signalisation will hold traffic out of peak hours – part time signals may be more suitable**

**Cumulative impact of developments in Whickham and Stanley**

**Property values will decrease**

**Will probably end up being rented**

**225 dwellings will damage appeal of village**

**Prices too high for villagers who want to upgrade from 2 to 4 beds**

**Financial gain for developer, farmer and Council**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

# **Committee Report**

<b>Application No:</b>	<b>DC/18/00578/COU</b>
<b>Case Officer</b>	<b>Owain Curtis</b>
<b>Date Application Valid</b>	<b>21 June 2018</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Marken</b>
<b>Site:</b>	<b>Former Police Station Sunderland Road Gateshead NE10 9NJ</b>
<b>Ward:</b>	<b>Felling</b>
<b>Proposal:</b>	<b>Change of use from police station (sui generis) to aparthotel (use class C1) (as amended 10.10.2018)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

## **1.0 The Application:**

### **1.1 DESCRIPTION OF THE SITE**

The application site is a vacant former police station on Sunderland Road, Felling. The building is locally listed and dates from circa 1910. The site has a large off-road car park enclosed by a high brick wall with a single access onto Sunderland Road. A small area to the west of the site has been enclosed by a close boarded fence to form a separate car park.

1.2 The site is situated in a mixed area with housing to the west, a church and another aparthotel to the south and shops, housing and takeaways to the west. The site is bounded to the north by the Metro line.

1.3 There is a bus stop immediately in front of the hotel and Felling Metro station is a 250m walk away.

### **1.4 DESCRIPTION OF THE APPLICATION**

This application is for the change of use of a former police station (sui generis) to an aparthotel (use class C1). An aparthotel provides short-term (i.e. purchased at a nightly rate with no deposit against damage being required) self-contained, self-catering accommodation. The aparthotel would contain a total of 18 accommodation units, 13 of which would be 2 bed and 5 would be 1 bed. Each accommodation unit would have its own kitchen and lounge. Externally, the applicant proposes inserting 8 windows on the northern elevation and 2 on the east.

### **1.5 PLANNING HISTORY**

The application site had planning permission for the change of use to a youth offender's training and education centre in February 2000 and the site was subsequently used as a school.

Ref No: DC/12/00892/FUL Status: WITHDRAWN Proposal: Alterations to windows, amended access, demolition of outbuildings, alterations to building boundary and division of existing car park to create separate playground and car park (amended and additional info received 17/09/12) (Part Retrospective). Decision Date: 16.10.2012

Ref No: 58/00 Status: GRANT Proposal: Change of use from former Police Station to advice/training centre with associated office accommodation. Decision Date: 18.02.2000

## **2.0 Consultation Responses:**

Tyne and Wear Archaeology Service: No objection

## **3.0 Representations:**

3.1 Publicity was carried out in accordance with Article 15 of the Town & Country Planning (Development Management Procedure) Order 2015 (as amended).

3.2 One objection has been received stating that there are already issues with vans parking in the area and certain residents do not have double glazing, so they will hear more. The objection also mentions that there have been burglaries associated with the aparthotel opposite the application site and this could escalate.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

RCL5 District and Local Centres

DC1H Pollution

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV18 Locally Listed Buildings

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

- 5.1 The main issues to be taken into account when assessing this planning application are:
- i. the principle of development;
  - ii. visual amenity;
  - iii. impact on heritage;
  - iv. highway safety and parking; and
  - v. residential amenity.
- 5.2 **PRINCIPLE OF DEVELOPMENT**  
Paragraph 85 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. This application is for a main town centre use as defined in the NPPF and as carried forward in the Local Plan under policy CS7 of the CSUCP. Paragraph 86 of the NPPF requires the LPA to apply a sequential test to applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.
- 5.3 The applicant has submitted a sequential test in support of the application. The sequential test shows 6 alternative sites have been considered in the Felling area. Officers concur with the sequential test which concludes that there are no suitable alternative sites within the local area therefore the sequential test is satisfied.
- 5.4 The application site is located on the edge of Felling District Centre, as identified in saved policy RCL5 of the UDP and policy CS7 of the CSUCP and is therefore located in the next best sequentially preferable area. Consequently, it is considered that the development is acceptable in principle, and the proposal would comply with the aims and requirements of the NPPF, policy CS7 of the CSUCP and saved policy RCL5 of the UDP.
- 5.5 **VISUAL AMENITY**  
Section 12 of the revised NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Local policies CS15 of the CSUCP and ENV3 of the UDP reflect this.
- 5.6 The applicant proposes the insertion of a total of 8 windows, with 6 inserted on the northern elevation facing onto the Metro line and 2 on the eastern elevation facing onto the blank gable of 1 York Terrace.
- 5.7 Officers have worked with the applicant to agree the design details of the proposed windows and window surrounds and it is considered that the amended plan is acceptable and would help retain the character of the existing building, therefore the development accords with the NPPF, policy CS15 of the CSCUP and saved policy ENV3 of the UDP.
- 5.8 **HERITAGE**

The former police station is a locally listed building. Saved policy ENV18 of the UDP promotes the retention and use of such buildings provided any alterations preserve the special local architectural or historic interest.

- 5.9 Officers do not consider the insertion of the windows causes harm to the heritage value of the building. Further, during the consideration of the application the plans have been amended to ensure the main double doors on Sunderland Road are retained.
- 5.10 Given the above the development would accord with the NPPF and saved policy ENV18 of the UDP.
- 5.11 **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'.
- 5.12 Officers consider the number of proposed car parking spaces to be acceptable. One off-road parking space would be provided for each of the 18 units.
- 5.13 There are two existing vehicle / pedestrian access points to the site from Sunderland Road. The application proposes widening these accesses and implementing a one-way system. This is welcomed by officers and would have a positive impact in terms of highway safety.
- 5.14 Additionally, this site is situated within a highly sustainable location as Felling Metro Station is within walking distance and there are eastbound and westbound bus stops within 70 metres of the site.
- 5.15 In light of the above it is considered the proposed access and car parking provision is acceptable from a highway safety point of view and therefore accords with the aims and requirements of the NPPF and policy CS13 of the CSUCP.
- 5.16 **RESIDENTIAL AMENITY**  
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.
- 5.17 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.

5.18 The nearest residential property to the application site is 1 York Terrace which is immediately adjacent to the side wall of the building but separated by a back lane. The objection states that certain residents do not have double glazing so will hear more noise from the street than the average resident. It is the view of officers that the comings and goings of staff and guests, either by car or on foot, would not have an adverse impact on the residents of York Terrace. The main entrance to the aparthotel would be within the site on the western elevation leading directly from the car park, which lies some 45m west of York Terrace, therefore the proposal would not cause an appreciable level of noise and disturbance to existing residents.

5.19 As such, it is considered that the proposal would comply with the aims and requirements of the NPPF, policy CS14 of the CSUCP and saved policy DC2 of the UDP.

#### 5.20 OTHER ISSUES

The objection states that there have been burglaries at the aparthotel on the opposite side of Sunderland Road and that this application could escalate this. No evidence has been presented to substantiate this. Data from Northumbria Police shows there are approximately 10 burglaries in the Sunderland Road area per year however the data does not specifically relate to the existing aparthotel.

#### 5.21 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 development. Therefore, this proposal would not be charged.

### 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is considered that the proposal is acceptable from a planning point of view and that subject to the planning conditions below accords with both national and local planning policies. It is therefore recommended that planning permission be granted.

### 7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, delete, vary and amend the planning conditions as necessary:

1

Prior to the first use of the aparthotel hereby approved, the accesses shall be widened, alterations to the boundary wall, installation of 600mm high railings and installation of 'In' and 'No Entry' traffic signs shall be fully implemented in accordance with drawing no C-05 Rev C dated 12.11.2018.

Reason

In the interest of highway safety and to accord with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

Pre-commencement reason

To ensure there is adequate parking for hotel guests and staff to prevent indiscriminate parking on the public highway and to ensure the car park will not be used until there is appropriate visibility for drivers in the interests of highway safety.

2

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

Reason

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

3

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

C-01 dated June 2018

C-05 Rev C dated 12.11.2018

C-06 Rev B dated 10.10.2018

C-07 Rev B dated 10.10.2018

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.

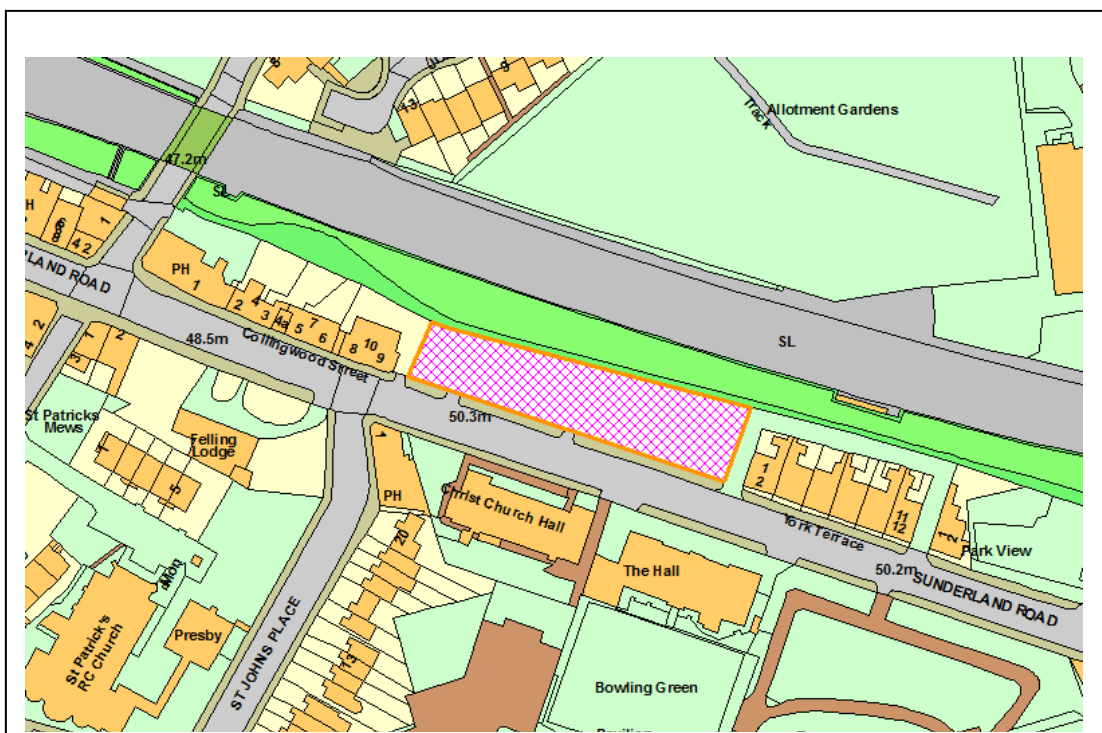
4

All external materials, window frames and window surrounds shall match those of the existing building.

Reason

To safeguard the visual amenity of the area and to ensure the development does not harm a locally listed building in accordance with the NPPF, policy CS15 of the CSUCP and saved policies ENV3 and ENV18 of the UDP.





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**REPORT NO 3**

**Committee Report**

<b>Application No:</b>	<b>DC/18/00859/FUL</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>17 August 2018</b>
<b>Applicant</b>	<b>Avant Homes</b>
<b>Site:</b>	<b>Land East of Collingdon Road High Spen</b>
<b>Ward:</b>	<b>Winlaton And High Spen</b>
<b>Proposal:</b>	<b>Residential development of 185 detached, semi-detached and terraced dwellings, including affordable homes, along with associated access, services, infrastructure and landscaping (As Amended).</b>
<b>Recommendation:</b>	<b>GRANT subject to S106</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The site occupies an area of predominantly agricultural land, approximately 6.9 hectares in size. The site is located behind Watson Street but excludes the allotments there. The northern edge of the site along Pawston Road is the narrowest part of the site and from this point the site opens up to the widest part along the southern boundary. The site has a complex topography although there is a general slope east to west. There are a number of trees and hedgerows within the site, these generally run along the boundaries of the site, although there is a hedgerow running east west across the centre of the site. There are no designated Public Rights of Way within the site.

- 1.2 The site is allocated within the Core Strategy and Urban Core Plan for approximately 132 homes. No part of the site is located within the Green Belt however, the site is bounded to the north, east and south by the Green Belt boundary.

**1.3 DESCRIPTION OF THE APPLICATION**

The application seeks planning permission for 185 detached, semi-detached and terraced dwellings along with associated access, services, infrastructure and landscaping. The proposed housing mix comprises a mixture of two, three and four bedroom houses (36 x 2 bed houses, 90 x 3 bed houses and 59 x 4 bed houses). It is also proposed to provide 15% affordable housing within the site which would equate to 28 units (based on 185 units).

- 1.4 Vehicular access is proposed on the western boundary off Collingdon Road with pedestrian crossing facilities linking the site to the western side of Collingdon Road. An additional pedestrian access is also proposed at the south west corner of the site.

- 1.5 The proposed housing layout as a density of 28 houses per hectare. The submitted Planning Statement explains that this is as a result of the site topography and the desire to provide well proportioned private gardens.
- 1.6 The following information has been submitted with the application:
- Statement of Community Involvement
  - Planning Statement
  - Design and Access Statement
  - Ecological Assessment
  - Affordable Housing Statement
  - Arboriculture Assessment and Method Statement
  - Archaeological Assessment
  - Coal Mining Risk Assessment
  - Geo-environmental Report
  - Flood Risk Assessment
  - Drainage Statement
  - Air Quality Assessment
  - Noise Assessment
  - Transport Assessment
  - Travel Plan
  - Economic Benefits Statement
  - Draft s.106 Heads of Terms
- 1.7 An addendum to the Statement of Community Involvement (SCI) has been submitted following a public consultation carried out by the developer on the 16<sup>th</sup> October 2018 between 4pm – 7pm at High Spen Primary School. This was undertaken at the request of local Councillors to ensure that the local community were fully informed about the proposed development. The submitted SCI document states that 2,400 households received an invitation to the consultation event and that over 80 people attended and 52 questionnaires were returned to the developer.
- 1.8 **RELEVANT PLANNING HISTORY**
- DC/15/01041/OUT  
Outline planning permission (all matters reserved) for residential development of up to 142 houses. APPROVED 20 December 2016.
- DC/17/00142/REM  
Application for reserved matters relating to access, appearance, landscaping, layout and scale pursuant to outline planning application DC/15/01041/OUT. Currently undetermined.
- 2.0 Consultation Responses:**
- |             |  |
|-------------|--|
| Archaeology | Archaeological investigations have been carried out and nothing of interest found. No further work or conditions required. |
|-------------|--|

Newcastle Airport	No objection, subject to conditions
Highways England	No objection
Northumbrian Water	Details of the drainage scheme should be secured through condition.
Coal Authority	No objection, subject to condition
Natural England	No objection
Northern Gas Networks	No objection

### **3.0 Representations:**

- 3.1 The Council sent letters to 150 properties surrounding the application site to notify them about the planning application. The Council also displayed site notices around the application site. A notice also appeared in the Newcastle Journal.
- 3.2 A total of 12 letters of objection have been received. The reasons for objection are summarised below:

- Overdevelopment, overbearing development
- Too many houses are proposed
- The development is out of scale and character with the village of High Spennings
- Out of character with Conservation Area
- There is very little green space proposed
- Increase in traffic
- Increase in road accidents
- Poor visibility on the proposed access
- Traffic calming measures should be proposed
- A crossing at Glossop Street should be provided
- Inadequate car parking
- Harm to residents living conditions
- Increase in noise
- Loss of privacy, overlooking
- Overshadowing of adjacent houses
- Loss of view of adjacent fields / countryside
- Concern over health issues
- Traffic pollution
- Loss of trees
- Impact on local wildlife
- The houses will overshadow the allotments
- Increase in flood risk in the area
- The proposed swales will require regular maintenance
- There may not be adequate capacity in the sewer system

- The size of some houses are less than the National Space Standards
- No accessible homes are provided
- No community amenities are proposed
- The village infrastructure is unable to support 185 more houses
- A contribution should be made to the local school and community centre.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS4 Spatial Strategy - Rural/Village Area

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

GV4 High Speed

DEL1 Infrastructure/Developer Contributions

DC1C Landform, landscape and after-use

DC2 Residential Amenity

T1 Transport req for New Developments

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV47 Wildlife Habitats

ENV51 Wildlife Corridors

ENV52 Creation of New Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H12 Housing Density

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

Gateshead Placemaking SPD

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

- 5.1 The main planning issues relating to this proposed development are considered to be the principle of housing on this site, whether the proposed design of the development is acceptable, housing choice, the impact on the living conditions of the future occupiers of the proposed housing and existing residents near the site, transport issues, flood risk, the possible contamination of the site, the possibility of archaeology remains on the site, the possible impact on ecology on the site and in the area and the impact on existing trees on and around the site.

## **5.2 PRINCIPLE**

### **PRINCIPLE OF DEVELOPMENT**

Policy CS1 of the CSUCP sets out the spatial strategy for sustainable growth. Given population and economic growth there is a need to plan for 30,000 homes within Gateshead and Newcastle up to 2030. To plan for this growth has meant allocating locations for new housing development in villages.

- 5.3 Policy CS10 sets out a net provision of 8,500 new homes in Gateshead to contribute to the 30,000 total up to 2030.
- 5.4 The application site is allocated in the CSUCP, under policies CS4 and GV4b for residential development for approximately 132 homes including a mix of predominantly family housing. No part of the site is located in the Green Belt.
- 5.5 Policy GV4 also requires that development takes place in accordance with an approved masterplan and phasing plan. This follows on from policy CS4 which requires the approved masterplans to; demonstrate a comprehensive, phased and coordinated approach to site development, setting out how necessary infrastructure, and the strategic infrastructure identified for the site in the Infrastructure Delivery Plan will be delivered on a phased basis; and approved development phasing plans setting out build rates and triggers for infrastructure, and demonstrating how each phase of the development is sustainable and deliverable.
- 5.6 The applicant has provided a phasing plan and masterplan within the submitted Design and Access Statement. An indicative phasing plan shows that the site would be built out over four phases. The first phase is shown as being towards the western part of the site around the vehicle access point. The second phase takes in the south part of the site; the third phase takes in the eastern part of the site whilst the fourth phase is shown towards the northern part of the site. The masterplan shows how the site could ultimately be developed with the site-specific infrastructure. Any necessary off-site infrastructure would be delivered through condition(s) and / or the Community Infrastructure Levy payment.
- 5.7 Given the above, Officers consider that the application demonstrates a phased and coordinated approach to development in line with policy GV4 subject to a planning condition requiring compliance with the masterplan and phasing plan.
- 5.8 This application has been advertised as a departure as the number of houses proposed (185 units) is higher than the number of units (approximately 132) referred to in policy GV4 of the Council's Core Strategy and Urban Core Plan (CSUCP).
- 5.9 The submitted Planning Statement explains that a number of issues in relation to ground conditions have required an increase in numbers on the site to ensure that the site can be delivered. Given the extensive Coal Mining Legacy underneath the site, a large amount of drilling and grouting stabilisation works are required. In addition, and to ensure sufficient cover above the worked coal seams, significant amounts of retaining walls are also required across the site. These abnormal costs have resulted in the higher number of houses proposed on the site to ensure that the site is deliverable.
- 5.10 The proposed development should however be assessed in line with the normal material planning considerations to see if the proposed house development with an increase in numbers is acceptable.
- 5.11 HOUSING CHOICE



#### Affordable housing

Policy CS11 of the CSUCP requires the provision of 15% affordable homes on all developments of 15 or more dwellings, subject to development viability. The application proposes 15% affordable homes (28 homes based on a development of 185 dwellings). Subject to a Section 106 Agreement to ensure that these properties are kept affordable in perpetuity, it is considered that the application would be in accordance with policy CS11(5) of the CSUCP.

#### 5.12 Housing types

The proposed housing mix comprises a mixture of two, three and four bedroom houses (36 x 2 bed houses, 90 x 3 bed houses and 59 x 4 bed houses).

The development would therefore make an important contribution to meeting the aim of local planning policy to provide a minimum of 16,000 new homes across the plan area with 3 or more bedrooms. In addition, the type of housing is proposed includes a mix of detached, semi-detached and terraced housing and would be suitable for a wide range of groups in accordance with saved policy H5 of the UDP.

#### 5.13 Wheelchair and lifetime homes

Policy CS11 of the CSUCP sets out the need to encourage provision of lifetime homes and wheelchair accessible homes. This differs from saved policies H9 and H10 of the UDP which require a minimum of 10% of dwellings to be constructed to Lifetime Homes standards and a minimum of 2% of dwellings to be built or be capable of adaption without structural alteration to Wheelchair Housing Standards. The development contains houses that meet both Wheelchair Housing Standards and Lifetime Homes standards and as such is considered to comply with the above policies.

#### 5.14 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 meets the above requirements, providing an acceptable level of internal and external space.

#### 5.15 AMENITY

The majority of the site opens on to open farm land however, there are residential properties beyond the western boundary of the site. Development on the proposed site would need to provide sufficient separation distances between the properties on this neighbouring site. Officers are of the opinion that an appropriate level of separation between dwellings would be provided.

#### 5.16

The application has been submitted with a Noise Assessment which concludes that the dominant noise to the future residents of the new houses would be from road traffic along the B6315 and Pawston Road. This Noise Assessment recommends that standard double glazing with improved acoustic ventilation should be provided for some of the proposed properties facing directly on to the B6315 and Pawston Road. Details of the noise mitigation measures to be provided in the new homes can be secured by condition.

#### 5.17 SITE LEVELS

Due to the varying levels across the site, it will be necessary to carry out a cut and fill earthworks strategy to create a series of plateaus across the site to provide the houses and roads. This will result in a number of retaining walls and structures being provided as part of the development. Some of the proposed layouts show the location and type of retaining walls proposed within the development. A number of cross sections have also been provided through the housing layout to show how the proposed houses would look and to illustrate some of the changes in level across the site.

- 5.18 Council officers are of the opinion that planning conditions are necessary to approve the final details of the existing and proposed levels across the site and the details of the proposed retaining walls to ensure that they are acceptable in terms from a design and residential amenity point of view.

#### 5.19 TRANSPORT

##### Access

Vehicular access to the site would be provided directly from Collingdon Road. The application does demonstrate that a suitable vehicle access could be provided. The final detailed design of the access will be secured by planning condition.

- 5.20 Strategic highway issues and impact on the local highway network  
The application was accompanied by a Transport Assessment, this assessment considered the impacts that the development may have on the road network; this includes a sensitivity test assessment of the junction operating under most strain in a design year of 2030 for 185 houses. The Transport Assessment demonstrates that the additional 43 homes (over the 142 previously approved) has negligible impact on junction performance. The Transport Assessment concludes that all of the junctions will operate within capacity in a design year of 2030.

#### 5.21 Pedestrian crossing

Planning policy GV4 (2) states that, “Development is required to provide, “New pedestrian crossing facilities around the junction of the B6315 Collingdon Road and Glossop Street”.

- 5.22 In addition for High Spen East, CS4 7(i) requires, “New pedestrian crossing facilities linking the development to the western side of the B6315 Collingdon Road.”

- 5.23 The applicant has considered the above requirements and has considered a number of options for potential crossing points. In terms of the B6315 Collingdon Road and Glossop Street crossing, there is insufficient space to provide a formal crossing at (or close) to the junction due to the constrained nature of the network in this area however, there is likely to be scope to provide a crossing further west along Glossop Street. The final position and detailed design for this would need to be informed by detailed design work. It is clear

that there is a requirement to provide a crossing point in this area and, the final details and location of this would need to be secured by condition. There is sufficient space to accommodate a new crossing facility linking the development to the western side of the B6315 Collingdon Road. Final details of this crossing facility could be secured through planning condition.

5.24 Parking and layout

The internal layout of the scheme incorporates a number of features to manage vehicle speeds within the site. These include a number of build outs, parking bays projecting out into the road and raised tables. Parking is to be provided within the site, these are a mix of in plot parking (255), single garages (62) and visitor parking bays (46).

5.25 In regard to cycle parking, this would be an important component of the development in order to give less reliance on the private car. In recognition of this the development incorporates a shed within each plot and this would provide parking for a cycle within each property. This can be secured through planning condition.

5.26 Vehicle charging points

Some provision of electric vehicle charging points is proposed by the applicant. However, the final details and number is not known at this point. A condition is considered to be reasonable to secure an acceptable scheme for EV charging point provision.

5.27 Connectivity

There are a number of bus stops located on the B6315 Collingdon Road, Clayton Terrace Road and Strothers Road, providing access to a number of services. The nearest bus stops within the vicinity of the site are provided on either side of Collingdon Road. In regard to cycling, occupiers of the development would have access to a number of cycling routes with the area (on and off road routes).

5.28 Given the above, it is considered that access to and from the site would connect safely into the existing transport network and the site would have reasonable accessibility by means other than private car. In addition, it is proposed to impose a planning condition requiring a final version of a travel plan to be submitted and approved in order to incentivise future residents to make use of walking, cycling and public transport, including for bus passes for residents.

5.29 FLOOD RISK/DRAINAGE

National and Local Planning Policy advise that development should be directed towards areas at the lowest risk of flooding. The application site is located within Flood Zone 1 (area of lowest risk) and therefore it is considered to be an appropriate location for housing.

5.30 A Flood Risk Assessment and Drainage Strategy have been submitted as part of this planning application. It is recognised within the submission that

residential development at this site would lead to the establishment of impermeable surfaces across a significant area.

- 5.31 The submitted details demonstrate that a suitable drainage scheme could be developed for this site. A number of planning conditions have been recommended to agree the final details of the foul and surface water drainage scheme for the site, the SuDS elements of the development and subsequent SuDS maintenance plan for the lifetime of the development
- 5.32 Northumbrian Water have raised no objection to the application, subject to a condition that would require the approval of a detailed scheme for the disposal of foul water.
- 5.33 Subject to the above flood risk/drainage related planning conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and accord with the aims and objectives of the NPPF, Policy DC1 (h) and (j) of the Unitary Development Plan and Policies CS14, CS17, GV4 of the CSUCP.
- 5.34 **OPEN SPACE / PLAY PROVISION**  
The site is located within a residential neighbourhood that is not deficient in open space provision. The proposed development is therefore not required to provide additional open space.
- 5.35 The proposed layout does however include a ring of greenery around the proposed houses which would provide an attractive area for future residents and members of the public. These green areas would incorporate areas of accessible and non-accessible space. The proposed layout shows possible locations for seating and informal naturalistic play features within the areas of accessible space. The areas of non-accessible space are required to ensure appropriate wildlife corridors are incorporated.
- 5.36 **ECOLOGY**  
The following ecology information has been submitted in support of the planning application:
- Breeding Bird Survey
  - Extended Phase 1 Habitat Survey
- 5.37 The majority of the site is dominated by two arable fields and these are considered to be of low habitat value. Whilst this is the case, the boundaries around the site contain a good mix of shrubs and trees. The central hedgerow that runs east/west across the site would be removed as part of the scheme, there is no policy requirement to retain this feature and its loss is required to facilitate the development.
- 5.38 Given that the proposed development will result in the direct loss of the majority of the existing field and its existing habitats Council officers are of the opinion that this level of impact cannot be mitigated on site alone as there is limited

space for habitat creation and enhancement. It is therefore considered that it is not possible to develop this site with no net loss of biodiversity on the site.

- 5.39 In recognition of this and in accordance with the hierarchy set out in the NPPF, Council officers consider that off site compensation is therefore required to make the proposed development acceptable from an ecological point of view. Council officers are therefore of the opinion that a financial contribution for off site ecological compensation is required in this instance to address the residual impact of the development and to achieve no net loss of biodiversity.
- 5.40 After considering options Council officers have identified an off site ecological solution which would involve the undertaking off-site ecological compensatory works on Council land at The Folly south of Lead Road Greenside. This compensation scheme would comprise the creation of 304m of new native hedgerow and the restoration and enhancement of 3ha of semi improved grassland. The costs associated with the above off site ecological work (£40,000) can be secured by a planning obligation. Council officers consider that this would represent an acceptable/proportionate off site ecology scheme.
- 5.41 Council officers also consider that a number of ecology related conditions are necessary to approve and implement an biodiversity method statement, lighting design, landscape and ecological design strategy, landscape and ecological management plan and an ecology monitoring strategy for each phase of the development.
- 5.42 Subject to the above ecology related planning conditions and off site ecology compensation measures to be secured by a planning obligation, it is considered that the proposed development would not have a detrimental impact on protected species and ecology and would therefore comply with the NPPF, saved Policies ENV47 and ENV51 of the UDP and Policy CS18 of the CSUCP.
- 5.43 **ARCHAEOLOGY**  
The applicant submitted a desk based archaeological assessment as part of the planning application. The applicant also carried out archaeological trenching on the site in February 2016. The result of this trenching exercise confirmed that there were no artefacts or features of archaeological importance identified on the site. The Council's Archaeologist has confirmed that all the necessary archaeological investigations have been satisfactorily completed on this site and no further archaeological works or planning conditions are required.
- 5.44 **LAND CONTAMINATION**  
The site appears to have never been used for commercial/industrial purposes. However there are still potential sources of contamination. A Geo Environmental Appraisal Report has therefore been submitted as part of the application. This report assesses the potential for contamination to be present on site.
- 5.45 The report concludes that there is a low risk of contamination being found during the development of the site. The report also states that the topsoil

present across the site is suitable for reuse in the garden and landscaped area of the proposed development. Therefore the report concludes that no remediation measures are required on site regarding contaminated land issues.

5.46 Council officers agree with the submitted report and its finding. Council officers however consider that some planning conditions are necessary to require gas monitoring / mitigation measures and to control any previously unidentified contamination that may be discovered on the site.

5.47 Subject to these conditions, it is considered the proposed development is acceptable from a contaminated land point of view and would accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.

#### 5.48 COAL MINING ISSUES

The application site is within a defined development High Risk Area which means that within the application site and surrounding area there are coal mining features and hazards which need to be considered. A Geo-environmental Appraisal Report and supplementary information prepared by Calabrian Limited has been submitted as part of this planning application. This submitted information examines the coal mining legacy on the site. The Council has also consulted the Coal Authority.

5.49 The Coal Authority concurs with the recommendations of the applicants submitted information that the shallow coal mining legacy poses a risk to the proposed development and that remedial stabilisation measures are necessary to ensure the safety and stability of the proposed development.

5.50 The Coal Authority has therefore stated that they have no objections to the proposed development subject to a planning condition requiring the approval and implementation of remedial stabilisation measures.

5.51 Council officers have therefore recommended planning conditions which require these remedial works to be approved and carried out prior to any development commencing on the site. Subject to these planning conditions, it is considered that the proposed development would not be at unacceptable risk from unstable land and would therefore be in accordance with the aims and objectives of the NPPF, saved Policy DC1 (p) of the UDP and Policy CS14 (1 iii) of the CSUCP.

#### 5.52 COMMUNITY INFRASTRUCTURE LEVY

On 1<sup>st</sup> January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development. The development is located within Residential Charging Zone A with a levy of £60 per square metre for this type of development, with an exception provided for specific types of on-site affordable housing. The final contribution will not be calculated until the decision is issued however it is anticipated that the CIL contribution from this development will be in the region of 850k. The CIL payment includes a neighbourhood portion (15%). The

neighbourhood portion should be used to address the significant impact of a particular development through either the provision, improvement, replacement, operation or maintenance of infrastructure or anything else that is concerned with addressing the demands that development places on an area.

#### **5.53 LOCAL WORKFORCE COMMITMENTS**

In accordance with the Planning Obligations Supplementary Planning Document the Council is seeking to secure benefits to the local workforce that may include direct, indirect and induced jobs employment, apprentices, graduates or trainees.

### **6.0 CONCLUSION**

6.1 The site is allocated in the CSUCP for residential development and therefore the principle of developing this site for housing is clearly acceptable.

6.2 The provision of 185 houses on the site is however not in accordance with policy GV4 of the CSUCP which allocates the site for approximately 132 houses. This application is therefore a departure to the Council's approved development plan. However the number of houses proposed (185 units) has been fully assessed and found to be acceptable.

6.3 It is also considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the CSUCP. The development would also have economic benefits during the construction period and beyond.

6.4 It is acknowledged that the development would have some impacts such as on the local road network and biodiversity. However, it is considered that all these impacts can adequately be mitigated through planning conditions and/or Section 106 Agreement.

6.5 Therefore taking all the relevant material planning considerations into account, including those made by local residents and consultees, it is recommended that planning permission be granted subject to the planning conditions and legal agreement below.

### **7.0 Recommendation:**

#### **7.1 GRANT SUBJECT TO A SECTION 106 AGREEMENT**

1) The agreement shall include the following obligations:

- Provision and retention of affordable housing
- Financial contribution to offsite ecology mitigation
- Local workforce Commitments

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

3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the shall cover the following matters

- 1) In accordance with plans
- 2) Time limit to implement
- 3) Phasing to be agreed
- 4) Implement phasing plan
- 5) Drainage details to be approved
- 6) Implement drainage details
- 7) Drainage construction method statement to be agreed
- 8) Implement construction method statement
- 9) Drainage management plan to be approved
- 10) Implement drainage management plan
- 11) Details of drainage discharge inc. condition survey and necessary improvements, connections and managements arrangements
- 12) Implement drainage discharge arrangements
- 13) Details of crossing at Glossop Street
- 14) Provision of Glossop Street crossing
- 15) Details of Collingdon Road crossing
- 16) Provision of Collingdon Road crossing
- 17) Coal mining remediation works to be agreed
- 18) Implement coal mining remediation works
- 19) Gas monitoring/mitigation measures
- 20) Implement gas mitigation measures
- 21) Previously unidentified contamination
- 22) Hours of construction and construction management plan



- 23) Construction hours and construction management plan to be implemented
- 24) Noise mitigation measures to be approved
- 25) Implement noise mitigation measures
- 26) Details of play provision to be approved
- 27) Implement play provision
- 28) Biodiversity method statement to be agreed
- 29) Implement biodiversity method statement
- 30) Ecology enhancement plan to be approved
- 31) Implement ecology enhancement plan
- 32) Biodiversity monitoring strategy
- 33) Implement biodiversity monitoring strategy
- 34) Lighting design strategy
- 35) Implement lighting design strategy
- 36) Landscape and ecological design strategy
- 37) Implement landscape and ecological design strategy
- 38) Landscape and ecological management plan
- 39) Implement landscape and ecological management plan
- 40) Tree protection measures to be approved
- 41) Implement tree protection measures
- 42) Site levels / retaining walls to be approved
- 43) Implement site levels
- 44) Boundary treatment details to be approved
- 45) Implement boundary treatments
- 46) Final details of access
- 47) Implement details of access

- 48) Cycle parking as per layout plan
- 49) Vehicle charging points to be approved
- 50) Vehicle charging to be implemented
- 51) Travel plan to be submitted
- 52) Travel plan measures to be implemented



# **UPDATE**

**REPORT OF THE  
STRATEGIC DIRECTOR, COMMUNITIES AND ENVIRONMENT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
12 December 2018**

Please note this document should be read in conjunction with the main report of the Strategic Director, Communities and Environment.



# **MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/00859/FUL</b>
<b>Site:</b>	<b>Land East of Collingdon Road</b>
<b>Proposal:</b>	<b>Residential development of 185 detached, semi-detached and terraced dwellings, including affordable homes, along with associated access, services, infrastructure and landscaping (As Amended)</b>
<b>Ward:</b>	<b>Winlaton and High Spen</b>
<b>Recommendation:</b>	<b>GRANT subject to s106</b>
<b>Application Type</b>	<b>Full Application</b>

## **Update on crossing options and condition**

### **Crossing options**

Further to main agenda report, Officers from the Council's highway team have been looking into the options to deliver a safe pedestrian route from site to the south and in particular to High Spen Primary School. A number of options have been considered and officers are satisfied that a suitable scheme can be delivered. The monies required to deliver the required improvements can be secured by s.106 legal agreement.

### **Additional Conditions**

Final details of the footpath/cycle route to the south west corner of the site and the associated crossing are required; this can be secured through condition. To ensure that the development is designed to 20mph design speeds an additional condition is recommended. This could involve adding additional build outs or vertical features at strategic points in the development.

It is recommended that the following conditions be added to the recommendation

- Details of footpath/cycle way to south west corner and associated crossing to be approved
- Southwest footpath/cycle way to be delivered as approved
- Final details and location of features to control traffic speeds to be approved
- Speed control features to be delivered as approved

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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### Committee Report

<b>Application No:</b>	<b>DC/18/01070/COU</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>12 October 2018</b>
<b>Applicant</b>	<b>Mr Douglas Musgrove</b>
<b>Site:</b>	<b>4-5 Main Road Ryton NE40 3NA</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Change of use from Bookmakers to Micropub</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

### 1.0 The Application:

#### 1.1 DESCRIPTION OF SITE

The application site is a single storey unit within the district retail centre of Ryton. The unit forms part of a group of units at Lane Head and faces east. The unit has been vacant since April 2018 and was last used as a betting shop.

#### 1.2 DESCRIPTION OF APPLICATION

The application proposes the change of use of the unit from betting shop to micropub (drinking establishment, use class A4).

1.3 The application does not propose any external alterations to the building.

#### 1.4 RELEVANT 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 Councillor Buckley has requested that the application be reported to Planning Committee.

3.3 Four objections have been received from residents, raising concerns regarding:

- the need for such a use

- increased anti-social behaviour and noise, particularly in terms of customers drinking and smoking outside the premises, on land opposite the premises and outside of other properties
- increased parking demand and worsening of existing indiscriminate parking
- impact of additional deliveries on highway safety
- Increased litter
- opening hours of the premises

**3.4** Seven letters of support for the application have also been received, making the following comments:

- would be a focal point and meeting place;
- would have limited capacity and opening hours and would sell high quality products;
- Similar successful establishments in the borough;
- would get passing trade from locals, who would respect residents and local area;
- would encourage visitors to the area and promote the area;
- a variety of residents would be encouraged to drink locally, and the proposal would help to create a better community spirit;
- other large pubs in the area have closed and the proposed premises would be competitive with remaining pubs in the area;
- the area would benefit more from a well-managed micropub than a betting shop;
- Licensing law could deal with issues if they arise;
- customers would prefer quieter surroundings;
- would contribute to society and would keep the area vibrant and active.

**4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

RCL5 District and Local Centres

CS7 Retail and Centres

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments



CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

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

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the proposal, visual amenity, residential amenity and highway safety and parking.
- 5.2 **PRINCIPLE**  
The site is within Ryton district retail centre, as defined by saved policy RCL5 of the UDP and policy CS7 of the CSUCP. The proposal would not result in the loss of an A1 retail use and would instead bring a vacant unit back into use. As such, it is considered that the scheme would maintain and enhance the vitality and viability of the centre.
- 5.3 The proposal would comply with the aims and requirements of saved policy RCL5 of the UDP and policy CS7 of the CSUCP.
- 5.4 **VISUAL AMENITY**  
The application does not propose any external alterations to the building. Any additional signage relating to the proposed use would be considered separate to this application and may require separate advertisement consent.
- 5.5 The proposal would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CUSUCP.
- 5.6 **RESIDENTIAL AMENITY**  
There are residential properties 24metres to the south at Greenfield Place and The Oval, across Woodside Lane. The application site is also 21metres away from the rear of properties on Grange Road, to the east/south east across Woodside Lane. There is some green public space immediately east of the application site across the footpath.
- 5.7 In terms of potential noise from entertainment associated with the proposed use, it is recommended that a condition be imposed requiring a noise assessment to be carried out prior to the installation of an amplified sound system or similar equipment.
- 5.8 The application proposes opening hours of 11.00-23.00 Monday to Saturday and 12.00-23.00 Sundays and Bank Holidays. The site is located in a district retail centre and in a parade of shops where an existing retail unit is open until 23.00 daily. Additionally, as above, it is recommended that a condition be imposed restricting amplified sound systems. As such, it is considered that the proposed hours are reasonable, and it is recommended that a condition be imposed restricting the hours to those proposed.

- 5.9 In terms of other potential noise generated by the use, it is recommended that conditions be imposed restricting delivery hours and external bin emptying to between 08:00 and 21:00 on any day.
- 5.10 Additionally, no details have been submitted relating to kitchen ventilation or cooking. It is recommended that a condition be imposed requiring the submission of details for consideration prior to the installation of such equipment.
- 5.11 Given the above, it is considered that the proposal would not have an unacceptable impact on residential amenity in the area and would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.12 **HIGHWAY SAFETY AND PARKING**  
It is not anticipated that the proposed change of use would have a significant impact on the surrounding highway network. The application site is located in a local centre with a large residential catchment area, and the site benefits from good access to public transport. Patrons could arrive on foot or public transport, given the central location of the site and the nature of the proposed use.
- 5.13 Officers are satisfied that existing waiting restrictions would prohibit inappropriate parking in the immediate vicinity and that there is scope to park on-street if required. Additionally, it is considered that deliveries associated with the proposed would not create a significant highway safety concern.
- 5.14 The proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.15 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not qualifying retail or housing related.
- 5.16 **OTHER MATTERS**  
In considering an application, the merits of that proposal are to be assessed and the demand for a use is not a material planning consideration.
- 5.17 Similarly, anti-social behaviour, littering and potential for members of the public to congregate in other locations are not material planning considerations.

## **6.0 CONCLUSION**

- 6.1 The proposal would result in a use that would maintain and enhance the vitality and viability of the district centre, and with the imposition of conditions it is considered that the use would not have an unacceptable impact on the amenity of existing and potential future residential neighbours.

6.2 Taking all the relevant issues into account, the proposed development is acceptable in terms of visual and residential amenity, highway safety and parking, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

6.3 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

**7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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 received 12.10.2018;  
Ground floor plan received 12.10.2018

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 use hereby approved shall only be open to the public between 11.00-23.00 Monday to Saturday and 12.00-23.00 Sundays and Bank Holidays.

**Reason**

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14

of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

4

Deliveries to the site and external emptying of any bins associated with the use hereby approved shall be restricted to between 08:00 and 21:00 on any day.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

5

No amplified sound system or similar equipment associated with the use hereby approved shall be used on site until details of a noise assessment (including mitigation measures and timescales where necessary) have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

6

The details approved under condition 5 shall be implemented and maintained in accordance with the details and timescales approved and retained as such for the lifetime of the development.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

7

Ventilation/extraction and cooking equipment at the premises associated with the use hereby approved shall not be installed until final details of such equipment (including specific details on the filters/odour mitigation, noise details for the fan and measures for maintenance) have been submitted to and approved in writing by the local planning authority.

Reason

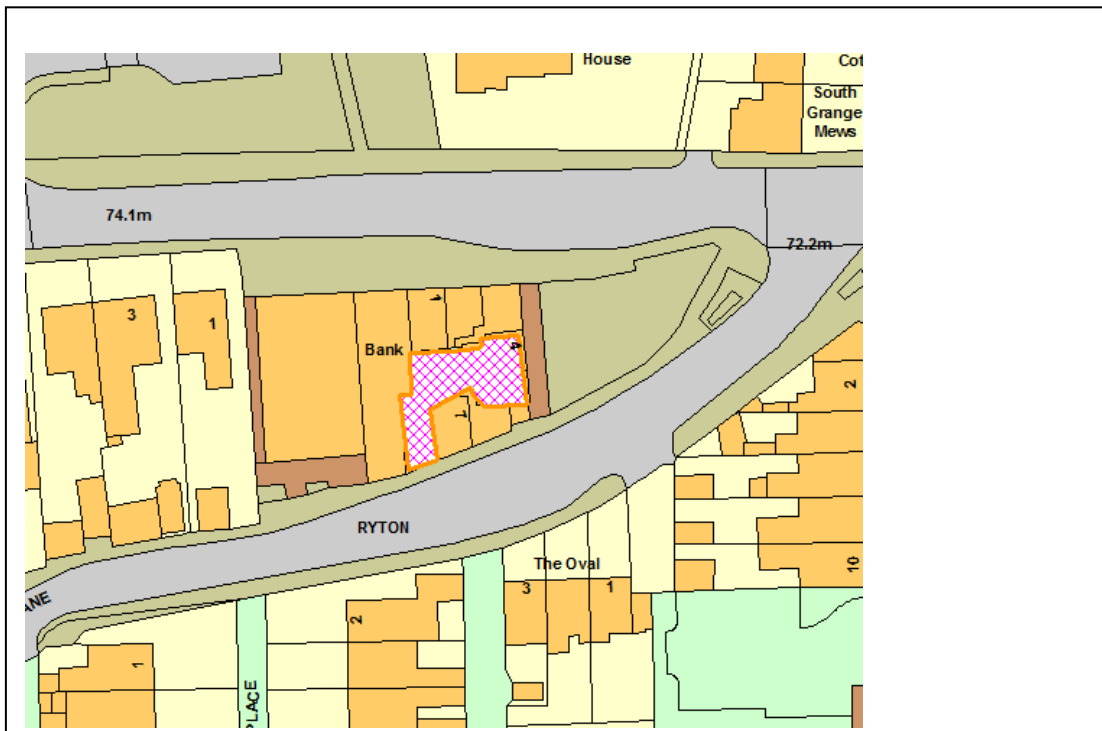
To ensure that the use would not result in an unacceptable level of noise/disturbance or smells at neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

8

The details approved under condition 7 shall be implemented and maintained in accordance with the details approved and retained as such for the lifetime of the development.

#### Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance or smells at neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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# **UPDATE**

**REPORT OF THE  
STRATEGIC DIRECTOR, COMMUNITIES AND ENVIRONMENT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
12 December 2018**

Please note this document should be read in conjunction with the main report of the Strategic Director, Communities and Environment.





**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01070/COU</b>
<b>Site:</b>	<b>4-5 Main Road Ryton NE40 3NA</b>
<b>Proposal:</b>	<b>Change of use from Bookmakers to Micropub</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Change of Use</b>

**Reason for Minor Update**

**Further representations made**

**An objection has been received from Councillor Buckley, raising the following concerns:**

- Recommended Condition 4 restricting hours of deliveries and bin emptying until 21.00 would still allow for noise and disturbance at neighbouring dwellings, and it is suggested that this condition be amended to restrict deliveries and bin emptying to before 19.00;**
- Recommended Condition 5 (restricting amplified sound equipment associated with the use in the absence of an LPA approved noise assessment) does not require the applicant to fit sound-proofing or double glazing;**
- The potential for noise caused by future patrons smoking at the rear of the premises.**

**It is considered that the recommended conditions are reasonable and proportionate, and that the measures suggested in the representation would not be necessary to make the proposal acceptable.**

**Additionally, the potential for members of the public to congregate in other locations is outside of planning control.**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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**Committee Report**

**REPORT NO. 5**

<b>Application No:</b>	<b>DC/16/00698/OUT</b>
<b>Case Officer</b>	<b>Andrew C Softley</b>
<b>Date Application Valid</b>	<b>13 July 2016</b>
<b>Applicant</b>	<b>Persimmon Homes</b>
<b>Site:</b>	<b>Former Wardley Colliery Wardley Lane Felling Gateshead NE10 8AA</b>
<b>Ward:</b>	<b>Wardley And Leam Lane</b>
<b>Proposal:</b>	<b>Outline application for no more than 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).</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Outline Application</b>

**1.0 The Application:**

**1.1 BACKGROUND**

The application was deferred at the Planning and Development Committee of 25th January 2017 for Members to visit the site on 9th February 2017. The application was therefore considered at the Planning and Development Committee on 15th February 2017 with a recommendation for refusal with 7 reasons. The decision was taken to defer the application again to allow for more detailed discussions to take place between planning officers and the applicant in an attempt to address the reasons for refusal before being re-considered at Planning and Development Committee.

1.2 The applicant submitted some additional information, which was reviewed in detail by officers and was considered address the SuDS reason for refusal only. The application was due to be heard by Planning and Development Committee on 21<sup>st</sup> June 2017 with a recommendation of refusal with 6 reasons. However, in advance of the meeting the decision was made to defer the application again to give the applicant more time to address as many reasons of refusal as possible prior to the application being heard by Planning and Development Committee. After several meetings with the applicant following June 2017, and the submission of amended/additional information by the applicant (that has included a modest reduction in the maximum number of houses from 155 to 144), that has been reviewed by officers, the following pages set out the assessment of the application and the information submitted.

1.3 Due to the amount of time that has passed, and a number of changes to the membership of Planning and Development Committee, since this application

was first presented; at the Committee meeting on 21<sup>st</sup> November 2018, Members agreed to undertake a further site visit. This visit took place on Thursday 6<sup>th</sup> December.

1.4 DESCRIPTION OF THE SITE

The application site extends 5.6 hectares in total and is made up of two adjoining parcels of land that are in separate ownership, which collectively make up the former Wardley Colliery site. The application site is located on land northeast of Wardley, outside of the defined settlement of Wardley, within Green Belt land that forms the strategic gap between Wardley and Hebburn that prevents Gateshead from merging with South Tyneside. It falls within a designated Wildlife Corridor and sits immediately adjacent to Wardley Manor Local Wildlife Site.

1.5 The smaller western portion of the application site (1.5 hectares) contains the dangerous ruined remains of several buildings associated with the historic operation of the colliery. The site is also heavily contaminated and contains 4 mineshafts. The western area is co-owned by Mr Colin Ford and Mr David Wilson. This site is considered abandoned in planning terms, as it has had no meaningful lawful use since the colliery closed in the 1970s, having been neglected for the last 40 years since the colliery closed. This portion of the application site has no prescribed right of access along Wardley Lane.

1.6 The western portion also has an Enforcement Notice served upon it in respect of the untidy nature of the site, extremely poor state of repair of the buildings and the fact the site perimeter fencing is not properly maintained. This permits the Council to force the demolition of the buildings. The notice requires the landowners to keep the site secure at all times to prevent public access.

1.7 The larger eastern portion of the application site (4.1 hectares) is the site of the former JW Coats and Sons Ltd yard, which is currently vacant save for one warehouse building. That said, 1.4 hectares along the southern/western edge of the eastern portion is made up of the 10m high steep sided spoil heap associated with the former colliery, which was reprofiled in the past to form a landscaped bund to screen Mr Coats operation from the properties in Wardley. The bund is made up of contaminated colliery waste, but it was covered with a clay cap as part of the reprofiling and landscaping works. The remaining 2.7 hectares of the eastern portion consists of extensive hard cored/concreted areas of land that was used for the open storage of truck bodies, vehicle parts, tyres, etc. The site also used to contain two large two-storey detached metal clad buildings that formed the enclosed repair and dismantling part of the business, of which one has been demolished. The eastern portion is also considered to be heavily contaminated due to its historic use as a railway siding and since the early 1980s as a vehicle breakers/reclamation yard.

1.8 The eastern portion does have planning permission as a commercial vehicle end of life dismantler and breaker, albeit the business closed in early 2015, including the removal of all the open air stored items and the demolition of one of the two large buildings. In terms of the permitted use the eastern portion has remained vacant ever since. The eastern portion is owned by Mr Bill Coats and

his wife. The planning permission for this part of the site, (ref. 336/97) granted retrospective consent to regularise the following... Change of use of former colliery land to form extension to adjacent vehicle dismantling and workshop compound (use class B2) and associated works including screen landscaping and fencing (partly retrospective).

- 1.9 In addition to the planning permission referenced above the eastern portion also benefits from a Certificate of Proposed Lawful Use, which was issued in 2010, as it was able to demonstrate through case law that the industrial process associated with vehicle dismantling and breaking was effectively waste recycling and therefore recycling of other waste materials that involves a similar industrial process of subdividing, sorting and processing of materials would not result in a change of use, as it would fall within the same use class B2. Any such use must not include any incineration or chemical treatment of the materials, 90% must be recyclable and able to be reused or sold on, with only a small percentage to be landfilled, which must not happen on site. It must also adhere to the conditions attached to 336/97 regarding hours of operation (8am-5pm) and not stacking materials higher than the height of one truck body.
- 1.10 The certificate of lawfulness for the recycling of materials, other than vehicles and their parts, is a clear distinction from a waste transfer station, which is a site used for the temporary storage of waste, primarily before being taken elsewhere for incineration or to be landfilled and does not typically involve any recycling or industrial processing. A waste transfer station does not fall within a defined use class and thus is classed as "sui generis" and is specifically excluded from the certificate of lawfulness. Therefore, in order to operate the eastern portion as a waste transfer station would require planning permission, as it cannot be considered as a permitted use of the land.
- 1.11 The eastern portion has no current Enforcement Action active against it and Mr Coats and his wife have a deed of easement over Wardley Lane for access to their site.
- 1.12 As of July 2017, the eastern portion no longer has an "Operators License" attached to it. This is needed to transport goods and freight (scrapped/broken vehicles in this case) on British roads when operating from a defined base where the recovered materials are stored, and the recovery vehicles operate from. Therefore, to re-open the site the complex application process would need to be undertaken with the DVSA (formerly VOSA). This would apply to whoever operated from the site, as because the Wardley site is no longer attached to a valid operator's license it cannot simply be "transferred" to a new occupier. This is out with the planning process and hence is referenced as a point of note only.
- 1.13 As part of the Operators License application process the applicant is required to advertise their intention in the local press through a public notice to enable the public and public authorities to make representations to the DVSA on issues such as environmental impacts and the unsuitability of a site i.e. the quality of the access.

- 1.14 The eastern portion also no longer benefits from a Scrap Metal Site Licence, which are regulated and issued by the Council's Licensing Section.
- 1.15 The Environment Agency (EA) waste permit for the eastern portion is still valid.
- 1.16 The application site lies within Green Belt, outside and to the northeast of the Wardley settlement within the strategic gap between Gateshead and South Tyneside. The western portion is defined with Heras style fencing that was installed by the owners following the Council serving a notice upon them due to the insecure nature and untidy appearance of the land and on-going issues with anti-social behaviour. A recent site visit on 21<sup>st</sup> November 2018 has identified that the site is again not being kept secured.
- 1.17 The eastern portion is defined by 2m+ high metal palisade fencing along its northern and eastern boundaries and is screened along its western, and part of its southern boundary with mounding formed from the remodelling of the former colliery spoil heap that has subsequently been planted. The wider application site is bounded to its south/southwest side by the Leamside railway line, to its southeast/east side by the Bowes Railway route, to its east/northeast by Wardley Manor Country Park (restored former landfill that is actively monitored for methane gas) and to its north/northwest by an un-adopted track, which gives access to the site from Wardley Lane that runs over the Wardley railway bridge, and which continues also in a north westerly direction to the A185 Shields Road.
- 1.18 Lighter vehicles can also access the site via Manor Gardens over Wardley Bridge, but HGVs can gain access only from Wardley Lane to the north. The open land around the site generally forms part of the Wardley Manor Country Park, in accordance with an adopted Strategy for this country park (supported by UDP policy CFR25). The eastern portion of the application site is adjacent to the Wardley moated site, a Scheduled Monument (SM), of a former 13th century manor house with a surrounding moat.
- 1.19 DESCRIPTION OF THE APPLICATION  
This outline application, with all matters reserved, seeks consent for no more than 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. The developable area of the application site extends to 4.2 hectares, with a further 1.4 hectares that would be left undeveloped because it forms the existing screening bunds that define the southern and western boundary of the former vehicle reclamation/breakers yard.
- 1.20 Applications for outline planning permission seek to establish whether the principle, scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward.
- 1.21 This type of planning application allows fewer details about the proposal to be submitted. If outline permission is granted, the developer would then need to ask for approval of the details ("reserved matters") before work can start. These details would be the subject of a "reserved matters" application at a later stage.

- 1.22 Although only indicative at this stage, the main access is proposed to be via Wardley Lane from the north, with the existing rough track upgraded to an adoptable standard up to where it meets Wardley Railway Bridge and the entrance to the estate positioned towards the north-western part of the site where the current former colliery buildings are located. The smaller bridge over the Leamside Line that links to Manor Gardens would be pedestrianised to remove the issue of vehicle rat-running between Wardley and Hebburn.
- 1.23 A range of amended, albeit entirely indicative, plans and layouts have been submitted showing a combination of 2 and 3 storey detached, semi-detached and terraced properties and detached garages, with red brick and slate grey roofs and a "gateway" feature at the entrance.
- 1.24 The reduction in total possible numbers proposed by 11 to 144 houses, is illustrated on the amended layout plan by setting the east facing properties further back from the eastern edge of the site to provide a larger buffer and opportunity for SuDS. The plan is indicative, not to scale, and based upon it, it is not possible to say what the size of the buffer would be or therefore ensure it was retained at Reserved Matters stage. Nonetheless, the applicant has stated they intend to retain an appropriate sized buffer along the eastern edge of the former Coats Yard and would be happy for a condition to be applied to ensure its delivery.
- 1.25 The other amended/revised documents submitted include further ecological survey work, a proposal to provide lighting for a section of footpath, a revised viability statement and site investigation works into the suitability and stability of the existing landscaped bund made from colliery spoil.
- 1.26 **PLANNING HISTORY**  
The site has had a long planning history, but the most recent, and most relevant to this current planning application, have been the following applications:-

EIA/16/003 - Environmental Impact Assessment (EIA) Screening Option for a residential development of approximately 150 dwellings (use class C3) on land of former Wardley Colliery and breaking yard, Wardley. Deemed that an EIA is not required in this case - response issued 14.07.2016.

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

DC/10/00251/CPL - CERTIFICATE OF LAWFULNESS FOR PROPOSED USE: Use of land red-edged within site as shown on drawing NE/1141/07/Rev1 (dated May 1997, pursuant to planning permission 336/97) for waste recycling (use Class B2), to comprise the processing of recyclable waste delivered to the site by road, by means of its sorting by manual and/or mechanical means, both indoors and outdoors, into separate recyclable materials, including soil, aggregates, ferrous metals and aluminium, green waste, timber, paper, cardboard, and plastics. Further processing of some of these materials to include crushing, shredding or compacting/baling to form an end product

which can be sold on for recycling. No sales (other than any ancillary to the use) to be direct to visiting members of the public. Recyclable materials to comprise not less than 90% of the incoming waste and the waste fraction arising to be exported to appropriate landfill sites. No incineration or chemical treatment of waste to take place on the site, nor waste to be disposed of on the site. All waste passing through the site to undergo processing of some sort - Granted - 05.05.2010.

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

1.27 Earlier applications are noted below:-

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

336/97 - change of use of former colliery land to form extension to adjacent vehicle dismantling and workshop compound (retrospective) and associated works (including screen landscaping and fencing (partly retrospective) - granted - 14.02.2000

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

## **2.0 Consultation Responses:**

Coal Authority                      No objections subject to conditions.

Historic England                      No objections subject to conditions.

Nexus                                      No objections subject to conditions.

Northumbria Water	No issues provided it is carried out in accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy".
Tyne And Wear Archaeology Officer	No objection subject to conditions.
South Tyneside Council	<p>Objects to the application on three grounds:</p> <ul style="list-style-type: none"> <li>• Harm to the Green Belt.</li> <li>• Insufficient information in terms of impact upon ecology.</li> <li>• Inaccurate Transport Assessment information.</li> </ul>

### **3.0 Representations:**

- 3.1 The above application was received and made valid on 13th July 2016.
- 3.2 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.
- 3.3 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.
- 3.4 As mentioned above, 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.
- 3.5 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.
- 3.6 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. During the process of recording the letters as part of the

application one was discovered that purported to have been written and signed by the spouse of a member of the LPA's planning team. Upon contacting this person, they confirmed that they had not written any letter and had not signed any document in support of this application. The decision was taken to issue bespoke acknowledgement letters, rather than the standardised proforma letter, asking the individual to contact the office to confirm whether they had written a letter and signed their name giving their support to the application.

- 3.7 Of the 140 letters issued, the office received 44 responses, of which 23 said they had written in and 21 who said they had not signed anything offering their support to the application, some saying they had never heard of Wardley Colliery or what the application proposes. The catchment area of these letters extended several miles beyond the application site, including letters from addresses in South Tyneside and even Northumberland.
- 3.8 Overall, 48% of the people who responded and 15% of the total number of letters received are known to be false representations, which officers consider reduces the weight that can be given to the rest of the bundle of letters, which should be treated with some caution in terms of being a true reflection of the level of support for this application.
- 3.9 Over the weekend 24-25 November 2018 the landowners, in agreement with the applicant, have hand delivered glossy flyers and questionnaires to properties in the Wardley area, asking people to support their application. Having seen the content of material distributed, officers have serious concerns due to the factual errors contained, especially in relation to stating that Mr Coats' yard will open as a waste transfer station (WTS) if permission is not granted. Mr Coats' yard does not have permission to operate as a WTS and would need a change of use to operate lawfully and would be open to Enforcement action without it. The LPA considers that these documents are misleading as they do not factually represent the application and could be perceived by a recipient as exaggerated and intimidating, as well as showing imagery that is not a true representation of the application site.
- 3.10 On the back of this exercise 9 questionnaires/letters of objection to the application have been received citing the following concerns:
- A scrap yard would be better than houses and employ local people.
  - Houses would be damaging to the local ecology.
  - We are running out of space for wildlife.
  - The area is crowded already with too many people.
  - The questionnaire is trying to scare me with talk of anti-social behaviour but does not talk about the impact of the development at all.
  - Fly tipping is a problem, but this is not the answer.
  - The flyer from Persimmon is misleading and inaccurate.
  - The flyer is trying to 'con' people into supporting the scheme.
  - There is ample housing stock in Wardley.
  - The local road network struggles already to cope.

- Wardley Lane is not suitable due to having an active Metro bridge, which is too small and A185 is already congested.
- The bridge to Manor Gardens is not suitable and would be disastrous in terms of traffic movements.
- The site could easily be converted to parkland, wildlife reserve, etc.
- The historical use of the sites means they are likely unsuitable for housing and are adjacent to a former landfill site.

3.11 45 questionnaires/letters in support of the application have been received offering the following points:

- A waste transfer station would be unacceptable.
- The site is untidy.
- Wardley needs more housing.
- Anti-social behaviour is a major problem.
- Fly tipping is an issue.
- Existing buildings are dangerous.
- Site needs remediating.
- Would enhance the area.

#### **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

CS19 Green Belt

CFR25 Countryside Recreation

H4 Windfall and Small Housing Sites

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H15 Play Areas in Housing Developments

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

MWR28 Prov of Facilities in new Developments

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

### **5.1 ASSESSMENT**

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

### **5.2 GREEN BELT**

#### Strategic Green Belt gap between Gateshead and Hebburn

The application site is in Green Belt and the proposal would reduce the gap between Gateshead and Hebburn. The maintenance of the full width of strategic Green Belt gaps between towns, particularly where, as here, they are narrow, is recognised as making an important contribution to the objective of preventing the merger of neighbouring towns. In this case, policy CS19 of the Core Strategy and Urban Core Plan refers to the function of the Tyne and Wear

Green Belt to prevent the merging of settlements and specifically refers to preventing the merger of Gateshead and Hebburn.

- 5.3 This area of land that separates Gateshead from South Tyneside was first identified as important in the Heworth/Wardley Local Plan that was adopted by the Council in November 1987. Policy HW18 of the plan identified this area as a "Green Wedge separating Bill Quay, Pelaw and Wardley from Hebburn to ensure that the existing settlements retained their separate identity, where no uses other than agriculture or open space would be permitted". This policy was in effect a precursor of Green Belt designation.
- 5.4 The "Green Wedge" was formally designated as Green Belt land with the adoption of Gateshead's first UDP in 1997. The plan designated 1500 hectares of land, described as the remaining "extensive areas of open land outside settlements and not required for development", to safeguard their open character and to promote sustainable patterns of development, including the recycling of urban land". These were in three areas, of which the Green Wedge was one of them and is described as follows in the 1997 plan: "the narrow gap between Pelaw/Wardley and Hebburn", which the plan describes as "strategically important and its designation critical and appropriate". The designation was made in conjunction with a similar action by South Tyneside Council to protect its part of the same block of land.
- 5.5 The importance of preserving the strategic gap has been carried forward through subsequent adopted development plans, including the replacement UDP in 2007 and the new Core Strategy in 2015. Therefore, preserving this fragile yet very important gap is as important as ever and has been part of Council policy for the last 30 years.
- 5.6 As part of the assessment of this application South Tyneside Council were consulted as a neighbouring authority and they have formally objected to this application on the basis that it represents inappropriate development within the Green Belt without any very special circumstances and that it would encroach into the strategic gap between Gateshead and Hebburn, which is in breach of the Local Plans of both Councils.
- 5.7 Sprawl of the built-up area into the Green Belt

The applicant asserts that the proposal would have no adverse impact on the Green Belt's purpose of checking unrestricted sprawl of large-built up areas, as the site will not be deleted from the Green Belt. It is true that a grant of permission would not result in the site being deleted from the Green Belt, however, in due course it is considered likely that the status of the site as Green Belt would be reviewed, as its value would be significantly diminished as a consequence of housing development taking place. Accepting this logic could set a dangerous precedent that would likely form the justification for housing development on any site within the Green Belt.

- 5.8 One of the five nationally-laid down purposes of Green Belts is to prevent settlements from merging. The application site at Wardley occupies part of the gap between Wardley, and hence the built-up area of Gateshead as a whole, and Hebburn.
- 5.9 At the time that the Green Belt designation was made, the land making up the whole area between Wardley and Hebburn was predominantly open, but large parts of it were in the process of restoration from previous industrial uses through planting etc. There was no identifiable boundary between the area that remains in commercial use now, and the now green land to the east of it and extending north as far as the Sunderland Metro line, and north of that line, much of the land was the former Red Barns Quarry, which was still in the process of landfill and reclamation (now reclaimed and part of the Country Park).
- 5.10 The essential characteristic of Green Belts is their openness, that is, that they are not predominantly covered by built development and there is no requirement for Green Belts to actually be green (i.e. covered in vegetation). The application site is the only part of the wider area that could be argued to be still in commercial/industrial use. However, in truth, it is considered that the smaller element of the application site that contains the former colliery buildings has no established use due to being largely vacant since the colliery closed in 1974 and the lawful use of the larger element of the application site has not operated since early 2015 and the site cleared with the exception of one building.
- 5.11 In addition, national guidance, both then and now, indicates that Green Belt boundaries should, as far as possible, follow clear, well-defined features on the ground which would be capable of enduring as defensible Green Belt boundaries in the long-term. The railway line (Leamside Line) on the southwest boundary of Wardley (adjacent to Manor Gardens) was identified as such a feature. Therefore, approving this application would result in housing extending beyond the defined boundary of Wardley and hence Gateshead as a whole into the strategic gap, undermining its security going forward.
- 5.12 Effect on openness

It is considered that the proposal represents a substantial intensification of development on the site and is contrary to paragraph 133 of the National Planning Policy Framework (NPPF) in that it would reduce the openness of the Green Belt. Houses on the colliery buildings site would intensify the volume and footprint of development on that site. Houses on the former vehicle reclamation/scrapyard site would do likewise. The calculation of the cubic volume of the houses, as opposed to the truck bodies and parts, tyres and other associated non-permanent features is difficult to judge, neither would it be a complete reflection of reduction in openness since more than just the houses themselves should be taken into account, and in any case the lorries have been removed and the site is currently mostly vacant and open. Moreover, the vehicles and parts were transient and not rooted to the ground like a house and thus cannot be considered as permanent. Therefore, it is not considered that the illustrative blocks shown in the submitted documents can be relied upon to

say that the volume of the new development would be less than the previous use.

- 5.13 The applicant has submitted a Green Belt Assessment which claims that the proposal reduces the "footprint of the developable area" by 52%. This claim emphasises that only the physical footprint of the proposed houses and garages is being considered in the applicants' calculation of the respective impact of the recent use and of the proposal. Gardens, roads and pavements, likely future additional structures such as sheds and conservatories, residents' vehicles (as opposed to the scrap vehicles kept on the site until recently), street furniture and any other land uses or structures included within the proposed housing estate, which would in fact contribute to reducing openness and increased urbanisation, are not considered by the applicant to involve even a potential reduction in openness. The proposal is for a housing estate and housing estates, taken as a whole, do not provide the openness which is an essential characteristic of the Green Belt.

5.14 Whether inappropriate development

The applicant suggests that the proposal does not constitute inappropriate development, and the very special circumstances test does not need to be applied, because the final bullet point of NPPF paragraph 145 indicates that redevelopment of previously developed land "whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority" will not be inappropriate development.

- 5.15 It is not considered that this applies in this case because (i) the exclusion of temporary buildings indicates that they should not be taken into account when assessing whether a proposal would have no greater impact on openness than the existing use; if temporary buildings are excluded then logically, the use of land for storing vehicles would also be intended to be excluded, and the intention of the NPPF is to refer to land covered by permanent buildings only; (ii) it is considered that the proposal would have a greater impact on the openness of the Green Belt and (iii) the development would cause significant harm to the openness relative to the existing uses.
- 5.16 The vehicles that were stored on the Coats' site were not buildings, or permanent or fixed surface infrastructure, and therefore the site can be considered previously developed insofar as it represents the curtilage of buildings or fixed surface infrastructure. Para. 145 of the NPPF indicates that it should not be assumed that such curtilages should be developed in their entirety. Much the same applies to the Colliery part of the site, which has no defined use and is also largely open, with the ruined buildings only taking up a small percentage of the site.



- 5.17 The Council accepts that applicant's point that this is a previously developed site. However, the statement needs to be qualified by the above point regarding curtilages and whether what was there accords with the exception. Saying the sites are previously developed does not mean that anything goes, and the developer can do what they want.
- 5.18 On that basis, it is clear that the proposal does not satisfy the requirements of the exception test referred to and hence the proposal can only be considered as inappropriate development.
- 5.19 Very special circumstances
- Paragraph 143 of the NPPF states that *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 144 goes on to say that *substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*.
- 5.20 Therefore, consideration of very special circumstances is in fact a two part assessment of the impact upon the Green Belt and the impact upon other things, such as ecology, for example.
- 5.21 The applicant sets out that removing and cleaning up a derelict site (western portion), removing and cleaning up an incompatible use (eastern portion), which in turn would address anti-social behaviour problems associated with the sites amounts to very special circumstances.
- 5.22 It is not considered there are any very special circumstances to justify the inappropriate development which the proposed development constitutes. Derelict sites and buildings and unsightly land uses do not constitute a very special circumstance precisely because they are not exceptional, and if they were held to do so there would be an incentive for landowners to worsen the appearance of their sites.
- 5.23 It is accepted that the derelict and damaged buildings on the smaller of the two sites are unsympathetic from a visual perspective and undoubtedly removing them would lead to a visual improvement. However, for the most part they are single-storey and of low density and ultimately, in their current form, have a relatively modest impact upon the openness of the Green Belt. Replacing these structures with approximately fifty, 2 and 3 storey houses of much higher density would have a far greater impact upon the openness, which could not be outweighed by any perceived visual improvement.
- 5.24 Furthermore, the Council has enforcement powers available to it to require landowners to demolish dangerous and untidy buildings that are posing a significant health risk. Therefore, officers do not consider that a housing scheme is the only way in which the visual impact of former colliery buildings can be addressed. This includes other regulatory controls that are entirely

separate from the planning system that the Council can use, for example to address an identified public safety concern.

- 5.25 With regard to the larger site, notwithstanding the road planings that have recently been deposited on the site without consent, the site has been completely cleared of vehicles and parts, one of the buildings has been demolished and the site is well screened from the south and west by landform and planting. Therefore, the harm it has upon openness and visual amenity is currently very small and cannot be used to justify the construction of approximately 90, 2 and 3 storey houses. Furthermore, even if this use were re-instated, its recent clearance demonstrates that it is unnecessary to construct a housing estate to deal with the visual unattractiveness of this use - or to increase the openness of the site.
- 5.26 Officers consider that the position is clear; the vehicles have been removed, so that, regardless of the stated reason, any argument that the development is desirable to improve the appearance of the site is further weakened. The fact the vehicles have been removed to leave an open site and little indication of the former use, whereas the ruined buildings in the former colliery linger on even though the site has had no lawful use for in excess of 30 years illustrate the point perfectly. Therefore, it is clear that the Coats site has almost no harm to openness in its current state and even in its previous state the harm to openness is far less significant than what is now proposed.
- 5.27 Separate from any assessment of the harm to the Green Belt, paragraph 144 of the NPPF also sets out that the weighing up process should demonstrate that the very special circumstances outweigh “*any other harm resulting from the proposal*”. As will be detailed in the Ecology section later in the report, this proposed development would have such a significant and detrimental impact upon ecology and biodiversity that it cannot be suitably mitigated against. Therefore, it is considered that the proposal also fails the second part of the very special circumstances test.
- 5.28 Moreover, following the adoption of the CSUCP, Gateshead has in excess of a five-year supply of housing land and therefore no very special circumstances exist in terms of housing supply. Indeed, the proposal would potentially undermine the viability of development on allocated housing sites, which have been identified as suitable and sustainable through the process of public consultation and examination leading to adoption of the Local Plan. This site was assessed as part of the Council's consideration when compiling a 5 year land supply and it was rejected as unsuitable, amongst other things, due to its role as a strategic gap in the Green Belt, as well as the impact the development would have on biodiversity and the level of contamination on site.
- 5.29 Overall, it is considered that no very special circumstances have been demonstrated despite the additional information submitted. The case which is alleged to amount to very special circumstances is in fact an accumulation of relatively common circumstances; the existence of contamination, dereliction, and possible public support for redevelopment, singly or in combination, apply in a number of locations locally and nationally. It is important that uncongenial

industrial/commercial activity, and dereliction, are not encouraged in the Green Belt as a precursor to housing development. It should also be remembered that pursuing the very special circumstances route also contradicts the applicant's position in respect of paragraph 145 of the NPPF, which underpins their Green Belt position.

- 5.30 An appeal case has been cited by the applicant that relates to the approval of 12 houses in Green Belt on a site similar to how the Coats site operated previously. This case was approved by the inspector on the basis of very special circumstances being demonstrated to outweigh the harm to openness. The Council in question had publicly stated that they would look to develop on Green Belt land due to the demand for housing in the area and they also did not have a 5 year land supply. The inspector placed significant weight on the Council's statement about seeking to build on Green Belt land, their lack of a 5 year land supply and the modest scale of development. Officers consider that the appeal decision does not give significant weight to the applicant's position in this case, as Gateshead are not seeking to develop on Green Belt land, Gateshead has a 10 year land supply and also the scale of this proposal is more than 10 times the size of the appeal site cited.

5.31 Beneficial use of land in the Green Belt

The applicant asserts that the proposal would enhance the beneficial use of land in the Green Belt in accordance with NPPF paragraph 141. This is a good description of the Council's long-standing and partially-realised plan to create the Wardley Manor Country Park, which the applicant claims would be more attractive to visitors as a result of their proposal, on the basis that visitors may be discouraged by the unsightliness of the existing site and the antisocial behaviour which is stated to take place there. This is considered to be a weak argument, since there are many measures such as landscape screening and/or improved security which could have been, or could yet be, taken to hide the unsightliness and still be consistent with Green Belt policy. It is considered that paragraph 141 is clearly intended to refer to enhancing land so that it can be used for purposes which are appropriate in the Green belt, not for housing development.

5.32 Strategic green infrastructure network / Wardley Manor Country Park

The site is identified (with the adjoining Wardley Manor Country Park) as part of the Strategic Green Infrastructure Network. Policy CS18 of the CSUCP indicates that the integrity, connectivity, multi-functionality and accessibility of the network will be maintained, protected and enhanced, and that improvements will be made in "Opportunity Areas", of which this is identified as one. Furthermore, it is a crucial link between the Green Belt and wider countryside with the River Tyne. Like all parts of the Strategic Green Infrastructure Network it is important both for wildlife and people and its identification as an Opportunity Area derives from the Green Infrastructure Delivery Plan. Section 3.3, item 8, page 9 of the Delivery Plan indicates that this in turn derives from the Council's Wardley Red Barns Strategy, which includes this site in the long-term commitment to create the Wardley Manor

Forest Park, which is being implemented over time. The Green Infrastructure Delivery Plan states that the proposed boundary of the Forest Park remains unchanged from that in the Wardley Red Barns Strategy, and that it is intended that it will be given the status of a statutory development plan policy through the forthcoming land allocations and development management policies element of the Local Plan, Making Spaces for Growing Places.

5.33 ECOLOGY

This outline application was submitted back in 2016 with a botanical report and bird breeding survey, which raised a number of concerns to officers. Following these concerns being expressed to the applicant about the level of survey work undertaken, the Council's Ecologist met the applicant's appointed Ecologist to discuss the situation in more detail. This resulted in an updated Baseline Ecological Survey (September 2017), which failed to address the concerns previously raised. A further Baseline Ecological Survey has been submitted in September 2018, but again it is not considered sufficient to address the concerns raised as part of the original submission, as they go to the heart of the development.

5.34 The following paragraphs set out the Local Planning Authority's reasoning.

5.35 It is considered that the proposed development would have a significant adverse impact on the value and integrity of the adjacent Wardley Manor Local Wildlife Site (LWS) and its associated features of interest, including priority habitats and species, through the direct loss of part of the LWS/priority habitat through inappropriate tree/shrub planting, and secondary impacts including increased trampling of sensitive vegetation, the disturbance of wildlife by people and dogs, an increase in soil fertility and a loss of botanical diversity associated with increased dog fouling, the increased predation of wildlife particularly by domestic cats, increased noise and light disturbance and the increased mortality of wildlife by road traffic. The proposed measures set out in section 5.3 of the submitted Botanical Report in no way constitute adequate compensation for the destruction of priority habitat within the proposed development site, perpetrated in the run up to the submission of this planning application.

5.36 The construction of proposed development would result in a significant physical narrowing of the designated Wildlife Corridor. The significant increase in unmanaged recreational pressure within the adjacent Wardley Manor Local Wildlife Site, which forms a key element of the Wildlife Corridor, will also serve to further reduce its value and integrity, which are contrary to policy CS18 of the CSUCP and saved policy ENV51 of the UDP.

5.37 There is insufficient ecological information to enable an adequate assessment of the likely impacts of the proposed development on potential ecological receptors, including bats and priority invertebrates (i.e. butterflies). The application fails to adequately assess the likely impacts of the proposed development on the adjacent Wardley Manor Local Wildlife Site and its features of interest including priority habitats and species. The application also fails to

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

- 5.38 Overall, it is considered that proposed development would have a detrimental impact upon ecology, in particular Wardley Manor LWS that could not be suitably mitigated against and the application has not been supported by the necessary ecological information. Therefore, the proposed development is considered to be contrary to the NPPF, policy CS18 of the CSUCP and saved policy ENV51 of the UDP.
- 5.39 The additional information provided by the applicant is inadequate and does not address the concerns set out previously. Therefore, it is still considered that the proposed development would have a significant and unacceptable impact on the designated Wardley Manor Local Wildlife Site, ecological connectivity (in particular the value and integrity of the designated Wildlife Corridor), and priority habitats and species, and as such is contrary to both national and local planning policy. The developer's position in respect of ecological mitigation is not considered to represent adequate mitigation/compensation, both in terms of the monetary figure offered and what it is proposed to be used for, given the multiple significant adverse impacts that this will inevitably have upon the area.

#### 5.40 PRINCIPLE OF THE HOUSING DEVELOPMENT

##### Windfall housing

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

- i. the location of the site in relation to jobs, shops and services, and accessibility by modes of transport other than the private car;
- ii. the capacity of the existing and potential infrastructure;
- iii. the ability to build or sustain communities;

- 5.41 As things currently stand there is relatively poor access to public transport. The bus service on Victoria Road West/Wardley Lane is further away than the 400 metre guideline by any practicable walking route (approx. 1km), and the nearest bus stop on Manor Gardens at Rannoch Close would not be within 400 metres of any dwelling on the site (approximately 500m to the nearest dwelling). The nearest property would be approximately 1200m from Pelaw Metro Station (800m is recommended maximum walking distance) and that would involve the use of an unlit and isolated path. Therefore, as things stand public transport accessibility is relatively limited and would place a greater reliance on the use of private cars.
- 5.42 The existing arrangement resulted in Nexus objecting to the application because *"none of the site falls within 400m of a bus service or 800m of a Metro station"*. The applicant has since submitted a revised Travel Plan that sets out they have reached agreement with Nexus to move the west bound bus stop on Manor Gardens at Rannoch Close 150m closer to the application site, bringing some of the development within the 400 metre guideline. Nexus have

subsequently confirmed that they are happy with the proposed relocation, stating *“following a review of all possible options, the proposals included in the travel plan are the most appropriate for a development of this size and best meet the needs of new residents while not being to the detriment of existing residents”*. Nexus have therefore withdrawn their objection, subject to conditioning the relocation of the bus stop at the applicant’s expense.

5.43 Notwithstanding the above, officers consider that the site is relatively distant, by awkward and indirect pedestrian routes, from shops, community facilities (except Wardley Park) and the nearest Metro station at Pelaw. It is also not evident that this somewhat isolated site would contribute to building or sustaining the local communities in either Wardley or Bill Quay and these are not areas which have been identified as requiring regeneration.

5.44 Overall, whilst it cannot be said that the proposal is fully in accordance with saved policy H4 of the UDP, on balance, it is considered that the relocation of the bus stop on Manor Gardens at Rannoch Close is sufficient to address the previous reason for refusal.

5.45 Housing choice

The proposal is for no more than 144 dwellings. No breakdown of numbers of bedrooms in each dwelling is given but the cubic volumes of the houses shown does include a specific mix of house types. The majority of properties indicated are three and four bedroom family houses.

5.46 CSUCP policy CS11 requires that 60% of new private dwellings constructed, over the plan period and plan area, are family houses of three or more bedrooms. In order to meet this target, a development on this scale would be expected to meet or exceed this guideline. In addition, policy H5 requires large developments (25 or more dwellings or more than 1 hectare) to offer a range of housing choices taking account of the needs of different groups, including families with children and the elderly. Policies H9 and H10, respectively, require 10% lifetime homes and 2% wheelchair homes. The site is relatively suitable for wheelchair homes because it is flat. Policy CS11 also requires 15% affordable dwellings on sites of 15 or more dwellings, subject to viability. In this case the applicant is proposing 5% affordable units, as discussed in the Viability section below, it is considered that the site’s post-development value cannot support a planning obligation, requiring any level of affordable housing and so in that regard the proposal is in accordance with policy CS11 of the CSUCP.

5.47 Residential space standards

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

considered that this issue could be addressed at the reserved matters stage, should permission be granted.

5.48 Public open space

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

5.49 Children's play

The applicant is proposing to incorporate an on-site open space/toddler play area. Based on this plan officers are satisfied that on-site provision could be accommodated and could be conditioned into an approval, should outline planning permission be granted.

5.50 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.

5.51 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area. Therefore, the Council cannot seek any further obligations in respect of these matters.

5.52 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.

5.53 **VIABILITY**

It is accepted that this site will require significant remediation in order to provide a residential development and these costs are likely to be considerable, which would impact on the value offered to the land owner. Having assessed the issues raised, including the additional information on sales values at the nearby Bellway Cottage Mews site, in connection with revenue streams, build costs and land remediation that does support the view that the site is unviable by industry standards, even without any planning obligations.

5.54 Therefore, officers consider that it would be unreasonable to request any provision of affordable housing, despite the applicant's offer of providing 5% affordable housing.

5.55 **LANDSCAPED BUND/PUBLIC SAFETY**

The applicant states that the mound along the west/southwest boundary will remain and continue to function as a landscaped screening bund. However, the mound is steep sided, approximately 10m high colliery spoil heap with a clay cap that was not envisaged to function as the applicant is proposing, in that it has no public access and screens an industrial site. As such there are a range of reasons why it may not be retained unaltered, and the treatment will potentially change its appearance and size significantly, affecting the amenity

and visibility of the development. The applicant is relying upon the mound staying at the scale it is as part of their justification for the development despite the strong likelihood that it is contaminated and would need to be reclaimed. The applicant suggests that this can be addressed at Reserved Matters stage and should significant amounts of the mound need to be removed they would replace it with clean earth. It is considered that this would be a very expensive exercise and is something that has not been costed by the applicant, despite their assertion that viability is critical with this development due to the extensive contamination concerns across other parts of the site.

- 5.56 Therefore, it is considered that insufficient information has been submitted to know whether the large bund can be utilised as proposed and without further information it is not possible to say that the development would not have a negative impact upon landscape quality. This is because the additional testing that has been undertaken is superficial and has not established what is at the heart of the mound and hence what contamination and stability risks that may exist. However, the additional testing did establish that the mound has a high calorific content due to being mostly colliery waste.
- 5.57 Officers consider the highly calorific, combustible colliery ash within the main body of the mound is a serious concern and if there is insufficient inert capping layer to the entire mound then this mound poses a potential risk to the development should a surface fire start.
- 5.58 The applicant considers that this issue can be addressed by condition, should planning permission be granted. However, officers maintain that the issue goes to the heart of the application because the uncertainties surrounding the stability, gradient, make up and scale of the existing bund as well as the cost of reclaiming it and possible land take issues mean that it cannot be addressed by conditions.
- 5.59 Overall, it is not possible to say that the proposal would accord with the NPPF, policies CS14 and CS18 of the CSUCP and saved policies DC1(c) and DC2 of the UDP.
- 5.60 **HIGHWAY SAFETY**  
Plan reference 114570/1001 Rev A "In Principle Highway Arrangement" is considered to be an acceptable approach to bringing the existing track up to adoptable standards and indicates that the applicant has sufficient land within their control to undertake the proposed highway works. It also gives initial details about how vehicular flows across Wardley Railway Bridge would be managed. This does provide some comfort as to how this development may come forward from a transport strategy perspective but, as all matters are reserved, it is still only an indicative layout. Therefore, should permission be granted, full details would need to be provided at Reserved Matters stage. The same applies to the bridge link to Manor Gardens to make it for pedestrians/cyclists only and developing a detailed travel plan for the site.
- 5.61 The applicant has submitted a revised Transport Assessment (TA) that is considered to raise a number of concerns regarding the impact of the



development. However, given the anticipation that this scheme would not come forward for several years, as it is outline with all matters reserved and hence the layout of the scheme could also change significantly, it is considered that further TA work will be required in the future. Therefore, should outline permission be granted, it is recommended that a revised TA be submitted at reserved matters stage and subject to it the proposal would accord with the NPPF and policy CS13 of the CSUCP.

**5.62 FLOOD RISK AND DRAINAGE**

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

- 5.63 The FRA correctly assesses that the site is located within flood zone 1 i.e. low risk of tidal and fluvial flooding.
- 5.64 The FRA assesses surface water flood risk, however there are pockets of the site which are at high risk of surface water flooding based upon the Environment Agency's Updated Flood Map for Surface Water is different to the surface water flood map from the Strategic Flood Risk Assessment which is referred to in the FRA.
- 5.65 The FRA has had regard to the risk from ordinary watercourses and there does not appear to be any watercourses on the site. However, the FRA has made no reference to the Environment Agency's detailed drainage network which identifies a possible watercourse to the south of the site.
- 5.66 The FRA does not refer to the risk of groundwater flooding. Consequently, insufficient information is available in relation to the risk of groundwater flood risk and mitigation measures, given the outcomes from the preliminary ground investigations which identifies ground water ingress at shallow levels.
- 5.67 The site is located within a Critical Drainage Area within the Strategic Flood Risk Assessment and therefore it is important that the greenfield runoff rates are maintained using SuDS.
- 5.68 The FRA includes correspondence from Northumbrian Water who have confirmed that there are no sewer flooding incidents in the vicinity of the site.
- 5.69 Taking that into account it is considered that, should outline planning permission be granted, at reserved matters stage a fully detailed assessment of groundwater flood risk and appropriate mitigation measures would be required, to ensure there are no risk to properties and the drainage scheme. This could be addressed through conditions.
- 5.70 Sustainable Drainage System (SuDS)  
The applicant's proposed surface water drainage states in the FRA that SuDS, such as permeable surfaces and rain gardens will be integrated within the existing landscaping. It states that surface water will collect on site by a SuDS and/or piped network and discharged into the unnamed watercourse adjacent

to the site. The surface water flows will be attenuated on site by creating storage areas within the development. Initially, no conceptual drainage layout had been provided by the applicant and thus it was not clear from the landscape masterplan where the overland flow routes and discharge points have been accommodated, where the permeable paving and rain water gardens will be located and where the on-site surface water attenuation will be located. However, as part of the additional information submitted, the applicant has addressed this point by providing a conceptual drainage layout and also indication of overland flow routes, which ties-in with the design and access statement that states there will be filter drains and detention basins. That said it is unclear whether the public open space 'the village green' will include any surface water attenuation.

- 5.71 Based on the additional information submitted officers are satisfied that the principle of providing a suitable SuDS scheme on site has been demonstrated and subject to appropriate conditions the proposal would accord with the NPPF and policy CS17 of the CSUCP in respect of SuDS.
- 5.72 **CONTAMINATED LAND/COAL MINING LEGACY**  
The site is known to be 'contaminated' by the Council and has been assessed as being in Priority Category 2 i.e. "Site may not be suitable for present use and environmental settings. Contaminants probably or certainly present and likely to have an unacceptable impact on key targets. Action may be needed in the medium term". Officers have assessed the submitted supporting information and agree with the following comments contained within the report:
- 5.73 1. The Preliminary Phase 2 site investigation undertaken by Patrick Parsons has proven the presence of contamination, including
- gross hydrocarbon contamination in soils and perched groundwater at the site
  - the presence of Asbestos Containing Materials,
  - the presence of 'potentially combustible' colliery ash fill.
  - The presence of elevated methane and depleted oxygen.
- 5.74 2. Further extensive site investigation will be required to determine the extent of contamination at the site and to allow the scope of the extensive required remedial actions to be considered and designed.
- 5.75 3. A large amount of 'hazardous waste will need to be removed from site and substantial volumes of 'clean' capping soils will need to be imported. These lorry movements are likely to impact on the surrounding residential streets during these works.
- 5.76 4. 2 of 4 potential mine shafts have been identified to date. Further investigation will be required to locate the 2 shafts not found to date. The shaft locations are likely to represent a sterile area for development which will also require a stand-off area for any development.
- 5.77 The report concludes that "further significant reclamation works will be required at the site, including demolition, site clearance, asbestos removal, bioremediation of hydrocarbon impacted soils and earthworks to accommodate

the colliery spoil materials present". Officers also agree with the comment "further site investigation to delineate the extent of contamination identified within the site will be required before a true reflection of remedial actions or a remedial specification for the site can be determined".

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

5.79 DESIGN AND RESIDENTIAL AMENITY

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

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

5.81 SCHEDULED MONUMENT

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

permission be granted, it is considered that conditions would be sufficient to allow the proposal to accord with the NPPF and saved policies ENV21 and ENV22 of the UDP.

#### **5.82 REFUSE STORAGE AND COLLECTION**

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

#### **5.83 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 because it is housing related.

5.84 Outline applications are still liable for CIL but the liability is calculated at reserved matters stage when the details are known. If an outline application includes phasing of development, each phase is treated as a separate development for the purpose of paying CIL. CIL liability for each phase is calculated at reserved matters stage for that phase.

#### **5.85 OTHER MATTERS**

Were members minded to approve this application it would have to be referred to the Secretary of State to see whether they would wish to call it in for further consideration or to allow the decision to be issued locally. This is because an approval would represent a departure from the adopted Local Plan.

### **6.0 CONCLUSION**

6.1 Taking all the relevant issues into account, it is recommended that outline planning permission be refused, as the proposal would result in a substantial development that would significantly harm the purpose and the openness of the Green Belt at this vulnerable, yet key strategic location, where no Very Special Circumstances to justify this inappropriate development exist.

6.2 The development would result in significant harm to ecology at the adjacent Wardley Manor Local Wildlife Site and to the integrity of the Wildlife Corridor that cannot be suitable mitigated against.

6.3 The application fails to provide insufficient information regarding former spoil heap and consequently the impact that its retention or remodelling cannot be fully assessed.

6.4 Furthermore, the development of this site for housing is not required in order for the Council to meet its housing delivery targets. The site was assessed as part

of the process of review of the Green Belt boundaries and associated allocation of former Green Belt land for housing development, as part of the Core Strategy, but after careful review, it was considered that this land contributes too greatly to the separation of Gateshead and Hebburn, and it was therefore retained in the Green Belt. It is therefore subject to the same rigorous scrutiny that other inappropriate development in the Green Belt is subject to.

- 6.5 Therefore, it is considered that the proposed development does not accord with national and local planning policies and the recommendation is made taking into account all material planning considerations, including the information submitted by the applicant and third parties.

**7.0 Recommendation:**

That permission be REFUSED

1

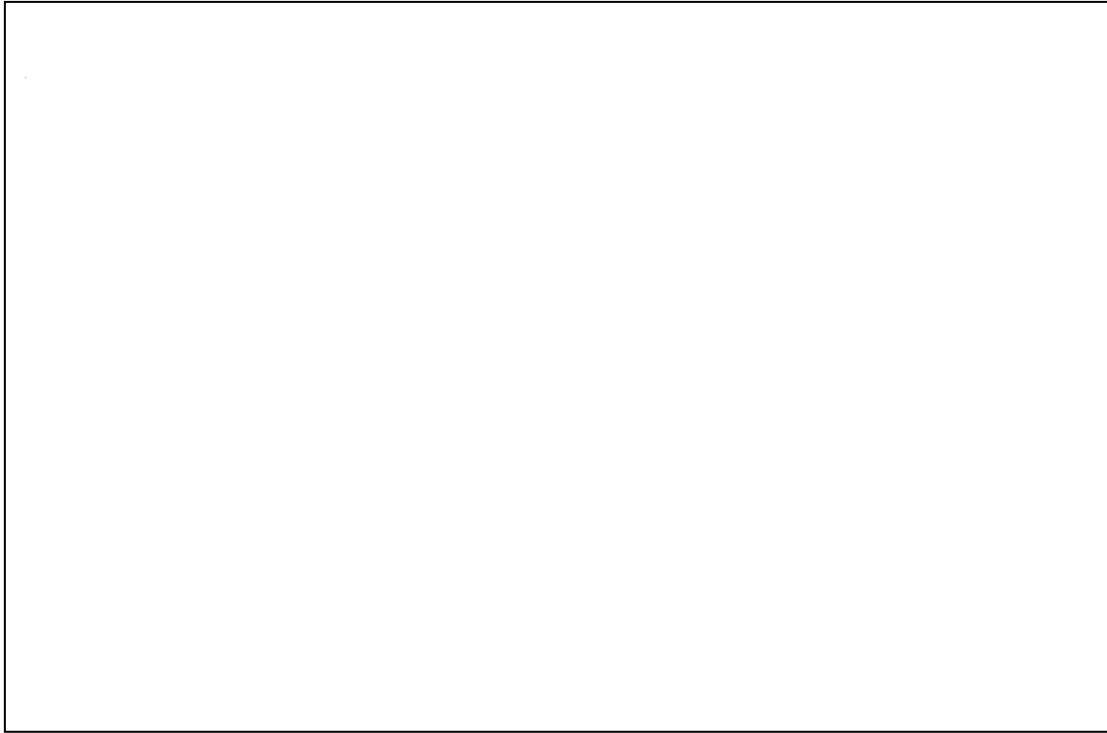
The proposal represents inappropriate development in the Green Belt that has been unable to demonstrate any very special circumstances and hence is contrary to the NPPF and policy CS19 of the CSUCP.

2

The proposed development would have such a detrimental impact upon, a designated Wildlife Corridor and the adjacent Wardley Manor Local Wildlife Site that could not be appropriately mitigated against. Therefore, the proposed development is contrary to the NPPF, policy CS18 of the CSUCP and saved policy ENV51 of the UDP.

3

Insufficient information has been submitted to know whether the large bund can be utilised as proposed and without further information it is not possible to say that the development would not have an acceptable impact upon landscape quality or provide a safe environment for future residents. As a result, it is not possible to say that the proposal would accord with the NPPF, policies CS14 and CS18 of the CSUCP and saved policies DC1(c) and DC2 of the UDP.



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<b>Team Leader</b>	<b>Date</b>
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# **UPDATE**

**REPORT OF THE  
STRATEGIC DIRECTOR, COMMUNITIES AND ENVIRONMENT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
12 December 2018**

Please note this document should be read in conjunction with the main report of the Strategic Director, Communities and Environment.





**MINOR UPDATE**

<b>Application No:</b>	<b>DC/16/00698/OUT</b>
<b>Site:</b>	<b>Former Wardley Colliery Wardley Lane Felling Gateshead NE10 8AA</b>
<b>Proposal:</b>	<b>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).</b>
<b>Ward:</b>	<b>Wardley And Leam Lane</b>
<b>Recommendation:</b>	<b>Refuse Permission</b>
<b>Application Type</b>	<b>Outline Application</b>

**Reason for Minor Update**

**Further representations made**

**6 further letters of objection to the application have been received from and raise the following new issues:**

- **The leaflet drop has only been selectively distributed, rather than mass coverage across the area.**
- **The current owner of the land has not attempted whatsoever to improve and regenerate this for the good of the immediate community – they have left the land to deteriorate and contributed no investment whatsoever.**
- **With any profit made from this proposal how does the landowner plan to give back to the community they want to align with?**
- **What do they mean by ‘enhance the area’?**
- **What do they mean help the ‘local housing crisis’?**

**26 further letters of support to the application have been received.**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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## REPORT NO 6

**Committee Report**

<b>Application No:</b>	<b>DC/18/01048/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>5 October 2018</b>
<b>Applicant</b>	<b>Keepmoat Homes</b>
<b>Site:</b>	<b>Former Bleach Green Site (Maple, Sycamore, Hazel, Birch, Elm And Larch Roads) Blaydon</b>
<b>Ward:</b>	<b>Blaydon</b>
<b>Proposal:</b>	<b>Proposed demolition of four dwellinghouses, erection of 183 dwellinghouses and associated works.</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is located off Larch Road, Blaydon; the application site was formally occupied by housing, all have been demolished, except for four that remain. The application site amounts to approximately 5.56 hectares in total.

1.2 The site boundaries are defined by existing properties on Pickering Drive and Masseys View to the south, Blaydon Cemetery and Shibdon Park to the east, Shibdon Dene to the west and Larch Road to the North.

1.3 Land levels on site slope steeply from south west to north east. The application site incorporates an area adjacent to Blaydon Cemetery, as part of the current scheme elements of the proposed SuDS scheme will be provided in this area.

**1.4 DESCRIPTION OF THE PROPOSAL**

The application seeks consent for the demolition of four dwellings, followed by the erection of 183 dwellings and associated works; this will consist of six two-bedroomed bungalows, 41 two-bedroomed houses, 122 three-bedroomed houses and 14 four-bedroomed houses. The proposed would equate to a development density of 39 units per hectare.

1.5 The majority of the proposed dwellings would be two storeys in height, although some of the properties would have additional rooms in the roofspace. It is proposed that the dwellings would largely be erected around the existing highway layout.

1.6 The site has been designed in 'character zones' which are defined by changes in materials; it is proposed for properties to be brick and tile construction with a range of bricks and tiles being utilised.

- 1.7 In addition to the dwellinghouses, the application proposes the creation of a SuDS drainage system, an area of open space, landscaping and improved connections to adjoining open space/play infrastructure.
- 1.8 The application is accompanied by the following documents:
- Planning Statement;
  - Sustainability Statement;
  - Statement of Community Involvement;
  - Affordable Housing Statement;
  - Design and Access Statement;
  - Ecology Assessment;
  - Arboricultural Impact Assessment;
  - Arboricultural Method Statement;
  - Contaminated Land Preliminary Risk Assessment;
  - Transport Statement;
  - Acoustic Design Statement and;
  - Flood Risk and Drainage Assessment.
- 1.9 **PLANNING HISTORY**  
The planning history relevant to the current application is set out below;
- DC/14/00848/DEM; Prior approval granted for 'DETERMINATION OF PRIOR APPROVAL: Demolition of dwelling houses (Phase 3) Birch Road (Odd 5-11, 17-47, Even 2- 44), Sycamore Road (Odd 41-47 Even 36-42), Maple Road (Odd 39-49), Hazel Road (Odd 1, 3 Even 2,4) And Elm Road (Odd 1-19, 29-43 Even 2-12, 18-48).' Date; 17 December 2014.

## **2.0 Consultation Responses:**

Coal Authority	Objection received, additional information requested.
Northumbrian Water	No objection subject to condition.
Highways England	No objection.
Northern Gas Works	No objection.

Nexus

No objection subject to condition.

### **3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A single letter of objection has been received and is summarised as follows:

- The property will result in the total loss of residential amenity as it will result in the demolition of a house and;
- The scheme should be amended to accommodate remaining housing.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

H4 Windfall and Small Housing Sites

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV19 Locally Listed Parks and Gardens

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

MSGP Making Spaces for Growing Spaces (Submission Draft)

## **5.0 Assessment:**

5.1 The detailed planning considerations are the principle of the proposed development, design, conservation, residential amenity, transport, trees, ecology, contaminated land, land stability, open space, play provision, CIL and any other matters arising.

### **5.2 PRINCIPLE**

The application site is not specifically allocated for housing in the UDP, however the site is allocated for housing under the emerging Making Spaces for Growing Places LPD (MSGP). MSGP indicates a capacity of 184 units for the site, the proposal is largely in accordance with this requirement, however the document has not yet been adopted and as such cannot be afforded full weight.

5.3 On the basis of the above, the proposal needs to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.

5.4 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result, the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.

### **5.5 Housing Mix**

Policy CS11 of the CSUCP sets out the mix of housing that should be provided as part of any new development and aims to promote lifetime neighbourhoods

with a good range and choice of accommodation. Additionally, saved Policy H5 of the UDP requires developments to offer a range of housing in terms of sizes and types for different groups. It is considered that the proposed mix provides a good range and choice of accommodation in accordance with policy CS11 of the CSUCP and saved UDP policy H5.

5.6 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 application comprises of six two-bedroomed bungalows, 41 two-bedroomed houses, 122 three-bedroomed houses and 14 four-bedroomed houses. That equates to 134 houses of 3 bedrooms or more, which is 74% of the development. Therefore, the proposal complies with policy CS11(1).

5.7 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.

5.8 It is required that 2% of dwellings meet Wheelchair Housing Standards, and 10% meet the Lifetime Homes standard within developments of 25 or more dwellings. The development contains houses that meet both Wheelchair Housing Standards and Lifetime Homes standards and as such is considered to comply with the above policies.

5.9 Suitable accommodation for the elderly

CSUCP Policy CS11(3) relates to increasing the choice of suitable accommodation for the elderly population. The proposal includes a range of properties including bungalows and as such is considered to comply with the policy requirement.

5.10 Affordable Housing

Policy CS11 requires that where there is evidence of a need for affordable housing, the Council will seek the provision of a proportion of affordable housing on all housing developments on sites of 0.5 hectares or more in size.

5.11 The application proposes to provide 15% affordable homes, which equates to 27 units; this provision will be split up as four rent to buy units, five shared ownership units and 18 affordable rent units. This provision will be secured via the land scale contract with the Council, it is considered that the proposal complies with the requirements of CSUCP Policy CS11.

5.12 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 the application meets this requirement providing adequate space both internally and externally.

- 5.13 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5 and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.
- 5.14 **DESIGN ISSUES**  
The NPPF at Paragraph 124 makes it clear that *‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.’* It goes on to make clear that *‘good design is a key aspect of sustainable development...’*
- 5.15 Further, Paragraph 130 states that;  
*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.”*
- 5.16 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.17 The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area. The proposed development would lead to an improvement in design terms, the proposed development provides a positive response to the site constraints.
- 5.18 Full details of the external appearance/materials have been provided as part of the application and are considered to be suitable and would safeguard visual amenity (Condition 3).
- 5.19 With regard to landscaping, hard landscaping has been submitted as part of the application and are considered acceptable; it is considered necessary to condition the use of these materials (Condition 4). While a general landscaping scheme has been provided, it is considered necessary to condition the submission of final landscaping details, implementation, maintenance and retention in accordance with the submitted details (Conditions 5, 6 and 7).
- 5.20 Furthermore, the boundary treatment details submitted in support of the application are considered to be acceptable. It is therefore considered necessary to condition the installation and retention of the proposed boundary treatments (Condition 8).
- 5.21 It is considered that the proposed development has successfully demonstrated that it has achieved a high standard of design that will contribute to the site and its surrounding context. The scheme is considered to offer a significant design



improvement and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.

5.22 HERITAGE ASSETS

The application site includes part of the Locally Listed Blaydon Cemetery, this area is currently proposed to house elements of the proposed SuDS drainage scheme. Saved UDP Policy ENV19 requires developments '*... within a locally listed park or garden should preserve or enhance its special local historic interest and landscape.*'

5.23 It is considered that the development would not impact on the most sensitive part of the allocated cemetery and it is the view of Officers that any impact could be managed through the use of planning conditions.

5.24 The applicant has indicated their intentions to amend the proposed drainage solution and as such the incursion within the cemetery may be more limited than currently proposed. Discussions are ongoing with the developer in regard to the proposed method of drainage, as such Officers will offer an update to Planning and Development Committee in regard to the impact of the proposal on heritage assets.

5.25 RESIDENTIAL AMENITY ISSUES

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

5.26 It is considered that the internal separation distances within the site strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging a good design solution. Further, it is considered that the application takes account of land levels appropriately and deals with them in a positive manner maintaining level access to all properties. On this basis, the internal layout is acceptable in amenity terms.

5.27 It is considered that noise from Birch Road has the potential to impact on amenity levels for future occupiers. The applicant within their Assessment of Noise Levels and Noise Amelioration Measures has set out a number of mitigation measures to limit impact; it is considered the installation of these measures should be secured by condition (Condition 9).

5.28 The construction works associated with the development could impact on the living conditions of adjacent neighbours. The applicant has prepared a Construction Management Statement which provides details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise. It is considered necessary to condition that works be undertaken in accordance with these details (Condition 10).

- 5.29 Officers are therefore of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.30 **TRANSPORT ISSUES**  
The principle of residential development on this site is acceptable and there is no objection to the scheme on transport and highways grounds.
- 5.31 Officers agree with the conclusion of the Transport Statement which concludes;  
*"The proposal will deliver a redevelopment that is integrated with the surrounding environment and accessible by alternative modes of travel to the private car.*
- The development impact on the surrounding road network is considered as acceptable, both operationally and in terms of highway safety."*
- 5.32 The application retains large sections of existing highway; the new highway would link with the existing highway, thus creating links between Elm Road and Birch Road. Further, the application will introduce traffic calming measures at junctions and other appropriate locations as well as introducing visitor parking into the streetscene.
- 5.33 As referenced, the application largely looks to retain the existing highway network and existing links to the wider area. However, the application seeks to improve pedestrian links, specifically to Shibdon Park, Shibdon Dene and the wider pedestrian highway network. The application proposes that an existing footpath (currently connecting to the site) be extinguished. Officers are of the view this stopping up would not significantly affect pedestrians given the alternative routes open to pedestrians, further were the footpath to be retained it would become an unattractive route given the retaining structures required to facilitate the development.
- 5.34 The layout of the scheme is acceptable in highways terms offering a legible layout; as reference above the hard landscaping will be secured through condition (Condition 4). Further, it is considered that the proposed layout provides continuity between the existing road layout and the application site.
- 5.35 It is therefore considered that subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.
- 5.36 **TREES/LANDSCAPING**  
An Arboricultural Impact Assessment and an Arboricultural Method Statement have been submitted as part of this planning application. The trees to be retained, either on or abutting the site would be protected through the use of the protective fencing, to this end a tree protection plan has been submitted as

part of the application. Given a number of trees will be impacted upon by the SuDS scheme within the cemetery it is not possible to fully assess the impact of the development at this time, as such Officers will offer an update to Planning and Development Committee in regard to the impact of the proposal on trees.

- 5.37 Further to the above, the application proposes the creation of an area of open space in addition to numerous landscaping areas e.g. adjacent to retaining structures. To the end, a landscaping plan has been submitted in support of the application. Broadly, the landscaping proposed is considered to be acceptable however the final details need to be secured through appropriately worded planning conditions (Conditions 5, 6 and 7).
- 5.38 Subject to these planning conditions and satisfactory resolution/protection of retained trees, it is considered that the proposed development is acceptable in terms of impact on the existing trees and accords with the aims and objectives of the NPPF, saved policies ENV44 of the Council's UDP and policy CS18 of the CSUCP.
- 5.39 ECOLOGY ISSUES  
In considering the above application in regard to ecological impact regard is offered to the NPPF, Policy CS18 of the CSUCP and saved UDP Policies DC1, ENV46 and ENV47.
- 5.40 Paragraph 118 of the NPPF sets out the ecology 'mitigation hierarchy' as follows;
- Avoidance - can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts?
  - Mitigation - where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations?
  - Compensation - where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity?
- 5.41 Based on the current submission, it is evident that the proposal would impact on biodiversity through incursion into the cemetery. The ecological impact and required mitigation/compensation required in regard to the proposed development is dependent on the outcome of discussions in regard to drainage.
- 5.42 Officers will offer an update to Planning and Development Committee on this point.
- 5.43 FLOOD RISK/DRAINAGE  
A Flood Risk Assessment (FRA) which includes a drainage strategy has been submitted as part of this planning application. The FRA concludes that the proposed development is not at risk of flooding and does not increase flood risk elsewhere.

- 5.44 As indicated, the discussions continue with the development in regard to the proposed drainage strategy and as such Officers will offer an update to Planning and Development Committee on this point.
- 5.45 **LAND CONTAMINATION**  
The site is considered to be situated on potentially contaminated land based on previous historic uses. A Contaminated Land Risk Assessment and Remediation Strategy have been submitted in support of the application. Further to the submitted report, it is considered that the contamination on site can be dealt with through the imposition of conditions requiring the submission of an appropriate phase II risk assessment (for the proposed SuDS area), remediation strategy and subsequent verification report (conditions 11, 12, 13, 14, 15, 16 and 17).
- 5.46 Further, it is considered necessary to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (Conditions 17).
- 5.47 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.48 **LAND STABILITY**  
The application site falls within the defined Development High Risk Area and 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. As a result, the applicant has submitted a Coal Mining Risk Assessment, the Assessment recommends remediation works including grouting (where necessary), these recommendations are currently being assessed by the Coal Authority. Following consideration, Officers will offer an update to Planning and Development Committee on this point.
- 5.49 **OPEN SPACE**  
The application site spans the neighbourhood areas of 'Blaydon East' and 'Bleach Green'. Both neighbourhood areas are identified as having a sufficient quantum of open space according to the standard set by policy CFR20. This would mean that the development would not result in a deficiency, so there is no requirement to provide any open space as part of this development proposal. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.
- 5.50 **PLAY SPACE**  
It is considered that the proposed amenity/open space within the application site provides for an acceptable level of toddler play space for future residents in accordance with Policy CFR28. In regard to junior and teenage play provision it is considered that the delivery on site is unachievable; policies CFR28 and CFR29 suggest that developments should contribute towards offsite provision.

- 5.51 Pooling restrictions were introduced by the Community Infrastructure Levy (CIL) Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.
- 5.52 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Whilst it cannot be concluded that the proposal would accord with saved UDP policies CFR28, CFR29 and CFR30, it is not possible to require any contribution for either play or open space provision in this case, due to the CIL Regulations considered above.
- 5.53 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.
- 5.54 **OTHER MATTERS**  
A neighbour has raised a query as to whether the scheme could be amended to retain their existing property. This isn't a material planning consideration; the Council is duty bound to consider the planning application which has been presented; this application proposes the demolition of all existing houses remaining on site. Further, it is evident (based on alterations to land levels to achieve levels access) that the property couldn't be retained without significant amendment to the proposed scheme.

## **6.0 CONCLUSION**

- 6.1 It is considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the Local Plan. The development would also have economic benefits from construction jobs and the bringing back into use a site that is largely vacant.
- 6.2 The site is allocated in the emerging MSGP for residential development and therefore the principle of housing development on the site is considered to be acceptable. Taking all other relevant issues into account, including the comments made by local residents, it is considered that the proposed development is acceptable (subject to satisfactory resolution of heritage, tree, ecology and drainage matters); the proposal (subject to planning conditions) is considered to accord with the aims and objectives of both national and local planning policies.
- 6.3 Given the above, it is recommended that planning permission be granted subject to planning conditions set out below.

## 7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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 -

LP-01 – Location Plan

SS-01 - Proposed Streetscene B-B, C-C and D-D

SL-01R – Proposed Site Layout

EF-01J – External Finishes

P17019 – Topographical Survey

QD1241-04-04 – External Levels Sheet 1

QD1241-04-05 – External Levels Sheet 2

QD1241-04-06 – External Levels Sheet 3

QD1241-04-01 – External Works Sheet 1

QD1241-04-02 – External Works Sheet 2

QD1241-04-03 – External Works Sheet 3

QD1241-03-01 – Engineering Layout

KEE041.3384 – Stopping Up Plan 1

KEE041.3384 – Stopping Up Plan 2

QD1241-04-06 – Longsections

Housetype Booklet – September 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 development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number EF-01J - External Finishes.

**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.

4

All hard shall be undertaken in accordance with the details on approved plan EF-01J - External Finishes and in accordance with a schedule of implementation which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwellinghouse hereby approved.

**Reason**

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

5

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

**Reason**

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

6

The landscaping details approved under Condition 5 shall be implemented in accordance with the timings approved under Condition 5.

**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.

7

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 5.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

The boundary treatment associated with each respective property hereby approved shall be installed, in accordance with approved plan number EF-01J - External Finishes., prior to the occupation of each respective property.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

The noise mitigation measures (for each respective property hereby approved) set out within the submitted Noise Assessment (Assessment of Noise Levels and Noise Amelioration Measures, KH/BG/001) shall be implemented in full prior to the occupation of each respective property hereby approved.

Reason

To ensure that the emission of noise is controlled in the interests of the amenity of nearby residents, in accordance with the NPPF, saved Policies 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.

10

All construction works shall be carried out in full accordance with the submitted Construction Management Plan.

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.

11

Phase I (outwith Blaydon Cemetery) of the development shall take place in full accordance with the submitted Remediation Strategy (P16-081/RS) and shall be 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.

12

Following completion of the remediation measures for Phase I (outwith Blaydon Cemetery) approved within the submitted Remediation Strategy (P16-081/RS) 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 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.

13

No development pertaining to Phase II (within Blaydon Cemetery) of the development (other than demolition) shall commence until an additional Phase 2 intrusive site investigation has been undertaken by a suitably qualified person(s), to investigate the potential for contamination to exist within the whole site area or within each phase and subsequent phase, as part of an agreed timetable. A Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, in situ testing, groundwater and ground gas monitoring, soil sampling and

chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide, where applicable, recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment. Ground gas monitoring should be undertaken at the site and a Gas Risk assessment report produced and submitted to the Local Authority with recommendations for ground gas mitigation measures.

#### Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, Policy CS14 of the Core Strategy and Urban Core Plan and saved Policy DC1(p) of the Unitary Development Plan.

14

Prior to the commencement of development pertaining to Phase II (within Blaydon Cemetery) of the development (other than demolition), where required, a detailed remediation scheme to remove 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. 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.

15

The remediation measures shall be carried out in full accordance with the details approved under condition 14 and shall be 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.

16

Following completion of the remediation measures approved under condition 14 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 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.

17

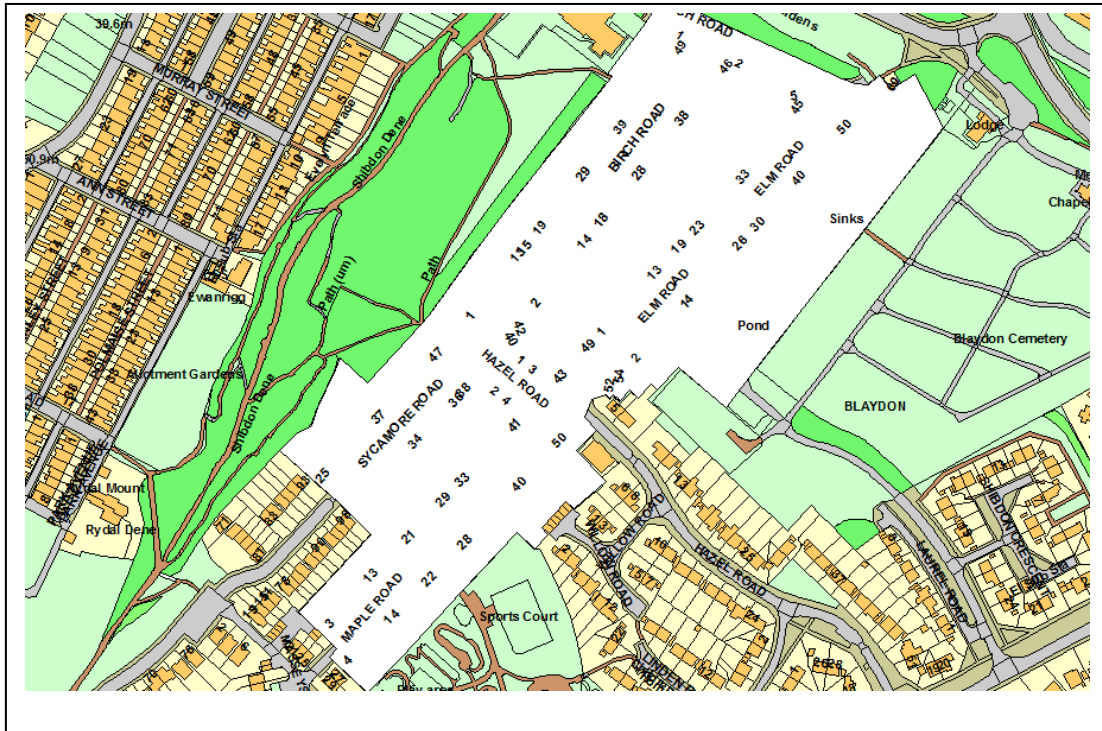
In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination. 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.



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# **UPDATE**

**REPORT OF THE  
STRATEGIC DIRECTOR, COMMUNITIES AND ENVIRONMENT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
12 December 2018**

Please note this document should be read in conjunction with the main report of the Strategic Director, Communities and Environment.



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01048/FUL</b>
<b>Site:</b>	<b>Former Bleach Green Site (Maple, Sycamore, Hazel, Birch, Elm And Larch Roads) Blaydon</b>
<b>Proposal:</b>	<b>Proposed demolition of four dwellinghouses, erection of 183 dwellinghouses and associated works.</b>
<b>Ward:</b>	<b>Blaydon</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update****Conditions added/deleted/amended**

Further to main agenda report, additional information has been provided by the applicant in relation to drainage and as such updates can be offered in regard to drainage, ecology, trees and heritage assets. In addition, an updated response has been offered by the Coal Authority and as such an update can be offered regarding Land Stability.

An individual update is offered on each item below:

**FLOOD RISK/DRAINAGE**

Further to paragraphs 5.43 – 5.44 of the main report, the applicant has provided further information on the proposed drainage solution. It is proposed that all water will be retained on the main site (outwith Blaydon Cemetery) with the discharge rate being controlled through the use of oversized pipes. Water will then be discharged to the Northumbrian Water system. This approach is considered by to be acceptable by both Officers and Northumbrian Water.

Further to the recommendation set out within Section 7 of the main agenda further conditions are suggested pertaining to;

- The final technical details of the drainage system;
- A construction plan for the drainage system and;
- A drainage system management plan.

**ECOLOGY**

Further to paragraphs 5.39 – 5.42 of the main report, Officers consider that given the proposal no longer requires incursion into Blaydon Cemetery the ecological impact of the development would be low. It is considered any impacts could be avoided through the use of appropriate conditions.

Further, to the recommendation set out within Section 7 of the main agenda further conditions are suggested pertaining to;

- The completion of the development in accordance with the submitted Avoidance and Mitigation Strategy and;
- The provision of final details of the means of maintenance access into Shibdon Dene.

## **TREES**

Further to paragraphs 5.36 – 5.38 of the main report, Officers consider that given the proposal no longer requires incursion into Blaydon Cemetery the impact of the development on trees would be low.

Further, to the recommendation set out within Section 7 of the main agenda further conditions are suggested pertaining to;

- The completion of the development in accordance with the submitted tree protection plan.

## **HERITAGE ASSETS**

Further to paragraphs 5.22 – 5.24 of the main report, Officers consider that given the proposal no longer requires incursion into Blaydon Cemetery the impact of the development on Heritage Assets (including Blaydon Cemetery) would be low. No further conditions are considered necessary.

## **Consultee Comments**

Further to the above, additional consultee comments have been received in regard to highways, contaminated land and land stability, an updated is offered below;

## **HIGHWAYS**

Following further consideration and further to paragraphs 5.30 – 5.35 of the main report, Officers consider additional conditions are required in regard to highways.

Further, to the recommendation set out within Section 7 of the main agenda further conditions are suggested pertaining to;

- The provision of additional and replacement bus shelters;
- The provision of appropriate cycle parking;
- Investigation into the potential for providing electric vehicle charging facilities and;
- The provision of a 'travel plan' welcome pack for new occupiers.

## **CONTAMINATED LAND**

Following consideration of the additional (drainage) information and further to paragraphs 5.45 – 5.47 of the main report, it is considered



appropriate to removal all planning conditions pertaining to development within Blaydon Cemetery (given the lack of incursion into this area). Further, it is considered necessary to add a single condition requiring the submission of an updated Contaminated Land Remediation Strategy.

## **LAND STABLITY**

Further to Section 2 and paragraph 5.48 of the main report, the Coal Authority have withdrawn their holding objection to the proposal.

Further, to the recommendation set out within Section 7 of the main agenda further conditions are suggested pertaining to;

- The completion of the development in accordance with the submitted coal mining risk assessment.

## **CONCLUSION**

It is considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the Local Plan. The development would also have economic benefits from construction jobs and the bringing back into use a site that is largely vacant.

Officers are of the view that the Applicant has satisfactorily addressed the issues which remained unresolved within the main report. As such, officers consider the proposal to be acceptable and recommend approval subject to (additional/amended) conditions set out above and per the recommendation at Section 7 of the main report.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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**REPORT NO 7**

**Committee Report**

<b>Application No:</b>	<b>DC/18/00745/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>18 July 2018</b>
<b>Applicant</b>	<b>Tyneside Investments Ltd</b>
<b>Site:</b>	<b>Land At Hepburn Gardens Cross Row Gateshead</b>
<b>Ward:</b>	<b>Felling</b>
<b>Proposal:</b>	<b>Proposed erection of 30, two and three bed two-storey houses (amended 07/11/18).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application relates to an area of land located at Hepburn Gardens, Felling. The application site is previously developed land having previously been used as a scrap metal dealers premises.

1.2 The application site is bound by the metro line and associated retaining structure to the south, highway verge to Hepburn Gardens to the east, back Pensher Street East to the north and open space (which is the subject to a separate planning application which is to be covered elsewhere on this agenda) to the west. Land levels on site are largely flat.

**1.3 DESCRIPTION OF THE PROPOSAL**

The application seeks consent for the erection of 30 dwellings and associated works.

1.4 The housing proposed on site is broken down as follows;

- 16 X 2 bed houses (53%); and
- 14 X 3 bed houses (47%).

1.5 It is proposed that the development will be made up entirely of two-storey properties, the majority of the houses are to be provided in a series of three terraces to the north of the application site. The remainder of the properties would be located to the south of the site in four pairs of semi-detached properties. All properties are to be of traditional brick and tile construction.

1.6 The application proposes the provision of a number of areas of open space, with the most significant areas located around the site access. Further, the application proposes the creation of a pedestrian link to the north west of the site linking the site with the wider highway network. Improvements to the highway access at Pensher Street East are also proposed.

1.7 It should also be noted that application DC/18/00746/FUL has been submitted alongside the current application. Application DC/18/00746/FUL seeks consent for the erection of six two and three bedroomed properties. This application will take place on an adjacent application site and form part of the wider development of the land. The current application would represent Phase One which would deliver the road structure and the first 30 dwellings (Phase Two would complete the overall redevelopment of the site with the final run of 6 terraced dwellings to the west of the development.)

1.8 The application is accompanied by the following documents:

- Planning Statement;
- Affordable Housing Statement;
- Viability Assessment;
- Design and Access Statement;
- Contaminated Land Preliminary Risk Assessment;
- Acoustic Design Statement and;
- Flood Risk and Drainage Assessment.

## 1.9 PLANNING HISTORY

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

- Application DC/07/00970/FUL for residential development was withdrawn.
- Application DC/07/01712/FUL for 34 dwellings was approved subject to conditions, one of which (condition 10) related to affordable housing.
- Appeal APP/H4505/A/08/2084455, against condition 10. That appeal was allowed, finding that the condition failed the fundamental test of need, and did not demonstrate that it was necessary in the interests of meeting the need for affordable housing in the area.
- Application DC/18/00746/FUL for the erection of six two and three bedroomed properties is under consideration.

## 2.0 Consultation Responses:

Northumbrian Water	No objection subject to condition.
Northumbria Police	No objection.
The Coal Authority	No objection.

## 3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. No representations have been received.

## 4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H9 Lifetime Homes

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

## **5.0 Assessment:**

- 5.1 The detailed planning considerations are the principle of the proposed development, visual amenity/design, residential amenity, transport, ecology, flood risk/drainage, contaminated land, open space and play and CIL.
- 5.2 **PRINCIPLE**  
The application site is not specifically allocated for housing in the UDP, however the site is allocated for housing under the emerging Making Spaces for Growing Places LPD (MSGP). MSGP indicates a capacity of 22 units for the site; MSGP is at Submission Draft stage and as such cannot be afforded full weight.
- 5.3 The proposal would provide more than the suggested number of dwellings (a total of 36 across both applications). Subject to satisfying all other material considerations the proposed numbers are considered to be acceptable given the highly sustainable location of the site at 300 metres from a Metro Station and links to existing bus networks and previous planning approvals on the site.
- 5.4 On the basis of the above, the proposal needs to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.
- 5.5 It is considered that the site meets the saved criteria set out in policy H4 in relation to its highly sustainable and accessible location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. 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 **Housing Mix**  
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).
- 5.7 Policy CS11 of the CSUCP sets out the mix of housing that should be provided as part of any new development and aims to promote lifetime neighbourhoods with a good range and choice of accommodation. Additionally, saved Policy H5 of the UDP requires developments to offer a range of housing in terms of sizes and types for different groups.
- 5.8 As such the development provides the following mix of dwellings, this mix is based upon the development experience/perception of the need and demand in the area:

- 16 X 2 bed houses (53%); and
  - 14 X 3 bed houses (47%).
- 5.9 It is considered that the proposed mix provides a range, choice of accommodation and provides family homes in accordance with policy CS11 of the CSUCP and saved UDP policy H5.
- 5.10 **Affordable Housing**  
Policy CS11 requires that where there is evidence of a need for affordable housing, the Council will seek the provision of a proportion of affordable housing on all housing developments of over 15 units or more or on sites of 0.5 hectares or more in size (subject to development viability).
- 5.11 A Viability Assessment has been submitted by John Watson Consulting on behalf of applicant in accordance with RICS Professional Guidance Note: Financial Viability in Planning; the assessment has been assessed and verified by officers. The key factor considered within the report is the build cost, specifically including the site remediation costs.
- 5.12 The submitted Viability Assessment demonstrates that the scheme is marginal based upon the costing provided (assuming a 0% affordable housing provision). In assessing the viability assessment, the Property and Assessment Management team within the Council concluded;  
*"In summary appraisal spreadsheet inputs are reasonable for this type of residential development and its location within Gateshead and supports the view of no affordable housing product within the scheme."*
- 5.13 Officers have afforded significant weight to the viability assessment provided by the applicant and therefore are of the view that the scheme could not realistically proceed with an affordable housing element included.
- 5.14 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would accord with saved UDP policies H5 and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.
- 5.15 **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 based upon the submitted information that the application meets this requirement providing adequate space both internally and externally.
- 5.16 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5 and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.
- 5.17 **DESIGN ISSUES**  
The NPPF at Paragraph 124 makes it clear that *'the creation of high quality buildings and places is fundamental to what the planning and development*

*process should achieve.'* It goes on to make clear that *'good design is a key aspect of sustainable development...'*

- 5.18 Further, Paragraph 130 states that;  
*"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."*
- 5.19 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.20 The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area. The proposed development would lead to a significant improvement in terms of design quality, the proposed development provides a positive response to the site constraints and includes the use of quality materials and detailing including the use of brick heads and canopies.
- 5.21 Further, the proposal would allow for a good quality environment with open space and landscaping punctuating well-functioning parking areas. The proposal also includes a strongly defined site entrance with bespoke corner turner units. All the above helps provide a development with a strong and distinctive character while also respecting existing development within the area.
- 5.22 Full details of the external materials need to be approved prior to their use, this can be secured via planning conditions (Condition 3 and 4).
- 5.23 With regard to landscaping, hard landscaping has been submitted as part of the application and are considered acceptable; it is considered necessary to condition the use of these materials (Condition 5). While a general landscaping scheme has been provided, it is considered necessary to condition the submission of final landscaping details, implementation, maintenance and retention in accordance with the submitted details (Conditions 6, 7 and 8).
- 5.24 Furthermore, the boundary treatment details submitted in support of the application are considered to be acceptable. It is considered necessary to condition the installation and retention of the proposed boundary treatments (Condition 29).
- 5.25 It is considered that the application handles development and site constraints in a positive manner, resulting in a development which offers a significant improvement to the area.



- 5.26 The proposed development has successfully demonstrated that it has achieved a high standard of design that will contribute to the site and its surrounding context. The scheme is considered to offer a significant design improvement and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.
- 5.27 **RESIDENTIAL AMENITY ISSUES**  
Given the distances between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.
- 5.28 It is considered that the internal separation distances within the site strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. On this basis, the internal layout is considered to be acceptable and would provide a quality environment for the future occupiers of the proposed houses.
- 5.29 Further, it is considered that the proposed development would not impact unacceptably on the development proposes to be considered under application DC/18/00746/FUL, conversely that application will not impact on the proposed development.
- 5.30 Noise from the railway line has potential to impact on amenity levels for future occupiers. The applicant within their Acoustic Design Statement has set out a number of mitigation measures (ventilation and insulation specifications) to help limit impact; it is considered the installation of these measures should be secured by condition (Condition 9). Whilst It is accepted that the occupiers would experience a level of disturbance from this relationship, the proposed mitigation would help to ensure that the resultant noise environment would be acceptable.
- 5.31 Construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 10 and 11).
- 5.32 Officers are therefore of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and it would secure appropriate living conditions of the future occupiers of the proposed houses. It is considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.33 **TRANSPORT ISSUES**

The layout of the scheme is acceptable in highways terms offering a legible layout. As reference above the hard landscaping will be secured through a condition (Condition 5).

- 5.34 The development further aids connectivity through the provision of footpath links to the wider highway network and will result in improvements with the junction of Pensher Street East; the delivery of these works can be secured via planning conditions (Condition 12 and 13).
- 5.35 The application site provides for an appropriate level of both resident and visitor parking within the application site. Further, secure and weatherproof cycle parking is to be provided by way of a shed in the rear garden of each property; the provision of these sheds will be secured through condition (Condition 14). All properties have an external route which allows bins and cycles to be transferred from rear to front.
- 5.36 Subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.
- 5.37 **ECOLOGY ISSUES**  
When considering the ecological impact of this scheme policy guidance is offered in the NPPF, Policy CS18 of the CSUCP and saved UDP Policies DC1, ENV46 and ENV47.
- 5.38 Paragraph 118 of the NPPF sets out the ecology 'mitigation hierarchy' as follows;
- Avoidance - can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts.
  - Mitigation - where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations.
  - Compensation - where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity.
- 5.39 The application is not supported by an ecological survey, assessment and mitigation report; based on visits to the site Officers are of the view that the proposal is likely to result in the loss of short perennial ephemeral grassland, semi-improved grassland, areas of impeded drainage (shallow seasonal wetland), tall ruderals and scattered scrub. It is considered likely that the proposal will result in a loss of biodiversity.
- 5.40 Given the proposed development, it is not considered possible to avoid the loss of biodiversity. It is, however, possible to mitigate the impact to some extent through the control of the proposed landscaping scheme (Conditions 6, 7 and 8) and the submission of an ecological method statement (Conditions 15 and

16). However, it is the view of Officers that a residual impact would remain; the only mechanism for dealing with this impact would be through offsite compensation.

- 5.41 There is no offsite mitigation proposed as part of the development, further it is the view of Officers that it would not be possible to provide any offsite mitigation owing to the marginal viability of the scheme.
- 5.42 Based on the above, it is considered that the proposal would fail to comply with the aims and objectives of the NPPF, saved policies DC1(d), ENV46 and ENV47 of the Council's UDP and policy CS18 of the Council's CSUCP. This non-compliance would count against the application; this would need to be considered against other material planning considerations and more specifically the positives of the scheme.
- 5.43 **FLOOD RISK/DRAINAGE**  
The application site is located within Flood Zone 1 (least risk at a 1:1000 year chance of flooding) and adjacent to a Critical Drainage Area as such a Flood Risk Assessment (FRA) which includes a drainage strategy has been submitted as part of this planning application. The FRA has identified any potential risks and the layout of the development by locating properties outside of any potential flow routes and integrating SuDS; the development integrates rain gardens and permeable paving within the proposed layout.
- 5.44 The proposed drainage layout is considered to be broadly acceptable and allows for an appropriate level of discharge and water quality from the application site, however additional information is required in regard to the final design of the proposed scheme. It is considered necessary to condition that the final details of the scheme should be submitted to and approved in writing by the council (Condition 17 and 18).
- 5.45 Additional information is required in regard to the construction of the proposed SuDS and also in regard to the long-term maintenance, these details can be secured via planning conditions (Conditions 19, 20, 21 and 22).
- 5.46 Subject to these planning conditions the proposal is considered to positively enhance the management of water across the site both in terms of flows and water quality. It is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.
- 5.47 **LAND CONTAMINATION**  
Given the levels of contamination on site arising from the former uses of the site, a Contaminated Land Risk Assessment and Remediation Strategy have been submitted in support of the application. It is considered that the submitted Remediation Strategy does not form an acceptable method of remediation in its current form. However, it is considered that the contamination on site can be dealt with through the imposition of conditions requiring the submission of a

phase II risk assessment, remediation strategy and subsequent verification report (Conditions 23, 24, 25 and 26).

- 5.48 Further, it is considered necessary to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (Conditions 27 and 28).
- 5.49 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.50 **OPEN AND PLAY SPACE**  
The proposed development will deliver an area of public open space within the application site. Further, the proposed layout provides pedestrian links to the wider area. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.
- 5.51 It is considered that the proposed amenity/open space within the application site provides for an acceptable level of toddler play space for future residents in accordance with Policy CFR28. In regard to junior and teenage play provision it is considered that the delivery on site is unachievable; policies CFR28 and CFR29 suggest that developments should contribute towards offsite provision.
- 5.52 Pooling restrictions were introduced by the Community Infrastructure Levy (CIL) Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project.
- 5.53 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Whilst it cannot be concluded that the proposal would accord with saved UDP policies CFR28, CFR29 and CFR30, it is not possible to require any contribution for either play or open space provision in this case, due to the CIL Regulations considered above.
- 5.54 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.

## **6.0 CONCLUSION**

- 6.1 It is considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the Local Plan. The development would also have

economic benefits from construction jobs and the bringing back into use a currently vacant, heavily contaminated site.

- 6.2 Taking all other relevant issues into account including the net loss of biodiversity, it is considered that the proposed development is acceptable; the proposal (subject to planning conditions) is considered to accord with the aims and objectives of both national and local planning policies.
- 6.3 Given the above, it is recommended that planning permission be granted subject to the planning conditions set out below.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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 -

CPT-240A PL-02 Rev F – Site Location Plan  
CPT-240A PL-02 Rev F – Proposed Site Plan  
CPT-240A PL-03 Rev D – Site Plan – Colour  
CPT-240A PL-05 Rev B – Proposed Materials Plan  
CPT-240A PL-06 Rev B – Proposed Materials Plan  
CPT-240A PL-07 – Proposed Surface Materials Plan  
CPT-240A PL-10 Rev A – Plans and Elevations  
CPT-240A PL-11 Rev A – Plans and Elevations  
CPT-240A PL-12 Rev A – Plans and Elevations  
CPT-240A PL-13 Rev A – Plans and Elevations  
CPT-240A HT-3B5P-01 Rev B – Plans and Elevations  
CPT-240A HT-2B4P-01 Rev A – Plans and Elevations  
CPT-240A HT-3B6P-02 – Plans and Elevations  
CPT-240A HT-3B5P-02 Rev A – Plans and Elevations  
810.01 A – Planning Information

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

### **Reason**

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

2

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

Reason

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

3

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

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

4

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

Reason

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

5

All hard landscaping shall be undertaken in accordance with the details on approved plan CPT-240 PL-07 – Proposed Surface Materials Plan and in accordance with a schedule of implementation which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwellinghouse hereby permitted.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

6

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

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

7

The landscaping details approved under Condition 6 shall be implemented in accordance with the timings approved under Condition 6.

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.

8

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 6.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

The noise mitigation measures (for each respective property hereby approved) set out within the submitted Noise Assessment (Acoustic Design Statement 18-51-621) shall be implemented in full prior to the occupation of each respective property hereby approved and shall be retained as approved for the lifetime of the development.

Reason

To ensure that the noise impacts are controlled in the interests of the amenity of nearby residents, in accordance with the NPPF, saved Policies 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.

10

Prior to the commencement of the development hereby approved, 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.

11

The construction control plan approved under condition 10 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.

12

A pedestrian footpath shall be created between the site and the existing footpath network (to the rear of 31 Pensher Street East) within a timescale to be approved by the LPA prior to the occupation of any dwellinghouse hereby permitted.

Reason

In the interest of improving pedestrian permeability and in accordance with the NPPF and CSUCP policy CS13.

13

The highway works at the junction with (Back) Pensher Street East (identified on approved plan CPT-240 PL-01 Rev D 0 Site Plan – Colour) shall be completed in full within a timescale to be approved by the LPA prior to the occupation of any dwellinghouse hereby permitted.

Reason

In the interest of improving highway safety and in accordance with the NPPF and CSUCP policy CS13.

14

The cycle parking facilities associated with each individual property (shown on approved plan CPT-240 PL-01 Rev D 0 Site Plan - Colour) shall implemented in full accordance with the submitted details prior to first occupation of each respective unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

Reason

In order to ensure adequate provision for cyclists and in accordance with policy CS13 of the Core Strategy and Urban Core Plan.

15



No development shall take place on site until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The Biodiversity Method Statement shall include details of measures required to:

- avoid adverse impacts on retained ecological habitats and features within and immediately outwith the proposed development site (incl. the partially vegetated retaining wall adjacent the southern boundary) during the site clearance, construction and operational phases of the development, and;
- minimise the residual risk of harm to individual species during the site clearance, construction and operational phases of the development.

**Reason**

To avoid/minimise the risk of harm, including long-term adverse impacts on retained habitats and features in accordance with policies CS18, DC1(d), ENV46 & ENV47.

16

The Biodiversity Method Statement approved under condition 15 shall be implemented in full.

**Reason**

To avoid/minimise the risk of harm, including long-term adverse impacts on retained habitats and features in accordance with policies CS18, DC1(d), ENV46 & ENV47.

17

No work in relation to any proposed drainage features shall take place until the final details of the drainage scheme has been submitted and approved in writing by the LPA. The scheme shall include detailed drainage drawings, electronic model, adoption arrangements, timetable for implementation and health and safety assessment in accordance with the Council's SuDS Guidelines

**Reason**

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

18

The final drainage scheme shall be carried out in full accordance with the details approved under condition 18 (including timings for implementation).

**Reason**

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved

Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

No work in relation to any proposed drainage features shall take place until a drainage construction management plan has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

The drainage scheme shall be constructed in full accordance with the construction management plan approved under condition 19.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

21

No work in relation to any proposed drainage features shall take place until a long-term management plan for the drainage scheme has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

22

The drainage scheme shall be managed in full accordance with the management plan approved under condition 21 for the lifetime of the development.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

23

No development approved by this planning permission shall be commenced until a site investigation is undertaken and a Phase II Risk Assessment report of the findings submitted to the Council for approval. The site investigation will consist of a series of boreholes and trial pits, in situ testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

The site investigation and Phase II Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

24

Following completion of the site investigation and Phase II Risk assessment site investigation works (condition 23), and following approval by the Council, if the findings of the Phase II investigation require remediation works to be undertaken then a 'Remediation Strategy' statement document is required to be produced and submitted to the Council for approval. The 'Remediation Strategy' (including timescales) must detail objectives, methodology and procedures of the proposed remediation works. This must be submitted to the Council, for approval, before any remediation works commence.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

25

The remediation works detailed in the 'Remediation Strategy' submitted and approved by the Council in respect of Condition 24, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

26

Upon completion of the remediation works detailed in the approved Remediation statement and prior to the occupation of any dwellinghouse hereby permitted, under condition 24, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy Statement, and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

27

During development works, any undesirable material observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. An amended risk assessment (including timescale for implementation) of the development should then be undertaken, to determine whether remedial works are necessary.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

28

Any works deemed to necessary following testing (as part of condition 27) shall be carried out in full within the timescale approved as part of Condition 28.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning

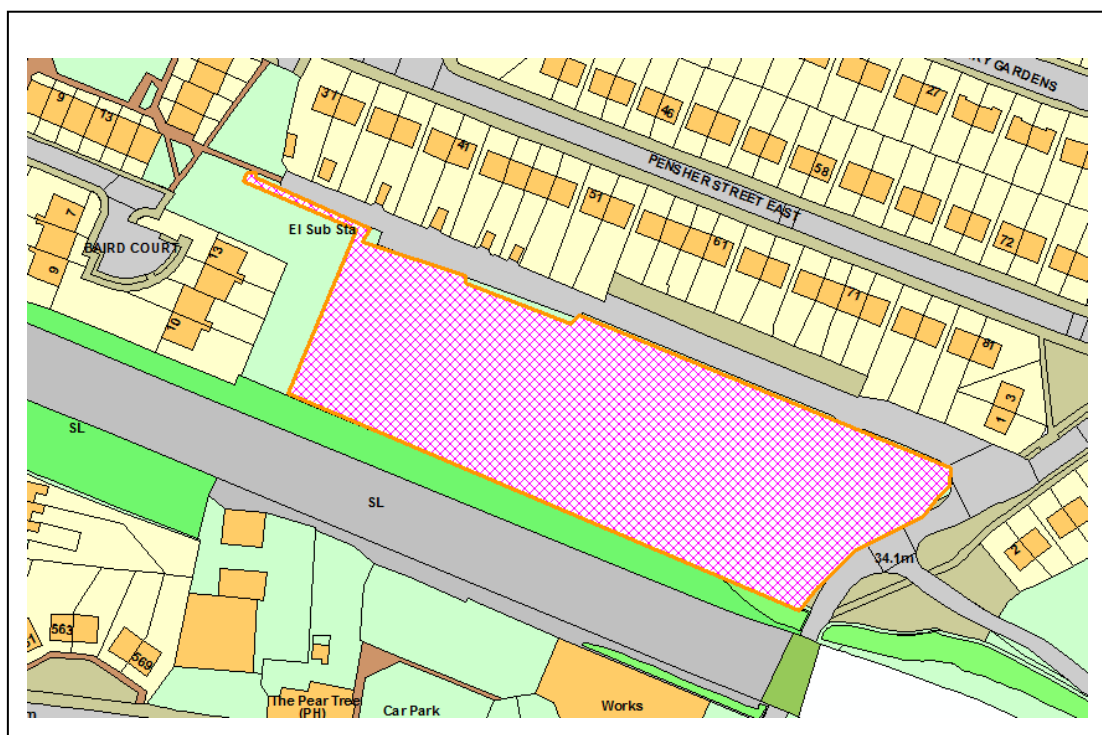
Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

29

The boundary treatment associated with each respective property hereby approved shall be installed, in accordance with approved plans CPT-240 PL-05 – Boundary Treatments Rev B and CPT-240 PL-05 – Proposed Boundary Types, prior to the occupation of each respective property.

#### Reason

To ensure the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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## REPORT NO 8

**Committee Report**

<b>Application No:</b>	<b>DC/18/00746/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>18 July 2018</b>
<b>Applicant</b>	<b>Tyneside Investments Ltd</b>
<b>Site:</b>	<b>Land At Hepburn Gardens Felling Gateshead NE10 9LQ</b>
<b>Ward:</b>	<b>Felling</b>
<b>Proposal:</b>	<b>Erection of 6, two and three bed two-storey houses (amended 07/11/18).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application relates to an area of land located at Hepburn Gardens, Felling. The application site is previously developed land having previously been used as a scrap metal dealers premises.

- 1.2 The application site is bound by the metro line and associated retaining structure to the south, the former scrap yard to the east (which is the subject to a separate planning application which is to be covered elsewhere on this agenda), back Pensher Street East to the north and gardens associated with existing properties to the west. The application also includes land required for the formation of an access road. Land levels on site are largely flat.

**1.3 DESCRIPTION OF THE PROPOSAL**

The application seeks consent for the erection of six dwellings and associated works.

- 1.4 The housing proposed on site is broken down as follows;

- 4 X 2 bed houses (33%); and
- 2 X 3 bed houses (67%).

- 1.5 It is proposed that the development will be made up of two-storey properties, the units will be provided in a single terrace to the western portion of the application site. All properties are to be of traditional brick and tile construction. In addition, to the dwellings the application proposes the provision of an access road linking the site with Hepburn Garden to the east.

- 1.6 It should also be noted that application DC/18/00745/FUL has been submitted alongside the current application. Application DC/18/00745/FUL seeks consent for the erection of 30 two and three bed roomed properties. This application will take place on the adjacent application site and form part of the wider development of the land. The current application would represent Phase Two

which would complete the overall redevelopment of the site with the final run of 6 terraced dwellings to the west of the development site (Phase One would deliver the road structure and the first 30 dwellings).

1.7 The application is accompanied by the following documents:

- Planning Statement;
- Design and Access Statement;
- Contaminated Land Preliminary Risk Assessment;
- Acoustic Design Statement and;
- Flood Risk and Drainage Assessment.

1.8 PLANNING HISTORY

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

- Application DC/07/00970/FUL for residential development was withdrawn.
- Application DC/07/01712/FUL for 34 dwellings was approved subject to conditions, one of which (condition 10) related to affordable housing.
- Appeal APP/H4505/A/08/2084455, against condition 10. That appeal was allowed, finding that the condition failed the fundamental test of need, and did not demonstrate that it was necessary in the interests of meeting the need for affordable housing in the area.
- Application DC/18/00745/FUL for the erection of 30 two and three bedroomed properties is under consideration.

**2.0 Consultation Responses:**

Northumbrian Water	No objection subject to condition.
Northumbria Police	No objection.
The Coal Authority	No objection.

**3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. No representations have been received.

**4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC1D Protected Species



DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H9 Lifetime Homes

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

MSGP Making Spaces for Growing Spaces (Submission Draft)

## **5.0 Assessment:**

- 5.1 The detailed planning considerations are the principle of the proposed development, visual amenity/design, residential amenity, transport, ecology, flood risk/drainage, contaminated land, open space and play and CIL.
- 5.2 **PRINCIPLE**  
The application site is not specifically allocated for housing in the UDP, however the site is allocated for housing under the emerging Making Spaces for Growing Places LPD (MSGP). MSGP indicates a capacity of 22 units for the site; MSGP is at Submission Draft stage and as such cannot be afforded full weight.
- 5.3 The proposal would provide more than the suggested number of dwellings (a total of 36 across both applications). Subject to satisfying all other material considerations the proposed numbers are considered to be acceptable given the highly sustainable location of the site at 300 metres from a Metro Station and links to existing bus networks and previous planning approvals on the site.
- 5.4 On the basis of the above, the proposal needs to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.
- 5.5 It is considered that the site meets the saved criteria set out in policy H4 in relation to its highly sustainable and accessible location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. 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 **Housing Mix**  
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).
- 5.7 Policy CS11 of the CSUCP sets out the mix of housing that should be provided as part of any new development and aims to promote lifetime neighbourhoods with a good range and choice of accommodation. Additionally, saved Policy H5 of the UDP requires developments to offer a range of housing in terms of sizes and types for different groups.
- 5.8 The mix proposed is based upon the development experience/perception of the need and demand in the area.
- 5.9 It is considered that the proposed mix provides a range, choice of accommodation and provides family homes in accordance with policy CS11 of the CSUCP and saved UDP policy H5.
- 5.10 **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 based upon the submitted information that the application meets this requirement providing adequate space both internally and externally.

- 5.11 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5 and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.
- 5.12 DESIGN ISSUES  
The NPPF at Paragraph 124 makes it clear that *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.'* It goes on to make clear that *'good design is a key aspect of sustainable development...'*
- 5.13 Further, Paragraph 130 states that;  
*"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."*
- 5.14 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result.
- 5.15 The proposed development would lead to a significant improvement in terms of design quality, the proposed development provides a positive response to the site constraints and includes the use of quality materials and detailing including the use of brick heads and canopies.
- 5.16 Full details of the external materials need to be approved prior to their use, this can be secured via planning conditions (Condition 3 and 4).
- 5.17 With regard to landscaping, hard landscaping has been submitted as part of the application and are considered acceptable; it is considered necessary to condition the use of these materials (Condition 5).
- 5.18 The boundary treatment details submitted in support of the application are considered to be acceptable. It is considered necessary to condition the installation and retention of the proposed boundary treatments (condition 6).
- 5.19 The application handles significant development and site constraints in a positive manner, resulting in a development which offers a significant improvement to the area.
- 5.20 It is considered that the proposed development has successfully demonstrated that it has achieved a high standard of design that will contribute to the site and its surrounding context. The scheme is considered to offer a significant design

improvement and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.

**5.21 RESIDENTIAL AMENITY ISSUES**

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

5.22 It is considered that the internal separation distances within the site strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. On this basis, the internal layout is considered to be acceptable and would provide a quality environment for the future occupiers of the proposed houses.

5.23 Further, it is considered that the proposed development would not impact unacceptably on the development proposes to be considered under application DC/18/00745/FUL, conversely that application will not impact on the proposed development.

5.24 Noise from the railway line has potential to impact on amenity levels for future occupiers. The applicant within their Acoustic Design Statement has set out a number of mitigation measures (ventilation and insulation specifications) to help limit impact; it is considered the installation of these measures should be secured by condition (Condition 7). Whilst It is accepted that the occupiers would experience a level of disturbance from this relationship, the proposed mitigation would help to ensure that the resultant noise environment would be acceptable.

5.25 Construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 8 and 9).

5.26 Officers are therefore of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and it would secure appropriate living conditions of the future occupiers of the proposed houses. It is considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.

**5.27 TRANSPORT ISSUES**

The layout of the scheme is considered to be acceptable in highways terms offering a legible layout; as reference above the hard landscaping will be secured via a condition (Conditions 5). Further, it is considered that the

proposed layout provides continuity between the existing road layout and the application site.

- 5.28 The application site provides for an appropriate level of both resident and visitor parking within the application site. Further, secure and weatherproof cycle parking is to be provided by way of a shed in the rear garden of each property the erection of these shed will be secured through condition (Condition 10). All properties have an external route which allows bins and cycles to be transferred from rear to front garden.
- 5.29 Subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.
- 5.30 **ECOLOGY ISSUES**  
When considering the ecological impact of this scheme policy guidance is offered in the NPPF, Policy CS18 of the CSUCP and saved UDP Policies DC1, ENV46 and ENV47.
- 5.31 Paragraph 118 of the NPPF sets out the ecology 'mitigation hierarchy' as follows;
- Avoidance - can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts.
  - Mitigation - where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations.
  - Compensation - where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity.
- 5.32 The application is not supported by an ecological survey, assessment and mitigation report; based on visits to the site Officers are of the view that the proposal is likely to result in the loss of short perennial ephemeral grassland, semi-improved grassland, areas of impeded drainage (shallow seasonal wetland), tall ruderals and scattered scrub. It is considered likely that the proposal will result in a loss of biodiversity.
- 5.33 Given the proposed development, it is not considered possible to avoid the loss of biodiversity. It is, however, possible to mitigate the impact to some extent through the control of the proposed landscaping scheme (Conditions 6, 7 and 8) and the submission of an ecological method statement (Conditions 11 and 12). However, it is the view of Officers that a residual impact would remain; the only mechanism for dealing with this impact would be through offsite compensation.

- 5.34 There is no offsite mitigation proposed as part of the development, further it is the view of Officers that it would not be possible to provide any offsite mitigation owing to the marginal viability of the scheme.
- 5.35 Based on the above, it is considered it that the proposal would fail to comply with the aims and objectives of the NPPF, saved policies DC1(d), ENV46 and ENV47 of the Council's UDP and policy CS18 of the Council's CSUCP. This non-compliance would count against the application; this would need to be considered against other material planning considerations and more specifically the positives of the scheme.
- 5.36 **FLOOD RISK/DRAINAGE**  
The application site is located within Flood Zone 1 (least risk at a 1:1000 year chance of flooding) and adjacent to a Critical Drainage Area as such a Flood Risk Assessment (FRA) which includes a drainage strategy has been submitted as part of this planning application. The FRA has identified any potential risks and the layout of the development by locating properties outside of any potential flow routes and integrating SuDS; the development integrates rain gardens and permeable paving within the proposed layout.
- 5.37 The proposed drainage layout is considered to be broadly acceptable and allows for an appropriate level of discharge and water quality from the application site, however additional information is required in regard to the final design of the proposed scheme. It is considered necessary to condition that the final details of the scheme should be submitted to and approved in writing by the council (Condition 13 and 14).
- 5.38 Additional information is required in regard to the construction of the proposed SuDS and also in regard to the long-term maintenance, these details can be secured via planning conditions (Conditions 15, 16, 17 and 18).
- 5.39 Subject to these planning conditions the proposal is considered to positively enhance the management of water across the site both in terms of flows and water quality. It is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.
- 5.40 **LAND CONTAMINATION**  
Given the levels of contamination on site arising from the former uses of the site, a Contaminated Land Risk Assessment and Remediation Strategy have been submitted in support of the application. It is considered that the submitted Remediation Strategy does not form an acceptable method of remediation in its current form. However, it is considered that the contamination on site can be dealt with through the imposition of conditions requiring the submission of a phase II risk assessment, remediation strategy and subsequent verification report (Conditions 19, 20, 21 and 22).

- 5.41 Further, it is considered necessary to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (Conditions 23 and 24).
- 5.42 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.43 **OPEN SPACE/PLAY SPACE**  
The NPPG (Paragraph: 031 Reference ID: 23b-031-20160519) is clear that tariff style contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.
- 5.44 While it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.
- 5.45 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.

## **6.0 CONCLUSION**

- 6.1 It is considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the Local Plan. The development would also have economic benefits from construction jobs and the bringing back into use a currently vacant, heavily contaminated site.
- 6.2 Taking all other relevant issues into account including the net loss of biodiversity, it is considered that the proposed development is acceptable; the proposal (subject to planning conditions and obligations) is considered to accord with the aims and objectives of both national and local planning policies.
- 6.3 Given the above, it is recommended that planning permission be granted subject to the planning conditions set out below.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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 -

CPT-240A PL-01 – Site Location Plan  
CPT-240A PL-02 Rev F – Proposed Site Plan  
CPT-240A PL-03 Rev A – Site Plan – Colour  
CPT-240A PL-04 Rev A – Proposed Materials Plan  
CPT-240A PL-05 Rev B – Proposed Boundary Types  
CPT-240A PL-06 Rev B – Proposed Materials Plan  
CPT-240A PL-07 – Proposed Surface Materials Plan  
CPT-240A PL-10 Rev A – Plans and Elevations  
CPT-240A HT-2B4P-01 Rev A – Plans and Elevations  
CPT-240A HT-3B5P-01 Rev B – Plans and Elevations  
810.01 A – Planning Information

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

Reason

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

2

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

Reason

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

3

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

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

4



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

**Reason**

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

**5**

All hard landscaping shall be undertaken in accordance with the details on approved plan CPT-240 PL-07 – Proposed Surface Materials Plan and in accordance with a schedule of implementation which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwellinghouse hereby permitted.

**Reason**

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

**6**

The boundary treatment associated with each respective property hereby approved shall be installed, in accordance with approved plans CPT-240 PL-05 – Boundary Treatments Rev B and CPT-240 PL-05 – Proposed Boundary Types, prior to the occupation of each respective property.

**Reason**

To ensure the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

**7**

The noise mitigation measures (for each respective property hereby approved) set out within the submitted Noise Assessment (Acoustic Design Statement 18-51-621) shall be implemented in full prior to the occupation of each respective property hereby approved and shall be retained as approved for the lifetime of the development.

**Reason**

To ensure that the noise impacts are controlled in the interests of the amenity of nearby residents, in accordance with the NPPF, saved Policies 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.

8

Prior to the commencement of the development hereby approved, 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.

9

The construction control plan approved under condition 8 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.

10

The cycle parking facilities associated with each individual property (shown on approved plan CPT-240 PL-01 Rev D 0 Site Plan - Colour) shall implemented in full accordance with the submitted details prior to first occupation of each respective unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

Reason

In order to ensure adequate provision for cyclists and in accordance with policy CS13 of the Core Strategy and Urban Core Plan.

11

No development shall take place on site until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The Biodiversity Method Statement shall include details of measures required to:

- avoid adverse impacts on retained ecological habitats and features within and immediately outwith the proposed development site (incl. the partially vegetated retaining wall adjacent the southern boundary) during the site clearance, construction and operational phases of the development, and;
- minimise the residual risk of harm to individual species during the site clearance, construction and operational phases of the development.

Reason

To avoid/minimise the risk of harm, including long-term adverse impacts on retained habitats and features in accordance with policies CS18, DC1(d), ENV46 & ENV47.

12

The Biodiversity Method Statement approved under condition 11 shall be implemented in full and retained thereafter for the life of the development.

Reason

To avoid/minimise the risk of harm, including long-term adverse impacts on retained habitats and features in accordance with policies CS18, DC1(d), ENV46 & ENV47.

13

No work in relation to any proposed drainage features shall take place until the final details of the drainage scheme has been submitted and approved in writing by the LPA. The scheme shall include detailed drainage drawings, electronic model, adoption arrangements, timetable for implementation and health and safety assessment in accordance with the Council's SuDS Guidelines

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

The final drainage scheme shall be carried out in full accordance with the details approved under condition 13 (including timings for implementation).

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

No work in relation to any proposed drainage features shall take place until a drainage construction management plan has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The drainage scheme shall be constructed in full accordance with the construction management plan approved under condition 15.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

17

No work in relation to any proposed drainage features shall take place until a long-term management plan for the drainage scheme has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

18

The drainage scheme shall be managed in full accordance with the management plan approved under condition 17 for the lifetime of the development.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

No development approved by this planning permission shall be commenced until a site investigation is undertaken and a Phase II Risk Assessment report of the findings submitted to the Council for approval. The site investigation will consist of a series of boreholes and trial pits, in situ testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

The site investigation and Phase II Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

#### Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

#### 20

Following completion of the site investigation and Phase II Risk assessment site investigation works (condition 20), and following approval by the Council, if the findings of the Phase II investigation require remediation works to be undertaken then a 'Remediation Strategy' statement document is required to be produced and submitted to the Council for approval. The 'Remediation Strategy' (including timescales) must detail objectives, methodology and procedures of the proposed remediation works. This must be submitted to the Council, for approval, before any remediation works commence.

#### Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

#### 21

The remediation works detailed in the 'Remediation Strategy' submitted and approved by the Council in respect of Condition 20, shall be wholly undertaken within the timescales set out within the approved strategy.

#### Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

#### 22

Upon completion of the remediation works detailed in the approved Remediation statement and prior to the occupation of any dwellinghouse

hereby permitted, under condition 20, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy Statement, and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.

**Reason**

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

**23**

During development works, any undesirable material observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. An amended risk assessment (including timescale for implementation) of the development should then be undertaken, to determine whether remedial works are necessary.

**Reason**

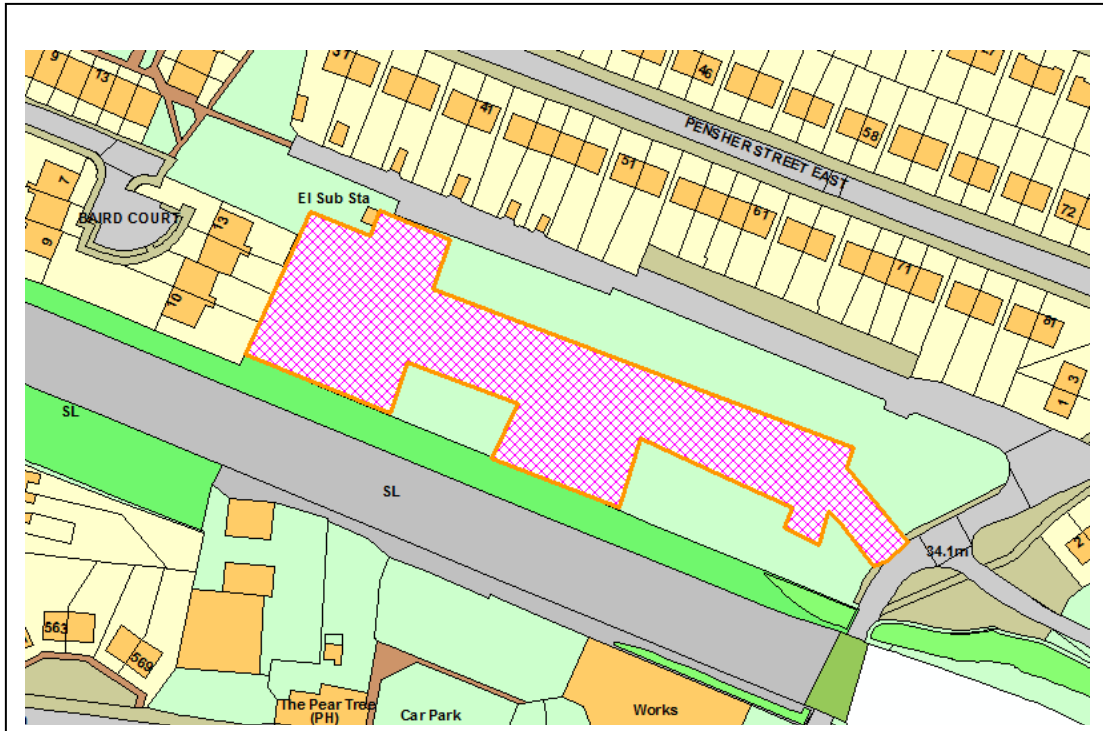
In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

**24**

Any works deemed to necessary following testing (as part of condition 27) shall be carried out in full within the timescale approved as part of Condition 23.

**Reason**

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.



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## REPORT NO 9

### Committee Report

<b>Application No:</b>	<b>DC/18/01061/OUT</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>12 October 2018</b>
<b>Applicant</b>	<b>Mr Gary Ashurst</b>
<b>Site:</b>	<b>Grove House Glossop Street High Spen Rowlands Gill NE39 2EE</b>
<b>Ward:</b>	<b>Winlaton And High Spen</b>
<b>Proposal:</b>	<b>Demolition of existing buildings and erection of 6no. dwellings, associated site work and new highways access (revised)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Outline Application</b>

### 1.0 The Application:

#### 1.1 DESCRIPTION OF SITE

A large detached bungalow and associated land including garden to the rear (west) hardstanding to the front (east) and side (south) and a detached garage to the side/rear (south west) currently occupies the site.

1.2 The property faces east and there are two accesses from Glossop Street.

1.3 Land levels increase from south to north. There is a low wall on the front (eastern) boundary, 1.8m high close boarded timber fencing on the northern and southern boundaries and close boarded timber fencing of varying heights on the western boundary.

#### 1.4 DESCRIPTION OF APPLICATION

This application is for outline planning permission and proposes the demolition of the existing building on site and the erection of six new dwellings. Five of the proposed dwellings would be two storey, in a terrace facing north east, fronting onto Glossop Street. The sixth dwelling would be a bungalow in the north western part of the site.

1.5 The proposed layout shows courtyard parking in the western/south western part of the site and the creation of a new access at the southern boundary onto the highway currently serving dwellings at The Granaries. The existing access points on the eastern boundary would be removed.

1.6 The application does not confirm how many bedrooms each dwelling would have.

1.7 With this outline application, the applicant has chosen to apply for Access and Layout. The remaining matters of Appearance, Landscaping and Scale are to be reserved for subsequent reserved matters approval.

1.8 Therefore, this application is to be considered against:

- the general principles of how the site can be developed;
- the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; and
- the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

### 1.9 RELEVANT PLANNING HISTORY

222/02 - Erection of extension at side of dwellinghouse to provide replacement workshop facilities - Granted 28.03.2002

DC/04/02041/OUT - Erection of dwellinghouses - Granted 02.02.2005

DC/18/00260/OUT - Demolition of existing buildings and erection of six dwellings, associated site work and new highways access, with access and layout to be considered and all other detailed matters reserved (description amended 28.03.2018) - Refused 11.05.2018

## 2.0 Consultation Responses:

Coal Authority	Conditions recommended
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Tyne And Wear Archaeology Officer	No objection
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## 3.0 Representations:

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

3.2 Five objections have been received from neighbouring residents, raising concerns regarding:

- Increase in traffic and parking demand, and impact on highway safety;
- Potential for more rapid deterioration of the road;
- Inappropriate location of proposed new access opposite front doors and driveways at The Granaries;
- Impact of construction vehicles gaining access to the site via the Granaries;

- Increase in noise and disruption to neighbours and impact on quietness of cul-de-sac The Granaries;
- Loss of security;
- Loss of privacy/increased overlooking at neighbouring dwellings;
- Loss of light;
- Increased overbearing impact;
- Overdevelopment of the site;
- Other developments/applications in the area would provide sufficient housing for the area and would cause disruption to the area

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

H5 Housing Choice

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

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

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

### **5.2 PRINCIPLE**

Paragraph 11 of the NPPF states that:

'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

- 5.3 Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.
- 5.4 It is considered that the location of the proposal is sustainable. The additional requirements of policy H4 are addressed below where relevant at this stage.
- 5.5 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area being suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms. The scheme proposes six dwellings but the application does not confirm how many bedrooms each would have. The policy requirement is a plan wide target and the proposed layout provides reasonable evidence that the proposal would contribute to this objective.
- 5.6 Policy CS11(4) of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents." The internal arrangement of the houses is not known, however sufficient comfort is provided in the proposal that this aspect can be met. Layout

is to be considered at this stage, and it is considered that the proposal would provide adequate external space.

- 5.7 The proposal would contribute to housing stock in the Borough. It is considered that the proposal accords with saved policies H4 and H5 of the UDP, policy CS10 of the CSUCP and the NPPF.

5.8 VISUAL AMENITY

Saved policy ENV3 of the UDP requires that new development should make a positive contribution to the established character and identity of its locality; policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.

- 5.9 In terms of access and layout, it is considered that the site would be capable of accommodating six dwellings and that the proposal would not result in the overdevelopment of the site.

- 5.10 The existing building faces east onto Glossop Street and in the wider street scene there is a strong built frontage onto the main road. The proposed layout would maintain the character of strong built frontage on the main road and would provide a parking area away from the main road, so the development design would not appear car-dominant.

- 5.11 The impact of the appearance, landscaping and scale of the proposed development on the character of the area would be considered at reserved matters stage.

- 5.12 It is considered that the proposed layout would make a positive contribution to the established character of the street scene and would respond positively to local distinctiveness and character.

- 5.13 The proposal at outline stage would comply with the aims and requirements of the Gateshead Placemaking SPD, saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.

5.14 RESIDENTIAL AMENITY

Saved policy DC2 of the UDP states that planning permission will be granted for new development where it does not have an adverse impact on amenity; policy CS14 of the CSUCP aims to maintain and improve the wellbeing and health of communities.

- 5.15 This outline application is to be considered with matters of access and layout. Appearance, landscaping and scale would be considered in a subsequent reserved matters application.

- 5.16 Neighbouring property 7 The Granaries to the west is single storey and at a lower level to the application site. The proposed layout shows that the bungalow in the north west of the site would be located such that it would face south east (onto the proposed parking area) and would be adjacent the northern end (rear)

of no.7. The proposed bungalow would be 4m from the side (eastern) elevation of no.7 at the southern end and 2.8m from the side at the northern end.

- 5.17 Given the layout of the buildings, the LPA is satisfied at this stage that a scheme could be developed that would not result in an unacceptable loss of light, loss of privacy, loss of outlook, overbearing impact at no.7. Scale (including height of proposed buildings) would be considered at reserved matters stage. However, at this stage, it is recommended that conditions be imposed requiring the bungalow to be single storey and for final details of levels on site to be submitted to the LPA for consideration.
- 5.18 Nos.1-3 The Granaries are detached dwellings located on the southern side of the road, with nos. 1 and 3 facing north towards the application site, and no.2 facing east. Nos.1 and 2 are two storey dwellings and no.3 is a bungalow with dormers and rooms in the roofspace.
- 5.19 The proposed terraced dwellings would face north east, and the side elevation of the proposed southernmost dwelling would be approximately 20metres away from the principal elevation of no.1.
- 5.20 The side elevation at no.2 would be located opposite the proposed car parking area, as would the eastern part of the front elevation of no.3. These elevations would both be approximately 13m from the boundary of the application site.
- 5.21 Given the location of the application site relative to nos.1-3 The Granaries, the orientation and location of the proposed dwellings, that the terraced properties are proposed to be limited to two storey, and the distances across the road, the LPA is satisfied at this stage that a scheme could be developed that would not result in an unacceptable loss of light, loss of privacy, loss of outlook, overbearing impact at these neighbours. Scale (including height of proposed buildings) would be considered at reserved matters stage. However, at this stage, it is recommended that a condition be imposed requiring the five terraced dwellings to be no more than two storeys high.
- 5.22 Appearance has not been proposed to be considered in this application, so whilst the layout indicatively shows no windows on the side elevations of proposed dwellings, this would be assessed at reserved matters stage.
- 5.23 Nos.1 and 2 Ash Cottages are located at a higher level to the north of the site these are bungalows with dormers and rooms in the roof. The proposed terraced dwellings would be located further east than no.1, and the side (north) elevation of the northernmost terraced dwelling would be approximately 12m from the south elevation of this neighbour. The proposed bungalow would be located approximately 14m from the south elevation of no.2. Given these distances and the above recommended conditions the LPA is satisfied at this stage that a scheme could be developed that would not result in an unacceptable loss of light, loss of privacy, loss of outlook, overbearing impact at these neighbours.

- 5.24 Furthermore, it is considered that the proposal for six dwellings, on the site of an existing residential use, would not lead to an unacceptable increased level of noise/disturbance at neighbouring dwellings. It is recommended that a condition be imposed restricting hours of construction to preserve the amenity of these residential neighbours.
- 5.25 In terms of future occupiers of the dwellings, it is considered that the layout and building could be designed to ensure appropriate levels of privacy, light and outlook for residents.
- 5.26 Therefore, the development at this outline stage would comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.27 **ECOLOGY**  
Saved policy DC1 of the UDP states that development should not have an adverse impact on statutorily protected species; saved policy ENV46 of the UDP requires consideration of the Durham Biodiversity Action Plan; policy CS18 of the CSUCP requires protection, enhancement and management of biodiversity and priority habitats and species. Additionally, paragraph 118 of the NPPF requires that local planning authorities should aim to conserve and enhance biodiversity.
- 5.28 The proposal includes the demolition of the existing building on site, and a Bat Risk Assessment and Bat Survey have been submitted with the application and it is recommended that conditions be imposed requiring final details of bat roost provision within the new development to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.29 An informative is also recommended to be attached advising of the protection of bats.
- 5.30 The proposal would comply with the aims and requirements of saved policies DC1(d) and ENV46 of the UDP, policy CS18 of the CSUCP and the NPPF.
- 5.31 **HIGHWAY SAFETY AND PARKING**  
The existing vehicle accesses at Glossop Street are proposed to be removed. This is considered to be acceptable and it is recommended that conditions be imposed requiring final details of works to the highway, to reinstate the footpath, to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.32 It is considered that the proposed car and cycle parking is appropriate and it is recommended that a condition be imposed requiring the maximum gradient of the access and car park forecourt to be 1 in 12.5, for save movements within and accessing the public highway (The Granaries).
- 5.33 Additionally, it is considered that the proposed new access on the southern boundary to The Granaries would be appropriate. It is considered that appropriate visibility could be achieved. It is recommended that conditions be imposed requiring final details of works to the highway, to create the new

access, to be submitted to the LPA for consideration, and implementation of the approved scheme.

5.34 In terms of the location of the proposed new access, this would be between the two existing driveways at nos. 2 and 3 The Granaries on the opposite side of the road, and this is considered to be appropriate.

5.35 Further, whilst the proposal would result in increased trips to/from the site (and therefore increased usage of the highway at The Granaries), it is considered that the movements generated from the proposal would not have an unacceptable impact on highway safety in the area to warrant refusal of the application.

5.36 Subject to conditions, the proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.

5.37 GROUND CONDITIONS

The site has been assessed as being potentially contaminated. A preliminary risk assessment has been submitted with the application and officers agree with the recommendations of the report as to the requirement for a Phase II site investigation to investigate potential contamination issues at the site. It is recommended that conditions be imposed requiring details of further site investigations, phase II risk assessment and remediation measures where required, to be submitted to the LPA for consideration, and implementation of the approved remediation.

5.38 The site also falls within the Coal Authority defined Development High Risk Area. The submitted report includes an assessment of the risk posed by coal mining legacy. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment and conditions are recommended to be imposed requiring details of further site investigations and remediation measures where required, to be submitted for consideration.

5.39 The proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

5.40 FLOOD RISK

To prevent the increased risk of flooding from the development, conditions are recommended requiring final details of foul and surface water from the site.

5.41 The proposal would comply with the aims and requirements of policy CS17 of the CSUCP.

5.42 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.



#### 5.43 OTHER MATTERS

Each application is considered on its own merits and applications for housing in other locations in High Spen do not have a bearing on the assessment of this case.

5.44 Vehicle movements relating to the construction phase is not a material planning consideration.

5.45 Additionally, the highway at The Granaries is adopted and would be maintained by the Local Authority.

5.46 Further, it is considered that the proposal would not lead to an unacceptable loss of security/perceived security to warrant refusal of the application.

### 6.0 CONCLUSION

6.1 The proposal would result in the redevelopment of previously developed land that would contribute to the borough's housing stock. Additionally, it is considered that the reasons for refusal of previous application DC/18/00260/OUT have been addressed in this revised scheme.

6.2 Taking all the relevant issues into account, it is considered that the proposal for outline permission with reserved matters of access and layout is acceptable in principle and in terms of visual and residential amenity, highway safety and parking, ecology, flood risk, and ground conditions, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

6.3 Therefore, it is recommended that permission be granted, subject to the below conditions

### 7.0 Recommendation:

That outline permission be GRANTED subject to the following condition(s) and that the Service Director, Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary:

1

Unless otherwise required by condition, the development hereby permitted in outline shall not be carried out other than in complete accordance with the plan(s) accompanying the application as listed below:

Proposed site plan 3031/C-01 rev C

and with such further details for the development that shall be submitted to prior to the commencement of development for the Council's approval in writing in relation to the following reserved matters, namely:

(1) appearance

- (2) landscaping
- (3) scale

Reason

This condition is imposed pursuant to article 4 (1) of the Town and Country Planning (General Development Procedure) Order 2010 (as amended) to ensure development is carried out in accordance with the approved details as submitted.

2

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

3

The five dwellings in the terrace at the eastern part of the site shall be limited to a maximum of two storeys of accommodation and the bungalow at the north western part of the site shall be limited to a maximum of one storey of accommodation.

Reason

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

4

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 1800 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 saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

5

Following demolition, no further development hereby approved shall commence until details of final levels on site have been submitted to and approved in writing by the Local Planning Authority.

The new access road and car parking area hereby approved shall not be steeper than 1 in 12.5.

Reason

To allow for safe movements within the site and accessing the public highway, to contribute to ensuring appropriate visibility at the proposed new vehicle access point and in the interests of residential amenity, in accordance with saved policy DC2 of the Unitary Development Plan, policies CS13 and CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

6

The dwellings hereby approved shall not be occupied until final details of works to the highway, to reinstate the footway to the east and to create the new access and provide adequate visibility to the south, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development provides safe access to/from the site and to ensure adequate reinstatement of the footway, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

7

The details approved under condition 6 shall be implemented in full accordance with the approved scheme before any of the dwellings hereby approved are occupied.

Reason

To ensure the development provides safe access to/from the site and to ensure adequate reinstatement of the footway, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

8

Following demolition, no further development hereby approved shall commence until a report of intrusive site investigations in relation to coal mining legacy, and where required, measures and timescales for remediation, monitoring, and verification reports has been submitted to the Local Planning Authority.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

9

The remediation and monitoring measures approved under condition 8 shall be implemented in full accordance with the approved timescales and the approved details.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

10

Following demolition, no further development hereby approved shall commence until a report of findings arising from further intrusive site investigations (to a depth of at least 1.15m) and a Phase II Detailed Risk Assessment (to assess potential contamination at the site) have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason

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

11

Where required, the remediation and monitoring measures approved under Condition 10 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

Reason

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

12

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are

encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

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

**Reason**

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

13

The amended remediation and monitoring measures approved under condition 12 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

**Reason**

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

14

Where remediation is required (under conditions 8-13), following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

15

Notwithstanding the information submitted, the dwellings hereby approved shall not be occupied until final details, including the number,

specification (i.e. type) and precise location of integral potential bat roost features to be provided within the fabric of the new building(s) have been submitted to and approved in writing by the Local Planning Authority.

**Reason**

To provide enhanced opportunities for roosting bats in accordance with saved policy ENV46 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

16

The details approved under condition 15 shall be implemented in full accordance with the approved details before the dwellings hereby approved are occupied and retained as such for the lifetime of the development.

**Reason**

To provide enhanced opportunities for roosting bats in accordance with saved policy ENV46 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

17

Following demolition, no further development hereby approved shall commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

**Reason**

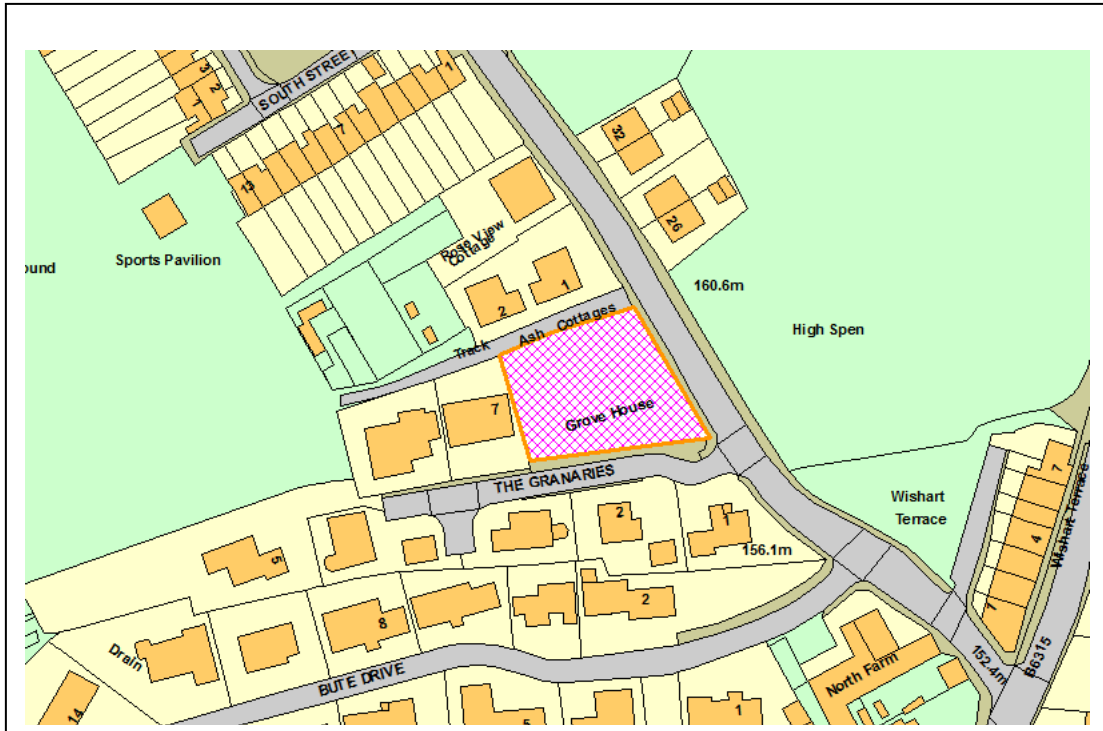
To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

18

The details approved under Condition 17 shall be implemented before any of the dwellings hereby approved are occupied and retained in accordance with the approved details for the lifetime of the development.

**Reason**

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 12 DECEMBER 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/18/00125/COU	Change of use of land to south of former Albion Inn to residential garden land and re-use of former public house car park to 7 spaces (amended 12.10.18 and description amended 23.10.2018)	Land Adjacent Albion Inn, Reay Street,	Granted;	Pelaw And Heworth
DC/18/00775/HHA	Erection of two storey side extension (as amended 09.11.2018)	49 Oakfield Road, Whickham,	Granted;	Whickham North
DC/18/00826/HHA	First floor side and rear extension over existing garage and kitchen	17 Broom Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00864/LBC	LISTED BUILDING CONSENT: internal alterations (additional information received 09/10/18 and 01/11/18).	Park Cottage , School Lane,	Granted;	Dunston Hill And Whickham East

DC/18/00882/FUL	Erection of five bedroom dwelling (Resubmission of expired planning application DC/14/00917/FUL approved on 15.04.2015) (additional information received 25/10/18).	Ivy Lane, Gateshead,	Granted;	Chowdene
DC/18/00898/HHA	Single storey rear extension (as amended 25.10.2018)	50 Derwent Water Drive, Blaydon On Tyne,	Granted;	Ryton Crookhill And Stella
DC/18/00908/HHA	Replace all existing UPVC windows within front, rear and side elevations with timber frame windows	1 Whitewell Lane, Ryton Central,	Granted;	Ryton Crookhill And Stella
DC/18/01007/HHA	First floor extension to rear	7 Beech Grove, Blackhall Mill,	Granted;	Chopwell And Rowlands Gill
DC/18/00932/FUL	Private single horse exercise yard.	Fugar Bar Cottage, Gateshead Road,	Granted;	Whickham South And Sunnyside
DC/18/00923/HHA	Proposed first floor side extension (amended plans received 25.10.18, description amended 26.10.18)	7 Parkhead Gardens, Winlaton,	Granted;	Winlaton And High Spen
DC/18/00926/HHA	Dormer window to rear elevation	2 Melrose Avenue, Low Fell,	Granted;	Low Fell

DC/18/00936/FUL	`Change of use of existing dwelling to retail unit (use class A1) on ground floor with one bedroom flat at first floor level, including installation of new windows (amended 09.10.2018 and 24/10/18 and additional information received 27/10/18).	61 Front Street, Whickham,	Granted;	Whickham North
DC/18/01011/HHA	Single storey rear and side extension (amended 21.11.18)	5 Kinross Court, Felling,	Granted;	Pelaw And Heworth
DC/18/00962/HHA	Timber fence along front boundary (retrospective)	21 Beacon Street, Low Fell,	Refused;	Low Fell
DC/18/00964/FUL	Temporary siting of equestrian worker's caravan	Hollinhill Lane/High Thornley, Rowlands Gill,	Refused;	Chopwell And Rowlands Gill
DC/18/00966/HHA	The removal of the unsafe temporary ramping followed by the supply and installation of a modular metal mesh access ramp to allow disabled access to front door of domestic residence.	52 Camborne Grove, Shipcote,	Granted;	Saltwell
DC/18/00999/TPO	Emergency tree works at Moor House Main Road Ryton	Moor House, Main Road,	Granted;	Crawcrook And Greenside
DC/18/00976/TPO	Tree works to 3 Heathfield Place	3 Heathfield Place, Gateshead,	Granted;	Saltwell

DC/18/00993/HHA	First floor side, single storey rear extension and detached garage to rear (as amended 10.10.18)	118 Hanover Drive, Winlaton,	Granted;	Winlaton And High Spen
DC/18/01033/HHA	Two storey side and single storey rear extensions	2 Fellmere Avenue, Felling,	Granted;	Pelaw And Heworth
DC/18/00984/HHA	Single storey rear extension, two storey side and rear extension, flat roof to pitched to front	19 Clockburnsyde Close, Fellside Park,	Granted;	Whickham South And Sunnyside
DC/18/00987/HHA	Single storey side and rear extension	1 Lake Approach, Axwell Park,	Granted;	Blaydon
DC/18/00991/HHA	Provision of vehicle hardstand and dropped kerb.	21 Fallowfeld, Leam Lane Estate,	Granted;	Pelaw And Heworth
DC/18/00992/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from domestic property, lay new paving to widen existing pathway, the laying of new paving to form base area to proposed access ramp, breaking out of the step adjacent to the public footpath and new concrete laid graded to eliminate step and marry public and private pathways together.	24 Borrowdale Gardens, Lyndhurst,	Granted;	Chowdene

DC/18/01000/HHA	Single storey front extension to provide bay window and porch	31 Robsons Way, Birtley,	Granted;	Lamesley
DC/18/01002/HHA	Single storey rear extension	11 Hedge Close, Festival Park,	Granted;	Lobley Hill And Bensham
DC/18/01010/FUL	VARIATION OF CONDITION 1 (approved plans) of: DC/15/01107/FUL to allow for alterations to roof	Stargate Fish And Chips , 1 Hawthorn Gardens,	Granted;	Ryton Crookhill And Stella
DC/18/01013/HHA	Proposed cellar and ground floor rear extension, and ground floor side extension	14 Grantham Drive, Low Fell,	Granted;	Low Fell
DC/18/01015/HHA	Single storey front and rear extension	3 Bute Road North, Rowlands Gill,	Granted;	Winlaton And High Spen
DC/18/01017/HHA	Proposed pitched roof garage with storage in the roof space	4 Nell Terrace, Highfield,	Granted;	Chopwell And Rowlands Gill
DC/18/01019/HHA	Demolition of existing garage, single storey front extension and new driveway	Tamarisk , Ryton Hall Drive,	Granted;	Ryton Crookhill And Stella
DC/18/01021/FUL	Installation of a modular metal mesh extended platform assembly and access ramp to allow disabled access to Nos 4, 5 and 6	4, 5 And 6 Square Houses, Windy Nook,	Granted;	Windy Nook And Whitehills

DC/18/01052/HHA	Two storey side and rear extension and single storey front extension	13 Gellesfield Chare, Whickham,	Granted;	Whickham South And Sunnside
DC/18/01054/HHA	Two storey side and rear extension (amended 26.11.18)	6 Woodburn Gardens, Gateshead,	Granted;	Dunston Hill And Whickham East
DC/18/01023/FUL	Application of external Wall Insulation and render and addition of new felt roofing to outhouse roofs, installation of new rainwater goods and fascia boards to match existing	Nos 2, 4, 8, 11, 13,15,17 Valley Drive, Swalwell,	Granted;	Whickham North
DC/18/01026/HHA	Demolition of existing conservatory and erection of single storey rear extension	4 Oak Terrace, Winlaton,	Granted;	Blaydon
DC/18/01030/HHA	Proposed side conservatory to replace existing conservatory	Hagg Hill Cottage , Kyo Bog Lane,	Refused;	Crawcrook And Greenside
DC/18/01035/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front door	18 Durham Place, Deckham,	Granted;	Deckham
DC/18/01041/HHA	To brick up door and window in east facing side elevation	3 Mulberry Park, Low Fell,	Granted;	Low Fell

DC/18/01043/HHA	Replace existing front extension flat roof with a mono-pitch roof	27 Manor Terrace, Winlaton Mill,	Granted;	Winlaton And High Spen
DC/18/01045/HHA	Erection of new front porch and rear single story extension. Brick up rear garage door and replace with gate access.	35 Thomas Street, Eighton Banks,	Granted;	Lamesley
DC/18/01049/HHA	Two storey side extension (amended 06.11.2018)	19 Sandpiper Close, Stargate,	Granted;	Ryton Crookhill And Stella
DC/18/01055/HHA	Single storey side and rear extension and pitched roof over garage	20 Callaley Avenue, Fellside Park,	Granted;	Whickham South And Sunnyside
DC/18/01074/HHA	Resubmission of application DC/18/00221/HHA for single storey rear extension and change external materials from stonework to render	32 Path Head, Blaydon On Tyne,	Granted;	Ryton Crookhill And Stella
DC/18/01060/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from front door of domestic property.	3 Chapel Close, Kibblesworth,	Granted;	Lamesley
DC/18/01064/COU	Change of use from hairdressers (class use A1) to dwellinghouse (use class C3)	12 Knightside Gardens, Dunston,	Granted;	Dunston Hill And Whickham East

DC/18/01065/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The laying of new paving to widen existing pathway	6 Woodburn, Whitehills,	Granted;	Windy Nook And Whitehills
DC/18/01082/CPL	CERTIFICATE OF PROPOSED LAWFUL USE/DEVELOPMENT: Loft conversion and the installation of 2 roof lights to the front (east) roof slope and flat roof dormer to the rear (west) roof slope	2 Hawkhill Terrace, Birtley Central,	Granted;	Birtley
DC/18/01095/AGR	DETERMINATION OF PRIOR APPROVAL: Erection of a building to store hay straw and machinery	Ravensworth Grange Farm, Birtley,	Prior Approval not required	Lamesley
DC/18/01099/FUL	Temporary use of Baltic Square as a 'Winter Village' including Tipi Bar, Family Garden Pods, Dining Pods, Santas Grotto, Cabins, WCs Fencing and seasonal dressing (amended 14.11.2018 and 21.11.2018).	Baltic Square, South Shore Road,	Temporary permission granted;	Bridges



## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

12<sup>th</sup> December 2018

**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 08.11.18 and ending 28.11.18, the enforcement team has received **80** new service requests:

Type of complaint	Cases under investigation	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	376	25	11	18	2
HIGHWAYS	218	16	8	12	0
WASTE	558	39	29	21	44
<b>TOTALS</b>	<b>1152</b>	<b>80</b>	<b>48</b>	<b>51</b>	<b>46</b>

### COURT HEARINGS

The Enforcement Team attended **three** Court Hearings, **one** of which were finalised, resulting in **£180** fines and **£500** costs

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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**  
**12<sup>th</sup> December 2018**

**TITLE OF REPORT:**           **Enforcement Action**

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

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**Purpose of the Report**

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

**Background**

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

**Recommendations**

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

**1. FINANCIAL IMPLICATIONS**

Nil.

**2. RISK MANAGEMENT IMPLICATIONS**

Nil.

**3. HUMAN RESOURCES IMPLICATIONS**

Nil.

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil.

**6. SUSTAINABILITY IMPLICATIONS**

Nil.

**7. HUMAN RIGHTS IMPLICATIONS**

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

**8. WARD IMPLICATIONS**

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

**9. BACKGROUND INFORMATION**

Nil.

## APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
1.	Land 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 <sup>th</sup> 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	<p>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.</p> <p>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</p>	11 January 2016	12 January 2016	15 February 2016	<p>14 March and 4 July 2016</p> <p>29<sup>th</sup> Sep 2018</p>	<b>A site visit was undertaken in October where it was evident that the land has not been cleared and additional scrap had been brought on to the site. A further prosecution file is currently with the Councils legal department.</b>
4.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unightly Land	19 <sup>th</sup> October 2017	19 <sup>th</sup> October 2017	23 <sup>rd</sup> November 2017	4 <sup>th</sup> January 2018	<p>Complaints were received regarding the condition of the garden. the enforcement notice was not complied with and the owner was therefore prosecuted.</p> <p>The defendant attended court on the 13<sup>th</sup> June and was found guilty and ordered to pay a £300 fine and £100 costs.</p> <p>Estimates have been received to do works in default. Officer are currently assessing the quotes against the proposed timescales to complete the works.</p>
5.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 <sup>TH</sup> November 2017	29 <sup>th</sup> November 2017	29 <sup>th</sup> November 2017	26 <sup>th</sup> December 2017	<p>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.</p> <p>The Council are awaiting confirmation from the Developer to confirm when they are due to recommence works on site.</p> <p>A site visit was undertaken on the 26<sup>th</sup> 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.</p> <p>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.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
								<b>A written response dated 22<sup>nd</sup> November 2018 has been received from Gleasons.</b>
6.A	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 <sup>th</sup> January 2018	12 <sup>th</sup> January 2018	16 <sup>th</sup> February 2018	16 <sup>th</sup> 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 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> 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 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> 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 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> 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 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> 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 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	28 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> August 2018	10 <sup>th</sup> August 2018	14 <sup>th</sup> September 2018	12 <sup>th</sup> 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 <sup>th</sup> August 2018	10 <sup>th</sup> August 2018	14 <sup>th</sup> September 2018	12 <sup>th</sup> 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 <sup>rd</sup> September 2018	03 <sup>rd</sup> September 2018	5 <sup>th</sup> October 2018	30 <sup>th</sup> 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 <sup>th</sup> September 2018	05 <sup>th</sup> September 2018	5 <sup>th</sup> October 2018	30 <sup>th</sup> 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.  <b>Following a site visit on the 19<sup>th</sup> November, a scope of works should be submitted by the developer no later than the 30<sup>th</sup> November. Quotes however are being sought for the demolition of the property in preparation that the information is not forthcoming.</b>
24.	3 Charlton Villas, Greenside, Ryton NE40 4RR	Crawcrook and Greenside	Untidy Land	18 <sup>th</sup> October 2018	18 <sup>th</sup> October 2018	15 <sup>th</sup> November 2018	13 <sup>th</sup> 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.
25.	321 And 323 Rectory Road Bensham Gateshead NE8 4RS	Saltwell	Unauthorised change of use	7 <sup>th</sup> November 2018	7 <sup>th</sup> November 2018	11 <sup>th</sup> December 2018	8 <sup>th</sup> 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 12 December 2018

**TITLE OF REPORT:** Planning Appeals

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

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### Purpose of the Report

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

### New Appeals

2. There have been **three** new appeals lodged since the last committee:

DC/18/00064/HHA - 8 Woodbine Terrace, Bensham, Gateshead NE8 1RU  
Erection of two storey extension and single storey extension to rear of terraced property (as amended 22.03.2018)  
This application was a committee decision refused on 19 April 2018.

DC/18/00069/LBC - 8 Woodbine Terrace, Bensham, Gateshead NE8 1RU  
LISTED BUILDING CONSENT: Erection of two storey rear extension, single storey rear extension and internal alterations (as amended 22.03.2018)  
This application was a committee decision refused on 19 April 2018.

DC/18/00230/HHA - 14 Saltwell View, Bensham, Gateshead NE8 4JS  
Replace timber framed sliding sash windows with white grain uPVC in ground floor and 1st floor bay windows, 1st floor window above front door, and front dormer window (description amended 30.05.18)  
This application was a delegated decision refused on 9 July 2018.

### Appeal Decisions

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

DC/17/01293/ADV - Intu Metrocentre, Whickham  
Display of 22.25m high internally illuminated LED feature display sign (additional info received 06/03/2018 and 10/04/2018).  
This application was a delegated decision refused on 13 June 2018.  
Appeal dismissed 14 November 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 31 October 2018

by **M Brooker** DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: **14 November 2018**

**Appeal Ref: APP/H4505/Z/18/3207420**

**Land at intu Metrocentre, Whickham, Gateshead NE11 9YG**

- 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 Peel Land and property against the decision of Gateshead Council.
- The application Ref DC/17/01293/ADV, dated 29 November 2017, was refused by notice dated 13 June 2018.
- The advertisement proposed described as the "erection of an internally illuminated LED feature display sign".

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues are the effect of the proposed advertisement on the amenity of the area and on public safety.

### Reasons

#### *Amenity*

3. The proposed advertisement would be sited within an area of landscaping adjacent to a flyover, to the south west of the Metrocentre Red Mall Car Park.
4. The nature of the Metrocentre, being designed as a two storey covered shopping centre, is such that most of the advertising signage is internal within the centre. Unlike the outlying sections of retail parks to the west of the main Metrocentre where external signage relating to the retail units is much more dominant, the Red Mall Car Park and most of the Metrocentre frontage is free of advertising signage.
5. The appeal site is within an a commercial area, dominated in particular by the Metrocentre and other by large scale buildings with external signage generally related to the occupation of the retail units. As such external signage and advertising is often an established part of the character of these areas as suggested in the *Planning Practice Guidance* (PPG). However, I observed at my site visit that freestanding external signage and advertising do not form part of the character of the area surrounding the appeal site.
6. It has been put to me that the proposed internally illuminated LED feature display sign would be viewed from the adjacent Hollinside Road flyover in the context of the Metrocentre building. However, at this point the Metrocentre

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

building is somewhat distant from the appeal site and the sign, at 22.25 metres high, would dominate views over the car park area and approach roads, including from Hollinside Road. In a context where there are no other such display panels in this section of the Metrocentre the proposal, particularly at this height and scale, would appear intrusive and out of keeping and as such would have a significant adverse impact on the visual amenity of this section of the Metrocentre.

7. In reaching this finding I note that the sign has been design with *architectural features* in the form of two decorative circular holes towards the base of the LED screen and the top of the sign easing slopes down on one side. I do not consider that these design features are sufficient to overcome the significant scale of the proposal and the resulting adverse impact identified above.
8. The appellant has provided examples of similar advertisements elsewhere, these examples confirmed to me that the context of the appeal site is very different in this instance and that the proposed advertisement would have a significant adverse impact on amenity.

#### *Public safety*

9. The proposed advertisement would be sited adjacent a section of road that experiences high traffic flows at peak times compounded by significant number of cross-lane vehicle movements at, and in advance of, the signalised junction and the slip road.
10. The objection to the application from the Local Highway Authority raises concern that the proposed sign with its bright light emitting diodes will sit behind at least one traffic light head at the signalised junction of Hollinside Road and the A1. Consequently, instructions from the traffic signal may be misinterpreted.
11. The appellant's Highway Safety Report paragraph 2.7 demonstrates that there would be a sufficient degree of visual separation of the proposed advertisement and the traffic signal head. My observations on site confirmed that motorists were unlikely to misinterpret or miss traffic signals as a result of the proposed advertisement. Therefore, I find that the proposed advertisement would not harm public safety.
12. I have carefully considered the various potential benefits of the proposal that the appellant has identified. However, these benefits are not sufficient to overcome the significant harm to amenity that I have identified.

#### **Conclusion**

13. For the reasons given above and having regard to all matters raised, I conclude that the proposed free standing advertisement display panel would have a significant adverse impact on the amenity of the area. It is therefore contrary to the National Planning Policy Framework and advice in the PPG regarding amenity considerations and the appeal is therefore dismissed.

*Mark Brooker*

INSPECTOR

## APPENDIX 3

### OUTSTANDING APPEALS

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
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	<b>Intu Metrocentre Whickham Gateshead NE11 9YG</b>	<b>Display of 22.25m high internally illuminated LED feature display sign (additional info received 06/03/2018 and 10/04/2018).</b>	Written	<b>Appeal Dismissed</b>
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/18/00064/HHA	<b>8 Woodbine Terrace Bensham Gateshead NE8 1RU</b>	<b>Erection of two storey extension and single storey extension to rear of terraced property (as amended 22.03.2018)</b>	Written	<b>Appeal in Progress</b>
DC/18/00069/LBC	<b>8 Woodbine Terrace Bensham Gateshead NE8 1RU</b>	<b>LISTED BUILDING CONSENT: Erection of two storey rear extension, single storey rear extension and internal alterations (as amended 22.03.2018)</b>	Written	<b>Appeal in Progress</b>
DC/18/00230/HHA	<b>14 Saltwell View Bensham Gateshead NE8 4JS</b>	<b>Replace timber framed sliding sash windows with white grain uPVC in ground</b>	Written	<b>Appeal in Progress</b>



		<b>floor and 1st floor bay windows, 1st floor window above front door, and front dormer window (description amended 30.05.18)</b>		
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

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## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

12 December 2018

**TITLE OF REPORT:** Planning Obligations

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

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### Purpose of the Report

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

### Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee meeting there have been **no** new planning obligations.
4. Since the last Committee there have been **three** new payments received in respect of planning obligations:

DC/17/01117/OUT - £58,750.00 paid towards cost of provision of offsite ecological mitigation.

Follingsby Park South, Follingsby Lane, Gateshead NE10 8YA

Outline application for Use Class B8 and B2, along with associated offices, internal roads, car parks, infrastructure and landscaping, with all matters reserved except access (further information received in respect of the environmental statement 28/11/2017).

DC/18/00237/OUT - £75,000.00 paid towards cost of upgrading traffic signal equipment at Leam Lane/Lingey Lane junction.

Follingsby Park South, Follingsby Lane, Gateshead NE10 8YA

Outline planning application for use class B8 (storage and distribution) and B2 (general industry) along with associated offices, internal roads, car parks, infrastructure and landscaping with all matters reserved except access and landscaping of the green infrastructure zone.

DC/16/00722/COU - £24,576.00 paid March 2017 as Sustainable Transport Contribution to provide South Of Team Valley Cycle Improvements Skills Academy For Construction, Kingsway South, Team Valley Gateshead NE11 0JL

Change of use from education and training facility (use class D1) to office, workshop and research facility (sui generis) including provision of additional car parking and other associated external works and facilities.

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 12 December 2018.

### **Recommendations**

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

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Contact: Emma Lucas Ext: 3747

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### **1. FINANCIAL IMPLICATIONS**

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

### **2. RISK MANAGEMENT IMPLICATIONS**

Nil

### **3. HUMAN RESOURCES IMPLICATIONS**

Nil

### **4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

### **5. CRIME AND DISORDER IMPLICATIONS**

Nil

### **6. SUSTAINABILITY IMPLICATIONS**

Nil

### **7. HUMAN RIGHTS IMPLICATIONS**

Nil

### **8. WARD IMPLICATIONS**

Monitoring: Various wards

### **9. BACKGROUND INFORMATION**

The completed Planning Obligations

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