

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 13 March 2019 at 10.00 am in the Bridges Room - Civic Centre

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held 20 February 2019 (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 - Land to the South of Cushy Cow Lane, Ryton (Pages 9 - 74)</b>
4ii	<b>No. 2 - Land East of Woodside Lane and North of A695, Ryton (Pages 75 - 120)</b>
4iii	<b>No. 3 - Former Wardley Colliery, Wardley Lane, Felling, Gateshead NE10 8AA (Pages 121 - 168)</b>
4iv	<b>No. 4 - Woodmans Arms, Fellside Road, Whickham, NE16 5BB (Pages 169 - 178)</b>
4v	<b>No. 5 - The Chopwell, Derwent Street, Chopwell, NE17 7AA (Pages 179 - 206)</b>
4vi	<b>No. 6 - 83 Whaggs Lane, Whickham NE16 4PQ (Pages 207 - 232)</b>
4vii	<b>No. 7 - Unit 2 Beat N' Track Cafe, Former Co-op Buildings, Hookgergate Lane, Rowlands Gill (Pages 233 - 256)</b>
4viii	<b>No. 8 - Intu Metrocentre, Units 1.134 - 1.137 and 9C Upper Qube and Cameron Walk, Metrocentre (Pages 257 - 262)</b>

- 5** | **Delegated Decisions** (Pages 263 - 268)  
Report of the Service Director, Communities and Environment
- 6** | **Enforcement Team Activity** (Pages 269 - 270)  
Report of the Strategic Director, Communities and Environment
- 7** | **Enforcement Action** (Pages 271 - 278)  
Report of the Service Director, Communities and Environment
- 8** | **Planning Enforcement Appeals** (Pages 279 - 282)  
Report of the Service Director, Communities and Environment
- 9** | **Planning Appeals** (Pages 283 - 304)  
Report of the Service Director, Communities and Environment
- 10** | **Planning Obligations** (Pages 305 - 306)  
Report of Service Director, Communities and Environment
- 11** | **Validation of Planning Applications** (Pages 307 - 388)  
Report of the Service Director, Communities and Environment



PLANNING AND DEVELOPMENT  
COMMITTEE  
**13 March 2019**

**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

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/16/00320/FUL	Land To The South Of Cushy Cow Lane Ryton	Ryton Crookhill And Stella
2. DC/17/01376/FUL	Land East Of Woodside Lane And North Of A695	Ryton Crookhill And Stella
3. DC/16/00698/OUT	Former Wardley Colliery Wardley Lane	Wardley And Leam Lane
4. DC/18/01036/FUL	Woodmans Arms Fellside Road	Whickham South And Sunniside
5. DC/18/01107/FUL	The Chopwell Derwent Street	Chopwell And Rowlands Gill
6. DC/18/01154/FUL	83 Whaggs Lane Whickham	Whickham North
7. DC/18/01257/COU	Unit 2 Beat N' Track Cafe	Winlaton And High Spen
8. DC/19/00055/COU	Intu Metrocentre Units 1.134-1.137 And 9C	Whickham North

## **DEVELOPMENT PLAN**

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

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

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

## **LOCAL PLAN**

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

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

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

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

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

## **UPDATES**

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

## **SPEAKING AT COMMITTEE**

Gateshead Council seeks to be inclusive in its decision making process and therefore allows applicants, agents and interested parties to make verbal representation to Members at Committee in accordance with the Council's agreed speaking rights protocol; amongst other procedural requirements, a person must have submitted a request to speak in writing at least a week, in advance of the meeting, and subsequently confirmed their intention to speak.

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

## **SITE PLANS**

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

### **PUBLICITY/CONSULTATIONS**

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

### **SITE VISITS**

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority will not invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

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

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

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

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

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

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

A1 Shops	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	C1 Hotels	Hotels, boarding and guest houses
A2 Financial and Professional Services	Banks, building societies, estate and employment agencies, professional and financial services.	C2 Residential Institutions	Residential schools and colleges convalescent homes/nursing homes
A3 Restaurants and Cafes	Restaurants, snack bars, cafes.	C2A Secure Residential Institutions	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
A4 Drinking Establishments	Public Houses and Wine bars etc	C3 Dwellings	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared dwellings/occupied by between 3 and 6 unrelated individuals who share basic amenities such as kitchen or bathroom.
B1 Business	Offices not within A2, research and development studios, laboratories, high tech., light industry appropriate in a residential area.	D1 Non-residential Institutions	Places of worship, church halls, clinics, health centres, crèches, day nurseries, consulting rooms, museums, public halls, libraries, art galleries, exhibition halls, non-residential education and training centres.
B2 General Industry	General industry.	D2 Assembly & Leisure	Cinemas, music and concert halls, baths, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls.
B8 Storage and Distribution	Wholesale warehouses repositories, including open air storage	Sui generis	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/16/00320/FUL</b>
<b>Applicant</b>	<b>Bellway Homes Ltd (North East)</b>
<b>Date Application Valid</b>	<b>15 April 2016</b>
<b>Site:</b>	<b>Land to the South of Cushy Cow Lane Ryton Tyne &amp; Wear</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Proposed erection of 283 dwellings including associated access, infrastructure and open space including diversion of public rights of way (amended 22/12/17 and 17/10/18 and additional information and amended plans received 24/01/19).</b>
<b>Recommendation:</b>	<b>GRANT PERMISSION AT THE END OF THE PUBLICITY PERIOD AFTER CONSULTATION WITH THE CHAIR AND/OR VICE-CHAIR WITH A VIEW TO GRANT PERMISSION SUBJECT TO A SECTION 106 AGREEMENT AND CONDITIONS</b>
<b>Application Type</b>	<b>Full Application</b>

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

Ryton has been identified by Gateshead Council as a Village Growth Area and Land at South Ryton has been allocated (policies CS4 and GV6 of the CSUCP) for the development of up to 550 new homes.

1.2 Land within the allocation was promoted through the Core Strategy as sites 285 (Bellway) and 287 (a) and (b) (Taylor Wimpey) (the allocations also include some third-party land).

1.3 Bellway Homes and Taylor Wimpey have each submitted separate detailed planning applications for East and West Ryton (Bellway Ref: DC/16/00320/FUL) (Taylor Wimpey Ref: DC/17/01376/FUL), however, each application has been considered and developed in conjunction with the other.

1.4 Both of the above applications are on the agenda for consideration by the Planning and Development Committee.

**1.5 DESCRIPTION OF SITE**

Ryton is located within the west of the borough of Gateshead, approximately 12km from both Gateshead centre and Newcastle city centre.

1.6 The application site lies to the south of Ryton village, extends across approximately 16.7 hectares and is currently used for agricultural purposes. The site has a prominent position over Ryton owing to its high level with long range views over the village centre and surrounding fields.

- 1.7 The application site is currently divided into four connected crop fields, intersecting with mature and recently planted hedgerows with two of these hedgerows marking public rights of way. A number of public rights of way cross the site on a north-south axis, linking Ryton to open land to the south.
- 1.8 The site is directly surrounded by existing residential development to the north, and e A695 to the south. Open rural space continues to the south of the A695. The remainder of the Village Growth Area is located to the west (287a) and south east (287b) respectively. The topography of the site slopes down to the north-west and north-west from the southern edge.
- 1.9 The site was formerly located within the Green Belt but is now forms part of a housing allocation under the CSUCP for up to 550 homes.
- 1.10 DESCRIPTION OF APPLICATION  
The planning application seeks planning permission for the residential development of 283 dwellings including associated access, infrastructure and landscaping on land to the south of Cushy Cow Lane, Ryton.
- 1.11 The application proposes that the primary access be taken from Cushy Cow Lane with a secondary access point to be provided by a link road connecting to the wider Village Growth Area (287a). An emergency and pedestrian/cycle access would also be provided via Mullen Drive.
- 1.12 The dwellings would have two storeys. The development proposes that 208 of the dwellings would be detached and 75 semi-detached; 162 dwellings would have four bedrooms, 94 would have three bedrooms and 27 would have two bedrooms.
- 1.13 In terms of pedestrian access, as well as the main vehicular access to the site on Cushy Cow Lane, there would be a further eight pedestrian access points into the site (not including those linking to the wider Village Growth Area).
- 1.14 The main areas of open space would be located in the southern, central and north eastern areas of the site, with smaller areas of open space distributed around the site. The main SuDS areas would be located to the north west and east of the application site.
- 1.15 The applicant held two public consultation drop-in events prior to the submission of the application and a further event following amendments to the proposal.
- 1.16 The following information has been submitted with the application:
- Affordable Housing Statement
  - Arboricultural Impact Assessment
  - Archaeological Desk Based Assessment
  - Archaeological Geophysical Survey
  - Design and access statement
  - Draft S106 heads of terms

- Flood Risk Assessment
- Foul sewerage, surface water drainage & utilities assessment
- Ground investigation survey, including coal mining risk assessment
- Masterplan and Phasing Document
- Noise impact assessment
- Statement of Community Involvement
- Sustainability Statement
- Transport Assessment
- Interim Travel Plan

#### 1.17 PLANNING HISTORY

There are no historic planning applications of relevance to the current application. However the site forms part of the larger housing allocation which has been promoted through the various rounds of consultation for the Core Strategy and Urban Plan for Gateshead and Newcastle upon Tyne (and has been removed from the Green Belt).

### 2.0 Consultation Responses:

Coal Authority	No objection subject to conditions.
Highways England	No objection.
Natural England	Natural England's standing advice applies.
Northumbria Police	No objection.
Northumbrian Water Ltd	No objection.
Tyne And Wear Archaeology Officer	No objection.
Tyne And Wear Fire and Rescue Service	No objection.
Nexus	No objection.

### 3.0 Representations:

3.1 An objection has been received from an MP (Liz Twist MP). The issues raised are as follows:

- Failure to submit a masterplan and phasing proposal for the whole of the Ryton Village Growth site;
- The application does not comply with the requirements of policy GV6 - Ryton;
- The application would have an adverse impact on residents in Stargate and on Cushy Cow Lane in regard traffic (both construction and residents), impact on health and education facilities;
- The loss/stopping up of existing well used footpaths.

- The ecological impacts of the site should be mitigated onsite and not offsite as proposed.
  - The proposed development does not guarantee the creation of the link road; this would be a major failure.
  - The proposed development includes a large area of open space which could be used for future housing and thus exceed the 550 house limit.
  - The removal of hedging for access would impact on the character of the area.
  - There are significant concerns regarding the traffic within the area, specifically in regard to the A695 and Cushycow Lane.
  - There will be a significant loss of amenity for those occupiers living on Stargate Lane given existing heavy traffic; this impact follows years of odour impact from Path Head Landfill and the loss of areas of garden.
- 3.2 A letter objection has also been received from a Ward Councillor (Councillor Chris Buckley), the letter reiterates the objections raised by Liz Twist MP.
- 3.3 In addition, 96 letters of objection have been received. The issues raised by members of the public are set out below;
- 3.4 Policy issues
- The development has not been submitted alongside a masterplan for the whole GV6 allocation.
  - It is confirmed by all other landowners that a masterplan has not been agreed by all parties.
  - The area does not need more houses.
  - There is no commitment to building the through road across the site.
  - There is no phasing plan.
  - The development represents a departure from policy GV6 of the CSUCP.
- 3.5 Transport issues
- The development would lead to an impact on already busy roads.
  - The development would be inappropriate for cyclists.
  - There is insufficient capacity on the A695 for the houses proposed.
  - It would appear that the Stargate Lane widening plan would not provide both parking and two-way access.
  - There are further junctions where traffic assessments are required.
  - The development does not allow for an adequate level of parking within the development.
  - The development would result in traffic rat running using Western Way or Hexham Old Road as a result of the through road not being constructed.
  - The development would result in an additional 350-700 cars on the highway.
  - It is possible that highway works proposed may not take place when required and this should be secured through condition if approved.
  - The development does not allow for adequate access/egress into/out of the site.

- 3.6 Green Belt issues
- The area to be developed is Green Belt which is in place to prevent urban sprawl.
- 3.7 Local infrastructure issues
- The services within the area e.g. shops, doctors, dentists and schools cannot accommodate the additional requirements.
  - The proposed development would lead to an impact on BT infrastructure.
  - The development does not adequately deal with footpaths and rights of way across the site.
- 3.8 Flooding and drainage issues
- The proposed SUDs pond could overflow.
  - Who manages the SUDs prior to adoption?
  - The proposal would lead to flooding on Grange Lane.
- 3.9 Residential amenity issues
- The proposed construction traffic would have a significant impact on the amenity of properties on Stargate Lane
  - The additional traffic using Cushy Cow Lane would cause a significant impact on amenity.
- 3.10 Consultation issues
- The notification does not include all rights of way to be diverted/stopped up.
- 3.11 Other issues
- The proposed development demonstrates a poor understanding of public realm and the layout is inappropriate.
  - There are more appropriate sites across Gateshead for the erection of houses.
  - The area has already had 10 years of disruption owing to landfill within the area.
  - The developer should plant trees and greenery around the site while the development is undertaken.
  - The proposal represents an over-development of the site.
  - The development would result in mental health issues for residents.
  - There is no assurance that the developer will carry out the work (if approved).
  - The proposal would set a precedent.
  - The LPA should send members of the public a list of proposed planning conditions.
  - The LPA must assure the public that the development will be enforced, if approved.
  - The development should target first time buyers and not social tenure.
  - The development does not need an equipped play area, a more natural play space would be better.

- The public open space should be constructed early and should not be left to planning condition.
- The development should be reviewed by Design North East.
- A landscape audit must take place following the completion of the development.
- The development would result in a significant amount of mud and debris on the highway; this would need to be dealt with.
- The LPA have not managed landfill companies within the area which has resulted in air pollution.
- The removal of hedging would have an impact on birds.

3.12 1 letter of support has been received to the application. The issues raised are as follows:

- Site is ideally situated for infill development.

#### **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

CS5 Employment-Economic Growth Priorities

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

GV6 Ryton

DEL1 Infrastructure/Developer Contributions

DC1C Landform, landscape and after-use

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

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

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

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment:**

- 5.1 The main planning issues relating to this proposed development are considered to be: the principle of housing on this site; the impact on existing trees and hedges on and around the site; the impact on the landscape; flood risk and drainage; the possible impact on ecology on the site and in the area; whether the proposed design of the development is acceptable; transport issues; the

impact on the living conditions of the future occupiers of the proposed housing and existing residents near the site; the impact on archaeology remains on the site; the possible contamination of the site; children's play facilities; education impacts; site specific policy compliance; financial considerations; and any other issues arising.

## 5.2 PRINCIPLE OF DEVELOPMENT AND MASTERPLAN

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 land for new housing development in villages including Ryton.

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 forms part of a wider site allocated in the CSUCP, under policies CS4 and GV6 for up to 550 homes. No part of the site is located in the Green Belt.

5.5 Policy GV6 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 masterplan and phasing plan to: demonstrate a comprehensive, phased and coordinated approach to site development, set out how necessary infrastructure, and the strategic infrastructure identified for the site in the Infrastructure Delivery Plan will be delivered on a phased basis; set out build rates and triggers for infrastructure, and demonstrate how each phase of the development is sustainable and deliverable.

5.6 The supporting text to Policy CS4 (paragraph 8.10) is very clear as to what is required in regard to a masterplan and phasing plan, stating;

*"... Given the potential impact that the new development will have on the existing villages in terms of their infrastructure, facilities and services it is important that it is masterplanned. Village Growth Area sites, as a defined in Section 5 of the Plan are required to be masterplanned together where they adjoin each other regardless of ownership. Phasing plans will be required which set out the triggers for the provision of necessary infrastructure and legal agreements will need to be put in place to secure delivery. Masterplans will be prepared by the landowner/developer(s) in consultation with each Council and must be approved as part of the planning application process. The masterplanning and the development requirements of these sites are set out in policies in the Sub Areas and Site Specific policies in Section 5 of the Plan."*

5.7 The applicant has provided a Masterplan and Phasing Document (the Masterplan). The Masterplan indicates that this application would be constructed over four phases. The first phase is shown as being towards the eastern portion of the application site and includes the proposed site access onto Cushy Cow Lane. Phases two and three are proposed to take place to the central part of the site whilst the fourth part of the site would take place to the



western part of the site (adjacent to the remainder of the Village Growth Area). 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), S106 and/or the Community Infrastructure Levy (CIL) the proposed timings of which are set out as part of the phasing plan.

- 5.8 The Masterplan covers not only this application site but also the application site of DC/17/01376/FUL. Together these two sites cover the majority of the allocated wider Village Growth Area, site GV6. However, an area of circa 390sqm to the south and an area of circa 280sqm to the west of site GV6 are omitted from the Masterplan and the two planning applications. These two relatively small areas equate to approximately 4% of the total area of site GV6.
- 5.9 In considering the current application, the submitted Masterplan can only be 'binding' and therefore afforded weight insofar as it relates to the application site i.e. the current application cannot secure works on the wider Village Growth Area (the remainder of which is subject to a separate planning application (DC/17/01376/FUL)). If planning permission was to be granted a condition could be attached requiring the development to be undertaken in accordance with the submitted Masterplan insofar as it relates to the application site (Condition 3).
- 5.10 Based on the above, it must be concluded that the development technically does not comply with the requirements of Policies CS4 and GV6. This view is formed for two reasons: firstly, that the submitted Masterplan does not cover the entirety of the Village Growth Area allocation and; secondly, that the application does not cover the entirety of the Village Growth Area and as such the Masterplan cannot be binding beyond the application boundaries.
- 5.11 Therefore, in accordance with section 70 (2) of the Town and Country Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004, consideration will need to be given whether material considerations exist which indicate that the application should be granted despite not according with development plan policies. Would the benefits of the development, based on material planning considerations, outweigh the harm caused as a result of the non-compliance with Policies CS4 and GV6.
- 5.12 **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.
- 5.13 The application proposes 15% affordable homes (43 units). Of these homes, 28 are to be allocated for affordable rent and 15 for intermediate tenure. Officers consider that this allocation is acceptable and 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 of the CSUCP.
- 5.14 **OTHER HOUSING POLICIES**

- 5.15 **Housing type and density**  
The proposed development includes 263 houses (out of a total of 283) which incorporate 3 or more bedrooms. In addition, all dwellings include private garden areas. It is therefore considered that the development would meet the requirements of policies CS11 and GV2 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. In addition, the type of housing would vary between detached, semi-detached and terraced and would be suitable for a wide range of groups in accordance with saved policy H5 of the UDP.
- 5.16 The density of the development would equate to approximately 24 houses per hectare. Whilst this would be slightly below the 30-50 dwellings per hectare target within saved policy H12 of the UDP, this policy also sets out that densities below 30 dwellings per hectare may be permitted where higher densities would have an unacceptably detrimental impact on the amenity and character of an area. In this case it is considered that the density of the development would assimilate well with the adjoining areas. Further, the requirement of policy H12 must be considered in context with the maximum housing numbers set out in policy GV6 of the CSUCP.
- 5.17 The Inspector within the report on the CSUCP stated that;  
*"... there may be benefit from a slightly higher number houses on the western part of the site and slightly fewer in the central and eastern parts than is shown in the development framework. Ultimately this is a matter for the masterplanning of the site."*
- 5.18 The Masterplan submitted in support of the application has demonstrated that the density of development proposed is appropriate in the context of the wider GV6 allocation.
- 5.19 **House size**  
Policy CS11 of the CSUCP requires that new residential development provides adequate space inside and outside of the home to meet the needs of residents. It is considered that all houses would have generous garden sizes in order to provide satisfactory outdoor private amenity space. Further, it is considered that the house types would provide good levels of internal space.
- 5.20 The development would provide adequate levels of internal and external space in accordance with policy CS11.
- 5.21 **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.

- 5.22 In regard to wheelchair and lifetime homes, officers consider that there are an adequate number of proposed units which would potentially meet the requirements of lifetime and wheelchair homes and the application would be in accordance with policy CS11 of the CSUCP and saved policies H9 and H10 of the UDP.
- 5.23 **TREES AND HEDGEROWS**  
Tree cover within the site is minimal with all tree cover being located around the periphery of the site within hedgerows or small groups at the edges of fields.
- 5.24 An arboricultural assessment was submitted with the application. The assessment sets out that two groups of trees will be removed, and two other groups will be partially removed, further the application shows several new access roads bisecting the field boundary hedges, and the loss of some hedgerows to allow access.
- 5.25 The report sets out that the trees set out above are of low and/or moderate value and that the loss of these trees not have a significant impact on the wider landscape of the area and that compensatory tree planting will be undertaken across the site that will provide new tree cover that is better integrated into the new layout. Officers agree with the submitted arboricultural assessment in regard to trees loss.
- 5.26 The applicant has submitted a Hedgerow Management Strategy as part of the application, the plan indicates that minimal incursion into existing hedgerows would occur. Further, the management strategy allows for significant positive management of the remaining hedgerow to the benefit of the site and the wider area. Therefore, whilst there would be a short term negative impact, in the medium to long term there would be a positive impact.
- 5.27 The replacement hedge planting, gapping up and long-term maintenance can be secured through the use of landscaping planning conditions (Conditions 4, 5 and 6). Further planning conditions are also required to secure the hedgerow and tree protection measures for the duration of construction works (Condition 7 and 8). Subject to these conditions, the proposed development would not have an adverse impact on amenity in relation to hedgerows.
- 5.28 A landscaping strategy has been submitted with the application and shows the approximate location of tree planting and species. As set out above, subject to a condition pertaining to the submission of an updated version of the strategy and the tree protection measures outlined in the report to be adopted for the duration of construction works it is considered that in terms of trees the proposed development would have a largely positive impact on amenity.
- 5.29 Given the above, it is considered that the application would be in accordance with policy CS18 of the CSUCP and saved policy ENV44 of the UDP.
- 5.30 **IMPACT ON THE LANDSCAPE**  
The site predominantly comprises a plateau area which is slightly elevated above the adjacent residential estates in Ryton immediately to the north. The

land falls away gently from the A695 corridor to the north, although the landform is more undulating to the west of the site where the slope steepens towards a low point in the north-west. From the site the built form of Ryton restricts views of the Tyne Valley in the north to the upper extents only. In recognition of the site's landscape value, an initial landscape assessment was carried out to support the allocation of the site for residential development. This assessment considered that the development of the site for housing would not have an unacceptable impact on the surrounding landscape.

- 5.31 In support of the application a landscape and visual appraisal has been produced. The assessment assesses the impact of the proposed development in addition to assessing the cumulative impacts of '*... forthcoming residential applications in the nearby area.*' This cumulative impact takes into account (amongst others) the Taylor Wimpey development i.e. most of the remaining GV6 allocation. The assessment is based on the assumption that "*... the development proposed would be similar to that illustrated within the Ryton Development Framework, Gateshead Borough Council.*"
- 5.32 In conclusion, the report states that;  
*"The most noticeable change to the character of the site will result from the introduction of proposed residential units which will introduce new elements to the site itself."*
- 5.33 This conclusion is reflective of the Inspector's view in assessing the CSUCP in which stated:  
*"The development would adversely affect the local landscape by building on higher ground on the edge of the settlement..."*
- 5.34 The Inspector went on to state that "*... through substantial buffer planting along the southern edge of the site would lessen the impact [of the development on the landscape].*"
- 5.35 These views are reflected within policy GV6 of the CSUCP which requires;  
*"Mitigation of the impact of the development on landscape, biodiversity and ecology connectivity including the provision of a substantial landscape/ecological buffer along the southern and western boundaries of the site..."*
- 5.36 The application provides for the creation and maintenance of structure planting to the southern boundary of the application site, providing a landscape buffer of between 10 and 50 metres; this is considered by officers to represent a '*... a substantial landscape/ecological buffer.*'
- 5.37 The area of woodland to the south of the site (which falls outwith both the application site and the area covered by the Masterplan but is included within site GV6) cannot and is not relied upon as part of the screening of the application site and as such is considered to be have neutral impact.
- 5.38 Given the above, it is considered that the proposed development has been laid out so to try and assimilate well to its landscape. The existence of the woodland

area to the south of the application site currently affords a level of screening. However, it is considered that the impact of the potential loss of this coverage i.e. if the trees were to be removed, would not be so severe as to warrant refusal of the application.

5.39 Therefore, while it cannot strictly be concluded that the proposal would fully comply with the masterplanning requirement of Policy GV6 it is considered by officers that the resultant harm of this non-compliance is minimal. Therefore, subject to conditions requiring the submission of the final version of the landscape strategy, the application is considered to be acceptable in regard to landscape impact.

#### 5.40 OPEN SPACE AND LANDSCAPING WITHIN THE SITE

In regard to open space and landscaping within the site as discussed above, a large area of open space and landscaping along with SuDS features would be created in the northern, central and eastern parts of the site. This would have a number of benefits including providing attractive green space for residents and being suitable for recreation. In addition, there are a number of other green spaces provided within the site. Whilst these smaller areas would have limited recreational value given their size, they would still provide attractive landscaped areas.

5.41 The site is located in a neighbourhood that is deficient in open space and therefore there would be a requirement to provide open space on site. The development proposes a total of approximately 5 hectares of open space and as stated above, this would be located in different areas within the site. In addition, the quality of open space on the site would provide excellent access to green space and recreation in accordance with policy CS14 of the CSUCP.

5.42 Therefore, given the compliance with saved policies H13 and CFR20 of the UDP, it is considered that an acceptable provision of open space would be made on site in terms of its quantity, quality and location.

#### 5.43 DRAINAGE AND FLOOD RISK

A flood risk and drainage assessment has been submitted with the application. In accordance with policy CS17 of the CSUCP, the assessment has covered all sources of flooding and has had regard to the Council's Strategic Flood Risk Assessment (SFRA).

5.44 The development has had regard to the sequential approach by locating the SuDS attenuation features (basins/ponds) at the low points of the site. The layout also accommodates the modified overland flows through a series of swales reflecting Policy GV6 of the Core Strategy.

5.45 The submitted flood risk and drainage assessments have had regard to both the application site and the wider Village Growth Area and as such it has been possible to fully assess how the external overland flows would impact on the proposal.

5.46 Flood Risk

The flood risk assessment has assessed flood risk from all sources of flooding (fluvial/tidal, groundwater, sewer, overland flow and artificial sources). The FRA concluded that the site is at low risk of flooding from all sources except from overland flows which was considered to be medium/high risk.

- 5.47 It is considered that the proposal has been designed to ensure that the proposed development would not be at risk of flooding specifically in regard to overland flows.
- 5.48 **Drainage**  
A sustainable drainage system has been incorporated in the development in the form of ponds/detention basins, swales, water gardens and underground storage.
- 5.49 Policy GV6 of the Core Strategy requires 'A positive response to the potential to manage flood risk in the Grange Drive, Constable Close/Turner Close and Woodside Road areas by incorporating overland flows from A695 and integrating additional SuDS storage'. The drainage strategy has regard to Policy GV6:11: it will improve the flood management of the surrounding area by intercepting the overland flows which currently pass freely across arable fields towards Grange Drive and the drainage strategy will divert overland flows into SuDS to ensure betterment for Grange Drive.
- 5.50 Based on the above, it is considered that subject to conditions (pertaining to the final design of the SuDS scheme (Conditions 9 - 14)) and based upon flood risk the drainage scheme proposed is broadly acceptable. The proposed drainage solution is considered to have appropriate regard to the proposed Wimpey development and the wider Village Growth Area and offers a workable solution for the application site.
- 5.51 It is considered that the application has appropriate regard to the requirements of NPPF and Policies GV6, CS4 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.
- 5.52 **IMPACT ON BIODIVERSITY**  
The proposed development site is located within 1km of several designated Local Wildlife Sites (LWS) including Stargate Ponds & Bewes Hill LWS (c. 450m), Path Head Quarry (c. 400m), Crookhill Pasture LWS (c. 550m) and The Folly LWS (c. 900m). Sections of the adjacent A695 Blaydon to Crawcrook By-Pass are being considered as a candidate LWS.
- 5.53 The proposed development site is dominated by four large arable fields separated and bound by hedgerows. Within and adjacent the site are smaller areas of mixed plantation woodland, scrub, semi-improved grassland and wetland.
- 5.54 The application is supported by a number of ecological studies. Overall the site is considered to be of low ecological value, being dominated by arable land. However, this does not give appropriate consideration to the value of site for particular species/species groups, for example, farmland birds.

- 5.55 The survey work undertaken by the applicant has confirmed that the site supports the following species: bats, badger, amphibians, breeding and non-breeding birds. Habitats within and immediately adjacent to the site are also considered to provide potential opportunities for brown hare and hedgehog (UKBAP & DBAP priority species).
- 5.56 Whilst the applicant has sought to avoid adverse impacts on biodiversity and provide on-site mitigation and compensation where impacts are unavoidable; it is not possible (in this instance) to provide the large open area(s) of undisturbed (i.e. no/limited public access) and connected habitat within the red line boundary of the site necessary to support the required number of breeding territories of those priority bird species affected by the development. Ground nesting birds including skylark, meadow pipit and lapwing are particularly sensitive to disturbance and vulnerable to predation by domestic cats.
- 5.57 Therefore, offsite compensatory measures are required to address the direct and indirect residual impacts of the development on biodiversity, including:
- BAP priority farmland birds - ground nesting species, incl. skylark and meadow pipit and hedgerow species, incl. yellowhammer, linnet and tree sparrow
  - BAP priority wading birds - breeding and wintering waders, incl. lapwing and curlew
  - The compensatory measures to be delivered on council owned land at Burdon Moor Local Wildlife Site, include the:
    - creation, enhancement and long-term positive management of:
      - 5ha of BAP priority heathland, acid grassland and wetland; and
      - 1.2km of native hedgerow
- 5.58 To facilitate the above it is required to undertake a programme of initial site investigations (incl. soil analysis), feasibility and design work prior to implementation, establishment, aftercare and long-term management.
- 5.59 Burdon Moor has been identified as the most appropriate location for providing replacement/improved opportunities for farmland/ground nesting/wading birds owing to:
- Its size, setting and connectedness to adjacent areas of suitable/functional habitat;
  - It being subject to carefully managed access (i.e. no public access into proposed area(s) of habitat creation, restoration and enhancement);
  - Its relative isolation reducing the risk of predation by domestic cats;
  - Its elevated position within a strategic Wildlife Corridor;
  - It being a designated nature conservation site and unlikely to be threatened with future development and;
  - The opportunity to engage with a local nature conservation charity in the long-term management of the site.

- 5.60 In addition to providing replacement/improved habitat benefitting a broad range of species; the proposed compensatory measures will also form part of a catchment based approach to ameliorating flood risk and improving water quality. Whilst there will be no direct public access into the proposed area of habitat creation, it will be possible to view the area and its features of interest from an adjacent surfaced footpath providing improved recreational opportunities for visitors.
- 5.61 Further, it is considered that the application has had appropriate regard to the wider Village Growth Area allocation as whole and has determined the cumulative impact of the developments; this has allowed the production of a joint mitigation scheme (as set out above).
- 5.62 It is recommended that a Biodiversity Method Statement (Conditions 15 and 16), a Lighting Design Strategy (Conditions 17 and 18), a Landscaping Scheme (Conditions 4, 5 and 6) are secured by way of a planning conditions and the offsite ecological compensation is secured by way of a planning obligation to ensure that the proposed development can be delivered within acceptable ecological limits, and in accordance with both national and local planning policies.
- 5.63 As a result, the application is considered to comply with the principles of the NPPF and the following local planning policies GV6, CS4, CS18, DC1(d), ENV44, ENV46, ENV47 and ENV49.
- 5.64 DESIGN AND LAYOUT  
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...'
- 5.65 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."*
- 5.66 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.
- 5.67 The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area while having regard to the wider Village Growth Area. The proposed development



provides a positive response to the site constraints and an appropriate design solution.

- 5.68 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 (Conditions 19 and 20).
- 5.69 With regard to landscaping, hard landscaping has been submitted as part of the application and are considered broadly acceptable; it is considered necessary to condition the final details to be submitted and approved in writing (Conditions 21 and 22). 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 4, 5 and 6).
- 5.70 Furthermore, the boundary treatment details submitted in support of the application are considered to be largely acceptable with the exception of those used to divide rear boundary gardens. It is therefore considered necessary to condition the delivery of these boundary treatments (Conditions 23 and 24).
- 5.71 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. 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.

## 5.72 TRANSPORT AND HIGHWAYS

### 5.73 Access

Vehicular access to the site would be provided directly from Cushy Cow Lane together with a link road through the proposed Taylor Wimpey site to Woodside Lane. Cushy Cow Lane would be improved with the introduction of traffic calming, four bus stops, and enhanced uncontrolled pedestrian facilities and replacement of the steps opposite 39 Cushy Cow Lane down to the existing footpath with a ramp. An emergency access will also be provided via Mullen Drive. Suitable vehicle access can be provided and the final detailed design of the access will be secured by planning conditions (Conditions 25 and 26).

### 5.74 Strategic highway issues and impact on the local highway network

The application was accompanied by a Transport Assessment ('the TA'), this assessment considered the cumulative impact that this application and the proposed Taylor Wimpey development may have on the road network. The TA supplements the previous Transport Assessment that was undertaken as part of the consideration of the allocated sites at Crawcrook North and Crawcrook South which also considered the impact of site GV6. The submitted TA and addendums contain an appropriate level of junction modelling and analysis and has not identified the need for any additional highway improvement works on the A695 corridor to that in the previous Transport Assessment.

5.75 There are number of works required on the existing highway network identified as being necessary by Policy GV6, these have been considered within the submitted TA. These works are as follows;

- GV6(3) - "mitigation of cumulative traffic impact of the proposed development on junctions along the A695, including Blaydon Roundabout (A695/B6317)."

Financial contributions have already been secured through s106 from the developments at Crawcrook North, Crawcrook South, and the former Prudhoe Hospital site towards highway improvements at Blaydon Roundabout (now implemented) and improvements to the three roundabouts on the A695 at Beweshill, Stargate Lane, and Greenside Lane. The contribution from this application and the proposed Taylor Wimpey development would be secured through the Community Infrastructure Levy (CIL). The highway works outlined appear on the Council's CIL Regulation 123 list, as such the works can only be funded through CIL and not a S106 legal agreement.

- GV6 (4) - "Improvements to the junction of Cushycow Lane and Stargate Lane."

It is considered that the final detail and a timescale for the implementation of the proposed works should be secured through planning conditions (Conditions 27 and 28).

- GV6 (5) - "The widening of Stargate Lane and improvement to footways between Cushycow Lane and the A695."

The applicant has provided details of the proposed widening of Stargate Lane to accommodate existing car parking whilst allowing two-way movement. However, the extent of road widening is constrained by the available space and need to provide a continuous 1.8 metre footway to the eastern side of the road. It is considered that the final details of the proposed works could be secured through planning conditions (Conditions 29 and 30).

5.76 The latest addendum to the TA concludes;

*"The proposed development meets the sustainable objectives of the 2018 [remains unchanged by 2019 NPPF] National Planning Policy Framework and its residual traffic impacts are not severe, following mitigation. It is therefore considered that there is no justifiable transportation reason why planning consent should not be granted."*

5.77 Subject to the conditions set out above (and to the further considerations discussed below) officers consider that the conclusion set out by the applicant is sound.

5.78 Connectivity

The proposed development allows for a number of connections to existing pedestrian routes within the wider area.

- 5.79 Further, the application proposes a new bus service which would serve the application site during construction and for two years following completion. The bus service would commence following the earlier of either the 50<sup>th</sup> occupation of this site or the 30<sup>th</sup> occupation of the Taylor Wimpey site (whichever is earlier). The final details of the proposed bus service can be controlled through via S106 legal agreement.
- 5.80 The proposed bus route requires the creation/installation of infrastructure in order to function both during the construction and following completion of the development. The infrastructure requirements are the installation of bus stops (Conditions 31 and 32) and the creation of a turning facility off Woodside Lane; the final design and implementation of this facility can be conditioned (Condition 33 and 34).
- 5.81 The site-specific policy for the site also requires the provision of a link road within the Village Growth Area, specifically GV6 (6) requires;  
*"A continuous vehicular link-road within the site between Cushycow Lane and Woodside Lane."*
- 5.82 It is considered that the timely implementation of the link road is imperative to the medium and long-term operation of the proposed bus service. The submitted TA addendum states that the link road needs to be open '*...prior to occupation of the 334th dwelling across both sites...*' This is based on accessibility distances that can be achieved from the proposed bus stops on Cushy Cow Lane and Woodside Lane. To this end, it is considered necessary to condition the final details of the link road and that the link road be installed up to the boundary of the application prior to the occupation of the 192nd (end of phase 2) dwelling (Conditions 35 and 36).
- 5.83 In addition to the above, the application site links to a portion of the proposed Taylor Wimpey development to the south east of the application site. In order to ensure the connectivity of this element of the Taylor Wimpey proposal it is considered necessary to condition that the highway link be installed prior to the commencement of Phase 2 of the development (Conditions 37 and 38).
- 5.84 Further, there a site-specific policy for the site also requires retention of the Towneley Main Waggonway, specifically GV6 (9) requires;  
*"Interpretation and retention of the route of the Towneley Main Waggonway which runs through the site."*
- 5.85 The waggonway is within the Taylor Wimpey element of site GV6.
- 5.86 In addition to the above, it is considered necessary to condition the final details of the emergency and pedestrian access onto Mullen Drive in order to ensure appropriate emergency access and connections to existing bus links (Conditions 39 – 42).
- 5.87 Public Rights of Way  
The proposed development proposes the diversion of one public right of way (PROW) - Footpath Ryton 26 which currently runs east to west across the site.

All other PROW on site (Footpaths Ryton 24, 27 and 95) are proposed to be retained and accommodated within the scheme on their current alignment although their condition will need to be improved through the use of appropriate surfacing materials in order to assist movement and permeability through the development.

- 5.88 In regard to the diversion of Footpath Ryton 26, consideration has also been given to the Defra Circular 1/09 on public rights of way. The circular sets out that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and LPAs should ensure that the potential consequences are taken into account whenever such applications are considered.
- 5.89 The circular goes on to state that in considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.
- 5.90 It should be noted that even if planning permission is granted for the development the formal diversion of the public right of way will be required and this is subject to a separate application and approval regime under Section 257 of the Town and Country Planning Act 1990.
- 5.91 It is considered that the proposed development would make it necessary to divert Footpath Ryton 26. The applicant however, has proposed an alternative route along the northern boundary of the site. This would be south of the existing hedges and vegetation along the boundary and then around the proposed SuDS pond linking back to Conway Gardens. The route would avoid the use of estate roads as far as possible apart from when crossing the vehicular access into the site.
- 5.92 Whilst it is clear that many local residents value this public right of way across the site and use it regularly, it is inevitable that to facilitate a development that is allocated in the CSUCP, the public right of way would need to be diverted. However, it is considered that, in planning terms, the alternative route would be the optimum in terms of avoiding estate roads and using landscaped areas. It is considered necessary to impose a planning condition the final details of all diversions and timetables of implementations are submitted to an approved in writing (Conditions 43 and 44).
- 5.93 Given the above, it is considered that the proposed diversion of Footpath Ryton 26 is acceptable in planning terms and would comply with the NPPF, policy CS13 of the CSUCP and Defra Circular 1/09.
- 5.94 **Parking and layout**  
The internal layout of the scheme incorporates a number of features to manage vehicle speeds within the site and create a self-enforcing 20mph zone. It is

considered that the final details of traffic claiming measures should be secured through planning conditions (Conditions 45 and 46).

- 5.95 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 provides for either a garage or secure alternative such as a suitably designed shed within each plot and this would provide parking for a cycle within each property. This can be secured through planning conditions (Conditions 47 and 48).
- 5.96 It is also considered necessary to condition the final details of bin storage facilities to ensure their appropriateness both in visual and highway terms (Conditions 49 and 50).
- 5.97 Vehicle charging points  
Some provision of electric vehicle charging infrastructure is proposed by the applicant. However, the final details are not known at this stage. A condition is considered to be reasonable to secure an acceptable scheme for EV charging point provision (Conditions 51 and 52).
- 5.98 Construction traffic  
It is proposed for construction traffic to access the site via the proposed access at Cushy Cow Lane via Stargate Lane. The option of accessing the application site via the A695 has been fully investigated by the Applicant, it has been concluded:  
*"Construction traffic access directly from the A695 is not possible without reducing the speed limit of the A695 and providing temporary traffic management including traffic lights. Such measures would cause considerable disruption to the flow of traffic along this strategic route and due to the length of the construction period would be unacceptable. Construction traffic should therefore be routed via Stargate Lane until the link road is completed."*
- 5.99 Ultimately, the proposed development could lead to significant issues in regard to the traffic flows on the A695 for the entirety of the proposed construction period (which the developer anticipates being 7-8 years).
- 5.100 It is accepted that the proposed development would lead to additional residential amenity impacts for those residents on the construction traffic route, it is noted several objections have been received around this point from residents on Stargate Lane.
- 5.101 It is considered that the impact on residents will be limited through the control of onsite construction via a submission of construction control plan (discussed within Residential Amenity section).
- 5.102 As identified above, it is the view of officers that the utilisation of Stargate Lane for construction access is necessary to avoid significant highway impacts and that any impact will be reduced as a result of conditions pertaining to construction management and the requirement for highway works.

#### 5.103 Interim Travel Plan

The applicant has submitted an Interim Travel Plan which is considered to be appropriate in its content while also having appropriate regard to the wider Village Growth Area, it is considered that the final travel plan and its implementation can be secured by conditions (Conditions 53 and 54).

#### 5.104 RESIDENTIAL AMENITY

The relevant considerations are the impact on residential amenity in terms of existing nearby properties and also for future residents of the proposed development.

#### 5.106 Impact on existing nearby properties

There are a number of existing residential properties that would be potentially affected by the development. These are properties located on Conway Close, Turner Close, Constable Close and to a lesser extent Grange View, Grange Drive and Cushy Cow Lane.

5.107 In regard to existing properties on Conway Close, whilst it is acknowledged that the outlook from these properties would change, officers have considered the impact on these properties carefully and it is considered that the separation distances from the gables of proposed houses to the rear windows of the existing properties (minimum of 17 metres) would be acceptable and would not result in an unacceptable visual impact or loss of privacy to existing properties on Conway Close.

5.108 In regard to existing properties on Turner Close, officers have carefully considered the varied orientation of these properties with some of them located at a slightly oblique angle to the site. Again, whilst the outlook from these properties would change, it is considered that due to the separation distances to the proposed properties (minimum of 18.5 metres window to window) and the oblique angle would be sufficient to prevent any unacceptable visual impact or loss of privacy.

5.109 With regard to Grange View, Grange Drive and Cushy Cow Lane it is considered that the separation distances and the intervening land use i.e. highway is sufficient to ensure that existing residents would not be impacted upon by the development to an unacceptable degree.

5.110 Given the above, it is acknowledged that the development would alter the outlook of existing properties as it would introduce housing on land which has been open and undeveloped. However, it is considered that the layout of the development is such that it would not lead to an unacceptable visual impact or an unacceptable reduction in privacy to existing properties.

5.111 It is also acknowledged that the construction of the development would have a potential impact on nearby properties in terms of noise, disturbance and dust. Whilst these impacts cannot be avoided, it is considered that through the imposition of a planning condition for final construction control measures these

impacts can be minimised to ensure no unacceptable impact on residential amenity (Conditions 55 and 56).

5.112 It is therefore considered that the application would be in accordance with policy CS14 of the CSUCP and saved policy DC2 of the UDP.

5.113 Living conditions for future residents

It is considered that the proposed layout of the development is adequate to ensure that the interface distances between proposed dwellings would ensure no unacceptable impact would occur.

5.114 Further, part of the proposed development would be located close to existing highway infrastructure and Stargate Industrial Estate to the south east of the application site, to this end a noise impact assessment has been submitted in support of the application. This noise impact assessment concludes that no unacceptable impact on future occupiers would occur as a result on ongoing activity subject to appropriate mitigation measures, which could be conditioned (Condition 57 and 58).

5.115 On this basis, it is considered that living conditions for future residents would be acceptable and the proposal would not conflict with policy CS14 of the CSUCP and saved policies ENV61 and DC2 of the UDP.

5.116 ARCHAEOLOGY

An archaeological assessment has been submitted with the application. The assessment concludes that the site is very unlikely to contain archaeological remains, and so will not require further archaeological work. Officers and the Tyne and Wear Archaeologist broadly agree with these findings, however post excavation reporting and publication of findings is required; it is considered this information can be conditioned (Conditions 59 and 60). The application would therefore not conflict with policy CS15 of the CSUCP and saved policies ENV21 and ENV22 of the UDP.

5.117 GROUND CONDITIONS AND COAL MINING

The findings of an intrusive site investigation, including boreholes and trial pits have been submitted with the application. The submitted report suggests that further investigation works are required. This requirement can be secured by planning conditions (Conditions 66 - 66). It is therefore considered that the proposed development would not cause unacceptable risk in terms of ground contamination to existing and future residents. The application would not conflict with policy CS14 of the CSUCP and saved policies ENV54 and DC1 of the UDP.

5.118 The Coal Authority have also been consulted on the application and have stated they have no objection to the proposed application subject to conditions pertaining to the final details of the proposed remediation works (Conditions 67 and 68).

5.119 Subject to satisfactory resolution of the Coal Authority's concerns, it is considered that the application would not conflict with policy CS14 of the CSUCP and saved policies ENV54 and DC1 of the UDP.

#### 5.120 CHILDREN'S PLAY

The plans submitted with the application identify locations for informal play provision suitable for all age groups (toddler to teen) in the northern part of the site and the north east corner of the site. It is considered that these locations are suitable given that they would be well overlooked with dwellings fronting on to them. The areas would also be highly accessible from all areas of the development.

5.121 Given the above, the proposed development would be in accordance with policies CS14 and GV2 of the CSUCP and saved policies H15, CFR28, CFR29 and CFR30 of the UDP.

#### 5.122 EDUCATION CONTRIBUTIONS

Policy GV6 of the CSUCP requires that development contributes to local primary school provision. Policy DEL1 requires new development to be made acceptable through the provision of necessary infrastructure. In this case, this is being delivered through CIL. Education requirements appear on the Council's CIL Regulation 123 list, as such the works can only be funded through CIL and not a S106 legal agreement.

5.123 Subject to this, the proposal would be in accordance with policies GV2 and DEL1 of the CSUCP.

#### 5.124 SITE SPECIFIC POLICY

Policy GV6 allocates land at South Ryton for up to 550 homes to take place in accordance with an "approved masterplan and phasing plan". The Policy also sets out 13 criteria against which proposals for development within the allocation are to be assessed. The compliance with these requirements is assessed within the main body of the report and is summarised below;

1. Mitigation of the impacts of the development on landscape, biodiversity and ecological connectivity including the provision of a substantial landscape/ ecological buffer along the southern and western boundaries of the site, and the protection and enhancement of those hedgerows to be retained as part of the development.

The proposed layout incorporates measures to incorporate landscape mitigation. Officers are of the view that a substantial buffer has been provided by the application and would therefore comply with this requirement.

2. Open space, sport and recreational facilities, where necessary.

The proposed development provides for an acceptable and appropriate level of informal recreational facilities, there is no identified need for any sports facilities on site. The application complies with this requirement.



3. Mitigation of the cumulative traffic impacts of the proposed development on junctions along the A695, including Blaydon Roundabout (A695/ B6317).

This requirement is addressed through the payment of CIL, the application therefore complies with this requirement.

4. Improvements to the junction of Cushycow Lane and Stargate Lane.

These works are to take place as part of the development with final details to be submitted to and approved by the council.

5. The widening of Stargate Lane and improvement to footways between Cushycow Lane and the A695.

These works are to take place as part of the development with final details to be submitted to and approved by the council.

6. A continuous vehicular link-road within the site between Cushycow Lane and Woodside Lane.

The final details of and the provision of the link road (upto the applicant site boundary) within an appropriate timescale have been secured though the use of appropriate conditions; while the proposed development is not considered to comply with this requirement it does provide facilitate the ability to provide a continuous link.

7. A contribution to local primary school provision.

This requirement is addressed through the payment of CIL, the application therefore complies with this requirement.

8. A landscaped buffer between the site and the reservoir located to the east of Woodside Lane.

The proposal is not compliant in this regard; however the requirement would be addressed by the Wimpey development.

9. Interpretation and retention of the route of the Towneley Main Waggonway which runs through the site.

The Waggonway is to be retained in situ and remain unaffected by the development other than through the creation of the proposed link road, the final design of which will be secured via planning condition, the application therefore complies with this requirement.

10. Evidence that there is adequate foul and surface water infrastructure capacity before connecting to the existing public sewerage system.

NWL has raised no objection to the proposed development through the submission of appropriate information the applicant has demonstrated the proposal would comply with the above requirement.

11. A positive response to the potential to manage flood risk in the Grange Drive, Constable Close/ Turner Close and Woodside Road areas by incorporating overland flows from A695 and integrating additional SuDS storage.

SUDS proposals incorporated into the scheme will reduce the overland flows towards Woodside Road and intercept flows towards Grange Drive providing betterment to both, the final details of the proposed drainage will be secured through conditions and the proposal would comply with the above requirement.

12. A flood risk assessment to demonstrate there is no risk of flooding from Woodside Pond and the local land drains.

The application through the submission of appropriate information has demonstrated the proposal would comply with the above requirement.

13. Measures to ensure existing greenfield runoff rates for up to a 100 year rainfall event taking into account anticipated climate change and maintaining overland flow paths.

The application through the submission of appropriate information has demonstrated the proposal would comply with the above requirement.

#### 5.125 FINANCIAL CONSIDERATIONS

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 onsite affordable housing.

- 5.126 Aside from the above, the developer estimates that 33 direct full time construction jobs will be created during construction, as well as 39 indirect full time jobs. The total gross construction investment value is approximately £39 million and the New Homes Bonus payment is around £2.5 million. Furthermore around £420,000 in council tax receipts would be generated. The total gross spending power of the development would be approximately £6.3 million per year, based on average spend of households in the north east.

#### 5.127 OTHER MATTERS

In regard to insufficient GP and dental places and facilities in the area, the site was allocated for housing following an Examination in Public (EIP). No

concerns were raised from the NHS Clinical Care Commissioning Group to this allocation.

5.128 In regard to concerns that the site is in close proximity to a proposed landfill site and that there are alternative brownfield sites, these matters were considered at the Examination in Public and ultimately it was considered that the site was suitable for residential development and allocated in the CSUCP.

5.129 It is considered that all the other issues raised from the representations have been covered elsewhere in the report.

## **6.0 CONCLUSION**

6.1 The site is allocated in the CSUCP for residential development and therefore the principle of the development is clearly acceptable. This said, there would be a technical conflict with part 2 (both limbs i and ii) of policy CS4 which specifies that development in allocated growth areas should be carried out in accordance with approved masterplans and delivery plans. It is also acknowledged that the proposed development would fail to comply with limbs 6 and 8 of the site specific GV6 Policy.

6.2 Section 38 of the Planning and Compulsory Purchase Act 2004 sets out that decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. When considered alongside the Wimpey application (DC/17/01376/FUL) the applications cover the majority (96%) of the Village Growth Area. As such, when considered alongside application DC/17/01376/FUL, officers are of the view that the development would be substantially in accordance with the policy requirements despite the technical non-compliance. Officers are of the view that the impacts of the development can be adequately mitigated through planning conditions or planning obligations. Further, the proposed development would be considered to comply almost entirely with the site-specific policy (Policy GV6) as the Bellway and Taylor Wimpy application sites have been appropriately Masterplanned, accounting for approximately 96% of the allocation by area.

6.2 Further, 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 CSUCP. The development would also have economic benefits from construction jobs and employment including targeted local employment. Further benefits would be the reduction in surface water flood risk from the site as a result of SuDS.

6.3 Given the above, it is recommended that planning permission be granted following the expiry of the notification period and subject to planning conditions and Section 106 Agreement.

## **7.0 Recommendation:**

Authorise the Service Director of Development, Transport and Public Protection to deal with the application at the end of the publicity period after consultation

with the Chair and/or Vice-Chair with a view to GRANT SUBJECT TO A SECTION 106 AGREEMENT:

1) The agreement shall include the following obligations:

- Affordable housing in perpetuity
- Biodiversity mitigation
- Local workforce commitments
- Provision of a new bus service

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

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

4) And that the conditions shall include;

1

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

### **Layout & Other Plans**

Overall Masterplan – dwg no. 573-BEL 13-031-P01Z

Site Layout Plan (West) – dwg no. 573-BEL 13-031-P02E

Site Layout Plan (East) – dwg no. 573-BEL 13-031-P03E

Boundary Treatment Plan (West) – dwg no. 573-BEL 13-031-P07.1C

Boundary Treatment Plan (East) – dwg no. 573-BEL 13-031-P07.2C

Elevational Treatment Plan – dwg no. 573-BEL 13-031-P12C

Landscape Strategy – dwg no. 916\_01 Rev C

Drainage Strategy Sheet 1 – dwg no. QD958-00-01 Rev A

Drainage Strategy Sheet 2 – dwg no. QD958-00-02 Rev A

### **Housetypes**

Country Brick Character Area

Potter Elevations & Floor Plans – dwg no. A\_769\_00\_CB\_01\_PO-2B-2S-P1 & A\_769\_00\_CB\_02 Rev A

Cooper Elevations & Floor Plans – dwg no. A\_770\_00\_CB\_01\_CO-2B-2S-P1 & A\_770\_00\_CB\_02\_CO-2B-2S-CB-E

Tailor Elevations & Floor Plans – dwg no. A\_802\_00\_CB\_01\_TA-3B-2S-P1 & A\_802\_00\_CB\_02\_TA-3B-2S-CB-E

Chandler Elevations & Floor Plans – dwg no. A\_951\_00\_CB\_01\_CH-3B-2S-P1 & A\_951\_00\_CB\_02\_CH-3B-2S-CB-E

Carver Elevations & Floor Plans – dwg no. A\_981\_00\_CB\_01\_CA-3B-2S-P1 & A\_981\_00\_CB\_02\_CA-3B-2S-CB-E

Peony (3b5p) Elevations & Floor Plans – dwg no. A/1129/00/CB/01 & A/1129/00/CB/02

Scrivener Elevations & Floor Plans – dwg no. A\_1214\_00\_CB\_01\_SC-4B-2S-P1 & A\_1214\_00\_CB\_02\_SC-4B-2S-CB-E

Milliner Elevations & Floor Plans – dwg no. A\_1289\_00\_CB\_01\_MI-4B-2S-P1 & A\_1289\_00\_CB\_02\_MI-4B-2S-CB-E

Cutler Elevations & Floor Plans – dwg no. A\_1335\_00\_CB\_01\_CU-4B-2S-P1 & A\_1335\_00\_CB\_02\_CU-4B-2S-CB-E

Bowyer Elevations & Floor Plans – dwg no. A\_1356\_00\_CB\_01\_BO-4B-2S-P1 & A\_1356\_00\_CB\_02\_BO-4B-2S-CB-E

Philosopher Elevations & Floor Plans – dwg no. A\_1507\_00\_CB\_01\_PH-4B-2S-P1 & A\_1507\_00\_CB\_02\_PH-4B-2S-CB-E

Acacia (4b7p) Elevations & Floor Plans – dwg no. A/1550/00/CB/01 & A/1550/00/CB/02

#### Town Contemporary Character Area

Potter Elevations & Floor Plans – dwg no. A\_769\_00\_TC\_01\_PO-2B-2S-P1 & A\_769\_00\_TC\_02 Rev A

Cooper Elevations & Floor Plans – dwg no. A\_770\_00\_TC\_01\_CO-2B-2S-P1 & A\_770\_00\_TC\_02\_CO-2B-2S-TC-E

Tailor Elevations & Floor Plans – dwg no. A\_802\_00\_TC\_01\_TA-3B-2S-P1 & A\_802\_00\_TC\_02\_TA-3B-2S-TC-E

Chandler Elevations & Floor Plans – dwg no. A\_951\_00\_TC\_01\_CH-3B-2S-P1 & A\_951\_00\_TC\_02\_CH-3B-2S-TC-E

Carver Elevations & Floor Plans – dwg no. A\_981\_00\_TC\_01\_CA-3B-2S-P1 & A\_981\_00\_TC\_02\_CA-3B-2S-TC-E

Peony (3b5p) Elevations & Floor Plans – dwg no. A/1129/00/TC/01 & A/1129/00/TC/02

Scrivener Elevations & Floor Plans – dwg no. A\_1214\_00\_TC\_01\_SC-4B-2S-P3 & A\_1214\_00\_TC\_02\_SC-4B-2S-TC-E

Milliner Elevations & Floor Plans – dwg no. A\_1289\_00\_TC\_01\_MI-4B-2S-P1 & A\_1289\_00\_TC\_02\_MI-4B-2S-TC-E

Cutler Elevations & Floor Plans – dwg no. A\_1335\_00\_TC\_01\_CU-4B-2S-P2 & A\_1335\_00\_TC\_02\_CU-4B-2S-TC-E

Bowyer Elevations & Floor Plans – dwg no. A\_1356\_00\_TC\_01\_BO-4B-2S-P1 & A\_1356\_00\_TC\_02\_BO-4B-2S-TC-E

#### Town Feature Brick Character Area

Cooper Elevations & Floor Plans – dwg no. A\_770\_00\_TF\_01\_CO-2B-2S-P1 & A\_770\_00\_TF\_02\_CO-2B-2S-TF-E

Tailor Elevations & Floor Plans – dwg no. A\_802\_00\_TF\_01\_TA-3B-2S-P1 & A\_802\_00\_TF\_02\_TA-3B-2S-TF-E

Chandler Elevations & Floor Plans – dwg no. A\_951\_00\_TF\_01\_CH-3B-2S-P1 & A\_951\_00\_TF\_02\_CH-3B-2S-TF-E

Carver Elevations & Floor Plans – dwg no. A\_981\_00\_TF\_01\_CA-3B-2S-P1 & A\_981\_00\_TF\_02\_CA-3B-2S-TF-E

Peony (3b5p) Elevations & Floor Plans – dwg no. 1129/00/TF/01 & A/1129/00/TF/02

Scrivener Elevations & Floor Plans – dwg no. A\_1214\_00\_TF\_01\_SC-4B-2S-P1 & A\_1214\_00\_TF\_02\_SC-4B-2S-TF-E  
Milliner Elevations & Floor Plans – dwg no. A\_1289\_00\_TF\_01\_MI-4B-2S-P1 & A\_1289\_00\_TF\_02\_MI-4B-2S-TF-E  
Cutler Elevations & Floor Plans – dwg no. A\_1335\_00\_TF\_01\_CU-4B-2S-P1 & A\_1335\_00\_TF\_02\_CU-4B-2S-TF-E  
Bowyer Elevations & Floor Plans – dwg no. A\_1356\_00\_TF\_01\_BO-4B-2S-P1 & A\_1356\_00\_TF\_02\_BO-4B-2S-TF-E  
Philosopher Elevations & Floor Plans – dwg no. A\_1507\_00\_TF\_01\_PH-4B-2S-P1 & A\_1507\_00\_TF\_02\_PH-4B-2S-TF-E  
Acacia (4b7p) Elevations & Floor Plans – dwg no. A/1550/TF/01 & A/1550/TF/02

### **Supporting Documents**

Masterplan and Phasing Document – 01/03/19  
Arboricultural Impact Assessment - AE/ARB/1021, January 2019  
Ecological Impact Assessment – R09, December 2017  
Flood Risk Assessment - Rev C, 18/01/19  
Noise Assessment – NT11928, 002, December 2017  
Transport Assessment Addendum – September 2018  
Transport Assessment Addendum V2 – January 2019

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

Unless otherwise approved in writing by the Local Planning Authority, the phasing of the development shall take place in accordance with 'Phasing and Infrastructure Delivery' plan set out within Section 7 of the approved "Masterplan and Phasing Document 2019" (the 'Phasing Plan'). For the avoidance of doubt, development shall proceed in the order of Phase 1 first, Phase 2 second, Phase 3 third and Phase 4 last.

No dwellings hereby permitted shall be commenced in any successive Phase until 75% of dwellings on the previous Phase are substantially complete and all (on site) infrastructure identified by the Phasing Plan is substantially complete.

Reason

In the interest of good design and to ensure a comprehensive, phased and co-ordinated approach to the site development to accord with the aims and objectives of the NPPF, saved policy ENV3 of the Council's Unitary Development Plan and Policies CS4, CS15 and GV6 of the Council's Core Strategy and Urban Core Plan.

4

Notwithstanding the submitted plans, no dwelling shall be occupied on each phase of the development, until a fully detailed scheme for the landscaping for that phase of the development of the site and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of all landscaping, ground preparation and planting plans noting the species, plant sizes, planting densities for all new planting, gapping up/planting of hedgerows and a scheme of maintenance of the landscaping (for a period of five 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, biodiversity and public safety and in accordance with the NPPF, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

5

The landscaping and hedgerow planting/gapping up details approved under Condition 4 shall be implemented in accordance with the timings approved under Condition 4.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area, biodiversity and public safety and in accordance with the NPPF, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

6

The approved landscaping and hedge maintenance schemes shall be maintained in accordance with the details approved under condition 4.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area, biodiversity and public safety and in accordance with the NPPF, policies GV6 and CS18 of the Core Strategy and Urban Core Plan

and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

7

No development shall commence on each phase of the development until a scheme for the protection of the retained 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, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the development can be carried out in a manner that protects existing trees and hedges that are to be retained. This information is fundamental to the development and requires approval prior to development starting on the site.

8

The tree protective fencing for each phase of the development approved at condition 7 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, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

9

No development shall commence on each phase of the development (except for the installation of tree protection measures, site investigations and remediation works) until a detailed drainage scheme for that phase including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The information submitted shall include:

- Detailed final drawings of the drainage network showing clearly numbered pipes, falls, diameters, invert and cover levels that correspond with the submitted drainage model. Show connection of all SuDS features and final details of connections to existing off site sewers.



- Detail of all inlet and outlet features including landscape treatment, to demonstrate appropriateness for residential setting.
- Final detail of detention basins, showing detail of local variation of slope and form following landscape design. Include detail of any lining, soil depths, and low flow channel. Show water levels at 1:1, 1:30 and 1:100 (plus cc).
- Detail of all other SuDS features, field drains, flow controls and treatment devices.
- Landscape details for SuDS features including detailed planting plans, soiling.
- Final detail of drainage link to Stargate Industrial Estate showing accurate line and level of pipes, plus accurate tree locations and root protection areas.
- Detailed results from exceedance flow analysis to be presented to demonstrate no off site risk from exceedance flows.
- Confirmation of adoption arrangements and parties responsible for all drainage features.
- A SuDS Health and Safety Assessment where appropriate consideration and management of any health and safety issues relating to the SuDS system is required.

#### Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and GV4 of the Core Strategy and Urban Core Plan.

#### Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the development and associated drainage provision is carried out in a comprehensive and co ordinated manner. This information is fundamental to the development and requires approval prior to development starting on the site to prevent the increased risk of flooding.

#### 10

Each phase of the development shall be implemented in accordance with the drainage scheme for that phase of the development and the timetable for implementation approved at condition 9.

#### Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and GV4 of the Core Strategy and Urban Core Plan.

#### 11

No drainage shall be constructed on each phase of the development until a Drainage Construction Method Statement (DCMS) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The information submitted shall include:

- Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place to protect surface water discharge off site during the construction phase.

- 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, erosion prevention, pollution control, and de-silting prior to completion of works.

Reason

To protect the water environment and to ensure correct functioning of the drainage system at completion to accord with the NPPF, saved policy DC1 (j) of the Unitary Development Plan and policy CS17 of the Core Strategy and Urban Core Plan.

12

Each phase of the development shall be implemented in accordance with the Drainage Construction Method Statement for that phase of the development approved at condition 11.

Reason

To protect the water environment and to ensure correct functioning of the drainage system at completion to accord with the NPPF, saved policy DC1(j) of the Unitary Development Plan and policy CS17 of the Core Strategy and Urban Core Plan.

13

Prior to each phase of the development being brought into use a Drainage Management Plan for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure to correct functioning of the drainage system for the lifetime of the development and to prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, saved policies DC1 (h) and (j) of the Unitary Development Plan and policies CS14, CS17 and GV4 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

The drainage scheme provided for each phase of the development shall be managed and maintained in accordance with the Drainage Management Plan approved at condition 13.

Reason

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

15

No development (including any groundworks or site clearance) shall commence on each phase of the development until an Ecology Method Statement (EMS)

for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The EMS shall include details of the following measures and a timetable for their provision, implementation and retention:

- a) measures to avoid adverse impacts on retained ecological habitats and features during the site clearance and construction phases of the development
- b) measures to minimise the residual risk of harm to individual species during the site clearance and construction phases of the development
- c) measures to ensure local populations of protected and/or priority species are maintained at, or above, their current status.

#### Reason

To avoid / minimise harm to retained habitats, ecological features and protected/priority Species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

#### Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the site clearance and construction phases of the development can be carried out in a manner which avoids or minimises harm to ecology. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of site clearance and construction works and the manner in which they are undertaken could harm existing ecology on the site.

16

The ecology method statement approved at condition 15 shall be provided for each phase of the development in accordance with the approved details and the approved timetable for implementation and retention.

#### Reason

To avoid / minimise harm to retained habitats, ecological features and protected/priority Species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

17

No external lighting shall be provided on each phase of the development until an external lighting strategy for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity, including bats
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical

specifications) so that it can 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 and

- c) identify those areas of highway (including footpaths) which are intended to be adopted.

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, policies DC1(d) and ENV46 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

18

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy at condition 17.

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, policies DC1(d) and ENV46 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

19

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

Reason

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

20

The development hereby approved shall be undertaken in accordance with the materials schedule approved at condition 19.

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.

21

No individual hard landscaping material shall be used on site until a detailed hard landscaping plan (including a timescale of implementation) for each phase

of the development 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.

22

All hard landscaping shall be completed in full accordance with the details approved at Condition 21 (including timescales for implementation) 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.

23

No boundary treatments shall be provided within each phase of the development until a timetable for implementation has been submitted to and subsequently approved in writing by the LPA.

Reason

To ensure the satisfactory appearance of the development upon completion in accordance with the NPPF, 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.

24

All boundary treatments at the site shall be installed in accordance with approved plans 13-031-P07.1 C - Boundary Treatment Plan (West) and 13-031-P07.2 C within the timescales approved at condition 23.

Reason

To ensure the satisfactory appearance of the development upon completion 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.

25

Notwithstanding the submitted details no development shall commence on the new site access onto Cushy Cow Lane until a revised access scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

26

The site access approved at condition 25 shall be provided in accordance with the approved details prior to the first house being occupied.

Reason

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

27

Notwithstanding the submitted details no dwellinghouse hereby permitted within phase 1 shall be occupied until the final details of improvements to the junction of Cushycow Lane and Stargate Lane and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

28

The improvements to the junction of Cushycow Lane and Stargate Lane approved at condition 27 shall be implemented prior to the occupation of no more than 67 dwellings within phase 1.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

29

Notwithstanding the submitted details no dwellinghouse hereby permitted within phase 1 shall be occupied until the final details of the widening of Stargate Lane and improvement to footways between Cushycow Lane and the A695 have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

30

The widening of Stargate Lane and improvement to footways between Cushycow Lane and the A695 approved at condition 29 shall be implemented prior to the occupation of no more than 67 dwellings within phase 1.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

31

Notwithstanding the submitted details no dwellings hereby permitted shall be occupied until the final details of all bus stops and shelters within the site and on Cushycow Lane and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

32

All bus stops shall be installed at the locations, in accordance with the details and timescale approved at condition 31.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

33

Notwithstanding the submitted details no dwellings hereby permitted shall be commenced within phase 2 until the final details of bus turning facility on Woodside Lane have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

34

The bus turning facility on Woodside Lane approved at condition 33 shall be provided in accordance with the approved details prior to the occupation of 50th dwellinghouse within phase 1.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

35

Notwithstanding the submitted details, no development shall commence until the details of a continuous vehicular link-road within the site between Cushycow Lane and the boundary with West Ryton (287a) as identified within Section 1 of the approved "Masterplan and Phasing Document" to facilitate all vehicular including buses and construction traffic, pedestrian and cyclist access shall be submitted to and approved in writing by the LPA.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

#### Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the proposed link road is deliverable up to the site boundary and would provide a continuous link from Cushycow Lane to the boundary with 287a. This information is fundamental to the development and requires approval prior to development starting on the site.

36

The vehicular link-road approved at condition 35 shall be implemented in accordance with the approved details and made available for the use by vehicles, pedestrians and cyclists before the occupation of any dwellinghouse within phase 3. Thereafter the road shall remain open for use for vehicles, pedestrians and cycles to access 287a at all times. No barriers or other physical impediments to the use of this road by vehicles, pedestrians and cyclists to access to 287a shall be put in place without the prior written consent of the Local Planning Authority.

#### Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

37

Notwithstanding the submitted details, no occupation of any dwellinghouse hereby permitted shall take place until the design of a continuous vehicular link-road within the site between Cushycow Lane and the boundary with West Ryton (287b) as identified within Section 1 of the approved "Masterplan and Phasing Document" to facilitate, vehicular, pedestrian and cyclist access shall be submitted to and approved in writing by the LPA.

#### Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

38

The vehicular link-road approved at condition 37 shall be implemented in accordance with the approved details and made available for the use by vehicles, pedestrians and cyclists before the occupation of any dwellinghouse within phase 2. Thereafter the road shall remain open for use for vehicles, pedestrians and cycles to access 287b at all times. No barriers or other physical impediments to the use of this road by vehicles, pedestrians and cyclists to access to 287b shall be put in place without the prior written consent of the Local Planning Authority.

#### Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

39

Notwithstanding the submitted details no dwellings hereby permitted shall be occupied within Phase 2 until the final details of the emergency access route to



Mullen Drive and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

40

The emergency access route to Mullen Drive approved at condition 39 shall be provided in accordance with the approved details and timescales.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

41

Notwithstanding the submitted details no dwellings hereby permitted shall be occupied within Phase 2 until the final details of the pedestrian access to Mullen Drive and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

42

The pedestrian access route to Mullen Drive approved at condition 41 shall be provided in accordance with the approved details and timescales.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

43

Notwithstanding the submitted details no development shall commence until final details of all footpath diversions including a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

44

The footpath diversions approved at condition 39 shall be provided in accordance with the approved details and timescales.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

45

Notwithstanding the submitted details, prior to the commencement of development (except for the installation of tree protection measures, removal of vegetation (as approved) site investigations and remediation works) details of a traffic calming scheme for the housing layout to maintain a self-enforcing 20 MPH zone and a timetable for its delivery shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

46

The traffic calming measures approved at condition 45 shall be provided in accordance with the approved details and approved timetable for delivery.

Reason

In the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

47

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved final details of cycle storage for each house to include details of the locking mechanism and anchor point to be located in each garage or shed to Secure by Design standards shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

48

The cycle storage provision approved at condition 43 shall be provided for each house prior to each house being occupied.

Reason

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

49

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved final details of bin storage areas for each house shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

50

The bin storage areas approved at condition 43 shall be provided for each house prior to each house being occupied.

Reason

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

51

Prior to the first occupation of any dwelling hereby approved details confirming the provision of an electric vehicle charging unit in all affordable units and a spur for charging points for all remaining dwellings shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

52

The electric vehicle charging units/points approved at condition 45 shall be provided for each house prior to each house being occupied.

Reason

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

53

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

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- Clearly defined objectives, targets and indicators.
- Details of proposed measures.
- Appointment of a travel plan co-ordinator and their allocated budget
- Detailed timetable for implementing measures.
- Proposals for maintaining momentum and publicising success.
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Evidence of the implementation of the approved Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

Reason

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

54

The Travel Plan approved under condition 52 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.

55

No development shall commence on each phase of the development (except for the installation of tree protection measures) 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:

- a dust management plan
- a noise management plan
- contractor parking
- details of delivery arrangements
- the hours of construction

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

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.

Reason for Pre-commencement Condition

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

56

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 55.

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.

57

No development shall commence on any dwellings within a phase of the development until noise mitigation measures for those dwellings in that phase to protect the occupiers of the dwellings from road traffic noise in accordance with the Noise Assessment (Wardell Armstrong December 2017 ref NT11928) have been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the living conditions of the future occupiers in accordance with the NPPF, policy DC2 of the Council's Unitary development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

58

The noise mitigation measures approved under condition 50 shall be provided in accordance with the approved details prior to each dwelling being occupied.

Reason

To safeguard the living conditions of the future occupiers in accordance with the NPPF, policy DC2 of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

59

No more than 100 dwellinghouses hereby permitted shall be occupied until the final report of the results of the archaeological excavation undertaken on site has been submitted to and approved in writing by the Local Planning Authority.

Reason

The investigation is required to ensure that any archaeological remains on the site can be recorded, in accordance with the NPPF, Core Strategy Policies CS15 and saved Unitary Development Plan Policies ENV21 and ENV22.

60

No more than 150 dwellinghouses hereby permitted shall be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason

The site is of archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with the NPPF, Core Strategy Policies CS15 and UC14 and saved Unitary Development Plan Policies ENV21 and ENV22.

61

No development shall commence until an intrusive site investigation is undertaken, and 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, soil sampling, chemical laboratory testing, to assess potential contamination issues.

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 the environment, 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 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

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

62

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 61 shall be implemented insofar as it relates to each individual phase prior to commencement of each phase of the development hereby permitted.

#### 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

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

63

Prior to commencement of the development hereby permitted, where required, 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 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.

#### Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

64

The details of remediation measures approved under condition 63 shall be implemented insofar as it related to each individual phase prior to commencement of the development on each phase of the development hereby permitted and maintained for the life of the development.

#### Reason

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

#### Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

65

Following completion of the remediation measures approved under condition 63 for each individual phase 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.

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.

66

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

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

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

Reason

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.

67

No development shall commence on each phase of the development (except for the installation of tree protection measures and site investigation) until a detailed scheme of remediation works for shallow coal mining workings in that phase including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason

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



### Reason for Pre-commencement Condition

This pre-commencement condition is required due to the presence of shallow mine workings below the site and to satisfy the Local Planning Authority that the development can be carried out in a safe and stable manner. This information is fundamental to the development and requires approval prior to development starting on the site as it may not be possible to carry out the investigations and remediation works once development has started.

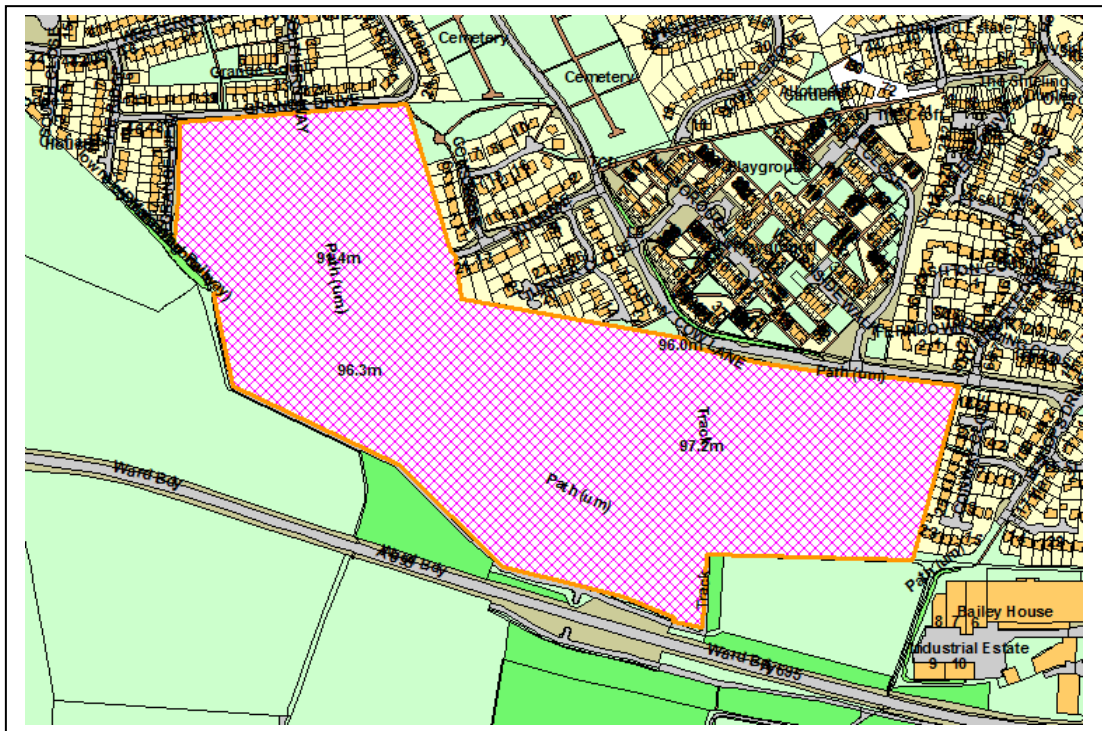
68

The scheme of coal mining remediation works on each phase of the development

shall be carried out in accordance with the details approved for that phase under condition 67 including the approved timetable of implementation.

### Reason

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



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# **UPDATE**

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
13 March 2019**

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



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/16/00320/FUL</b>
<b>Site:</b>	<b>Land To The South Of Cushy Cow Lane Ryton Tyne &amp; Wear</b>
<b>Proposal:</b>	<b>Proposed erection of 283 dwellings including associated access, infrastructure and open space including diversion of public rights of way (amended 22/12/17 and 17/10/18 and additional information and amended plans received 24/01/19).</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Recommendation:</b>	<b>Authorise Group Director</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further representations made**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**



**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**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**









**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01107/FUL</b>
<b>Site:</b>	<b>The Chopwell Derwent Street Chopwell NE17 7AA</b>
<b>Proposal:</b>	<b>Change of use from public house to ten assisted living units (use class C3 dwellings)(revised) (Description amended 07.02.2019) (amended plans received 18.01.2019, 07.02.2019 and 04.03.19 and additional information received 04.03.19).</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further representations made**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01154/FUL</b>
<b>Site:</b>	<b>83 Whaggs Lane Whickham Newcastle Upon Tyne NE16 4PQ</b>
<b>Proposal:</b>	<b>Construction of single storey building in rear garden and change of use from dwellinghouse (C3 Use) to a mixed use of dwellinghouse and yoga studio (sui generis) (retrospectivte) (description amended 12.03.2019)</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Change of Use</b>

**Reason for Minor Update**

**Amended description**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**









**MINOR UPDATE**

<b>Application No:</b>	<b>DC/16/00320/FUL</b>
<b>Site:</b>	<b>Land to the south of Cushy Cow Lane Ryton Tyne &amp; Wear</b>
<b>Proposal:</b>	<b>Proposed erection of 283 dwellings including associated access, infrastructure and open space including diversion of public rights of way (amended 22/12/17 and 17/10/18 and additional information and amended plans received 24/01/19).</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Recommendation:</b>	<b>GRANT PERMISSION AT THE END OF THE PUBLICITY PERIOD AFTER CONSULTATION WITH THE CHAIR AND/OR VICE-CHAIR WITH A VIEW TO GRANT PERMISSION SUBJECT TO A SECTION 106 AGREEMENT AND CONDITIONS</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further representations made**

A petition of 23 signatures has been received in objection to the application, the signatories are the residents of Low Row (Stargate Lane). The petition is summarised as follows;

- Construction traffic would result in between 16 and 32 movements a day for a period of 7 to 8 years;
- Stargate Lane is already congested and heavily trafficked;
- The construction traffic would give rise to;
  - Air pollution;
  - Highway safety issues; and
  - And damage to properties.
- The widening proposed by the development would not address the above concerns and an alternative access via the A695 should be sought.

The concerns cited above have been considered and addressed within the main report.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**



**Committee Report**

<b>Application No:</b>	<b>DC/17/01376/FUL</b>
<b>Applicant</b>	<b>Taylor Wimpey</b>
<b>Date Application Valid</b>	<b>21 December 2017</b>
<b>Site:</b>	<b>Land East of Woodside Lane And North of A695</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Proposed erection of 267 dwellings including associated access, infrastructure and open space (amended 22/10/18 and 24/01/19).</b>
<b>Recommendation:</b>	<b>GRANT PERMISSION AT THE END OF THE PUBLICITY PERIOD AFTER CONSULTATION WITH THE CHAIR AND/OR VICE-CHAIR WITH A VIEW TO GRANT PERMISSION SUBJECT TO A SECTION 106 AGREEMENT AND CONDITIONS</b>
<b>Application Type</b>	<b>Full Application</b>

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

Ryton has been identified by Gateshead Council as a Village Growth Area and Land at South Ryton has been allocated (policies CS4 and GV6 of the CSUCP) for the development of up to 550 new homes.

1.2 Land within the allocation was promoted through the Core Strategy as sites 285 (Bellway) and 287 (a) and (b) (Taylor Wimpey) (the allocations also include some third-party land).

1.3 Bellway Homes and Taylor Wimpey have each submitted separate detailed planning applications for East and West Ryton (Bellway Ref: DC/16/00320/FUL) (Taylor Wimpey Ref: DC/17/01376/FUL), however, each application has been considered and developed in conjunction with the other.

1.4 Both above applications are on the agenda for consideration by the Planning and Development Committee.

**1.5 DESCRIPTION OF SITE**

Ryton is located within the west of the borough of Gateshead, approximately 12km from both Gateshead centre and Newcastle city centre.

1.6 The application site lies to the south of Ryton village, extends across approximately 13.4 hectares in total and is currently used for agricultural purposes. The site has a prominent position over Ryton owing to its high level with long range views over the village centre and surrounding fields.

1.7 The application site is divided into two parcels of land. The larger parcel of the site is located to the west running adjacent to both Woodside Lane to the west

and the A695 to the south. The application also includes a smaller detached parcel of land in the south east corner, adjacent to the Stargate Industrial Estate and south of the Bellway portion of the Village Growth Area.

- 1.8 The larger parcel of land is bordered by housing developments to the north. A historic dismantled railway line runs directly to the east of the site forming a wagonway, which is a public right of way as well as a green corridor between the Wimpey and Bellway application sites. The A695 runs adjacent to the southern edge of the site with agricultural land beyond. Abutting the western boundary of the site is a pond located adjacent to Woodside Lane.
- 1.9 As referenced, the site was formerly located within the Green Belt but now forms part of a housing allocation under the CSUCP for up to 550 homes.
- 1.10 **DESCRIPTION OF APPLICATION**  
The application seeks planning permission for the residential development of 267 dwellings including associated access, infrastructure and landscaping on two parcels of land within the Ryton Village Growth Area.
- 1.11 The application proposes that the primary access point into the larger of the two sites will be from Woodside Lane and access to the smaller parcel will be taken through the proposed Bellway development (via Cushy Cow Lane). A secondary access to the larger site is to be provided via a link road connecting to the wider Village Growth Area.
- 1.12 The dwellings would be two and two and a half storeys. The development proposes that 55 of the dwellings would be detached, 167 semi-detached and 45 terraced; 71 dwellings would have four bedrooms, 138 would have three bedrooms and 58 would have two bedrooms.
- 1.13 The main areas of open space would be located in the southern and northern areas of the site, with smaller areas of open space distributed around the site. The main SuDS areas would be located to the north and north west of the application site.
- 1.14 The applicant held three public consultation drop-in events prior to the submission of the application.
- 1.15 The following information has been submitted with the application:
  - Affordable Housing Statement
  - Arboricultural Impact Assessment
  - Archaeological Desk Based Assessment
  - Archaeological Geophysical Survey
  - Design and access statement
  - Draft S106 heads of terms
  - Flood Risk Assessment
  - Foul sewerage, surface water drainage & utilities assessment
  - Ground investigation survey, including coal mining risk assessment
  - Masterplan and Phasing Document

- Noise impact assessment
- Statement of Community Involvement
- Sustainability Statement
- Transport Assessment
- Interim Travel Plan

### 1.16 PLANNING HISTORY

There are no historic planning applications of relevance to the current application. However the site forms part of the larger housing allocation which has been promoted through the various rounds of consultation for the Core Strategy and Urban Plan for Gateshead and Newcastle upon Tyne (and has been removed from the Green Belt).

## 2.0 Consultation Responses:

Coal Authority	No objection subject to conditions.
Highways England	No objection.
Natural England	Natural England's standing advice applies.
Northumbria Police	No objection.
Northumbrian Water Ltd	No objection.
Tyne And Wear Archaeology Officer	No objection.
Tyne And Wear Fire and Rescue Service	No objection.
Nexus	No objection.

## 3.0 Representations:

3.1 An objection has been received from an MP (Liz Twist MP). The issues raised are as follows:

- Failure to submit a masterplan and phasing proposal for the whole of the Ryton Village Growth site;
- The application does not comply with the requirements of policy GV6 - Ryton;
- The application would have an adverse impact on residents in Stargate and on Cushy Cow Lane in regard traffic (both construction and residents), impact on health and education facilities;
- The loss/stopping up of existing well used footpaths.
- The ecological impacts of the site should be mitigated onsite and not offsite as proposed.
- The proposed development does not guarantee the creation of the link road; this would be a major failure.

- The removal of hedging for access would impact on the character of the area.
  - There are significant concerns regarding the traffic within the area, specifically in regard to the A695 and Cushycow Lane.
  - There will be a significant loss of amenity for those occupiers living on Stargate Lane given existing heavy traffic; this impact follows years of odour impact from Path Head Landfill and the loss of areas of garden.
- 3.2 A letter objection has also been received from a Ward Councillor (Councillor Chris Buckley), the letter reiterates the objections raised by Liz Twist MP.
- 3.3 In addition, 34 letters of objection have been received. The issues raised by members of the public are set out below:
- 3.4 Policy issues
- The development omits areas of the allocation and as such does not comply with the requirements of the Development Plan.
- 3.5 Transport issues
- Works should not commence on site until amendments to Stargate Lane are made.
  - The proposed development would cause congestion.
  - There has been inadequate consideration of the impact on the A695.
  - Alternative routes should be considered for construction traffic.
  - Access to the new housing should come from the A695.
- 3.6 Green Belt issues
- The proposal is an attack on the Green Belt.
- 3.7 Local infrastructure issues
- The proposed development would impact on broadband provision, doctors' surgeries and sewerage services.
  - There is a lack of amenities within the area.
- 3.8 Flooding and drainage issues
- Mine workings below the development would result in flooding.
- 3.9 Residential amenity issues
- The construction phase of the development would impact on the amenity of neighbour occupiers.
  - The proposed development would lead to overlooking into a bathroom window.

### 3.10 Other issues

- The proposed development would impact on air quality.
- The loss of wooded areas is excessive.
- The proposal does not have adequate consideration of hedgehogs.
- The development is out of keeping with the wider area.
- The development will result in the loss of nesting areas for skylarks.

3.11 1 letter of support has been received to the application. The issue raised is as follows:

- Site is ideally situated for infill development

## 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

CS5 Employment-Economic Growth Priorities

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

GV6 Ryton

DEL1 Infrastructure/Developer Contributions

DC1C Landform, landscape and after-use

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

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

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

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment**

- 5.1 The main planning issues relating to this proposed development are considered to be: the principle of housing on this site; the impact on existing trees and hedges on and around the site; the impact on the landscape; flood risk and drainage; the possible impact on ecology on the site and in the area; whether the proposed design of the development is acceptable; transport issues; the impact on the living conditions of the future occupiers of the proposed housing and existing residents near the site; the impact on archaeology remains on the site; the possible contamination of the site; children's play facilities; education



impacts; site specific policy compliance; financial considerations; and any other issues arising.

## 5.2 PRINCIPLE OF DEVELOPMENT AND MASTERPLAN

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 land for new housing development in villages including Ryton.

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 forms part of a wider site allocated in the CSUCP, under policies CS4 and GV6 for up to 550 homes. No part of the site is located in the Green Belt.

5.5 Policy GV6 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 masterplan and phasing plan to: demonstrate a comprehensive, phased and coordinated approach to site development; set out how necessary infrastructure, and the strategic infrastructure identified for the site in the Infrastructure Delivery Plan will be delivered on a phased basis; set out build rates and triggers for infrastructure and; demonstrate how each phase of the development is sustainable and deliverable.

5.6 The supporting text to Policy CS4 (paragraph 8.10) is very clear as to what is required in regard to a masterplan and phasing plan, stating:

*"... Given the potential impact that the new development will have on the existing villages in terms of their infrastructure, facilities and services it is important that it is masterplanned. Village Growth Area sites, as a defined in Section 5 of the Plan are required to be masterplanned together where they adjoin each other regardless of ownership. Phasing plans will be required which set out the triggers for the provision of necessary infrastructure and legal agreements will need to be put in place to secure delivery. Masterplans will be prepared by the landowner/developer(s) in consultation with each Council and must be approved as part of the planning application process. The masterplanning and the development requirements of these sites are set out in policies in the Sub Areas and Site Specific policies in Section 5 of the Plan."*

5.7 The applicant has provided a Masterplan and Phasing Document ('the Masterplan'). The Masterplan indicates that this application would be constructed over four phases. The first phase is shown as being towards the north western portion of the application site and includes the proposed site access onto Woodside Lane. Phases two and three are proposed to take place towards the central part of the site and include the completion of the proposed link road up to the site boundary. The fourth phase of the site would take place within the smaller part of the application site (to the south east). 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), S106 and/or the Community Infrastructure Levy (CIL) the proposed timings of which are set out as part of the phasing plan.

- 5.8 The Masterplan covers not only this application site but also the application site of DC/16/00320/FUL. Together these two sites cover the majority of the allocated wider Village Growth Area, site GV6. However, an area of circa 0.68ha to the south and an area of circa 0.46ha to the west of site GV6 are omitted from the Masterplan and the two planning applications. These two relatively small areas equate to approximately 4% of the total area of site GV6.
- 5.9 In considering the current application, the submitted Masterplan can only be 'binding' and therefore afforded weight insofar as it relates to the application site i.e. the current application cannot secure works on the wider Village Growth Area (the remainder of which is subject to a separate planning application (DC/16/00320/FUL)). If planning permission was to be granted a condition could be attached requiring the development in accordance with the submitted Masterplan (Condition 3).
- 5.10 Based on the above, it must be concluded that the development technically does not comply with the requirements of Policies CS4 and GV6. This view is formed for two reasons: firstly, that the submitted Masterplan does not cover the entirety of the Village Growth Area allocation and; secondly, that the application does not cover the entirety of the Village Growth Area and as such the Masterplan cannot be binding beyond the application boundaries.
- 5.11 Therefore, in accordance with section 70 (2) of the Town and Country Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004, consideration will need to be given whether material considerations exist which indicate that the application should be granted despite not according with development plan policies. Would the benefits of the development, based on material planning considerations, outweigh the harm caused as a result of the non-compliance with Policies CS4 and GV6.
- 5.12 **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.
- 5.13 The application proposes 15% affordable homes (40 units). Of these homes, 27 are to be allocated for affordable rent and 13 for intermediate tenure. Officers consider that this allocation is acceptable and 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 of the CSUCP.
- 5.14 **OTHER HOUSING POLICIES**
- 5.15 **Housing type and density**  
The proposed development includes 209 houses (out of a total of 267) which incorporate 3 or more bedrooms. In addition, all dwellings include private

garden areas. It is therefore considered that the development would meet the requirements of policies CS11 and GV2 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. In addition, the type of housing would vary between detached, semi-detached and terraced and would be suitable for a wide range of groups in accordance with saved policy H5 of the UDP.

5.16 The density of the development would equate to approximately 34 houses per hectare. This would comply with the 30-50 dwellings per hectare target within saved policy H12 of the UDP. In this case it is considered that the density of the development would assimilate well with the adjoining neighbourhoods. Further, the requirement of policy H12 must be considered in context with the maximum housing numbers set out in policy GV6 of the CSUCP.

5.17 The Inspector within the report on the CSUCP stated that:  
*"... there may be benefit from a slightly higher number houses on the western part of the site and slightly fewer in the central and eastern parts than is shown in the development framework. Ultimately this is a matter for the masterplanning of the site."*

5.18 The Masterplan submitted in support of the application has demonstrated that the density of development proposed is appropriate in the context of the wider GV6 allocation.

5.19 House size  
Policy CS11 of the CSUCP requires that new residential development provides adequate space inside and outside of the home to meet the needs of residents. It is considered that all houses would have generous garden sizes in order to provide satisfactory outdoor private amenity space. Further, it is considered that the house types would provide good levels of internal space.

5.20 The development would provide good levels of internal and external space in accordance with policy CS11.

5.21 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.

5.22 In regard to wheelchair and lifetime homes, officers consider that there are an adequate number of proposed units which would potentially meet the requirements of lifetime and wheelchair homes and the application would be in accordance with policy CS11 of the CSUCP and saved policies H9 and H10 of the UDP.

5.23 TREES AND HEDGEROWS

Tree cover within the site is minimal with all tree cover being located around the periphery of the site within hedgerows or small groups at the edges of fields.

- 5.24 An arboricultural assessment was submitted with the application. The assessment sets out that two groups of trees will be removed, and two other groups will be partially removed, further the application shows several new access roads bisecting the field boundary hedges, and the loss of some hedgerows to allow access.
- 5.25 The report sets out that the development can be undertaken without necessity to remove any significant individual trees. However, the proposal will require some group tree removal to the north west of the large site to accommodate a SuDS pond. It is considered that any tree loss would not have a significant impact on the wider landscape of the area and that compensatory tree planting will be undertaken across the site that will provide new tree cover that is better integrated into the new layout. Officers agree with the submitted arboricultural assessment in regard to trees loss.
- 5.26 The applicant has submitted a Hedgerow Management Strategy as part of the application, the plan indicates that minimal incursion into existing hedgerows would occur. Further, the management strategy allows for significant positive management of the remaining hedgerow to the benefit of the site and the wider area. Therefore, whilst there would be a short term negative impact, in the medium to long term there would be a positive impact.
- 5.27 The replacement hedge planting, gapping up and long-term maintenance can be secured through the use of landscaping planning conditions (Conditions 4, 5 and 6). Further planning conditions are also required to secure the hedgerow and tree protection measures for the duration of construction works (Condition 7 and 8). Subject to these conditions, the proposed development would not have an adverse impact on amenity in relation to hedgerows.
- 5.28 A landscaping strategy has been submitted with the application and shows the approximate location of tree planting and species. As set out above, subject to a conditions pertaining to the submission of an updated version of the strategy and the tree protection measures outlined in the report to be adopted for the duration of construction works it is considered that in terms of trees the proposed development would have a largely positive impact on amenity.
- 5.29 Given the above, it is considered that the application would be in accordance with policy CS18 of the CSUCP and saved policy ENV44 of the UDP.
- 5.30 **IMPACT ON THE LANDSCAPE**  
From the site the built form of Ryton restricts views of the Tyne Valley in the north to the upper extents only. In recognition of the site's landscape value, an initial landscape assessment was carried out to support the allocation of the site for residential development. This assessment considered that the development of the site for housing would not have an unacceptable impact on the surrounding landscape.

- 5.31 In support of the application a landscape and visual appraisal has been produced. The appraisal takes into account (amongst others) the proposed Bellway development i.e. most of the remaining GV6 allocation.
- 5.32 The appraisal agrees with the conclusion of the Inspector's view in assessing the CSUCP in which stated:  
*"The development would adversely affect the local landscape by building on higher ground on the edge of the settlement..."*
- 5.33 The Inspector went on to state that: *"... through substantial buffer planting along the southern edge of the site would lessen the impact [of the development on the landscape]."*
- 5.34 These views are reflected within policy GV6 of the CSUCP which requires:  
*"Mitigation of the impact of the development on landscape, biodiversity and ecology connectivity including the provision of a substantial landscape/ecological buffer along the southern and western boundaries of the site..."*
- 5.35 The application proposes the creation of a buffer to the south of the larger site with a width of between 18 and 25 metres, it is proposed for this area to be bunded and planted up with native woodland planting, native woodland edge planting and emergent/marginal planting. Further the proposed development would retain the majority of the existing tree planting to the western boundary of the application site. Further, the application proposes the retention of the existing tree planting to the south of the small site at a width of approximately 10 metres. The level of planting along the southern and western boundaries is considered by officers to represent *'... a substantial landscape/ecological buffer.'*
- 5.36 The area of woodland to the east of the larger site (which falls outwith both the application site and the area covered by the Masterplan but is included within site GV6) cannot and is not relied upon as part of the screening of the application site and as such is considered to be have a neutral effect on the scheme.
- 5.37 Given the above, it is considered that the proposed development has been laid out so to try and assimilate well to its landscape. The existence of the woodland area to the south of the application site currently affords a level of screening. However, it is considered that the impact of the potential loss of this coverage, i.e. if the trees were to be removed, would not be so severe as to warrant refusal of the application.
- 5.38 Therefore, while it cannot strictly be concluded that the proposal would fully comply with the requirements of Policy GV6 it is considered by officers that the resultant harm of this non-compliance is minimal. Therefore, subject to conditions requiring the submission of the final version of the landscape strategy (Conditions 4, 5 and 6), the application is considered to be acceptable in regard to landscape impact.

#### 5.39 OPEN SPACE AND LANDSCAPING WITHIN THE SITE

In regard to open space and landscaping within the site as discussed above, a large area of open space and landscaping along with SuDS features would be created in the northern and central parts of the site. This would have a number of benefits including providing attractive green space for residents and being suitable for recreation. In addition, there are a number of other green spaces provided within the site. Whilst these smaller areas would have limited recreational value given their size, they would still provide attractive landscaped areas.

5.40 The site is located in a neighbourhood that is deficient in open space and therefore there would be a requirement to provide open space on site. The development proposes a total of approximately 5.58 ha of open space and landscaped area as stated above, this would be located in different areas within the site. In addition, the quality of open space on the site would provide excellent access to green space and recreation in accordance with policy CS14 of the CSUCP.

5.41 Therefore, given the compliance with saved policies H13 and CFR20 of the UDP, it is considered that an acceptable provision of open space would be made on site in terms of its quantity, quality and location.

#### 5.42 DRAINAGE AND FLOOD RISK

A flood risk and drainage assessment has been submitted with the application. In accordance with policy CS17 of the CSUCP, the assessment has covered all sources of flooding and has had regard to the Council's Strategic Flood Risk Assessment (SFRA).

5.43 The development has had regard to the sequential approach by locating the SuDS attenuation features (basins/ponds) at the low points of the site. The layout also accommodates the modified overland flows through a series of swales reflecting Policy GV6:11/13 of the Core Strategy.

5.44 The submitted flood risk and drainage assessments have had regard to both the application site and the wider Village Growth Area and as such it has been possible to fully assess how the external overland flows would impact on the proposal.

#### 5.45 Flood Risk

The flood risk assessment has assessed flood risk from all sources of flooding (fluvial/tidal, groundwater, sewer, overland flow and artificial sources). The FRA concluded that the site is at low risk of flooding from all sources except from overland flows which was considered to be medium/high risk.

5.46 It is considered that the proposal has been designed to ensure that the proposed development would not be at risk of flooding specifically in regard to overland flows.

#### 5.47 Drainage

A sustainable drainage system has been incorporated in the development in the form of ponds/detention basins, swales, water gardens and underground storage.

- 5.48 Policy GV6:11 of the Core Strategy requires '*A positive response to the potential to manage flood risk in the Grange Drive, Constable Close/Turner Close and Woodside Road areas by incorporating overland flows from A695 and integrating additional SuDS storage*'. The drainage strategy has regard to Policy GV6:11: it will improve the flood management of the surrounding area by intercepting the overland flows which currently pass freely across arable fields into SuDS to ensure betterment for Grange Drive.
- 5.49 Based on the above, it is considered that subject to conditions (pertaining to the final design of the SuDS scheme (Conditions 9 - 14)) and based upon flood risk the drainage scheme proposed is broadly acceptable. The proposed drainage solution is considered to have appropriate regard to the proposed Bellway development and the wider Village Growth Area and offers a workable solution for the application site.
- 5.50 It is considered that the application has appropriate regard to the requirements of NPPF and Policies GV6, CS4 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.
- 5.51 **IMPACT ON BIODIVERSITY**  
The proposed development site is located within 1km of several designated Local Wildlife Sites (LWS) including Stargate Ponds & Bewes Hill LWS (c. 450m), Path Head Quarry (c. 400m), Crookhill Pasture LWS (c. 550m) and The Folly LWS (c. 900m). Sections of the adjacent A695 Blaydon to Crawcrook By-Pass are being considered as a candidate LWS.
- 5.52 The application site is made up of smaller areas of mixed plantation woodland, scrub, semi-improved grassland and wetland.
- 5.53 The application is supported by a number of ecological studies. Overall the site is considered to be of low ecological value, being dominated by arable land. However, this does not give appropriate consideration to the value of site for particular species/species groups, for example, farmland birds.
- 5.54 The survey work undertaken by the applicant has confirmed that the site supports the following species: bats, badger, amphibians, breeding and non-breeding birds. Habitats within and immediately adjacent to the site are also considered to provide potential opportunities for brown hare and hedgehog (UKBAP & DBAP priority species).
- 5.55 The applicant has sought to avoid adverse impacts on biodiversity and provide on-site mitigation and compensation where impacts are unavoidable. It is not possible (in this instance) to provide the large open area(s) of undisturbed (i.e. no/limited public access) and connected habitat within the red line boundary of the site necessary to support the required number of breeding territories of those priority bird species affected by the development. Ground nesting birds

including skylark, meadow pipit and lapwing are particularly sensitive to disturbance and vulnerable to predation by domestic cats.

- 5.56 Therefore, offsite compensatory measures are required to address the direct and indirect residual impacts of the development on biodiversity, including:
- BAP priority farmland birds - ground nesting species, incl. skylark and meadow pipit and hedgerow species, incl. yellowhammer, linnet and tree sparrow
  - BAP priority wading birds - breeding and wintering waders, incl. lapwing and curlew
- 5.57 The compensatory measures to be delivered on council owned land at Burdon Moor Local Wildlife Site, include the
- creation, enhancement and long-term positive management of:
    - 5ha of BAP priority heathland, acid grassland and wetland; and
    - 1.2km of native hedgerow.
- 5.58 To facilitate the above it is required to undertake a programme of initial site investigations (incl. soil analysis), feasibility and design work prior to implementation, establishment, aftercare and long-term management.
- 5.59 Burdon Moor has been identified as the most appropriate location for providing replacement/improved opportunities for farmland/ground nesting/wading birds owing to:
- Its size, setting and connectedness to adjacent areas of suitable/functional habitat;
  - It being subject to carefully managed access (i.e. no public access into proposed area(s) of habitat creation, restoration and enhancement);
  - Its relative isolation reducing the risk of predation by domestic cats;
  - Its elevated position within a strategic Wildlife Corridor;
  - It being a designated nature conservation site and unlikely to be threatened with future development and;
  - The opportunity to engage with a local nature conservation charity in the long-term management of the site.
- 5.60 In addition to providing replacement/improved habitat benefitting a broad range of species; the proposed compensatory measures will also form part of a catchment based approach to ameliorating flood risk and improving water quality. Whilst there will be no direct public access into the proposed area of habitat creation, it will be possible to view the area and its features of interest from an adjacent surfaced footpath providing improved recreational opportunities for visitors.
- 5.61 Further, it is considered that the application has had appropriate regard to the wider Village Growth Area allocation as whole and has determined the cumulative impact of the developments; this has allowed the production of a joint mitigation scheme (as set out above).



- 5.62 It is recommended that a Biodiversity Method Statement (Conditions 15 and 16), a Lighting Design Strategy (Conditions 17 and 18), a Landscaping Scheme (Conditions 4, 5 and 6) are secured by way of a planning conditions and the offsite ecological compensation is secured by way of a planning obligation to ensure that the proposed development can be delivered within acceptable ecological limits, and in accordance with both national and local planning policies.
- 5.63 As a result, the application is considered to comply with the principles of the NPPF and the following local planning policies GV6, CS4, CS18, DC1(d), ENV44, ENV46, ENV47 and ENV49.
- 5.64 DESIGN AND LAYOUT  
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...'*
- 5.65 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."*
- 5.66 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.
- 5.67 The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area while having regard to the wider Village Growth Area. The proposed development provides a positive response to the site constraints and an appropriate design solution.
- 5.68 Details of the external appearance/materials have been provided as part of the application and are considered to be suitable, however final details need to be secured through planning conditions (Condition 19 and 20).
- 5.69 With regard to landscaping, hard landscaping has been submitted as part of the application and are considered broadly acceptable; it is considered necessary to condition the final details to be submitted and approved in writing (Conditions 21 and 22). 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 4, 5 and 6).

5.70 Furthermore, the boundary treatment details submitted in support of the application are considered to be largely acceptable with the exception of those used to divide rear boundary gardens. It is therefore considered necessary to condition the delivery of these boundary treatments (Conditions 23 and 24).

5.71 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. 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.

## 5.72 TRANSPORT AND HIGHWAYS

### 5.73 Access

Vehicular access to the site would be provided directly from Woodside Lane together with a link road through the proposed Bellway site to Cushycow Lane. Woodside Lane would be improved to include: a right turn lane into the site; reduced speed limit; improvements to the existing bus lay-bys; a new bus turning facility; and an uncontrolled pedestrian crossing facility. A suitable vehicle access can be provided and the final detailed design of the access will be secured by planning conditions (Conditions 25 and 26).

### 5.74 Strategic highway issues and impact on the local highway network

The application was accompanied by a Transport Assessment ('the TA') this assessment considered the cumulative impact that this application and the proposed Bellway development may have on the road network. The TA supplements the previous Transport Assessment that was undertaken as part of consideration of the allocated sites at Crawcrook North and Crawcrook South which also included the impact of site GV6. The submitted TA and Addendums contain an appropriate level of junction modelling and analysis and has not identified any additional works required on the A695 corridor.

5.75 There are number of works required on the existing highway network identified as being necessary by Policy GV6, these have been considered within the submitted TA. These works are as follows:

- GV6(3) - "mitigation of cumulative traffic impact of the proposed development on junctions along the A695, including Blaydon Roundabout (A695/B6317)."

Financial contributions have already been secured through s106 from the developments at Crawcrook North, Crawcrook South, and the former Prudhoe Hospital site towards highway improvements at Blaydon Roundabout (now implemented) and improvements to the three roundabouts on the A695 at Beweshill, Stargate Lane, and Greenside Lane. The contribution from this application and the proposed Bellway application would be secured through the Community Infrastructure Levy (CIL). The highway works outlined appear on the Council's CIL Regulation 123 list, as such the works can only be funded through CIL and not a S106 legal agreement.

- GV6 (4) - "Improvements to the junction of Cushycow Lane and Stargate Lane."

5.76 These highway improvement works are to be provided by the proposed Bellway application.

- GV6 (5) - "The widening of Stargate Lane and improvement to footways between Cushycow Lane and the A695."

These highway improvement works are to be provided by the proposed Bellway application.

5.77 The latest addendum to the TA concludes;

*"The proposed development meets the sustainable objectives of the 2018 National Planning Policy Framework and its residual traffic impacts are not severe, following mitigation. It is therefore considered that there is no justifiable transportation reason why planning consent should not be granted."*

5.78 Subject to the conditions set out above (and to the further considerations discussed below) officers consider that the conclusion set out by the applicant is sound.

5.79 Connectivity

The proposed development allows for some connection to existing cycle and pedestrian routes within the wider area. Further, the application proposes a new bus service which would serve the application site during construction and for two years following completion. The bus service would commence following the earlier of either the 30<sup>th</sup> occupation of this site or the 50<sup>th</sup> occupation of the Bellway site. The final details of the proposed bus service can be controlled through via S106 legal agreement.

5.80 The proposed bus route requires the creation/installation of infrastructure in order to function both during the construction and following completion of the development. The infrastructure requirements are the installation of bus stops (Condition 27 and 28) and the creation of a turning facility off Woodside Lane; the final design and implementation of this facility can be conditioned (Condition 29 and 30).

5.81 The site-specific policy for the site also requires the provision of a link road within the Village Growth Area, specifically GV6 (6) requires:

*"A continuous vehicular link-road within the site between Cushycow Lane and Woodside Lane."*

5.82 It is considered that the timely implementation of the link road is imperative to the medium and long-term operation of the proposed bus service. The submitted TA addendum states that the link road needs to be open '*...prior to occupation of the 334th dwelling across both sites...*' This is based on accessibility distances that can be achieved from the proposed bus stops on Woodside Lane and Cushy Cow Lane. To this end, it is considered necessary

to condition the final details of the link road and that the link road be installed up to the boundary of the application prior to the occupation of the 142<sup>nd</sup> (end of Phase 2) dwelling (Condition 31 and 32).

- 5.83 Further, there a site-specific policy for the site to retain the Towneley Main Waggonway, specifically GV6 (9) requires;  
*“Interpretation and retention of the route of the Towneley Main Waggonway which runs through the site.”*
- 5.84 The proposed development retains the waggonway through the site, however the policy requirement for a link road necessitates the severance of the waggonway . The alignment and level of the proposed link road has been designed to minimise the impact on the waggonway, as referenced above the final detail of this crossing will be secured via condition.
- 5.85 **Public Rights of Way**  
The proposed development does not propose the diversion of any public rights of way within or outwith the application site.
- 5.86 **Parking and layout**  
The internal layout of the scheme incorporates a number of features to manage vehicle speeds within the site and create a self-enforcing 20mph zone. It is considered that the final details of traffic claiming measures should be secured though planning conditions (Conditions 33 and 34).
- 5.87 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 should provide for either an appropriately sized garage or secure alternative such as a suitably designed shed within each plot and this would provide parking for a cycle within each property. This can be secured through planning conditions (Condition 35 and 36).
- 5.88 It is also considered necessary to condition the final location and details of visitor parking bays in relation to the site as a number of locations e.g. plots 147 and plots 174-183 require some minor amendment (Conditions 37 and 38).
- 5.89 Further, there is a need to condition the final details of bin storage to be provided for consideration; this could be secured via planning conditions (Conditions 39 and 40).
- 5.90 **Vehicle charging points**
- 5.91 Some provision of electric vehicle charging infrastructure is proposed by the applicant However, the final details are not known at this stage. A condition is considered to be reasonable to secure an acceptable scheme for EV charging point provision (Conditions 41 and 42).
- 5.92 **Interim Travel Plan**  
The applicant has submitted an Interim Travel Plan which is considered to be appropriate in its content while also having appropriate regard to the wider

Village Growth Area, it is considered that the final travel plan and its implementation can be secured by conditions (Conditions 43 and 44).

5.93 RESIDENTIAL AMENITY

The relevant considerations are the impact on residential amenity in terms of existing nearby properties and also for future residents of the proposed development.

5.94 Impact on existing nearby properties

There are a number of existing residential properties that would be potentially affected by the development. These are properties located on Western Way, South Close, The Ridge and Grange View.

5.95 Whilst it is acknowledged that the outlook from all the properties which abut the application site will change, officers have considered the impact on these properties carefully together with the separation distances between the proposed development and existing housing.

5.96 In regard to existing properties on Western Way, it is considered that the separation distances from the gables of proposed houses to the rear windows of the existing properties (minimum of 25 metres) would be acceptable and would not result in an unacceptable visual impact or loss of privacy to existing properties on Western Way.

5.97 In regard to existing properties on South Close, officers have carefully considered the separation distances afforded between the proposed development and existing housing (minimum of 21 metres window to window) and the retention of hedging to the boundary of the site sufficient to prevent any unacceptable visual impact or loss of privacy.

5.98 In regard to existing properties on The Ridge and Grange View, officers have carefully considered the separation distances afforded between the proposed development and existing housing (minimum of 22 metres window to window), the retention of hedging to the boundary of the site and the staggered relationship between the properties; it is considered the proposal would not have any unacceptable visual impact or loss of privacy.

5.99 Given the above, it is acknowledged that the development would alter the outlook of existing properties as it would introduce housing on land which has been open and undeveloped. However, it is considered that the layout of the development is such that it would not lead to an unacceptable visual impact or an unacceptable reduction in privacy to existing properties.

5.100 It is also acknowledged that the construction of the development would have a potential impact on nearby properties in terms of noise, disturbance and dust. Whilst these impacts cannot be avoided, it is considered that through the imposition of a planning condition for final construction control measures these impacts can be minimised to ensure no unacceptable impact on residential amenity (Conditions 45 and 46).

- 5.101 It is therefore considered that the application would be in accordance with policy CS14 of the CSUCP and saved policy DC2 of the UDP.
- 5.102 Living conditions for future residents  
It is considered that the proposed layout of the development is adequate to ensure that the interface distances between proposed dwellings would ensure no unacceptable impact would occur.
- 5.103 Further, part of the proposed development would be located close to existing highway infrastructure and Stargate Industrial Estate to the south east of the application site, to this end a noise impact assessment has been submitted in support of the application. This noise impact assessment concludes that no unacceptable impact on future occupiers would occur as a result on ongoing activity subject to appropriate mitigation measures , which could be conditioned (Conditions 47 and 48).
- 5.104 On this basis, it is considered that living conditions for future residents would be acceptable and the proposal would not conflict with policy CS14 of the CSUCP and saved policies ENV61 and DC2 of the UDP.
- 5.105 ARCHAEOLOGY  
An archaeological assessment has been submitted with the application. The assessment concludes that the site is very unlikely to contain archaeological remains, and so will not require further archaeological work. The application would therefore not conflict with policy CS15 of the CSUCP and saved policies ENV21 and ENV22 of the UDP.
- 5.106 GROUND CONDITIONS AND COAL MINING  
The findings of an intrusive site investigation, including boreholes and trial pits have been submitted with the application. The submitted report suggests that further investigation works are required. This requirement can be secured by planning conditions (Conditions 49 - 54). It is therefore considered that the proposed development would not cause unacceptable risk in terms of ground contamination to existing and future residents. The application would not conflict with policy CS14 of the CSUCP and saved policies ENV54 and DC1 of the UDP.
- 5.107 The Coal Authority have also been consulted on the application and have no objection to the proposal subject to the imposition of planning conditions (Conditions 55 to 58).
- 5.108 Subject to the above conditions, it is considered that the application would not conflict with policy CS14 of the CSUCP and saved policies ENV54 and DC1 of the UDP.
- 5.109 CHILDREN'S PLAY  
The plans submitted with the application identify locations for informal play provision suitable for all age groups (toddler to teen) in the central and north-eastern parts of the site. It is considered that these locations are suitable given

that they would be well overlooked with dwellings fronting on to them. The areas would also be highly accessible from all areas of the development.

5.110 Given the above, the proposed development would be in accordance with policies CS14 and GV2 of the CSUCP and saved policies H15, CFR28, CFR29 and CFR30 of the UDP.

#### 5.111 EDUCATION CONTRIBUTIONS

Policy GV6 of the CSUCP requires that development contributes to local primary school provision. Policy DEL1 requires new development to be made acceptable through the provision of necessary infrastructure. In this case, this is being delivered through CIL. Education requirements appear on the Council's CIL Regulation 123 list, as such the works can only be funded through CIL and not a S106 legal agreement.

5.112 Subject to this, the proposal would be in accordance with policies GV2 and DEL1 of the CSUCP.

#### 5.113 SITE SPECIFIC POLICY

Policy GV6 allocates land at South Ryton for up to 550 homes to take place in accordance with an "approved masterplan and phasing plan". The Policy also sets out 13 criteria against which proposals for development within the allocation are to be assessed. The compliance with these requirements is assessed within the main body of the report and is summarised below;

1. Mitigation of the impacts of the development on landscape, biodiversity and ecological connectivity including the provision of a substantial landscape/ ecological buffer along the southern and western boundaries of the site, and the protection and enhancement of those hedgerows to be retained as part of the development.

The proposed layout incorporates measures to incorporate landscape mitigation. Officers are of the view that a substantial buffer has been provided by the application and would therefore comply with this requirement.

2. Open space, sport and recreational facilities, where necessary.

The proposed development provides for an acceptable and appropriate level of informal recreational facilities, there is no identified need for any sports facilities on site. The application complies with this requirement.

3. Mitigation of the cumulative traffic impacts of the proposed development on junctions along the A695, including Blaydon Roundabout (A695/ B6317).

This requirement is addressed through the payment of CIL, the application therefore complies with this requirement.

4. Improvements to the junction of Cushycow Lane and Stargate Lane.

The proposal is not compliant in this regard; however, the requirement would be addressed by the Bellway development.

5. The widening of Stargate Lane and improvement to footways between Cushycow Lane and the A695.

The proposal is therefore not compliant in this regard; however, the requirement would be addressed by the Bellway development.

6. A continuous vehicular link-road within the site between Cushycow Lane and Woodside Lane.

The final details of and the provision of the link road (upto the applicant site boundary) within an appropriate timescale have been secured though the use of appropriate conditions; while the proposed development is not considered to comply with this requirement it does provide facilitate the ability to prove a continuous link.

7. A contribution to local primary school provision.

This requirement is addressed through the payment of CIL, the application therefore complies with this requirement.

8. A landscaped buffer between the site and the reservoir located to the east of Woodside Lane.

The application proposes the retention of and where necessary the improvement to existing planting adjacent to the existing reservoir (secured by conditions), the application therefore complies with this requirement.

9. Interpretation and retention of the route of the Towneley Main Waggonway which runs through the site.

The Waggonway is to be retained in situ and remain unaffected by the development other than through the creation of the proposed link road, the final design of which will be secured via planning condition, the application therefore complies with this requirement.

10. Evidence that there is adequate foul and surface water infrastructure capacity before connecting to the existing public sewerage system.

NWL has raised no objection to the proposed development through the submission of appropriate information the applicant has demonstrated the proposal would comply with the above requirement.

11. A positive response to the potential to manage flood risk in the Grange Drive, Constable Close/ Turner Close and Woodside Road



areas by incorporating overland flows from A695 and integrating additional SuDS storage.

SUDS proposals incorporated into the scheme will reduce the overland flows towards Woodside Road and intercept flows towards Grange Drive providing betterment to both, the final details of the proposed drainage will be secured through conditions and the proposal would comply with the above requirement.

12. A flood risk assessment to demonstrate there is no risk of flooding from Woodside Pond and the local land drains.

The application through the submission of appropriate information has demonstrated the proposal would comply with the above requirement.

13. Measures to ensure existing greenfield runoff rates for up to a 100 year rainfall event taking into account anticipated climate change and maintaining overland flow paths.

The application through the submission of appropriate information has demonstrated the proposal would comply with the above requirement.

#### 5.114 FINANCIAL CONSIDERATIONS

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 onsite affordable housing.

- 5.115 Aside from the above, the developer estimates that 56 direct full time construction jobs will be created during construction, as well as 84 indirect full time jobs. The total gross construction investment value is approximately £38 million and the New Homes Bonus payment is around £1.8 million. Furthermore, additional council tax receipts would be generated. The total gross spending power of the development would be approximately £6.6 million per year, based on average spend of households in the north east.

#### 5.116 OTHER MATTERS

In regard to insufficient GP and dental places and facilities in the area, the site was allocated for housing following an Examination in Public (EIP). No concerns were raised from the NHS Clinical Care Commissioning Group to this allocation. It is not considered that this issue would justify a refusal of planning permission.

- 5.117 In regard to construction traffic, this matter is not a material planning consideration and should not be afforded weight in the decision making process.

5.118 It is considered that all the other issues raised from the representations have been covered elsewhere in the report.

## **6.0 CONCLUSION**

6.1 The site is allocated in the CSUCP for residential development and therefore the principle of the development is clearly acceptable. This said, there would be a technical conflict with part 2 (both limbs i and ii) of policy CS4 which specifies that development in allocated growth areas should be carried out in accordance with approved masterplans and delivery plans. It is also acknowledged that the proposed development would fail to comply with limbs 4, 5 and 6 of the site specific GV6 Policy.

6.2 Section 38 of the Planning and Compulsory Purchase Act 2004 sets out that decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. When considered alongside the Bellway application (DC/16/00320/FUL) the applications cover the majority (96%) of the Village Growth Area. As such, subject to the approval of application DC/16/00320/FUL, officers are of the view that the developments would be substantially in accordance with the policy requirements despite the technical non-compliance. Officers are of the view that the impacts of the development can be adequately mitigated through planning conditions or planning obligations. Further, the proposed development would be considered to comply almost entirely with the site-specific policy (Policy GV6) as the Bellway and Taylor Wimpy application sites have been appropriately Masterplanned, accounting for approximately 96% of the allocation by area.

6.3 Further, 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 CSUCP. The development would also have economic benefits from construction jobs and employment including targeted local employment. Further benefits would be the reduction in surface water flood risk from the site as a result of SuDS.

6.4 Given the above, it is recommended that planning permission be granted following the expiry of the notification period and subject to planning conditions and Section 106 Agreement.

## **7.0 Recommendation:**

Authorise the Service Director of Development, Transport and Public Protection to deal with the application at the end of the publicity period after consultation with the Chair and/or Vice-Chair with a view to GRANT SUBJECT TO A SECTION 106 AGREEMENT:

1) The agreement shall include the following obligations:

- Affordable housing in perpetuity
- Biodiversity mitigation
- Local workforce commitments
- Provision of a new bus service

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

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

4) And that the conditions shall include:

1

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

<b>Plan</b>	<b>Reference Number</b>
Masterplan and Phasing Document 2019	Ryton Masterplan Document_1.03.2019 (1)
AA22 Affordable Elevations	AA22/6/PL2
AA22 Affordable Floor Plans	AA22/6/PL1
AA33 Affordable Elevations	AA33/6/PL2
AA33 Affordable Floor Plans	AA33/6/PL3
Garage Floor Plan	GARAGES/PL1
Beauford - Floor Plans	NA21/7/PL1 C
Beauford - Elevations	NA21/7/PL2 B
Manford – Floor plans	NA44/7/PL1 B
Manford – Elevations Character 1	NA44/7/PL3 B
Manford – Elevations Character 2	NA44/7/PL2 B
Braxton – Ground Floor Plan	NB31/CP/01 A
Braxton – Elevations Character 1	NB31/7/PL3 B
Braxton – Elevations Character 2	NB31/7/PL2 A
Braxton – Floor Plans	NB31/7/PL1 B
Elliston – Elevation Character 1	NB41/7/PL3 A
Elliston – Elevation Character 2	NB41/7/PL2 B
Elliston – Floor Plans	NB41/7/PL1 B
Coltham – Elevations Character 1	ND40/7/PL2 A
Coltham – Elevations Character 2	ND40/7/PL3 A
Coltham – Floor Plan	ND40/7/PL1 A
Kingham – Floor Plans	ND42/7/PL1 A
Kingham – Elevations Character 1	ND42/7/PL2 A

Kingham – Elevations Character 2	ND42/7/PL3
Canford – Elevations Character 1	PA25/7/PL2 A
Canford – Elevations Character 2	PA25/7/PL3
Canford – Floor Plans	PA25/7/PL1 A
Gosford – Elevations Character 1	PA34/7/PL2 A
Gosford – Elevations Character 2	PA34/7/PL3 A
Gosford – Floor Plans	PA34/7/PL1 A
Midford – Elevations Character 1	PA44/7/PL2 A
Midford – Elevations Character 2	PA44/7/PL3
Midford – Floor Plans	PA44/7/PL1 C
Amersham – Elevations Character 1	PD30/7/PL2
Amersham – Elevations Character 2	PD30/7/PL3
Amersham – Floor Plans	PD30/7/PL1
Lavenham – Elevation Character 1	PD51/7/PL2
Lavenham – Elevation Character 2	PD51/7/PL3
Lavenham – Floor Plans	PD51/7/PL1 B
Easedale – Floor Plans	PT36/7/PL1 A
Easedale – Elevation Character 1 (roof 1)	PT36/7/PL2
Easedale – Elevation Character 1 (roof 2)	PT36/7/PL3
Easedale – Elevation Character 2 (roof 1)	PT36/7/PL4
Easedale – Elevation Character 2 (roof 2)	PT36/7/PL5
Site A SW Basin A	QD836 Site A SW Basin A
Site A SW Basin B	QD839 Site A SW Basin B
Site B SW Network	QD839 Site B SW Network
Site A Drainage Strategy	QD839-00-01 Rev B
Site A External Works Sheet 1	QD839-00-02 Rev B
Site A External Works Sheet 2	QD839-00-03 Rev B
Site A External Works Sheet 3	QD839-00-04 Rev B
Site A External Works Sheet 4	QD839-00-05 Rev B
Site A External Works Sheet 5	QD839-00-06 Rev B
Site B Drainage Strategy	QD839-00-07 Rev A
Site B External Works	QD839-00-08 Rev A

Site A – Area A - Storm	QD839 Site A Area A
Site A – Area B – Storm	QD839 Site A Area B
Site B – Storm Network	QD839 Site B Storm
Longsection Sheet 1	QD839-00-09 Rev A
Longsection Sheet 2	QD839-00-10 Rev A
Bus Turning Area Proposed Levels	QD839-00-11
Refuse Tracking Layout Sheet 1	QD839-40-01 Rev A
Refuse Tracking Layout Sheet 2	QD839-40-02 Rev A
Enclosure Details	RYT-SK-30 Rev C
Ryton Enclosure Details 1	RYT-SK-30 Rev B
Ryton Enclosure Details 2	RYT-SK-31 Rev A
Southern Boundary Indicative Sections Rev A	952_02
Indicative Sections Southern Boundary	952_10 Rev A
Management of Existing Hedgerows	952_50 Rev B
Open Space Provisions rev A	952_02
Woodside Lane LVA Rev A	952_ Woodside Lane LVA Rev A
Offsite Mitigation Area – Proposed Works	952_110
Sketch Layout	RYT/SK4-01 Rev D
Landscape Strategy	952_01(Rev B)
Design and Access Statement	HPS_DAS v3

<b>Document</b>	<b>Reference Number</b>
Noise Assessment	NT12153/0005-Rev2
BFL12 Assessment	BFL12_2
Arboricultural Impact Assessment	AE/ARB/1122
Tree Survey and Constraints Plan	ARB/AE/1122
Transport Assessment Addendum	A078337 & A089225-2 v2
Sustainability Statement	TW
Flood Risk Assessment and Drainage Strategy	QD836 Rev B
Revised Interim Travel Plan	A089225-2 v2
Geoenvironmental Appraisal	C6194A
Bat Survey	3920 TW Bats 2017 R03
Ecological Impact Assessment	3920 TW ECIA 2017 R04
Great Crested Newt Survey	3920 TW GCN 2017 R04
Hydrogeological Risk Assessment	C6194A
Geotechnical Review	70035931 Date: June 2017

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

Reason

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

2

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

Reason

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

3

Unless otherwise approved in writing by the Local Planning Authority, the phasing of the development shall take place in accordance with 'Phasing and Infrastructure Delivery' plan set out within Section 7 of the approved "Masterplan and Phasing Document 2019" (the 'Phasing Plan'). For the avoidance of doubt, development shall proceed in the order of Phase 1 first, Phase 2 second, Phase 3 third and Phase 4 last.

No dwellings hereby permitted shall be commenced in any successive Phase until 75% of dwellings on the previous Phase are substantially complete and all (on site) infrastructure identified by the Phasing Plan is substantially complete.

Reason

In the interest of good design and to ensure a comprehensive, phased and co-ordinated approach to the site development to accord with the aims and objectives of the NPPF, saved policy ENV3 of the Council's Unitary Development Plan and Policies CS4, CS15 and GV6 of the Council's Core Strategy and Urban Core Plan.

4

Notwithstanding the submitted plans, no dwelling shall be occupied on each phase of the development, until a fully detailed scheme for the soft landscaping for that phase of the development of the site and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of landscaping, ground preparation and planting plans noting the species, plant sizes, planting densities for all new planting, gapping up/planting

of hedgerows and a scheme of maintenance of the landscaping (for a period of five 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, biodiversity and public safety and in accordance with the NPPF, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

5

The landscaping and hedgerow planting/gapping up details scheme shall be implemented in accordance with the details and timings approved at condition 4.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area, biodiversity and public safety and in accordance with the NPPF, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

6

The approved soft landscaping and hedge maintenance schemes shall be maintained in accordance with the details approved under condition 4.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area, biodiversity and public safety and in accordance with the NPPF, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

7

No development shall commence on each phase of the development until a scheme for the protection of the retained 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, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the development can be carried out in a manner that protects

existing trees and hedges that are to be retained. This information is fundamental to the development and requires approval prior to development starting on the site.

8

The tree protective fencing for each phase of the development approved at condition 7 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, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

9

No development shall commence on each phase of the development (except for the site set up, site hoardings, installation of tree protection measures, site investigations and remediation works) until a detailed drainage scheme for that phase including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The information submitted shall include:

- Detailed final drawings of the drainage network showing clearly numbered pipes, falls, diameters, invert and cover levels that correspond with the submitted drainage model. Show connection of all SuDS features and final details of connections to existing off site sewers.
- Cross section through swale behind Plot 119 showing relationship to houses; rear gardens; hedge and RPA; wagonway; and maintenance access. Cross section between Plots 84 and 46 showing relationship of swale and swale crossing to drives, houses and hedgerow.
- Detail of all inlet and outlet features including landscape treatment, to demonstrate appropriateness for residential setting.
- Final detail of detention basins, showing detail of local variation of slope and form following landscape design. Include detail of any lining, soil depths, and low flow channel. Show water levels at 1:1, 1:30 and 1:100 (plus cc).
- Detail of all other SuDS features, flow controls and treatment devices.
- Landscape details for SuDS features including detailed planting plans, soiling.
- Detailed results from exceedance flow analysis to be presented to demonstrate no off site risk from exceedance flows.
- All necessary consents required for off-site works.
- Confirmation of adoption arrangements and parties responsible for all drainage features.



- A SuDS Health and Safety Assessment where appropriate consideration and management of any health and safety issues relating to the SuDS system is required.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and GV4 of the Core Strategy and Urban Core Plan.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the development and associated drainage provision is carried out in a comprehensive and co ordinated manner. This information is fundamental to the development and requires approval prior to development starting on the site to prevent the increased risk of flooding.

10

Each phase of the development shall be implemented in accordance with the drainage scheme for that phase of the development and the timetable for implementation approved at condition 9.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and GV4 of the Core Strategy and Urban Core Plan.

11

No drainage shall be constructed on each phase of the development until a Drainage Construction Method Statement (DCMS) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The information submitted shall include:

- Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place to protect surface water discharge off site during the construction phase.
- 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

To protect the water environment and to ensure correct functioning of the drainage system at completion to accord with the NPPF, saved policy DC1 (j) of the Unitary Development Plan and policy CS17 of the Core Strategy and Urban Core Plan.

12

Each phase of the development shall be implemented in accordance with the Drainage Construction Method Statement for that phase of the development approved at condition 11.

Reason

To protect the water environment and to ensure correct functioning of the drainage system at completion to accord with the NPPF, saved policy DC1(j) of the Unitary Development Plan and policy CS17 of the Core Strategy and Urban Core Plan.

13

Prior to each phase of the development being brought into use a Drainage Management Plan for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure to correct functioning of the drainage system for the lifetime of the development and to prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, saved policies DC1 (h) and (j) of the Unitary Development Plan and policies CS14, CS17 and GV4 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

The drainage scheme provided for each phase of the development shall be managed and maintained in accordance with the Drainage Management Plan approved at condition 13.

Reason

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

15

No development (including any groundworks or site clearance) shall commence on each phase of the development until an Ecology Method Statement (EMS) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The EMS shall include details of the following measures and a timetable for their provision, implementation and retention:

- a) measures to avoid adverse impacts on retained ecological habitats and features during the site clearance and construction phases of the development
- b) measures to minimise the residual risk of harm to individual species during the site clearance and construction phases of the development
- c) measures to ensure local populations of protected and/or priority species are maintained at, or above, their current status.

Reason

To avoid / minimise harm to retained habitats, ecological features and protected/priority Species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and

ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the site clearance and construction phases of the development can be carried out in a manner which avoids or minimises harm to ecology. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of site clearance and construction works and the manner in which they are undertaken could harm existing ecology on the site.

16

The ecology method statement approved at condition 15 shall be provided for each phase of the development in accordance with the approved details and the approved timetable for implementation and retention.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority Species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

17

No external lighting shall be provided on each phase of the development until an external lighting strategy for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity, including bats
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can 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 and
- c) identify those areas of highway (including footpaths) which are intended to be adopted.

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, policies DC1(d) and ENV46 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

18

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy at condition 17.

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, policies DC1(d) and ENV46 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

19

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

Reason

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

20

The development hereby approved shall be undertaken in accordance with the materials schedule and Elevational Treatment Plan approved at condition 19.

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.

21

No individual hard landscaping material shall be used on site until a detailed hard landscaping plan (including a timescale of implementation) for each phase of the development 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.

22

All hard landscaping shall be completed in full accordance with the details approved at Condition 21 (including timescales for implementation) 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.

23

No boundary treatments shall be provided within each phase of the development until a timetable for implementation for each development phase has been submitted to and subsequently approved in writing by the LPA.

Reason

To ensure the satisfactory appearance of the development upon completion in accordance with the NPPF, 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.

24

All boundary treatments at the site shall be installed in accordance with approved plan RYT/SK4-01 within the timescales approved at condition 23.

Reason

To ensure the satisfactory appearance of the development upon completion 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.

25

Notwithstanding the submitted details no development shall commence on the new site access onto Woodside Lane until a revised access scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

26

The site access approved at condition 25 shall be provided in accordance with the approved details prior to the first house being occupied.

Reason

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

27

Notwithstanding the submitted details no dwellings hereby permitted shall be occupied until the final details and locations of all bus stops within the site and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

28

All bus stops shall be installed at the locations, in accordance with the details and timescale approved at condition 27.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

29

Notwithstanding the submitted details no dwellings hereby permitted shall be commenced within phase 2 until the final details of bus turning facility on Woodside Lane have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

30

The bus turning facility on Woodside Lane shall be provided in accordance with the details approved at condition 29 prior to the occupation of the 30th dwelling house hereby permitted.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

31

Notwithstanding the submitted details, no development (except for the site set up, site hoardings, installation of tree protection measures, site investigations and remediation works) shall commence until the details of a continuous vehicular link-road within the site between Woodside Lane and the boundary with East Ryton (285) as identified within Section 1 of the approved "Masterplan and Phasing Document" to facilitate, vehicular, pedestrian and cyclist access shall be submitted to and approved in writing by the LPA.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the proposed link road is deliverable up to the site boundary and would provide a continuous link from Woodside Lane to the boundary with 285. This information is fundamental to the development and requires approval prior to development starting on the site.

32

The vehicular link-road approved at condition 31 shall be implemented in accordance with the approved details and made available for the use by all vehicles (including buses and construction), pedestrians and cyclists before the occupation of any dwellinghouse within phase 3. Thereafter the road shall remain open for use for vehicles, pedestrians and cycles to access 285 at all times. No barriers or other physical impediments to the use of this road by vehicles, pedestrians and cyclists to access to 285 shall be put in place without the prior written consent of the Local Planning Authority.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV6 and CS13 of the Core Strategy and Urban Core Plan.

33

Notwithstanding the submitted details, prior to the commencement of development (except for the site set up, site hoardings, installation of tree protection measures, site investigations and remediation works) details of a traffic calming scheme for the housing layout to maintain a self-enforcing 20 MPH zone and a timetable for its delivery shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

34

The traffic calming measures approved at condition 33 shall be provided in accordance with the approved details and approved timetable for delivery.

Reason

In the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

35

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved final details of cycle storage for each house to include details of the locking mechanism and anchor point to be located in each garage or shed to Secured by Design standards shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

36

The cycle storage provision approved at condition 35 shall be provided for each house prior to each house being occupied.

Reason

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

37

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved final details of visitor parking within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

38

The visitor approved at condition 37 shall be provided prior to the completion of each phase of the development.

Reason

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

39

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved final details of bin storage areas for each house within private shared drives shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

40

The bin storage areas approved at condition 39 shall be provided for each house prior to each house being occupied.

Reason

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

41

Prior to the first occupation of any dwelling hereby approved details confirming the provision of an electric vehicle charging unit in all affordable units and a spur for charging points for all remaining dwellings shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

42



The electric vehicle charging units/points approved at condition 41 shall be provided for each house prior to each house being occupied.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP

43

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

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- Clearly defined objectives, targets and indicators.
- Details of proposed measures.
- Appointment of a travel plan co-ordinator and their allocated budget
- Detailed timetable for implementing measures.
- Proposals for maintaining momentum and publicising success.
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Evidence of the implementation of the approved Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

Reason

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

44

The Travel Plan approved under condition 43 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.

45

No development shall commence on each phase of the development (except for the installation of tree protection measures) 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:

- a dust management plan
- a noise management plan
- contractor parking

- details of delivery arrangements
- the hours of construction

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

#### 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.

#### Reason for Pre-commencement Condition

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

46

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 45.

#### 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.

47

No development shall commence on any dwellings within a phase of the development until noise mitigation measures for those dwellings in that phase to protect the occupiers of the dwellings from road traffic noise in accordance with the Noise Assessment (Wardell Armstrong (NT12153 September 2018)) have been submitted to and approved in writing by the Local Planning Authority.

#### Reason

To safeguard the living conditions of the future occupiers in accordance with the NPPF, policy DC2 of the Council's Unitary development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

48

The noise mitigation measures approved under condition 47 shall be provided in accordance with the approved details prior to each dwelling being occupied.

#### Reason

To safeguard the living conditions of the future occupiers in accordance with the NPPF, policy DC2 of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

49

No development shall commence until an intrusive site investigation is undertaken, and 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, soil sampling, chemical laboratory testing, to assess potential contamination issues.

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 the environment, 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.

The site investigation and Phase 2 report should also include, where applicable, permeability tests and an assessment of potential contamination issues in relation to any proposed / required SUDS features.

#### 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

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

50

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 49 shall be implemented insofar as it relates to each individual phase prior to commencement of each phase of the development hereby permitted.

#### 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

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

51

Prior to commencement of the development hereby permitted, where required, 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 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.

#### Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

52

The details of remediation measures approved under condition 51 shall be implemented insofar as it related to each individual phase prior to commencement of the development on each phase of the development hereby permitted and maintained for the life of the development.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework,

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

#### Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

53

Following completion of the remediation measures approved under condition 52 for each individual phase 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.

#### 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.

54

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

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

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

#### Reason

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.

55

No development shall commence until a scheme for intrusive site investigations in order to establish the location of mine entries, the opencast high wall and shallow mine workings has been submitted to an approved in writing by the LPA.

Reason

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

Reason for Pre-commencement Condition

This pre-commencement condition is required due to the presence of workings below the site and to satisfy the Local Planning Authority that the development can be carried out in a safe and stable manner. This information is fundamental to the development and requires approval prior to development starting on the site as it may not be possible to carry out the investigations and remediation works once development has started.

56

No development shall commence until the intrusive site investigations approved at condition 55 have been undertaken in full.

Reason

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

Reason for Pre-commencement Condition

This pre-commencement condition is required due to the presence of workings below the site and to satisfy the Local Planning Authority that the development can be carried out in a safe and stable manner. This information is fundamental to the development and requires approval prior to development starting on the site as it may not be possible to carry out the investigations and remediation works once development has started.

57

No development shall commence on each phase of the development (except for the installation of tree protection measures and site investigation) until a detailed scheme of remediation works for shallow coal mining workings and mine entries in that phase including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

### Reason for Pre-commencement Condition

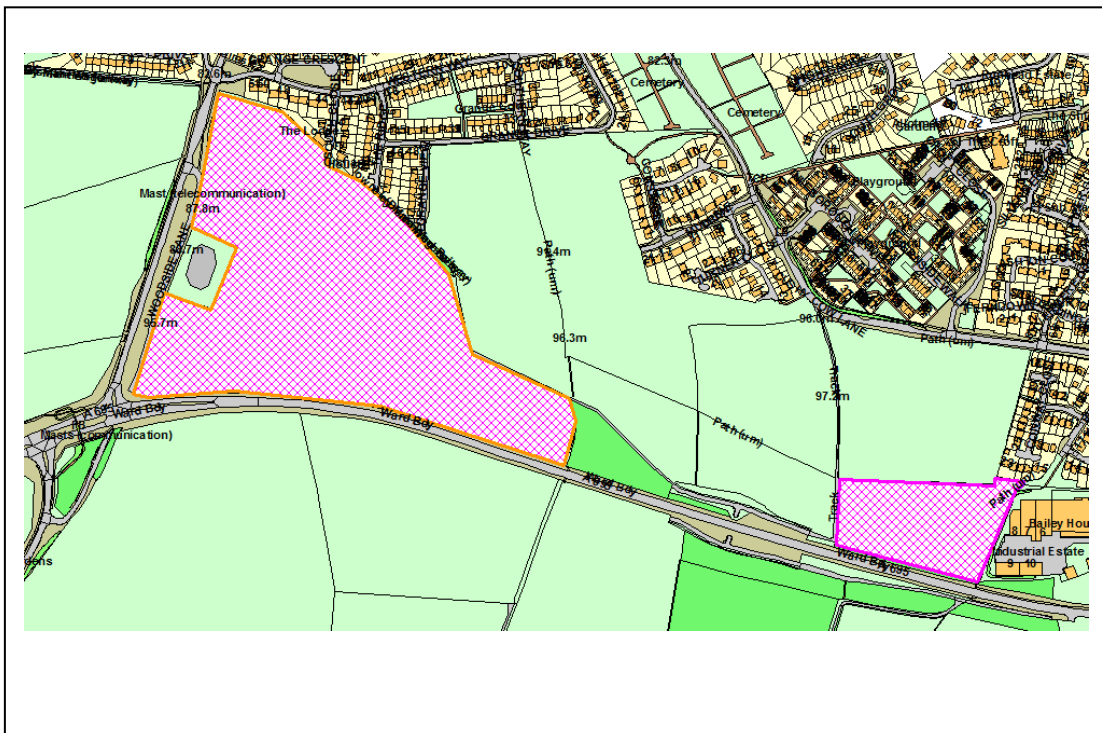
This pre-commencement condition is required due to the presence of shallow mine workings below the site and to satisfy the Local Planning Authority that the development can be carried out in a safe and stable manner. This information is fundamental to the development and requires approval prior to development starting on the site as it may not be possible to carry out the investigations and remediation works once development has started.

58

The scheme of coal mining remediation works on each phase of the development shall be carried out in accordance with the details approved for that phase under condition 57 including the approved timetable of implementation.

### Reason

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



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**Committee Report**

<b>Application No:</b>	<b>DC/16/00698/OUT</b>
<b>Case Officer</b>	<b>Lois Lovely</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>GRANT subject to a Section 106 Legal Agreement</b>
<b>Application Type</b>	<b>Outline Application</b>

**1.0 Background**

- 1.1 The application was reported to Planning and Development Committee on 12 December 2018 with a recommendation to refuse planning permission for three reasons, as set in the appended Officer Report (Appendix 1).
- 1.2 As the Committee were minded to GRANT the application, the application was deferred to allow Officers to develop appropriate planning conditions for later consideration by the Committee. The following is the outcome of the subsequent discussions between Officers and the applicant.

**2.0 Recommendation:**

To GRANT permission and subject to the following conditions and a SECTION 106 AGREEMENT

- 1) The agreement shall include the following obligations:
- A Welcome Pack containing a 2 x £50 preloaded POP cards per dwelling
  - 5% Affordable housing
  - Local Workforce Commitments
  - Contribution of £1,500 to Archaeological Interpretation Boards
  - Contribution of £30,000 for Ecological Management of the Proposed Wardley Manor Country Park

2) That the Strategic Director of Corporate Services and Governance 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:
  - i. Access Parameter Plan received 9 Feb 2018
  - ii. 114570 1001 Rev A In Principle Highway Arrangement received 9 Feb 2018
  - iii. Maximum Building Heights Parameter Plan received 9 Feb 2018
  - iv. Land Use Parameter Plan received 9 Feb 2018
  - v. Landscape Parameter Plan received 9 Feb 2018

and with such further details of 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) 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. The application(s) 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 Design and Access Statement July 2016.

Reason

To ensure that the scale of the development and associated infrastructure provision is carried out in a comprehensive and co-ordinated manner and in accordance with policy CS4 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:
  - a) the protection of habitats/ecological features to be retained on and off site
  - b) protected and priority species including, but not limited to: bats, breeding birds and dingy skipper butterfly;
  - c) invasive non-native species and;
  - d) the timescale for its implementation

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 of the development; and to ensure, where possible, local populations are maintained at or above their current levels.

Reason for condition

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 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 in accordance with the approved timescale and shall be 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 (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until an updated Flood Risk Assessment in accordance with NPPG and local policy requirements has been submitted for approval to the Local Planning Authority. This should consider the impact of climate change. It shall include a detailed hydrogeological assessment which shall consider the current and future risks of groundwater and mine water flooding, the risk of the drainage and SuDS mobilising pollutants, and the impact upon the Coal Authority's infrastructure and mine water pathways, e.g. fractures, shafts, workings, boreholes.

Reason for condition

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

Reason for pre commencement condition

The updated FRA must demonstrate that there are no risks of current and future risks of groundwater and mine water flooding

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.

8. No development shall commence on the development hereby permitted until a Demolition and Construction Management Plan (DCMP) has been submitted to and approved in writing by the Local Planning Authority.

The DCMP shall include:

- a) an asbestos survey and mitigation measures for disposal of asbestos;
- b) construction haul routes
- c) a dust management plan
- d) a noise management plan
- e) pollution prevention measures
- f) contractor parking
- g) details of delivery arrangements including hours and routing
- h) measures to limit and manage transfer of debris on to the highway
- i) 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 for condition

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction of the development and to ensure the works do not increase risk of flooding or pollution of watercourses 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. The development hereby permitted shall be implemented wholly in accordance with Demolition and Construction Management Plan (DCMP) measures approved at condition 8.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction 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 the development until a scheme for the protection of the existing trees and hedges that are to be retained 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 for condition

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 the development approved at condition 10 must be installed prior to the commencement of development and thereafter retained intact for the full duration of the construction works 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 for condition

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. All vegetation and site clearance work, including demolition of the buildings, will be undertaken outside the breeding bird season (March to August inclusive) or following the inspection by a suitably qualified ecologist who has declared the area free of birds nesting activity. Any works happening during the breeding season must be first reported to the Local Planning Authority prior to the commencement of works on site.

Reason

To ensure habitats and ecological features are retained and protected and priority species will be protected in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

13. No development approved by this Planning Permission shall be commenced until further site investigations (based on the findings of the Patrick Parsons Phase 2 Preliminary Ground Investigations report prepared by Simon Jones and dated November 2012) are undertaken and 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 trial pits, and boreholes, 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. A suitable suite of chemical soil analysis should be undertaken on soil samples and should include asbestos analysis (presence, type and quantity). The investigation should delineate the extent of asbestos previously identified on site.

Further investigation is required into the main body of the perimeter mound to assess the potential risk of combustion of materials in the mound, the extent of any existing capping to the mound and to assess the potential 'spread of fire' risk to the adjacent proposed development.

The site investigation and Phase 2 Risk Assessment report shall include a summary of the findings of the Patrick Parsons Preliminary Site Investigation and 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. Ground gas monitoring shall be undertaken at the site and a Gas Risk Assessment report produced and submitted to the Local Planning Authority with recommendations for ground gas mitigation measures.

#### Reason for condition

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 that contamination and remediation measures are identified 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. The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved by the Local Planning Authority under condition 13 shall be implemented prior to commencement of the development hereby permitted.

#### Reason for condition

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

Reason for condition

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. The details of remediation measures approved under condition 15 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

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

Reason for condition

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.

17. Following completion of the remediation measures approved under condition 15 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

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.

18. 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 in that area, 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.

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

Reason for condition

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.

20. The remediation measures approved under condition 19 shall be implemented wholly in accordance with the approved scheme prior to the commencement of the development hereby permitted.

Reason for condition

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.

21. The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until a detailed drainage strategy and assessment. The assessment shall be in full accordance with the Gateshead Council Interim Surface Water (SuDS) Guidelines for New Development and shall include all relevant information set out in the guidelines, plus:

- a. Demonstration of conformity to the discharge hierarchy including confirmation of the surface water discharge route. If discharge is via the watercourse, a condition survey and ecological survey of the existing watercourse up to the point where it passes beneath the railway line will be required, plus agreement with Gateshead and South Tyneside Lead Local Flood Authorities, and Northumbrian Water.
- b. Demonstration of conformity to national and local SuDS and flood risk policy and DEFRA Non-Statutory Technical Standards for SuDS.

- c. Water quality assessment to ensure no adverse impact upon ground and surface water quality during construction and for the lifetime of the development. This shall include detailed evidence of how the SuDS system will provide treatment to surface water runoff in accordance with all relevant planning policy.

Reason for condition

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.

- 22. The details of SuDS measures approved under condition 21 shall be implemented wholly in accordance with the approved details prior to first occupation of any of the dwellings of the development 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.

- 23. Prior to the development hereby permitted commencing a drainage maintenance and maintenance plan in perpetuity, in full accordance with the Gateshead Council Interim Surface Water (SuDS) Guidelines for New Development, shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for condition

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.

24. The details approved under condition 23 shall be substantially implemented prior to first occupation of any of the dwellings 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.

25. Prior to commencement of the development any development of SuDS must be subject to a Drainage Construction Method Statement, and SuDS Health and Safety Risk Assessment in accordance with the CIRIA SuDS Manual (C753) that shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for condition

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.

26. The details approved under condition 25 shall be wholly adhered to for the duration of the construction of the drainage approved under condition 21 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.

27. Unless otherwise approved in writing by the Local Planning Authority, all external 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:

07:00 hours to allow deliveries to come off the main highway;  
07:30 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.

28. As part of any reserved matters submission, pursuant to condition 1 above, the details of the relevant off-site highway works, including, the new access road, junction with Shields Road, works to the railway bridge, and improvements to the existing lane shall be included. The submitted details shall include a timescale for their implementation.

Reason for condition

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

29. As part of any reserved matters made pursuant to condition 1 above, full details shall be submitted for the consideration and written approval of the Local Planning Authority of the retained landscaped bund running along the southern part of the development site, such details to include existing and retained bund heights, details of any remediation requirements and landscape management proposals for ecological purposes. The details shall demonstrate that no part of the bund is to be included in any areas of private gardens or as publicly accessible open space. The approved details shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter.

Reason

To ensure suitable landscaping and planting in the interests of the visual amenity of the area, in accordance with the National Planning Policy Framework, Saved UDP policy DC1p and Policies CS15 and CS18 of the Core Strategy and Urban Core Plan.

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

Reason for condition

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.

31. The details approved under condition 30 shall be implemented wholly in accordance with the approved details and retained thereafter

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.

32. As part of any reserved matters made pursuant to condition 1 above, full details shall be submitted for the consideration and written approval of the Local Planning Authority of the layout, such details to demonstrate that the development can achieve a self enforcing 20mph zone. The details shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter.

Reason

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

33. 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

34. No dwelling hereby permitted shall be first occupied until final details of the cycle parking provision for each dwelling is submitted to and approved in writing by the Local Planning Authority.

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.

35. The cycle parking facilities approved at condition 34 shall be provided 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.

36. Prior to the construction of any dwelling, hereby permitted, above damp proof course details of external materials to be used on that dwelling 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.

37. The materials approved under condition 36 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.

38. Prior to the development hereby permitted progressing above damp proof course details of electric vehicle charging points for each of the affordable units shall be submitted for the consideration and written approval of the Local Planning Authority. For all other units, a spur shall 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.

39. The electric vehicle charging points approved at condition 38 shall be provided for each given house in accordance with the approved details prior to the first occupation of that dwelling 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.

40. Prior to first occupation of any dwelling of the development hereby permitted, final details of the design of the play areas and play equipment and a timetable for its installation 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.

41. The play equipment approved under condition 40 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.

42. Prior to first occupation of the development hereby permitted, a lighting strategy for biodiversity for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for biodiversity, including bats; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can 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.

43. The external lighting details approved under condition 42, shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

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.

44. In the event the development hereby permitted is not commenced on site within 2 years of the date of this permission, an updating ecological survey, assessment and mitigation report (scope and method to be agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved mitigation measures detailed within the approved and updated ecological survey, assessment and mitigation report shall be implemented in full and retained 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.

45. No dwelling hereby approved shall be occupied until the submission of a Final Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

The Final Travel Plan shall detail the delivery mechanism for its implementation in order to provide for the following measures:

- a) Reduction in car usage and increased use of public transport, walking and cycling;



- b) Reduced traffic speeds within the site and improved road safety and personal security for pedestrians and cyclists;

Evidence of the travel plan's implementation over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details.

Reason

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

- 46. Notwithstanding the provisions of article 3 and classes A, B, C, D and E of Part 1 and Class A of Part 2 of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the permitted development rights for all properties hereby approved are removed.

Reason

In the interests of protecting the openness of the green belt in accordance with the NPPF, Saved UDP policy ENV36 and CSUCP policy CS15.

- 47. Prior to the first occupation of the development hereby permitted, full details of the revised bus stop, as detailed in the Transport Assessment, shall first be submitted to and approved in writing with the Local Planning Authority in consultation with Nexus. Thereafter the work shall be undertaken in full accordance with the approved details prior to the occupation of the 50th dwelling on site.

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

- 48. Prior to the commencement of the development hereby approved, full details of a minimum 3m wide shared use pedestrian and cycle route on Wardley Lane between the site access and Manor Gardens (including any necessary works to bridge) along with a timetable for its implementation, shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in full accordance with the approved details and timetable.

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

- 49. No demolition/development shall take place until a programme of archaeological building recording has been completed on the 1950s Fan House, 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 the NPPF and saved Unitary Development Plan Policy ENV23

Reason for pre commencement condition

The programme of archaeological building recording must ensure that any archaeological remains on the site are recorded 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.

50. No ground works or development shall commence on the site until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason for condition

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 the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

Reason for pre commencement condition

The programme of archaeological fieldwork must ensure that any archaeological remains on the site can be preserved wherever possible and recorded 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.

51. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks during the removal of contaminated land in the south-east corner of the site to prevent damage to archaeology during remediation in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason for condition

The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site are retained, to be excavated by an archaeologist in accordance

with the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22

Reason for pre commencement condition

The archaeological fieldwork investigation is to ensure that any archaeological remains on the site can be preserved wherever possible and recorded 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.

52. The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until a programme of archaeological excavation has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason

The site is located within an area identified as being of 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.

53. No dwellings shall be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 50 and 52 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 the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

54. No dwellings shall be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason

The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with the NPPF.

55. The dwellings shall not be occupied until the intended locations and design of the interpretation boards, which assist in the understanding and appreciation of

The Bowes Railway and Wardley Moated Site, have been submitted to and approved in writing by the Local Planning Authority. The interpretation boards shall be installed in the approved locations prior to the occupation of the 50<sup>th</sup> dwelling hereby approved.

**Reason**

This will better reveal the significance of the heritage assets across this site in accordance with the NPPF.

**Committee Report**

<b>Application No:</b>	<b>DC/16/00698/OUT</b>
<b>Case Officer</b>	<b>Andrew C Softley</b>
<b>Date Application Valid</b>	<b>13 July 2016</b>
<b>Applicant Site:</b>	<b>Persimmon Homes 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	Objects to the application on three grounds: <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 for the following reason(s):

1

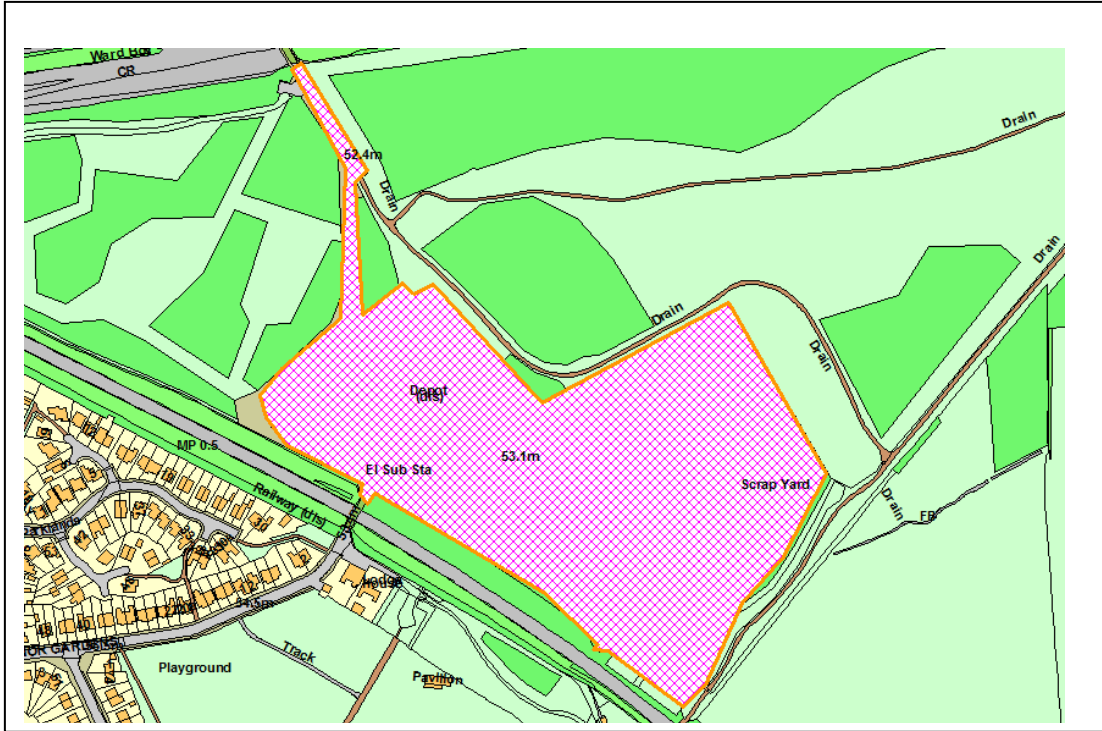
The proposal represents inappropriate development in the Green Belt that has been unable to demonstrate any very special circumstances and hence is contrary to the NPPF and policy CS19 of the CSUCP.

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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**Committee Report**

<b>Application No:</b>	<b>DC/18/01036/FUL</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>4 October 2018</b>
<b>Applicant</b>	<b>Moorgate Bars Ltd</b>
<b>Site:</b>	<b>Woodmans Arms Fellside Road Whickham NE16 5BB</b>
<b>Ward:</b>	<b>Whickham South And Sunnyside</b>
<b>Proposal:</b>	<b>Construction of single storey extension to provide marriage and function room facilities, internal refurbishment and external alterations to existing building (revised application) (amended 10/01/19 and additional information received 14/01/19).</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

1.1 This application was deferred at the meeting of the Planning and Development Committee on 20 February 2019 to allow the Committee to visit the site. Members visited the site on 7 March 2019.

**1.2 DESCRIPTION OF SITE**

The application site is a large public house situated to the east of Fellside Road in Whickham. The pub has undergone extensive internal and external refurbishments and there is an outdoor seating area between the pub and the car park.

1.3 The application site is in the Green Belt and there is farmland to the north, east and south, and a golf course to the west across Fellside Road.

1.4 There are a number of mature trees on the boundary and within the site.

**1.5 DESCRIPTION OF APPLICATION**

The application proposes the construction of a single storey extension to the east and north of the existing building, The extension would cover 278sqm additional floor area, and would provide a function room, chill-out room and toilets, associated with the hosting of weddings and receptions at the premises.

1.6 The extension would be 22m deep and would extend beyond the easternmost side wall by 10m.

1.7 The proposal would also result in the change of use from the pub to a mixed use of pub and wedding venue (sui generis).

## 1.8 RELEVANT PLANNING HISTORY

DC/17/01106/FUL - Construction of single storey extension on east side, general refurbishment including roof alterations, construction of new balcony on north elevation and external landscaping - Withdrawn 14.12.2017

DC/07/01644/FUL - Erection of raised timber decked area at front of building in disused car park spaces, and installation of 2 x jumbrellas on decked area - Granted 05.12.2007

288/93 - Erection of single-storey extensions on east side of public house to provide children's playroom, and on south side to provide enlarged toilet accommodation, and recladding of parts of east and west elevation gable walls (amended 25/3/93, 31/3/93 and 19/4/93) - Granted 28.05.1993

675/87 - Layout of childrens' play area on former car park and garden areas - Granted 06.08.1987

## 2.0 Consultation Responses:

Coal Authority                      Conditions recommended

## 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 Letters of support have been received from Councillor Marilyn Ord and Councillor Jonathan Wallace, making the following comments:

- Benefits the local economy;
- Job creation;
- Modest extension and would enhance the overall appearance;
- Existing precedent within the immediate area;
- Supports the Council's rural development policies;
- Development needed to secure the future of the business;
- Would bring about an increase in visitors to the area, which would benefit other businesses too;
- Would not damage or degrade the Green Belt or openness of the Green Belt.

3.3 Councillor Wallace has also requested that the application be reported to Planning Committee.

3.4 Additionally, one representation has been received, neither objecting nor supporting the proposal, commenting that the enhancements to the property are welcomed but there is concern regarding noise and disturbance from

amplified external entertainment, and that the development should be in keeping the the character of the area.

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

CS5 Employment-Economic Growth Priorities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

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

5.1 The key considerations to be taken into account when assessing this planning application are the impact the proposal will have on the Green Belt, trees, amenity, highway safety and parking and ground conditions.

5.2 GREEN BELT  
The application site is located in the Green Belt.

5.3 Paragraph 133 of the NPPF states:

'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'

Paragraph 134 of the NPPF sets out the purposes of the Green Belt:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;

- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

5.4 Policy CS19 of the CSUCP reflects the above.

5.5 Firstly, in terms of the proposed change of use (separate to the proposed extension), paragraph 146 of the NPPF states that material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed change of use to mixed use of pub and wedding venue would fall within the above exception.

5.6 However, in terms of the proposed extension, paragraph 145 of the NPPF states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt' and continues to set out exceptions to this, including 'c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'

5.7 From historic records the footprint of the original building is 395.69sqm. The building has previously been extended and the current proposal would result in an overall building footprint of 1168.9sqm. As such, it is considered that the proposal would not fall within the above exception, or any of the other exceptions identified in paragraphs 145 or 146 of the NPPF. Therefore, the proposal would be inappropriate development in the Green Belt.

5.8 Paragraphs 143 and 144 of the NPPF state that:

'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

5.9 The planning statement submitted with the application proposes very special circumstances, namely:

- Supporting the rural economy, allowing the business to diversify further and secure its long term future, maintain and create employment, support nearby businesses by bringing more visitors to the area;
- Sustaining the existing bus service and improving the accessibility of the site;

- Sustaining a community hub.

- 5.10 Policy CS5 of the CSUCP encourages development of a diverse economy with accessible employment and increasing the number of businesses and jobs, achieved by (amongst other points) diversifying and expanding the rural economy by supporting local businesses and growth in leisure, culture and tourism. The creation of jobs at the premises, and the potential benefits to the local economy and success of the business through the development are recognised and afforded some weight.
- 5.11 In terms of harm to the Green Belt, this is through the inappropriateness of the development and the impact on the openness of the Green Belt caused by the additional bulk of the proposed extension. The proposal would be contrary to the purpose of the Green Belt, particularly assisting in safeguarding the countryside from encroachment.
- 5.12 The planning statement confirms that the applicant has achieved some diversification at the site already, as the premises are used by community groups. It is considered the creation of a wedding venue and potential subsequent increase in trade for other businesses in the area could be duplicated/occur outside of the Green Belt, and there is no reason proposed in the application as to why the development would need to take place in this location in the Green Belt rather than land outside of the Green Belt.
- 5.13 No information has been submitted with the application to clearly demonstrate that without the proposed development in the Green Belt the business would not be able to continue, and accessibility/car parking layout at the site could also be improved separate to the proposed extension.
- 5.14 Weighing up the benefits of the proposal against the harm to the Green Belt and its openness, it is considered that very special circumstances, that would clearly outweigh this harm, have not been submitted with the application, and based on the information currently available, officers are of the view that no such circumstances exist.
- 5.15 Therefore, the proposal would remain inappropriate development in the Green Belt and contrary to the aims and requirements of policy CS19 of the CSUCP and the NPPF.
- 5.16 **PRINCIPLE OF CHANGE OF USE**  
The proposal would result in the change of use from the pub to a mixed use of pub and wedding venue (sui generis). As above, policy CS5 of the CSUCP encourages development of a diverse economy with accessible employment and increasing the number of businesses and jobs, achieved by (amongst other points) diversifying and expanding the rural economy by supporting local businesses and growth in leisure, culture and tourism.
- 5.17 The pub use is existing and whilst the proposed wedding venue use would be outside of a retail centre, the proposal would allow the business to diversify

and would support the existing business and growth in leisure uses in the area.

5.18 It is considered that the proposal would be acceptable in principle in terms of the proposed change of use, and would comply with the aims and requirements of policy CS5 of the CSUCP.

#### 5.19 HIGHWAY SAFETY AND PARKING

The planning statement submitted with the application states that the proposed extension to be used as a wedding reception room would have capacity for a maximum of 80 guests. Given the proposal would result in the increase in visits to the site, the applicant has provided car park survey data, and it is considered that the proposed amendments to the car park would provide adequate parking spaces to accommodate the existing use and the proposed increase in visitors/floorspace. A condition to secure the proposed maximum number of guests could be imposed if the application was recommended to be granted.

5.20 Additionally, the use as a wedding venue would likely result in an increase in coaches/larger vehicles accessing and turning within the site. This is considered acceptable and appropriate measures to keep a coach turning area clear could be secured through a condition if the application was recommended to be granted.

5.21 Further, the applicant has submitted details of the visibility splay at the existing access. Whilst the proposal would result in an increase in visits to the site, the capacity of the function room would restrict numbers of guests, and the speed limit of this part of Fellside Road is currently being reduced from 50mph to 40mph.

5.22 Appropriate staff cycle parking provision could also be secured through a condition if the application was recommended to be granted.

5.23 Given the above, subject to conditions, the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.

#### 5.24 TREES

There are a number of mature trees on the boundary and within the application site. The applicant has submitted additional information in terms of the impact the proposed development and associated car parking arrangements would have on trees.

5.25 The size and location of the proposed extension and the proposed amendments to the existing car park to adequately accommodate the increase in visitors would result in a number of trees needing to be removed. The impact assessment identifies six high quality trees, ten moderate quality trees and nine low quality trees would be removed to allow for the proposed development.

- 5.26 Policy CS18 of the CSUCP requires that a high quality and comprehensive framework of interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife will be achieved by protection, enhancement and management of trees, woodland and hedgerows.
- 5.27 Additionally, saved policy ENV44 requires that works that will damage or lead to the loss of trees which contribute to the amenity of an area will not normally be permitted.
- 5.28 Whilst the trees propose to be removed contribute to the rural character and amenity of the area, there would be scope to plant replacements that would provide beneficial age and species diversity to the site. Therefore, it is considered that the loss of the identified trees as a result of the proposed extension and amendments to the existing car park would not have an unacceptable impact on green infrastructure and the contribution to amenity of the area.
- 5.29 Details of a replacement landscaping scheme and compliance with appropriate methods and tree protection during works could be secured by conditions if the application was recommended to be granted.
- 5.30 Subject to conditions, the proposal would comply with the aims and requirements of saved policy ENV44 of the UDP and policy CS18 of the CSUCP.
- 5.31 VISUAL AMENITY  
The existing building would be between Fellside Road and the proposed extension, and it is considered that the design of the extension would be in keeping with the existing property. The imposition of conditions could secure the use of appropriate materials for the extension if the application was recommended to be granted.
- 5.32 The proposal would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.33 RESIDENTIAL AMENITY  
The proposed extension would be approximately 113m from the nearest residential property, North Cottage, on the opposite side of Fellside Road. The building and use as a pub, with the potential to hold functions, is existing and it is considered that the proposed additional floor space would not have an unacceptable impact on residential neighbours in terms of additional noise/disturbance, loss of light, loss of privacy, loss of outlook or overbearing impact.
- 5.34 The proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.35 GROUND CONDITIONS

The site is within a high risk area as defined by the Coal Authority. The applicant has submitted a Coal Mining Risk Assessment and the Coal Authority agree with the recommendations of the report, and conditions could be imposed to ensure appropriate site investigations and remediation were carried out, if the application was recommended to be granted.

5.36 Subject to conditions, the proposal would comply with the aims and requirements of saved policy DC1(p) of the UDP and policy CS14 of the CSUCP.

#### 5.37 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 such no CIL charge is liable.

### 6.0 CONCLUSION

6.1 It is considered that issues relating to trees, visual amenity, residential amenity, highway safety and parking, and ground conditions could be addressed by conditions.

6.2 However, the proposal would not fall within any of the exceptions to inappropriate development in the Green Belt and no very special circumstances exist that would clearly outweigh the potential harm to the Green Belt by reason of this inappropriateness and the identified harm to the openness of the Green Belt. Therefore, the proposal remains inappropriate development within the Green Belt and is contrary to policy CS19 of the CSUCP and the NPPF.

6.3 Therefore, it is recommended that the application be refused.

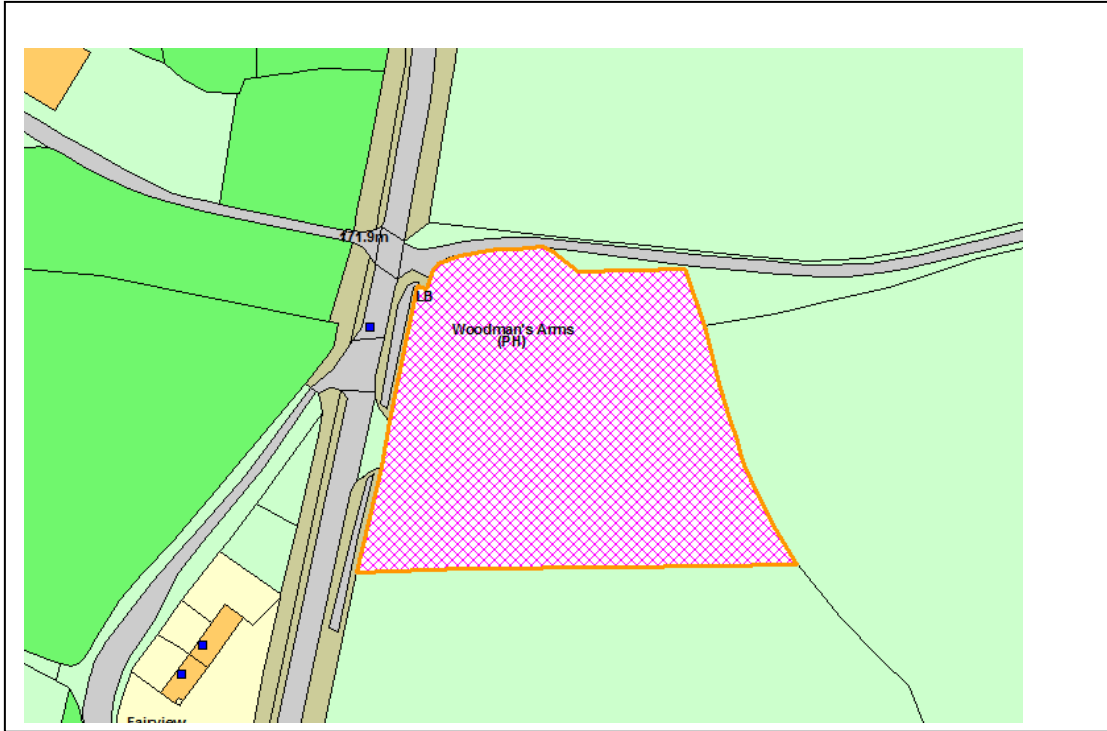
### 7.0 Recommendation:

That permission be REFUSED for the following reason:

1

The proposal would be inappropriate development in the Green Belt and no very special circumstances exist that would clearly outweigh this harm to the Green Belt and the harm to the openness of the Green Belt. Therefore, the proposal is contrary to the aims and requirements of policy CS19 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.





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**Committee Report**

<b>Application No:</b>	<b>DC/18/01107/FUL</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>26 October 2018</b>
<b>Applicant</b>	<b>Excell Property Developments Ltd</b>
<b>Site:</b>	<b>The Chopwell Derwent Street Chopwell NE17 7AA</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Proposal:</b>	<b>Change of use from public house to ten assisted living units (use class C3 dwellings)(revised) (Description amended 07.02.2019) (amended plans received 18.01.2019, 07.02.2019 and 04.03.19 and additional information received 04.03.19).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is an existing detached, two storey, brick built building. The Chopwell is a former public house, which is now vacant and has not traded as a pub since 2013.

1.2 The site is in the Chopwell Local Centre, where Derwent Street runs north to south, and the building is on the western side of Derwent Street, set back from the road with an access road to the front.

**1.3 DESCRIPTION OF APPLICATION**

The application proposes the change of use of the public house to dwellings (C3). Submitted plans show ten residential flats (five on the ground floor and five on the first floor) with one bedroom, dedicated storage, a separate bathroom and living/kitchen area each.

1.4 The application proposes that the ten flats would be assisted living units, so there could be an element of care available to residents, but this would be within the C3 (dwellings) use class and is therefore assessed as such in this report.

1.5 Plans show separate external doors to access each flat on the ground floor and communal stairs and landing for access to the flats on the first floor, with two access points, one from the rear yard (west) and one from the northern elevation. An office and WC are also shown on plans, which are understood to be a call-in point for the company managing the premises and visitors.

- 1.6 Plans also show the provision of four parking spaces dedicated to the property, at the rear (west) of the site.
- 1.7 Externally, the application proposes the addition at ground floor level of one window on the west (rear) elevation and one on the north (side) elevation, and a new gated entrance to the back yard on the north elevation.
- 1.8 This proposal follows the refusal by Planning Committee of the previous application DC/18/00623/FUL for twelve flats, for reasons relating to inadequate internal space, inadequate parking provision and safety concerns for residents accessing the building. The decision to refuse the application on unsuitable living conditions was upheld at appeal, but the Inspector found that safe access could be provided via a lighting condition and that any additional parking demand could be accommodated in the vicinity of the building.
- 1.9 This amended scheme differs from the previously refused application in the following main ways:
- Reduction from twelve flats to ten and subsequent increase in proposed floor areas and reconfiguration of the indicative floorplans;
  - Dedicated storage areas proposed in each flat;
  - Provision of four parking spaces dedicated to the property at the rear (west) of the site;
  - Provision of additional pedestrian access point on the northern elevation so there would be two accesses to communal stairs, one on the western elevation and one on the northern elevation;
  - Installation of 'dusk til dawn' security lighting serving the rear yard and parking area. The supporting statement submitted with the application also refers to the installation of CCTV, but this is not shown on proposed plans.

1.10 RELEVANT PLANNING HISTORY

DC/18/00623/FUL - Change of use from public house to twelve assisted living units (use class C3) (description amended 07/09/18) - Refused 28.09.2018 and Appeal Dismissed 18.02.2019

**2.0 Consultation Responses:**

Northumbrian Water

No objection

**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 Michael McNestry has objected to the application.

- 3.3 A petition representing local residents has been received, objecting to the application. However, it appears that a number of the signatures pre-date this application submission. These can therefore not be considered against the current application as it appears they were submitted against an earlier scheme that was materially different from that which is the subject of this application. Where the signatures are post submission, it is recommended that they be considered in the determination of the planning application in the usual way.
- 3.4 The letter accompanying the petition comments that the building should be used by the local community instead, and raising the following concerns:
- No demand for single person/this type of accommodation in area and question ability to provide care;
  - Proposed design is inappropriate for the proposed use, in terms of internal and external movement, facilities for staff and residents and location of some access doors at the rear of the building;
  - Inadequate parking provision;
  - There would be a more appropriate/alternative use for the building;
  - The building has been accepted by the Council as an Asset of Community Value.
- 3.5 The petition was sent by Chopwell Regeneration Group.
- 3.6 12 objections from residents have been received, raising concerns regarding:
- Concerns raised in previous application not addressed in this revised application;
  - No demand for single person/this type of accommodation in area, but there is demand for family housing;
  - Inappropriate use in the commercial location and given the existing drug and alcohol abuse issues in the area;
  - Potential increase in anti-social behaviour;
  - Proposal will deter potential families and businesses moving into the area and will have a negative impact on the regeneration of the area;
  - Insufficient information on the proposed use and occupants of the building, and potential to exacerbate existing issues in the area;
  - There should be more community involvement and there are other more appropriate uses for the building;
  - Inappropriate proposed layout and design;
  - Inadequate car parking provision, reduction in parking space available for existing users of shops/facilities, impacting on highway safety
  - Amount of cycle parking provision is inappropriate due to the lack of use by potential users and the steepness of the area;

- Inappropriate facilities and space for staff (eg. kitchen, toilet) and occupants (eg.lift, fire escape, communal areas, carers);
- Safety concerns for potential future occupiers;
- Insufficient landscaping and impact on quality of life of occupants;
- Impact on economic regeneration of area.

3.7 Additionally, 2 letters of support for the application have been received, commenting that it would be beneficial to bring the building back into use, and that there is a potential for social benefits in providing accommodation for people who need assistance.

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

RCL5 District and Local Centres

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS7 Retail and Centres

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

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 in terms of retail and housing policy, visual amenity, residential amenity, and highway safety and parking.

#### **5.2 RETAIL POLICY**

The site is within Chopwell local 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 retail provision and would bring a currently vacant building back into use. Therefore, the proposal would comply with the aims and requirements of these policies.

### 5.3 HOUSING POLICY

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.'

5.4 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.

5.5 The site would be considered as a housing windfall site under policy H4 of the UDP. Given the choice of nearby local amenities and that the site is not in an isolated location, it is considered that the location of the proposal is sustainable. The additional requirements of policy H4 are addressed later in the report.

5.6 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that a range and choice of housing is provided. The proposal is for the development of twelve flats with one bedroom each, the proposal would contribute to range of housing stock in the borough.

5.7 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.' Previous application DC/18/00623/FUL was refused at Planning Committee for reasons relating to inadequate internal space, inadequate parking provision and safety concerns for residents accessing the building. The decision to refuse the application on unsuitable living conditions was upheld at appeal with the inspector giving weight to the day to day living arrangements of the future occupiers rather than the nationally described space standards.

5.8 This revised scheme, following amendments, proposes the reduction from twelve to ten flats and there is a subsequent increase in the proposed floor areas, reconfiguration of the indicative floorplans and dedicated storage areas proposed in each flat. It is considered that the amended floor plans show that

the proposal would provide adequate space for the day to day living requirements of future occupiers, and suitable living conditions for them.

5.9 It is considered that the proposal does not conflict with saved policies H4 and H5 of the UDP, policy CS10 of the CSUCP and the NPPF. Additionally, the proposal would contribute to housing stock in the borough.

#### 5.10 VISUAL AMENITY

It is considered that bringing the vacant building back into use would have the potential to provide more regular maintenance of the building, which would enhance the building's positive contribution to the character of the area.

5.11 The host building is widely visible from the public domain and externally the application proposes the addition at ground floor level of one window on the west (rear) elevation and one on the north (side) elevation, and a new gated entrance to the back yard on the north elevation.

5.12 It is recommended that conditions be imposed requiring final details of the rear gate (including height) to be submitted to the LPA for consideration, implementation of the approved details, and requiring that the new windows and doors would be of similar appearance to those at the existing building. (Conditions 3 and 4)

5.13 The proposal would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.

#### 5.14 RESIDENTIAL AMENITY

The building is detached with access roads on the north, east and south sides. To the west (rear) of the site there is a commercial building and yard, to the east across Derwent Street at terraced dwellings on Tyne Street, to the east across the access road is a retail unit with residential accommodation above, and to the north across the access road is a vacant property that is boarded up.

5.15 Given the building is existing, it is considered that the proposal for the change of use and minor external alterations would not result in an unacceptable overbearing impact or unacceptable loss of outlook or light. Similarly, given the former use and as most windows are existing and the proposed new windows would be on the ground floor, one at the rear and one on the side facing the boarded up property, it is considered that the proposal would not result in an unacceptable impact on privacy at neighbouring properties. Additionally, particularly given the last use as a public house, it is considered that the proposed use would not result in an unacceptable level of noise or disturbance at neighbouring properties.

5.16 Also, it is considered that the proposal would provide an appropriate level of residential amenity for future occupiers of the dwellings. In terms of living conditions for future occupiers, each flat would provide more than 37sqm floorspace and, whilst internal layouts shown on plans are indicative, it is considered that the size and configuration of the dwellings would provide adequate space for circulation and storage for items not in everyday use.



- 5.17 It is recommended that a condition be imposed requiring all bathroom windows to be obscurely glazed (condition 5). It is also recommended that a condition be imposed requiring that the external lighting proposed at the rear of the building, to provide an inclusive built environment, be installed before occupation of the flats as suggested by the inspector on the previous appeal (condition 8). Further, it is considered that conditions requiring the details and installation of CCTV would not be necessary to make the application acceptable in planning terms, although the owner may wish to install this in any event.
- 5.18 The proposal would comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.19 HIGHWAY SAFETY AND PARKING  
The scheme in the previous application DC/18/00623/FUL proposed no dedicated car parking provision for twelve flats. The scheme was refused by Planning Committee and one of the reasons was inadequate parking provision. The decision was appealed and whilst the Inspector dismissed the appeal (upholding the refusal of the application), this was only in relation to unsuitable living conditions. The Inspector was satisfied that any additional parking requirement created by the proposal in that scheme could be accommodated in the vicinity of the appeal building.
- 5.20 This current application proposes four dedicated parking spaces for the dwellings, located at the rear of the building. The scheme has also been amended to reduce the number of proposed flats to ten.
- 5.21 Consideration is given to the revised improved scheme for parking provision, the former use of the building, the site location being accessible to public transport and local amenities and, importantly, the recent Inspector's appeal decision. It is considered that the proposal would not have an unacceptable impact on highway safety in terms of parking demand/provision.
- 5.22 Cycle parking is indicated on submitted plans, but the provision would need to be secure and fully weatherproof. Therefore, conditions are recommended to be imposed requiring final details of secure and weatherproof cycle parking provision to be submitted to the LPA for consideration, and implementation of the approved details (conditions 6 and 7).
- 5.23 The proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.24 OTHER MATTERS  
The proposal is for the change of use to dwellings (C3) and is therefore assessed as such in this report.
- 5.25 NPPG at Paragraph: 015 Reference ID: 21a-015-20140306 advises that it is rarely appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people. As in any application for

dwellings, planning is not able to control the type of individual who would occupy the properties within that use class.

- 5.26 The applicant has confirmed that the office shown on plans would be a call-in point for the company managing the premises and visitors such as a handyman, not facilities for visitors to the dwellings.
- 5.27 Further, in considering an application, the merits of that proposal are to be assessed and not potential alternative uses, which, to be considered would need to be proposed in a separate application.
- 5.28 The representation submitted by Chopwell Regeneration Group gives evidence that the building has recently been added to the Council's list of Assets of Community Value. This affects the responsibility of the owner when they decide to dispose of the building as community interest groups would have the opportunity to make a bid to buy the building on the open market.
- 5.29 As in the DCLG Assets of Community Value - Policy Statement, September 2011:

'The provisions do not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.'

- 5.30 The application is considered on its planning merits in the main body of the report above and granting of this application would not impact on the required procedure is the owner intended to dispose of the site and/or planning applications for other uses of the site being submitted for consideration.
- 5.31 **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 qualifying housing related. The site is within Residential CIL Zone C, which has a charge of £0 per sqm.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues, and the recent appeal decision, into account, the proposal would bring a vacant site back into use and would contribute to housing stock in the borough. It is considered that the development is acceptable in terms of visual and residential amenity, and 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.

6.2 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 Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

3141\_C-00 rev A

3141\_C-01

3141\_C-02 rev B

3141\_C-03 rev A

3141\_C04 rev E

3141\_C-05 rev B

3141\_C-06 rev B

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

Reason

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

2

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

Reason

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

3

Notwithstanding the approved plans, the new entrance gate on the northern elevation shall not be installed until final details of the gate have been submitted to and approved in writing by the local planning authority.

Reason

To ensure the proposal would respect the character of the area in accordance with saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.

4

The new entrance gate on the northern elevation shall be installed in full accordance with the details approved under condition 3.

Reason

To ensure the proposal would respect the character of the area in accordance with saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.

5

The new window on the western elevation and the new window on the northern elevation shall be installed before the dwellings are occupied and shall be of similar appearance to the materials used in the existing building.

All windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass at a level three or greater (in accordance with the levels set by Pilkington). The obscure glazing shall be installed prior to occupation of the respective dwellings hereby approved and retained as such for the lifetime of the development.

Reason

To ensure the proposal would respect the character of the area and in the interests of residential amenity, in accordance Saved Policies DC2 and ENV3 of the UDP, Policies CS14 and CS15 of the CSUCP and the NPPF.

6

The dwellings hereby approved shall not be occupied until final details of secure and weatherproof cycle storage for residents have been submitted to and approved in writing by the local planning authority.

Reason

To ensure there is adequate cycle storage provision on site, in accordance with policy CS13 of the CSUCP and the NPPF.

7

The details approved under condition 6 shall be implemented before the dwellings are occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

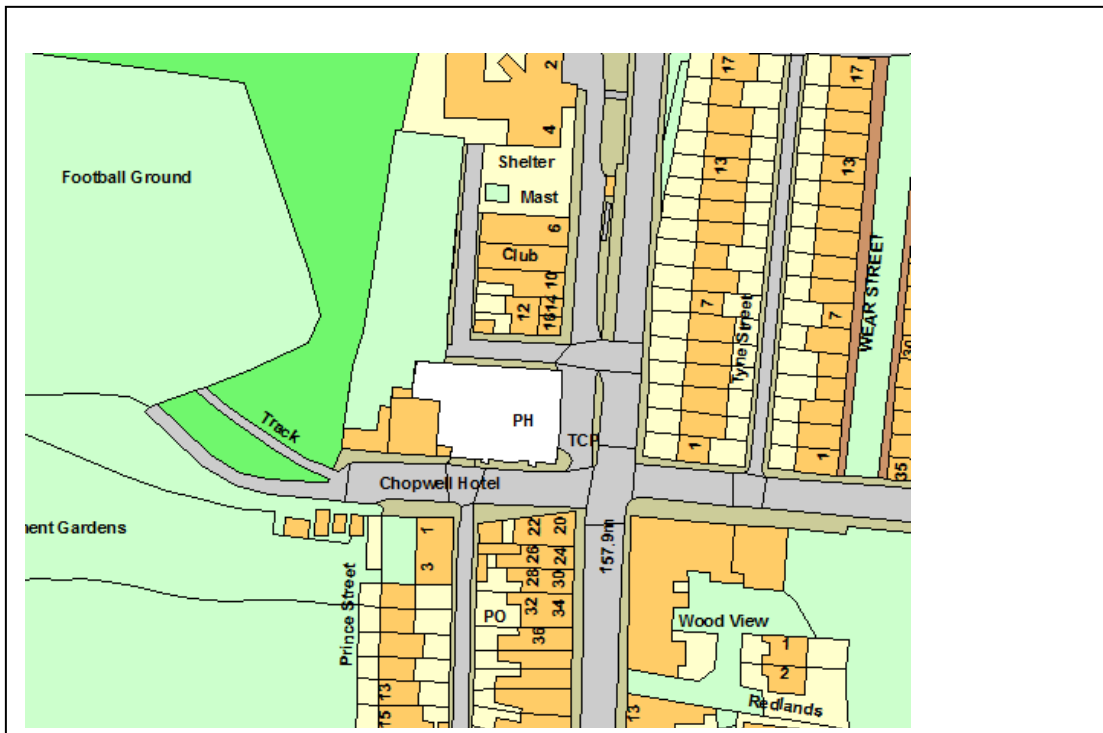
To ensure there is adequate cycle storage provision on site, in accordance with policy CS13 of the CSUCP and the NPPF.

8

The dwellings hereby approved shall not be occupied until the lighting scheme as shown on drawing 3141/C-02 rev B has been implemented in full accordance with the submitted details.

**Reason**

To ensure the development would create an inclusive built environment in the interests of residential amenity, in accordance with Saved Policies DC2 and ENV3 of the UDP, Policies CS14 and CS15 of the CSUCP and the NPPF.



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# **UPDATE**

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
13 March 2019**

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





**MINOR UPDATE**

<b>Application No:</b>	<b>DC/16/00320/FUL</b>
<b>Site:</b>	<b>Land To The South Of Cushy Cow Lane Ryton Tyne &amp; Wear</b>
<b>Proposal:</b>	<b>Proposed erection of 283 dwellings including associated access, infrastructure and open space including diversion of public rights of way (amended 22/12/17 and 17/10/18 and additional information and amended plans received 24/01/19).</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Recommendation:</b>	<b>Authorise Group Director</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further representations made**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**



**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**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**







**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01107/FUL</b>
<b>Site:</b>	<b>The Chopwell Derwent Street Chopwell NE17 7AA</b>
<b>Proposal:</b>	<b>Change of use from public house to ten assisted living units (use class C3 dwellings)(revised) (Description amended 07.02.2019) (amended plans received 18.01.2019, 07.02.2019 and 04.03.19 and additional information received 04.03.19).</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further representations made**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**





**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01154/FUL</b>
<b>Site:</b>	<b>83 Whaggs Lane Whickham Newcastle Upon Tyne NE16 4PQ</b>
<b>Proposal:</b>	<b>Construction of single storey building in rear garden and change of use from dwellinghouse (C3 Use) to a mixed use of dwellinghouse and yoga studio (sui generis) (retrospectivte) (description amended 12.03.2019)</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Change of Use</b>

**Reason for Minor Update**

**Amended description**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**







**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01107/FUL</b>
<b>Site:</b>	<b>The Chopwell Derwent Street Chopwell NE17 7AA</b>
<b>Proposal:</b>	<b>Change of use from public house to ten assisted living units (use class C3 dwellings)(revised) (Description amended 07.02.2019) (amended plans received 18.01.2019, 07.02.2019 and 04.03.19 and additional information received 04.03.19).</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further representations made**

Further to the representations reported in the main report, Councillor Dave Bradford has objected to the application.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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**Committee Report**

<b>Application No:</b>	<b>DC/18/01154/FUL</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>22 November 2018</b>
<b>Applicant</b>	<b>Mr Chris Hannant</b>
<b>Site:</b>	<b>83 Whaggs Lane Whickham Newcastle Upon Tyne NE16 4PQ</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Proposal:</b>	<b>Use of building in rear garden as Gym D2 (retrospective)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

The application site on the location plan is a dwelling and its curtilage. The site has a larger rear garden, approximately 55m long and, particular to this application, includes an existing single storey building at the western end.

1.2 The building is timber clad, is 8.1m wide, 4.9m deep and, with a monopitch roof, measures between 2.6m high at the rear and 3m high at the front.

**1.3 DESCRIPTION OF APPLICATION**

The application is retrospective and proposes a single storey building at the western end of the garden and a change of use of this building to a yoga studio, which would be a gym and therefore would fall within use class D2 (assembly and leisure). The rest of the land would remain in residential use.

1.4 Therefore the proposal is for the change of use from a dwellinghouse (C3) to mixed use dwellinghouse and yoga studio (sui generis).

**1.5 RELEVANT PLANNING HISTORY**

DC/07/00486/FUL - Raising of roof height to provide first-floor level and construction of pitched roof over existing flat roofed garage and kitchen at side - Granted 01.05.2007

DC/12/00365/HHA - Erection of single storey extension to the rear of dwellinghouse - Granted 22.05.2012

**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 Peter Craig has requested that the application be reported to Planning Committee.
- 3.3 8 objections from residents have been received, raising concerns regarding:
- Clarification of use proposed in the application;
  - Has been operating without planning permission;
  - Lack of detail regarding hours of business and parking provision;
  - Building is up against rear garden fence rather than near the dwelling at no.83;
  - Increased noise, disturbance and nuisance at nearby residential properties;
  - Potential for classes outside in the summer and increase in noise/disturbance;
  - Loss of privacy and security at neighbouring properties from clients walking through the garden of no.83;
  - Impact of external lighting shining into neighbouring properties;
  - Parking demand leading to increased on-street parking on Whaggs Lane, subsequent difficulty for footpath users, access to buses, visibility issues at neighbouring driveways and impact on highway safety;
  - No other commercial uses on the road and application site is not a suitable location for the proposed use;
  - Potential for use to take place elsewhere/a more suitable commercial area;
  - Impact on Area of Special Character and residential character of the street;
  - Potential for use early in the morning and late at night and/or increased number of classes per week, and subsequent worsening of issues;
  - Potential for classes to be run/classes currently area being run by external people (ie. Not living at no.83) and for responsibility and control of the business to be diluted;
  - Impact on property values;
  - Some property deeds restrict certain uses of land.
- 3.4 A further objection has also been received on behalf of two objectors, making the following additional comments to those outlined above:
- Letters of support are from users of the facility rather than necessarily being immediate neighbours;
  - Neighbours are already experiencing noise and disturbance from the yoga studio and customers accessing the studio over and above what would be typical of a residential area;
  - Inadequate car parking provision and impact on highway safety;



- If application was approved, the commercial use should be restricted.

3.5 Additionally, 27 letters of support for the application have been received, commenting on the following:

- the use is beneficial to health and mental and physical wellbeing;
- the facility provides a smaller environment for clients who do not wish to/do not feel they can attend larger classes elsewhere;
- the classes are quiet and noise and disturbance from the use if minimal;
- clients are respectful of neighbours if parking on street and Whaggs Lane is a wide and busy road in any event;
- parking demand is minimal in terms of small and infrequent classes and as some patrons walk;
- the quality and welcoming, supportive nature of the classes and the value of the business;
- the class sizes are small and a larger venue would not be viable;
- concern if the use was to stop;
- the use contributes to national and local objectives for healthier lifestyles and wellbeing.

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

RCL5 District and Local Centres

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV25 Areas of Special Character

ENV61 New Noise-Generating Developments

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

GPGSPD Gateshead Placemaking Guide SPG

#### **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 application proposes a main town centre use outside of a retail centre, as defined by saved policy RCL5 of the UDP and policy CS7 of the CSUCP. As such, the applicant has submitted a statement addressing why the use is proposed in this location and not in a retail centre.
- 5.3 The detail submitted clarifies that the building is also used personally by the applicant and family and that the proposed D2 use, whilst considered to be at such a level to require planning permission (rather than being an ancillary use), would run on a small scale basis. The website for the business associated with the subject building confirms that there are also classes available in larger venues, and that classes in the proposed yoga studio are intentionally more intimate, which, as in the submitted statement, appeals more to particular clients.
- 5.4 The submitted detail states that the nature and frequency of the proposed use would render locating in a permanent commercial unit unviable, although no data/evidence has been submitted with the application to demonstrate this.
- 5.5 It is considered that sequential opportunities are limited and on the basis of the described nature and frequency use that it would be unlikely for alternative suitable central premises providing for the same specific requirements of the building would be available.
- 5.6 It is recommended that conditions be imposed restricting the number of customers on site, restricting the number of sessions per week, restricting hours of operation of sessions, and restricting the use to the building only (detailed below).
- 5.7 It is acknowledged that the proposed D2 use definition encompasses other uses rather than just specifically relating to a gym. Whilst it is considered that the size and design of the building would itself limit the potential for some alternative uses within class D2 on site, the proposed use, setting and the reasoning for the use outside of the retail centre are so specific that it is recommended that condition 2 be imposed restricting the use to that proposed (yoga studio) and no other use within the broader D2 use class.
- 5.8 Therefore, it is considered that the principle of the proposed use would be acceptable and would comply with the aims and requirements of saved policy RCL5 of the UDP and policy CS7 of the CSUCP.
- 5.9 **VISUAL AMENITY**  
The site is within an Area of Special Character and the proposal would not have an adverse impact on the specific main characteristics of low density housing, dense coverage of mature trees and long, well-established gardens. The rear

garden of the property is large and the proposed building itself would appear neither untypical nor overly dominating in this residential context.

- 5.10 It is considered that the proposal would respect the character of the area and would comply with the aims and requirements of saved policies ENV3 and ENV25 of the UDP, policy CS15 of the CSUCP and the Gateshead Placemaking SPD.
- 5.11 RESIDENTIAL AMENITY  
Paragraph 91 of the NPPF requires that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyle.
- 5.12 Policy CS14 of the CSUCP states that the wellbeing and health of communities will be maintained and improved by requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
- i. Creating an inclusive built and natural environment,
  - ii. Promoting and facilitating active and healthy lifestyles,
  - iii. Preventing negative impacts on residential amenity and wider public safety from [amongst others] noise,
  - iv. Providing good access for all to health and social care facilities, and
  - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.
- 5.13 In terms of potential future uses of the building, specifically, the yoga studio would provide an intentionally small facility promoting active and healthy lifestyles, appealing to certain customers more than larger venues. Generally, the proposed D2 use would contribute to recreation opportunities and meeting socially as a small group. It is considered that the proposed use would contribute to creating an age friendly, healthy and equitable living environment and would promote social interaction.
- 5.14 Saved policy DC2 of the UDP requires that new development should not cause undue disturbance to nearby residents or conflict with other adjoining uses, safeguards the enjoyment of light and privacy for existing residential properties, and ensures a high quality of design and amenity for existing and future residents.
- 5.15 In terms of existing residents, concerns have been raised from objectors regarding the increase in noise and disturbance and impacts on privacy and security at neighbouring properties resulting from the proposed use.
- 5.16 As above, it is recommended that the D2 use of the garden building be limited to the use proposed rather than within the broader D2 use class definition. It is considered that with this recommended limitation and further appropriate conditions detailed below, the proposed use could operate without resulting an unacceptable level of noise or disturbance or unacceptable loss of privacy or sense of security.

- 5.17 In this particular location on Whaggs Lane the gardens are large and long, with the rear garden at no.83 being approximately 55m long. These gardens, by virtue of their size, allow space for lots of outdoor activity, be this gardening, fitness or social gatherings. Consideration is also given to the potential for a building or swimming pool incidental to the enjoyment of the dwellinghouse under residential permitted development rights at these properties.
- 5.18 Whilst there would be members of the public accessing the rear garden of no.83, in a garden of such a size it would be reasonable to expect a certain level of activity, social gatherings and guests visiting associated with the residential use in any event, particularly in the summer months.
- 5.19 It is recommended that a condition be imposed restricting hours of operation to between 09.00 and 21.00 on any day (condition 4). It is considered that provided the number of customers and sessions, and the potential for amplified music are controlled, the recommended operating hours would be appropriate, and it therefore would not be necessary or reasonable to restrict hours of operation further.
- 5.20 It is recommended that conditions be imposed restricting the number of customers on site to a maximum of ten people, restricting the operation of the use to the building only (as opposed to garden land outside of the building), and restricting the number of sessions to four per day (Conditions 3, 5, and 6). Whilst this latter restriction would not limit the length of classes, it would ensure that the movements through the garden to/from the building would not result in an unacceptable level of disturbance or perceived loss of privacy and/or security at neighbouring properties.
- 5.21 Additionally, it would be reasonable to expect a yoga studio to involve an amplified sound system, and it is recommended that conditions be imposed requiring that from the date of the decision, before such a system is used in the building, a noise management plan be submitted to the LPA for consideration, and requiring implementation of the approved plan (conditions 7 and 8).
- 5.22 Subject to conditions, it is considered that the proposal would facilitate active and healthy lifestyles without having an unacceptable impact on the residential amenity of neighbours. The proposal would comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.23 **HIGHWAY SAFETY AND PARKING**  
The proposal would result in customers travelling to and from the site, and therefore would generate a level of parking demand. Conditions are recommended to restrict the number of customers, sessions and hours of operation. Whaggs Lane is wide and unrestricted in this location, some customers would walk/cycle to the site, and it is considered that the parking demand could be accommodated on street/in the vicinity without resulting in an unacceptable impact on highway safety.

- 5.24 The proposal would comply with the aims and requirements of saved policy CS13 of the CSUCP and the NPPF.
- 5.25 **OTHER MATTERS**  
Property values/saleability and the quality of the service provided are not a material planning consideration.
- 5.26 Granting a planning permission also does not affect other legal requirements/obligations landowners may have.
- 5.27 It is not recommended that the permitted use be restricted to this particular applicant, therefore, there is potential for other people to operate the use. It is considered that the recommended conditions would ensure that the use would not have an unacceptable impact on residential amenity.
- 5.28 In terms of external lighting, it would be reasonable to expect this to be part of residential properties, and if this was to be included on the single storey building in the garden in an excessive way, this would be a matter to be dealt with through Environmental Health legislation.
- 5.29 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development.

## **6.0 CONCLUSION**

- 6.1 The proposal would provide an intentionally small facility supporting active and healthy lifestyles and promoting social interaction, without having an unacceptable impact on the residential amenity of neighbours, subject to appropriate conditions.
- 6.2 It is considered that the proposed development is acceptable in principle and 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 Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

01.A4  
02.A1

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 D2 (assembly and leisure) part of the mixed use hereby approved shall be limited to use as a yoga studio, including sessions for yoga, pilates, and health and wellbeing workshops, and no other use within class D2.

Reason

To ensure appropriate use of land in the interests of amenity of the residents of no.83 and residential neighbours, in accordance with saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.

3

Sessions associated with the operation of the yoga studio part of the mixed use hereby approved shall be restricted to the single storey garden building as shown on plan no 02.A1 only.

Reason

To ensure appropriate use of land in the interests of amenity of the residents of no.83 and residential neighbours, in accordance with saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.

4

Sessions associated with the yoga studio part of the mixed use hereby approved shall only be open to the public between 09.00 and 21.00 on any day.

Reason

To ensure appropriate use of land in the interests of amenity of the residents of no.83 and residential neighbours, in accordance with saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.

5

The number of customers on site associated with the yoga studio part of the mixed use hereby approved shall be limited to a maximum of ten people at any time.

Reason

To ensure appropriate use of land in the interests of amenity of the residents of no.83 and residential neighbours, in accordance with saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.

6

The number of sessions associated yoga studio part of the mixed use hereby approved shall be limited to a maximum of four sessions each day.

Reason

To ensure appropriate use of land in the interests of amenity of the residents of no.83 and residential neighbours, in accordance with saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.

7

From the date of this decision, no amplified sound system or similar equipment associated with the yoga studio part of the mixed use hereby approved shall be used on site until details of a noise management plan (including timescales) have been submitted to and approved in writing by the Local Planning Authority.

Reason

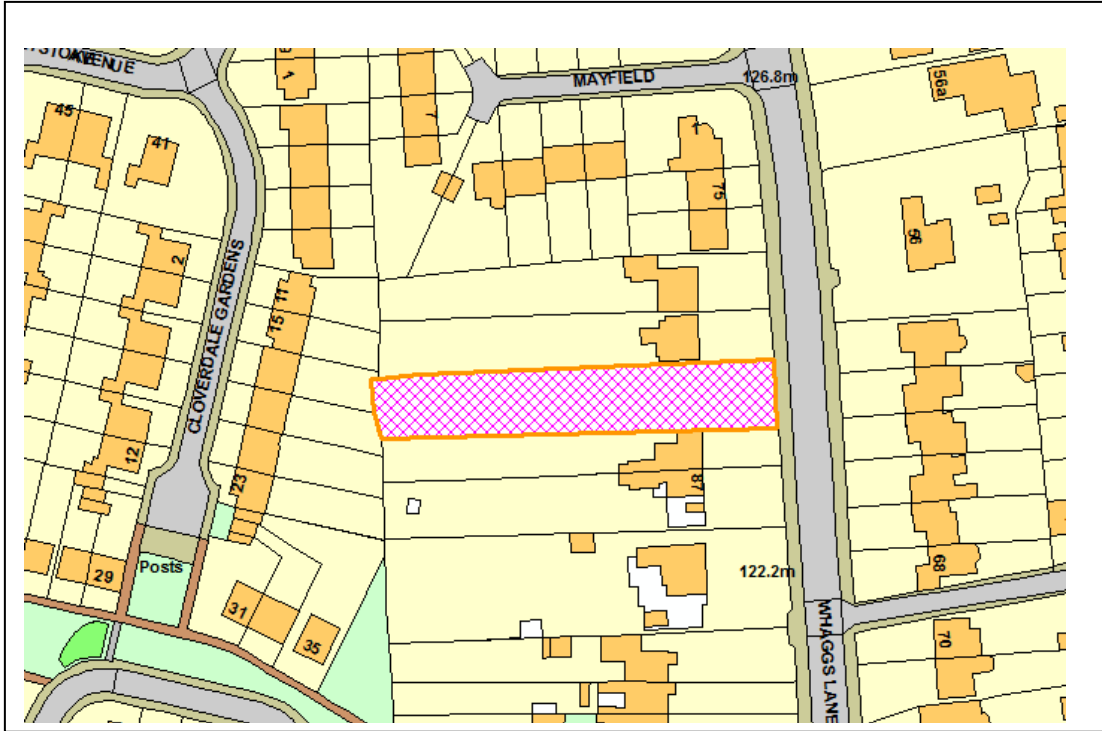
To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

8

The details approved under condition 7 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.



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# **UPDATE**

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
13 March 2019**

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



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/16/00320/FUL</b>
<b>Site:</b>	<b>Land To The South Of Cushy Cow Lane Ryton Tyne &amp; Wear</b>
<b>Proposal:</b>	<b>Proposed erection of 283 dwellings including associated access, infrastructure and open space including diversion of public rights of way (amended 22/12/17 and 17/10/18 and additional information and amended plans received 24/01/19).</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Recommendation:</b>	<b>Authorise Group Director</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further representations made**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**



**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**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**









**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01107/FUL</b>
<b>Site:</b>	<b>The Chopwell Derwent Street Chopwell NE17 7AA</b>
<b>Proposal:</b>	<b>Change of use from public house to ten assisted living units (use class C3 dwellings)(revised) (Description amended 07.02.2019) (amended plans received 18.01.2019, 07.02.2019 and 04.03.19 and additional information received 04.03.19).</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further representations made**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01154/FUL</b>
<b>Site:</b>	<b>83 Whaggs Lane Whickham Newcastle Upon Tyne NE16 4PQ</b>
<b>Proposal:</b>	<b>Construction of single storey building in rear garden and change of use from dwellinghouse (C3 Use) to a mixed use of dwellinghouse and yoga studio (sui generis) (retrospectivte) (description amended 12.03.2019)</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Change of Use</b>

**Reason for Minor Update**

**Amended description**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**







**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01154/FUL</b>
<b>Site:</b>	<b>83 Whaggs Lane Whickham Newcastle Upon Tyne NE16 4PQ</b>
<b>Proposal:</b>	<b>Construction of single storey building in rear garden and change of use from dwellinghouse (C3 Use) to a mixed use of dwellinghouse and yoga studio (sui generis) (retrospective) (description amended 12.03.2019)</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Change of Use</b>

**Reason for Minor Update**

**Amended description and further representations received**

**The description of the development proposed has been amended from:**

**‘Use of building in rear garden as Gym D2 (retrospective)’**

**To:**

**‘Construction of single storey building in rear garden and change of use from dwellinghouse (C3 Use) to a mixed use of dwellinghouse and yoga studio (sui generis) (retrospective)’**

**This amended description better reflects the development proposed. The assessment and recommendation to Members, as set out in the main officer report, is not altered as a result of this amended description.**

**Additionally, further representations have been received on behalf of residents, commenting on the conditions recommended to be imposed in the main officer report.**

- **Residents find noise disturbance after 8pm unacceptable;**
- **The condition restricting the number of sessions each day would allow for an increase in sessions that the current situation, which would have a significant impact on the site and area, and if four classes are permitted on weekdays the length of classes should be restricted;**
- **There should only be two classes allowed on Saturdays, Sundays, Bank Holidays;**

- **Specific details relating to background noise levels when the yoga studio is not operating should be required by the noise management plan (under recommended condition 7);**
- **Requested to impose condition requiring classes to only operate within the building itself and not within the rear lawn of 83 Whaggs Lane;**
- **The evidence required to support a commercial use in this location has not been provided or assessed.**

**It is considered that the conditions recommended in the main officer report would allow for an appropriate level of residential amenity at neighbouring properties.**

**Condition 6 is recommended to restrict the number of sessions in the yoga studio to four on any day. As in the main officer report, this is to ensure that the level of movement through the garden would not result in an unacceptable level of disturbance or perceived loss of privacy and/or security at neighbouring properties. It is considered that it would not be necessary to restrict the length of sessions as the recommended conditions would ensure appropriate levels of noise and movements that would not have an unacceptable impact on residential amenity.**

**Additionally, it is considered that it would not be reasonable or necessary to restrict the number of sessions on a weekend and Bank Holidays further than weekdays.**

**The detail of the noise management plan would be considered by the local planning authority.**

**Condition 3 is recommended in the main officer report to require that sessions associated with the operation of the yoga studio part of the mixed use be restricted to the single storey garden building only (ie. not any other land, such as the garden lawn).**

**Furthermore, the principle of the proposed use is assessed in paragraph 5.2 - 5.8 of the main officer report.**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**



**Committee Report**

<b>Application No:</b>	<b>DC/18/01257/COU</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>17 December 2018</b>
<b>Applicant</b>	<b>Moxie Catering Ltd</b>
<b>Site:</b>	<b>Unit 2 Beat N' Track Cafe Former Co-Op Buildings Hookergate Lane Rowlands Gill</b>
<b>Ward:</b>	<b>Winlaton And High Spen</b>
<b>Proposal:</b>	<b>Change of use from shop (use class A1) to cafe (use class A3) including replacement of kitchen canopy.</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

**1.0 The Application:**

1.1 This application was deferred at the meeting of the Planning and Development Committee on 20 February 2019 to allow the Committee to visit the site. Members visited the site on 7 March 2019.

**1.2 DESCRIPTION OF SITE**

The site is a unit on a parade of shops in High Spen. The unit is on the ground floor at the northern end of the parade, which also includes a saddlery shop, a hairdressers, a dentist and an upholsterers.

1.3 The parade of shops is within the early 20th Century buildings that are referred to as the Old Cooperative Buildings.

1.4 From the front elevation, the unit has an existing shop front window and its own access door. There is an access road to the side (north) which, along with the access road to the south of the Old Cooperative Buildings, provides access to a parking area at the rear of the buildings and Burnop Terrace and Wood Terrace beyond to the east.

**1.5 DESCRIPTION OF APPLICATION**

The application proposes the change of use of the unit from a shop (use class A1) to a café/restaurant (use class A3). The unit formerly operated as a café, however this did not benefit from the required approval, and the last lawful use was a shop; therefore, to regularise the matter, the applicant has submitted this planning application.

1.6 The application also refers to the installation of new extraction/ventilation equipment to serve the kitchen.

## 1.7 RELEVANT PLANNING HISTORY

There is no relevant planning history in this case.

## 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 Marilyn Charlton has objected to the application, raising the following concerns:

- inadequate parking provision;
- impact on highway safety;
- impact on residential amenity.

3.3 A petition of 58 signatures has been received, raising concerns regarding:

- Noise and disturbance from music at the premises and customers;
- Inadequate parking provision;
- Impact on highway safety.

3.4 12 objections from residents have also been received, raising concerns regarding:

- The use is a pub not a café;
- Clarification of application site and unit, clarification of 'allotment gardens' now being residential use, clarification of parking provision at the rear of the units, clarification of existing extraction;
- Question provision of alcohol and playing of music on site;
- Land outside unit belongs to the Council;
- Lack of information on the kitchen extraction;
- Smells and noise from kitchen extraction;
- Additional noise from customers arriving at, leaving and smoking near to the premises;
- Additional noise from music being played at the premises;
- Potential for increased trespassing on private land belonging to neighbours to the east;
- Increased anti-social behaviour and vandalism;
- Impact on privacy at existing residential properties;
- Safety issues relating to patrons leaving dogs outside the premises;
- Residents use the access road for parking already;
- Inadequate parking provision and increased parking demand;
- Increase in traffic and taxi movements/waiting;

- Impact on highway safety;
- Impact on safety of children playing in the area;
- No cycle parking provision;
- Bus stop areas should be marked out on the road;
- Signage should be put up regarding resident parking and children playing;
- Impact on ecology and biodiversity, particularly birds, bats, badgers and owls;
- Light pollution;
- The premises would not have many daytime customers and there is no need/desire for this use in the area;
- Out of character with the street scene and conservation area;
- Potential for inappropriately placed advertising/A boards.

3.5 Additionally, 54 letters of support have been received, commenting as follows

- Use is what the area needs;
- Looking forward to new use;
- Good meeting point/facility for locals/dog walkers/visitors to Chopwell Woods;
- Ideal location for visitors;
- Evening opening hours supported;
- Would be beneficial to the area and the employees and customers of the existing businesses on the shopping parade;
- Creation of local jobs;
- Welcome rest along cycle routes;
- Adequate parking provision.

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

RCL5 District and Local Centres

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

CS7 Retail and Centres

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 not located within a retail centre, however, policy CS7 of the CSUCP supports local community facilities and small shopping parades where they provide an important service to the local community and remain viable.

5.3 It is considered that the proposal to continue the use of the unit would maintain the vitality and viability of the parade and would comply with the aims and requirements of saved policy RCL5 of the UDP and policy CS7 of the CSUCP.

### **5.4 RESIDENTIAL AMENITY**

The application proposes the opening hours to be 08:00 - 21:00 on any day. However, it is considered that opening hours of 08:00 - 22:00 would be reasonable and a condition limiting these hours is recommended to be imposed.

5.5 In relation to potential music at the premises, it would be reasonable to expect that a proposed café/restaurant may wish to play music on site. It is recommended that a condition be imposed requiring that where music is proposed to be played through an amplified sound system or similar equipment, this could not take place before a noise management plan has been submitted to and approved in writing by the LPA.

5.6 In terms of other potential noise generated by the use, it is recommended that a condition be imposed restricting delivery hours and external bin emptying to between 08:00 and 21:00 on any day.

5.7 Additionally, limited details have been submitted relating to kitchen ventilation and cooking. It is recommended that conditions be imposed requiring details of a cooking/ventilation system (including any mitigation for noise and odours), be submitted to the LPA for consideration prior to the installation of such equipment, and implementation of the approved details.

5.8 Subject to conditions, 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.

### **5.9 HIGHWAY SAFETY AND PARKING**

There would be scope for staff parking to the rear of the building, and officers are satisfied that further customer parking could be accommodated within the local area. The floor area proposed to change use is modest and it is considered that the existing lawful retail (A1) use would likely generate similar

if not more of a demand for car parking. Additionally, it is expected that some customers would arrive via public transport, walking or cycling to the site.

- 5.10 It is considered the conditions relating to the provision of signage and road markings for the area would be neither reasonable nor necessary to make the application acceptable.
- 5.11 The proposal would not have an unacceptable impact on highway safety and parking and would comply with the aims and requirements of saved policy CS13 of the CSUCP.
- 5.12 VISUAL AMENITY  
No external alterations are proposed, except for the installation of ventilation/extraction equipment. The above recommended condition relating to final details of this equipment would allow the LPA to consider the external appearance of the equipment.
- 5.13 Subject to conditions the proposal would not have an unacceptable impact on the visual amenity of the area and would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.14 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.
- 5.15 Similarly, issues of existing or potential trespassing on other private land, anti-social behaviour and potential for members of the public to congregate in other locations are not material planning considerations.
- 5.16 The potential for dogs being left outside of premises is not a material planning consideration.
- 5.17 Additionally, it is considered that the proposed change of use from retail to café/restaurant would not have an unacceptable impact on ecology or biodiversity.
- 5.18 The site is not within, or within the setting of, a Conservation Area.
- 5.19 The land to the front of the building is not owned by the Council.
- 5.20 Any advertisements associated with the use that would require consent would addressed through the relevant application processes separate to this planning application (eg. Advertisement consent and highways licensing for A boards).
- 5.21 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.

## **6.0 CONCLUSION**

- 6.1 The proposal would allow for the continued use of the unit and would provide a service to the local community and visitors to the area.
- 6.2 Taking all the relevant issues into account, it is considered that 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

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

'Streetwise' Location Plan received 'A Beat n Track Café' received  
17.12.2018  
Floor plans received 17.12.2018  
Rear Elevation received 17.12.2018

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 08:00 and 22:00 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.

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 a noise management plan (including timescales) has 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

Notwithstanding the approved plans, no new ventilation/extraction equipment at the premises associated with the use hereby approved shall be installed until final details of the 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 and in the interests of visual amenity, in accordance with Saved Policies, DC2, ENV3 and ENV61 of the Unitary Development Plan, Policies CS14 and CS15 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 and in the interests of visual amenity, in accordance with Saved Policies, DC2, ENV3 and ENV61 of the Unitary Development Plan, Policies CS14 and CS15 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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# **UPDATE**

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
13 March 2019**

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



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/16/00320/FUL</b>
<b>Site:</b>	<b>Land To The South Of Cushy Cow Lane Ryton Tyne &amp; Wear</b>
<b>Proposal:</b>	<b>Proposed erection of 283 dwellings including associated access, infrastructure and open space including diversion of public rights of way (amended 22/12/17 and 17/10/18 and additional information and amended plans received 24/01/19).</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Recommendation:</b>	<b>Authorise Group Director</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further representations made**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**



**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**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**









**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01107/FUL</b>
<b>Site:</b>	<b>The Chopwell Derwent Street Chopwell NE17 7AA</b>
<b>Proposal:</b>	<b>Change of use from public house to ten assisted living units (use class C3 dwellings)(revised) (Description amended 07.02.2019) (amended plans received 18.01.2019, 07.02.2019 and 04.03.19 and additional information received 04.03.19).</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further representations made**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01154/FUL</b>
<b>Site:</b>	<b>83 Whaggs Lane Whickham Newcastle Upon Tyne NE16 4PQ</b>
<b>Proposal:</b>	<b>Construction of single storey building in rear garden and change of use from dwellinghouse (C3 Use) to a mixed use of dwellinghouse and yoga studio (sui generis) (retrospectivte) (description amended 12.03.2019)</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Change of Use</b>

**Reason for Minor Update**

**Amended description**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**







**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01257/COU</b>
<b>Site:</b>	<b>Unit 2 Beat N' Track Cafe Former Co-Op Buildings Hookergate Lane Rowlands Gill</b>
<b>Proposal:</b>	<b>Change of use from shop (use class A1) to cafe (use class A3) including replacement of kitchen canopy (additional information received 08.03.2019).</b>
<b>Ward:</b>	<b>Winlaton And High Spen</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Change of Use</b>

**Reason for Minor Update**

**Additional information received**

**Additional information in the form of a proposed noise management plan and details of proposed extraction/ventilation equipment have been received. However, officers consider that the information submitted would not satisfy the requirements of the relevant recommended conditions (conditions 5 and 7). Therefore, it is considered that these conditions are still necessary and no changes are recommended to the conditions in the main officer report.**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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**Committee Report**

<b>Application No:</b>	<b>DC/19/00055/COU</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>23 January 2019</b>
<b>Applicant</b>	<b>The Metrocentre Partnership</b>
<b>Site:</b>	<b>Intu Metrocentre Units 1.134-1.137 and 9C Upper Qube and Cameron Walk</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Proposal:</b>	<b>Change of use of restaurant (Class A3), retail (Class A1) floorspace and circulation space to leisure use (Class D2)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

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

The application site relates to floor space at the Metrocentre. Unit 9c on the ground floor lower mall relates to existing vacant retail space. Units 1.134 and 1.137 at the first floor upper mall level relates to existing vacant restaurant units, last occupied by Byron Burger and Barburitto.

**1.2 DESCRIPTION OF APPLICATION**

This planning application proposes to change the use of floor space at the ground floor and first floor level of the Metrocentre to use it as a leisure use, an indoor mini golf attraction with ancillary food and drink offer. The area comprises a total floorspace of 1,665m<sup>2</sup>. Access will be gained from the upper mall and a staircase will connect the two levels within the new leisure unit.

1.3 As the application relates to a proposed change of use, any internal arrangements shown on the layout plans are shown for illustrative purposes only. The proposal does not include any external alterations or extensions to the Metrocentre complex. No changes to servicing or car parking provision are proposed

**1.4 RELEVANT PLANNING HISTORY**

None.

**2.0 Consultation Responses:**

None

**3.0 Representations:**

3.1 Council officers displayed a site notice at the site on 6 February 2019. No representations have been received.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

RCL5 District and Local Centres

CS7 Retail and Centres

CS13 Transport

CS15 Place Making

AOC2 Metrogreen

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

- 5.1 The main planning issues to be considered are the principle of the development and the impact of the development on highways/transport.
- 5.2 **PRINCIPLE OF THE DEVELOPMENT**  
The Metrocentre is an established and accessible retail and leisure destination. This proposal relates to the reconfiguration and use of existing floorspace.
- 5.3 Saved policy RCL5 of the Council's Unitary Development Plan (UDP) and Policy CS7 of the Council's Core Strategy and Urban Core Plan (CSUCP) support the role of the Metrocentre. This proposal will enable the space to be occupied and meet changes in customer demand, sustaining the role of Metrocentre as a regional shopping destination.
- 5.4 Policy CS8 of the CSUCP requires leisure development to be focused within the Urban Core and at other accessible locations. Policy AOC2 of the CSUCP identifies the Metrocentre within a broader area of change (Metro Green) within which leisure is an acceptable use.
- 5.5 The preferred approach to leisure provision at Metro Green as set out in the Council's Options Report published in November 2015 is to concentrate leisure uses around the Metrocentre and Public Transport Interchange to encourage longer dwell times (length of visits) and use of public transport rather than creating more car trips to the area.
- 5.6 In terms of the location of the proposed leisure use the proposal is therefore aligned with Policy AOC2 of the CSUCP and the preferred approach to leisure emerging at Metro Green.

- 5.7 The application has provided a supporting planning statement which provides an overview of the proposal's business model in terms of the benefits of the proposed location as opposed to alternative locations and the considerations of impacts as required by policy CS7 (iii) of the CSUCP.
- 5.8 The business model requirements are met in this location based upon attracting families and young adults who are seeking an active leisure attraction in an accessible, family orientated environment, with sufficient footfall including a supporting retail, food and drink offer and accessible by public transport.
- 5.9 Council officers are therefore of the view that there is unlikely to be any material impact on the vitality and viability of centres within the catchment area as the proposal is likely to be competing mainly with other similar facilities in the Metrocentre.
- 5.10 Given the above, it is therefore considered that the proposal will provide investment that will continue to support the Metrocentre which makes a significant contribution to the local economy.
- 5.11 **TRANSPORT**  
It is considered that the proposal is unlikely to serve as a destination in itself. A change of use of the scale proposed is considered to have negligible impact on the highway network when considered in relation to the overall number of visitors to the Metrocentre. It is therefore considered that the proposal would not conflict with the highway aims and objectives of the NPPF and policy CS13 of the CSUCP.
- 5.12 **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 for qualifying retail or housing related development. As such no CIL charge is liable.

## **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 accords with both national and local planning policies. It is therefore recommended that planning permission be granted subject to the conditions 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

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

Location Plan	N181442-D09-004
Ground Floor Site Plan	N181442-A01-011
First Floor Site Plan	N181442-A01-012
Proposed Ground Floor Plan	N181442-A02-001
Proposed First Floor Plan	N181442-A02-002

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**

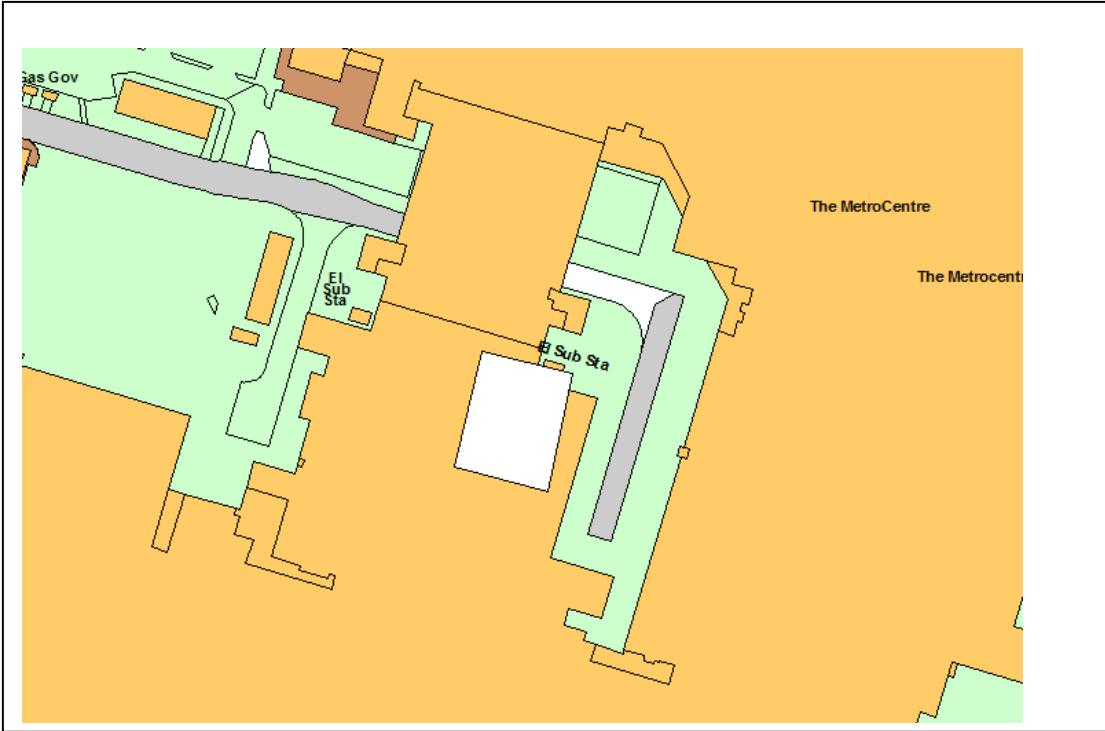
In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

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.



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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 13 March 2019

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

<b>Application ref.</b>	<b>Nature of proposed development</b>	<b>Location of proposed development</b>	<b>Decision</b>	<b>Ward</b>
DC/18/00905/FUL	Demolition of Silvertop garage and erection of two x three bed dwellings (amended 10/01/19, 15/02/19).	Silvertop Garage, Spen Lane,	Granted;	Crawcrook And Greenside
DC/18/00981/FUL	Dormer window to rear; porch to front; a rooflight to front; the replacement of existing slate roof; the repointing of stonework to the front, side and rear elevations; and the replacement of UPVC windows to the front, side and rear with timber frames. (Amended 08.02.19)	1 Kinfauns Terrace, Low Fell,	Refused;	Low Fell
DC/18/01032/COU	Change of use from a butcher shop (use class A1) to cafe (use class A3) including installation of roller shutter (description amended 01.11.2018).	Blaydon Butchers, 15 Clavering Road,	Granted;	Blaydon

DC/18/01158/HHA	Two storey side extension, single storey front extension, wall and railings and widening of driveway (AMENDED 31/1/2019)	Lynn Holme, 17 Long Bank,	Granted;	Lamesley
DC/18/01205/HHA	Two storey side and rear extension	64 Long Gair, Winlaton,	Granted;	Winlaton And High Spen
DC/18/01197/HHA	Single storey rear extension (amended 21.02.2019).	167 Whitehall Road, Bensham,	Granted;	Saltwell
DC/18/01227/HHA	Conversion of existing detached garage to granny annexe with new front door and dormer windows to front and rear	Ivy House, Rockwood Hill Road,	Granted;	Crawcrook And Greenside
DC/18/01250/HHA	Single storey extension to rear and side with new pitched roof over existing garage and porch - (Description amended 22/1/19)	3 Oakham Avenue, Whickham,	Granted;	Whickham South And Sunnyside
DC/18/01234/HHA	Proposed two storey rear and single storey side extension	59 Greenford, Kibblesworth,	Granted;	Lamesley
DC/18/01286/HHA	To replace existing roof light in kitchen with new roof lantern	Park Cottage, School Lane,	Granted;	Dunston Hill And Whickham East
DC/18/01256/HHA	Single storey rear extension	34 Colebrooke, Birtley,	Granted;	Birtley



DC/18/01289/HHA	Replacement windows to front, rear and side elevations	6 Carlton Terrace, Gateshead,	Granted;	Low Fell
DC/18/01291/CPL	Single storey extensions to side and rear, dormer window to rear and outbuilding in rear garden as shown on amended plans received 14.02.19 (ref AD-18-35 Sheet 2 Rev 1)	Garden House, Garden Terrace,	Granted;	Crawcrook And Greenside
DC/18/01254/FUL	Installation of one security office and five storage containers (retrospective).	Lookers, Station Approach,	Granted;	Lamesley
DC/18/01293/HHA	Proposed two storey side and rear extension and single storey rear extension (description amended 11.02.19, amended plans received 11.02.19)	15 Ambleside Gardens, Gateshead,	Granted;	Low Fell
DC/18/01268/FUL	Demolition of existing buildings (7 & 9 Belle Vue Bank) and construction of 2 no. town houses (revised application) (amended 28/01/19).	7 Belle Vue Bank, Low Fell,	Granted;	Low Fell
DC/18/01272/HHA	Removal of existing porch and erection of new porch to front elevation	White House , 2 Stella Road,	Granted;	Ryton Crookhill And Stella

DC/18/01297/HHA	Single storey front and rear extension	94 Parkfield, Ryton,	Granted;	Ryton Crookhill And Stella
DC/18/01277/COU	Change of use of ground and first floor of house (use class C3) to health and beauty salon (use class sui generis). Description amended 23/01/2019 Plans amended 25/01/2019.	18 Wellington Road, Dunston,	Granted;	Dunston And Teams
DC/18/01304/HHA	The supply and installation of a modular metal mesh access ramp with paved base area and graded pathway including independent handrailing to allow disabled access to and from domestic residence.	51 Dundas Way, Felling Central,	Granted;	Felling
DC/19/00009/TPO	Removal of Sycamore in rear garden of 13 Berkely Avenue.	13 Berkley Avenue, Blaydon,	Granted;	Blaydon
DC/19/00012/FUL	Erection of detached three bedroom dormer bungalow in grounds of Lockhaugh Lodge.	Lockhaugh Lodge, 43 Glamis Crescent,	Granted;	Winlaton And High Spen
DC/19/00031/ADV	Display of 4 internally illuminated vertical facility signs size 2.1m x 2.4m reading "LANDROVER AUTHORISED SERVICES" on south, west and east elevations.	TEAM VALLEY LANDROVER SERVICES, 2 Bamburgh Court,	Temporary permission granted;	Lobley Hill And Bensham



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**TITLE OF REPORT:** Enforcement Team Activity

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

## Purpose of the Report

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

## Background

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

## Recommendations

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

Within the date range commencing 07.02.19 and ending 27.02.19, the enforcement team has received **120** new service requests:

Type of complaint	Cases under investigation	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	396	40	21	30	1
HIGHWAYS	224	21	7	17	0
WASTE	585	59	40	49	44
<b>TOTALS</b>	1205	120	68	96	45

## COURT HEARINGS

The Enforcement Team attended **two** Court Hearings, **two** of which were finalised, resulting in **£162** fines and **£200** costs

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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**  
**13th March 2019**

**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	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	use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.  Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016  29 <sup>th</sup> Sep 2018	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 Council's legal department.
4.	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	Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site. Conditions have now been submitted and discharged. The Council are awaiting confirmation from the Developer to confirm when they are due to recommence works on site. A site visit was undertaken on the 26 <sup>th</sup> September to see if work had recommenced on site. Although there were no builders on site at the time of the visit, it appears that development has recommenced since the Temporary Stop Notice was served as the most recent unit constructed has now had its roof erected.  A letter has been sent to the developer, from the Council's 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.  A written response dated 22 <sup>nd</sup> November 2018 has been received from Gleesons.
5.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.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
6.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th 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>
7.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th 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>
8.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th 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>
9.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th 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>
10.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th 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>
11.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	<p>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</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p>
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	<p>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</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
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 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
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 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
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 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
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 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
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 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
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	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.
19.	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. <b>An appeal start date has been received</b>
20.	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. 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.

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>An appeal start date has been received</b>
21.	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.
22.	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.  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.  Scaffolding has been erected and works are commencing to bring the building back into use. The windows have been inserted in the rear part of the building and works have commenced on the roof.
23.	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. An appeal has been received but no start date has been given yet.
24.	21 Beacon Street Gateshead NE9 5XN	Low Fell	Unauthorised development	07 <sup>th</sup> January 2019	08 <sup>th</sup> January 2019	12 <sup>th</sup> February 2019	12 <sup>th</sup> March 2019	Complaints have been received regarding the erection of a fence to the front of the property. Planning permission was submitted and subsequently refused as the fence had a detrimental impact on the visual amenity of the area. An Enforcement notice has been served seeking the removal of the fence. An appeal has been received but no start date has been given yet.
25.	114 Coatsworth Road Bensham Gateshead Tyne And Wear NE8 1QQ	Saltwell	Untidy Land	18 <sup>th</sup> January 2019	18 <sup>th</sup> January 2019	21 <sup>st</sup> February 2019	11 <sup>th</sup> July 2019	Complaints have been received regarding the condition of the property within the Coatsworth Road Conservation Area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building be demolished and necessary support provided to the adjacent buildings to ensure they are wind and watertight. Following demolition, the land needs to be levelled, graded and compacted to match the contours of the surrounding land.

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
26.	2 Wythburn Place Gateshead NE9 6YT	High Fell	Unauthorised development	12 <sup>th</sup> February 2019	12 <sup>th</sup> February 2019	19 <sup>th</sup> March 2019	19 <sup>th</sup> July 2019	Complaints had been received regarding the erection of an extension to the property, the extension has a detrimental impact on the visual amenity of the area and thus an enforcement notice has been served seeking the extension be demolished and remove in its entirety.



**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**  
13<sup>th</sup> March 2019

**TITLE OF REPORT:** Planning Enforcement Appeals

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

**Purpose of the Report**

1. To advise the Committee of new appeals against enforcement action received and to report the decisions of the Planning Inspectorate received during the report period.

**New Appeals**

2. There have been **two** appeals received since an update was provided to committee.

25 Sundridge Drive Felling Gateshead NE10 8JF	Without planning permission, the change of use from open space to private garden involving the erection of a timber fence	Written	Awaiting Decision
27 Sundridge Drive Felling Gateshead NE10 8JF	Without planning permission, the change of use from open space to enclosed land involving the erection of a timber fence	Written	Awaiting Decision

**Appeal Decisions**

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

**Recommendations**

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

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

The subject matter of the report touches upon two human rights issues:  
the right of an individual to a fair trial and the right to peaceful enjoyment of property

As far as the first issue is concerned the planning enforcement appeal regime is outside of the Council's control being administered by the Planning Inspectorate.

**WARD IMPLICATIONS –**

Wardley and Leam Lane

**BACKGROUND INFORMATION**

Start Letter



## Outstanding Enforcement Appeal Cases

Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
25 Sundridge Drive Felling Gateshead NE10 8JF	Without planning permission, the change of use from open space to private garden involving the erection of a timber fence	Written	<b>Awaiting Decision</b>
27 Sundridge Drive Felling Gateshead NE10 8JF	Without planning permission, the change of use from open space to enclosed land involving the erection of a timber fence	Written	<b>Awaiting Decision</b>

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**TITLE OF REPORT:** Planning Appeals

**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 new appeals received and to report the decisions of the Secretary of State received during the report period.

### **New Appeals**

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

### **Appeal Decisions**

3. There have been **four** new appeal decisions received since the last Committee:

DC/18/00542/HHA - 6 Coalway Lane, Whickham NE16 4BX  
First floor side extension and canopy to create covered car port, and Juliet balcony to rear (description amended 27.06.18, amended plans received 08.09.18)  
This application was a committee decision refused on 17 October 2018  
Appeal dismissed 18 February 2019

DC/18/00579/FUL - Riding Chase, Garesfield Lane, Winlaton  
Removal of Condition 2 of Application Reference Number CA39327 to allow removal of agricultural occupancy restriction.  
This application was a delegated decision granted on 1 August 2018  
Appeal dismissed 19 February 2019

DC/18/00623/FUL - The Chopwell, Derwent Street, Chopwell, NE17 7AA  
Change of use from public house to twelve assisted living units (use class C3) (description amended 07/09/18)  
This application was a committee decision refused on 28 September 2018  
Appeal dismissed 18 February 2019

DC/18/00964/FUL - Hollinhill Lane/High Thornley, Rowlands Gill  
Temporary siting of equestrian worker's caravan  
This application was a delegated decision refused on 13 November 2018  
Appeal dismissed 18 February 2019

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

### **Appeal Costs**

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

### **Outstanding Appeals**

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

### **Recommendation**

6. It is recommended that the Committee note the report

**Contact: Emma Lucas Ext: 3747**

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

**WARD IMPLICATIONS**

Various wards have decisions affecting them in Appendix 3.

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate




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## Appeal Decision

Site visit made on 5 February 2019

by **John Dowsett MA DipURP DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2019

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**Appeal Ref: APP/H4505/D/18/3216576**

**6 Coalway Lane, Whickham NE16 4BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Churnside against the decision of Gateshead Council.
  - The application Ref: DC/18/00542/HHA, dated 30 May 2018, was refused by notice dated 17 October 2018.
  - The development proposed is a first floor side extension and canopy to create covered car port, and Juliet balcony to rear.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The planning application form describes the proposed development as a 'Bedroom extension', whilst the decision notice issued by the Council describes it as a 'First floor side extension and canopy to create covered car port, and Juliet balcony to rear'. This latter description more accurately sets out the development proposed and I note that the appellant has also adopted this form of words on the appeal form. I have, therefore, also used this for the purposes of the appeal.

### Main Issues

3. The main issues in this appeal are:
  - The effect of the proposed development on the living conditions of the occupiers of numbers 13 and 15 Church Rise, and number 4 Coalway Lane; and
  - The effect of the proposed development on the character and appearance of the area.

### Reasons

#### *Living conditions of neighbouring occupiers*

4. Taken together, Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2015 (CSUCP), and Saved Policy DC2 of the Gateshead Unitary Development Plan 2010 (UDP) expect new development to prevent negative impacts on residential amenity, and safeguard the enjoyment of light and privacy for existing residential properties. The National

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

Planning Policy Framework (the Framework) also expects new development to provide a high standard of amenity for existing and future users. More detailed guidance on the design of house extensions is given in the Gateshead Council Household Alterations and Extensions Supplementary Planning Document 2011 (the SPD).

5. Due to the relative positions between the appeal building and the neighbouring property at 4 Coalway Lane, the proposed new dormer on the roof slope of the appeal building would be set back from the rear wall of number 4. As a result there would be no opportunity for direct views into the windows at the rear of the neighbouring property. However, I saw when I visited the site that, due to the change of level between the two houses, with number 4 sitting higher than the appeal building, the new dormer would be set just slightly above the level of the rear garden of number 4 and only offset from the boundary by a very short distance. It would, therefore, be clearly visible above the boundary fence between the houses. As a result of the height of the proposed dormer and its position, very close to the common boundary, this would appear as an overly dominant feature when viewed from the garden of the neighbouring house.
6. Notwithstanding that the French window in the proposed dormer is to be fitted with opaque glazing, it is clear from the design and the inclusion of a safety railing that it is intended that this is to be opened to provide ventilation or light. As a result of the relative heights and the proximity to the boundary, this element of the proposed extension would, in my view, be unacceptably oppressive to the occupiers of number 4 and restrict the enjoyment and privacy of the rear garden area, particularly during warmer weather when the occupants would be using the garden area more and it is more likely that the French window would be open. The proposed development would, therefore, cause harm to the living condition of the occupiers of number 4 Coalway Lane.
7. The appeal building backs onto properties in Church Rise with number 13 being directly behind and number 15 to the south east, and at a slightly higher level. It is common ground that the separation distance between the new dormer element of the proposed extension and the original rear wall of number 15 Church Rise meets, or exceeds, the 21 metres separation distance set out in the SPD. It is also not in dispute that the separation distance to the original rear wall of number 13 Church Rise would be approximately 20.2 metres. This would be only marginally lower than the separation distance set out in the SPD. The SPD is guidance rather than being a prescriptive document and the shortfall is not great. Both the appeal building and number 13 Church Rise have been previously extended by way of a dormer to the rear roof slope. Whilst the distance between these dormers exceeds 21 metres, there is nonetheless a degree of mutual overlooking between the properties at first floor level. Whilst there would be a slight shortfall in separation between the proposed new additional dormer and the property to the rear, the degree of extra overlooking that may result would not be significant. I am also mindful that it is proposed that the French window that is to be installed in the proposed new dormer would be fitted with opaque glazing, which would prevent overlooking when the French window is closed.
8. I consequently find that the appeal proposal would have a neutral effect on the living conditions of the occupiers of numbers 13 and 15 Church Rise. However, this does not outweigh, or overcome, the other harm that I have found to number 4 Coalway Lane.

9. I conclude that that the proposed development would cause harm to the living conditions of the occupiers of number 4 Coalway Lane. It would be contrary to the relevant requirements of CSUCP Policy CS14 and Saved Policy DC2 of the UDP, and would be inconsistent with the requirements of the SPD and the Framework.

*Character and appearance*

10. The appeal building is located on a quiet street in a predominantly residential area. The east side of Coalway Lane is comprised of brick built bungalows which are linked to their neighbours by a single garage that is set back from the frontage of the properties, creating an appearance of detached buildings. This style of building is repeated to the east in Church Rise. The bungalows are set at a slight angle to the highway, creating a staggered frontage that accentuates the gaps between the buildings. Whilst there have been some alterations to the bungalows, this side of the street exhibits a relatively uniform character, reinforced by the regular gaps between the buildings. The street drops steeply from south to north, which further emphasises the gaps between the properties and makes these an important part of the character of the street.
11. The west side of Coalway Lane has three pairs of two storey semi-detached flats and two garage courts that are accessed from it. Deans Close and Abbots Way to the west are also comprised of similar two storey semi-detached buildings. At each end of the perimeter block formed by Coalway Lane and Church Rise are a pair of semi-detached bungalows. To the north, Coalway Lane and Wordsworth Avenue consist of two storey and single storey, semi-detached, properties.
12. Policy CS15 of the CSUCP and Saved Policy ENV3 of the UDP seek to ensure that new development responds positively to local distinctiveness and character. Policy ENV3 also expects that the relationship between buildings and the spaces around, and between, them must be handled in a sensitive manner. The SPD advises that extensions to the side of a property should be designed to maintain the character of the existing property and the street scene. Whilst the SPD recognises that there may be greater flexibility to extend a detached property, it also states that the scale of any extension proposed will need to be judged in relation to the individual home and the surrounding environment.
13. The proposed extension would be above the garage of the appeal building and would also be projected forward at first floor level, creating a void beneath containing the main entrance to the house. It would span the whole gap between the appeal building and its neighbour at number 4 Coalway Lane, butting up to the gable wall of this property. Whilst the extension would be set back from the main front wall of the house, the first floor element would project notably further forward than the garages to the other houses on this side of the street.
14. As the bungalows are set at an angle to the highway, the extended ridgeline and front roof plane abutting the gable of the neighbouring house would be apparent in views up the street from the north. I also saw when I visited the site that the ridgeline of the main roof of the appeal building has previously been raised to accommodate the existing rear dormer, which reduces the perceived height difference between it and number 4.



15. The combination of infilling the gap between the properties and the overhanging first floor element of the extension, a feature which is not present elsewhere in the street or surrounding area, would be inconsistent with the existing street scene, and harmful to its otherwise uniform appearance. I have had regard to the appellant's point that the garage of number 8 Coalway Lane has had a pitched roof added. However, I saw on my site visit that this is a significantly lower and smaller addition to the property, and I do not consider that it is comparable to the appeal proposal.
16. I also saw that the property at number 2 Church Rise, which was originally of a similar design to the appeal building, has been extended in a manner which links it to the neighbouring bungalow. I do not know the circumstances that lead to this being accepted, nonetheless, the inconsistent appearance of this in relation to other houses in the area adds to my concerns regarding the appeal proposal.
17. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Policy CS15 of the CSUCP, Saved Policy ENV3 of the UDP or the guidance in the SPD.

**Conclusion**

18. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR



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## Appeal Decision

Site visit made on 5 February 2019

by **John Dowsett MA DipURP DipUD MRTPI**

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

**Decision date: 19 February 2019**

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**Appeal Ref: APP/H4505/D/18/3214040**

**Riding Chase, Garesfield Lane, Winlaton, Blaydon NE21 6LA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Douglas McCutcheon against the decision of Gateshead Council.
  - The application Ref: DC/18/00579/FUL, dated 7 June 2018, was approved on 1 August 2018 and planning permission was granted subject to a condition.
  - The development permitted is the erection of a detached bungalow at Normans Riding, Winlaton.
  - The condition in dispute is No 1 which states that: The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in agriculture or in forestry, or in an industry mainly dependent upon agriculture, or a widow or widower of such a person, and to any resident dependants.
  - The reason given for the condition is: To ensure adequate provision of accommodation for agricultural/forestry workers, to promote sustainable development in rural areas, and to enhance/maintain the vitality of rural communities, in accordance with policy CS19 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.
- 

### Decision

1. The appeal is dismissed.

### Procedural matter

2. Planning application reference DC/18/00579/FUL submitted by the appellant sought to remove condition 2 attached to planning permission reference CA39327, which was approved on 2 November 1966. This planning permission was for the construction of a detached bungalow and was granted subject to an agricultural occupancy condition. The Council resolved that it did not consider that the condition should be removed. However, it also concluded that the wording of the condition, which restricted occupancy of the dwelling to persons employed in agriculture or forestry or in an industry mainly dependent on agriculture and forestry did not reflect more recent advice on such conditions that they should also cover persons who are temporarily unemployed, or who from old age or illness are no longer able to work. Consequently, the Council granted planning permission subject to a new condition reading: "The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in agriculture or in forestry, or in an industry mainly dependent upon agriculture, or a widow or widower of such a person, and to any resident dependants".
3. The appeal form submitted by the appellant states that the appeal has been made against the refusal of the Council to grant planning permission to vary or remove a condition. The application to remove the condition was made under

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Section 73 of the Town and Country Planning Act 1990 seeking to develop land without compliance with conditions previously attached. The Council have, however, issued a decision notice which grants planning permission subject to a new, differently worded, condition.

4. Consequently, it is not possible to determine the appeal on the basis that it is against the refusal of the planning application. However, as a new planning permission has been created by planning permission reference DC/18/00579/FUL, it is possible to determine the appeal on the basis of that it is made against the granting of this planning permission subject to a condition.
5. Planning permission reference DC/18/00579/FUL describes the proposal as "Removal of Condition 2 of Application Reference Number CA39327 to allow removal of agricultural occupancy restriction". Whilst this is what the planning application sought, the effect of the decision is to create a new planning permission for the original development. I have therefore used the description of the development from planning permission reference CA39327, namely the erection of a detached bungalow, for the purposes of the appeal.
6. The views of the parties were sought with regard to the matters set out above. Although no responses were received, as neither party objected to this approach being taken when given the opportunity, I have taken this as agreement. I do not consider that dealing with the appeal in this manner would prejudice the interests of either party and have, therefore, determined the appeal on this basis.

#### **Main Issue**

7. The main issue in this appeal is whether the condition is necessary in order to ensure the adequate provision of accommodation for agricultural/forestry workers in the area.

#### **Reasons**

8. The dwelling now known as Riding Chase was granted planning permission in 1966 subject to an agricultural occupancy condition. From the evidence, the bungalow was occupied in association with a poultry farm that was operating on adjoining land. The poultry farm has now ceased operation and the land it occupied subsequently sold to another party.
9. The National Planning Policy Framework sets out that a planning condition must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In this case the principal question is whether the agricultural occupancy condition is still necessary to ensure that there is adequate provision of accommodation for agricultural/forestry workers in the area.
10. The Council advise that in order to determine whether there is a demand for accommodation for rural workers a property would normally be marketed as such for a period of at least 12 months. This has not occurred in this case. The appellant has submitted copies of letters from the Forestry Commission and from three local farms, dated May and June 2018, which state that none of these currently have workers seeking accommodation.
11. Whilst this is evidence that there is perhaps a low demand for rural workers accommodation in the area, there is no evidence before me regarding the

numbers of agricultural operations within reasonable travelling distance of the appeal site or of other rural enterprises in the area that may require accommodation for workers near their operation. Consequently, this evidence alone does not demonstrate that, on the balance of probability, there is no requirement for rural workers accommodation in the area.

12. I note that the appellant has not carried out the marketing exercise suggested by the Council as he does not wish to dispose of the property at this time and did not wish to appear deceptive. Whilst this intention is laudable, I would, nonetheless, agree with the Council that the most definitive way of testing demand is for the property to be marketed, with the occupancy condition, to determine what level of interest, if any, there is in such a property.
13. When I visited the site I also saw the nearby housing development at Thornley Woods, which is nearing completion. I accept that this is similarly located to the appeal property and is not subject to occupancy restrictions. However, I have no evidence in respect of the price of these properties, or in relation to the average earnings of rural worker in the area. As a result it has not been demonstrated whether these properties would realistically be affordable to rural workers.
14. The appeal building is located within the Tyne and Wear Green Belt. Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2015 seeks to protect the Green Belt from inappropriate development. As the appeal building exists and has been used as a dwelling since the late 1960's, the removal of the agricultural occupancy condition would not make the dwelling inappropriate development in terms of Green Belt policy, nor would it result in any harm to the Green Belt. In this respect, the removal of the condition would not conflict with Policy CS19 of the Core Strategy and Urban Core Plan.
15. This notwithstanding, planning permission was originally granted for the house in this countryside location as it was required in connection with agricultural operations and an occupancy condition was attached. Planning permission DC/18/00579/FUL updates the original occupancy condition to allow the dwelling to be occupied by rural workers that are between jobs or retired, and by the surviving spouses of such workers. This condition meets the six tests for planning conditions set out in the Framework, although the necessity of the condition is challenged by this appeal.
16. Whilst there is some evidence that there is a low demand for rural workers accommodation in the area, as I have found above, the evidence provided does not demonstrate that on the balance of probability the dwelling is not required as rural workers accommodation.
17. I therefore conclude that the condition is necessary to ensure the adequate provision of accommodation for agricultural/forestry workers in the area.

#### **Conclusion**

18. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR



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## Appeal Decision

Site visit made on 5 February 2019

by **John Dowsett MA DipURP DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2019

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**Appeal Ref: APP/H4505/W/18/3214418**

**The Chopwell Public House, Derwent Street, Chopwell, NE17 7HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Excell Property Developments Limited against the decision of Gateshead Council.
  - The application Ref: DC/18/00623/FUL, dated 19 June 2018, was refused by notice dated 28 September 2018.
  - The development proposed is the change of use from public house to assisted living units.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - Whether the proposed development would provide suitable living conditions for the future occupiers, with particular regard to internal space and access to the building; and
  - The effect of the proposed development on the operation of the highway in the vicinity of the appeal site, with particular regard to car parking.

### Reasons

#### *Living conditions*

3. Policy CS11 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2015 (CSUCP) expects new development to provide adequate space inside and outside the home to meet the needs of residents. Similarly, Saved Policy DC2 of the Gateshead Unitary Development Plan 2007 expects among other matters, that new development ensures a high quality of design and amenity for existing and future residents. CSUCP Policy CS14 seeks to ensure that the wellbeing and health of communities is maintained and improved by, amongst other matters, creating an inclusive built and natural environment. These policies are consistent with the National Planning Policy Framework (the Framework) which expects new development to create places that are safe and inclusive with a high standard of amenity for existing and future occupiers.
  4. The proposed development would result in the creation of 12 one bedroom flats, with a combined living room and kitchen, and a separate shower room.
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The submitted drawings show that these would range in size from 31.3m<sup>2</sup> floor area to 41m<sup>2</sup> floor area.

5. None of the policies cited in the reason for refusal contain specific internal space standards for new dwellings, nor are these set out in the Framework. Similarly, there is no evidence that the Council have adopted the provisions of the Technical housing standards – nationally described space standard. As such this latter document cannot carry significant weight in the determination of the appeal, and the principal matter is whether the proposed flats would provide adequate space for the day to day living requirements of the future occupants.
6. All of the flats that would be created by the proposal would be very small with the majority, 8 out of 12, providing less than 35m<sup>2</sup> floorspace, which includes some relatively large areas of passageways. Whilst I accept that the internal layouts shown on the submitted drawings are indicative it is, nonetheless, evident that the small size and the configuration of the living areas and bedrooms would give rise to arrangements of furniture and fittings that are sub-optimal and would provide only limited circulation space around the small number of items of furniture shown. In addition flats 1, 2 and 8 have no built in storage space for items not in everyday use such as domestic appliances or suitcases.
7. As such, the accommodation proposed would, in my view, be so restricted as to appear oppressively constrained in the majority of the flats. Although I note that the appellant state that the scheme has been specifically tailored to meet the requirements of needs of residents that are elderly, or who have intellectual or physical disabilities, there is no substantive evidence of how it would do so, or that the proposed flats are capable of adaptation to meet changing requirements of the residents.
8. Consequently, I find that the proposed development would not provide adequate internal space to meet the needs of the future residents. As such it would be contrary to CSUCP Policy CS11 and UDP Saved Policy DC2 of the UDP.
9. Three of the proposed flats (units 2, 4, and 6) would have direct access to the footway outside the building whilst the remaining three ground floor flats would be accessed from an enclosed yard at the rear of the building. The upper floor flats would also be accessed by way of a stairwell accessed from the rear yard area. I note that the proposal involves the retention of an existing stairwell accessed from a door on the north elevation of the building, however, the evidence is unclear as to whether this is intended to be used as a principal access, or whether it is intended to be used as a fire escape stair. This notwithstanding, all the supporting documentation refers to the stairwell accessed from the rear yard as the main stairwell.
10. The rear yard area to the building is enclosed by a high brick wall and it is proposed that this would be accessed either through a new gateway in the north wall or via what is shown as an existing gateway from an adjoining yard area in the west wall. The unnamed road that runs to the north of the building and becomes the back lane to the buildings to the north of it, whilst having footways, is unlit for most of its length. Although the road to the south of the building does have street lighting, access to the rear of the appeal building would be through a further yard area that would only be partially covered by the closest streetlight. The supporting drawings and information with the

proposal do not include any details of lighting to be installed either on the building or in the rear yard area. As it currently stands, neither route to reach the proposed main stairwell in the rear yard of the building would be particularly attractive during the hours of darkness. Aside from the more obvious potential fear of crime, unlit routes would also increase the risk of falls either caused by uneven surfaces or other concealed hazards. As such the proposal would not meet the requirements of CSUCP Policy CS14 to create an inclusive built environment.

11. These matters could, however, be addressed by a suitably worded condition that required a lighting scheme to be submitted for approval and implemented before the building was occupied, which would meet the requirements of Policy CS14. The fact that there would be two entrance points to the rear yard is not, of itself, sufficient reason to withhold planning permission. Nevertheless, neither of these matters outweighs my finding that the proposed development would not provide adequate internal space to meet the needs of the future residents.
12. I therefore conclude that the proposed development would not provide suitable living conditions for the future occupiers, with particular regard to internal space. It would be contrary to the relevant requirements of the CSUCP Policy CS11 and Saved Policy DC2 of the UDP. It would also be inconsistent with the requirement of the Framework that seeks to ensure that new development high standard of amenity for existing and future occupiers.

#### *Highways and parking*

13. Whilst the planning application form states that the appeal proposal will provide three car parking spaces, these are shown on the proposed site plan to be on an area of land that is outside the site boundary is indicated on the submitted location plan. The Council state that this land is part of the highway and this is not disputed by the appellant. In the appellant's Final Comments it is acknowledged that this area is publically available parking. Consequently, the proposal would not provide any dedicated car parking for residents, their visitors or staff employed to provide support to the residents.
14. Whilst both SCUCP Policy CS13 and the Framework encourage the use of alternative means of transport to the private car, neither contains any reference to the level of car parking provision that should be provided in association with particular types of development. Neither party has provided any substantive evidence in respect of parking demand in the area, nor has either party indicated what future level of parking demand may be generated by the proposed use.
15. Whilst the appellant suggests that the occupiers of the building are unlikely to have their own car, no mechanism is proposed that would prevent this and it is by no means a certainty. In addition visiting friends, relatives and support staff would wish to park nearby and although there are relatively frequent bus services that stop in the vicinity of the appeal building, which may reduce car dependence, it is nonetheless likely that there will be car parking demand generated by the proposed. However, due to the more specialised use of the proposed dwellings, this would be less than standard market housing.
16. Derwent Street is a busy main road through the village and is subject to a no waiting restriction to the south of the appeal building. Unrestricted on-street

parking is available on the area of highway that runs parallel to Derwent Street, passing in front of the appeal building, on the unnamed streets to the north and south of the building, and on South Road opposite the building. I saw when I visited the site that whilst there was some short term parking by customers to the Co-op supermarket opposite and the corner shop to the south, this was not in great numbers and the turn-over of parking spaces was relatively fast. Even taking this into account there were still a large amount of parking opportunities nearby.

17. I recognise that the demand for on-street parking will change at different times of the day and may be greater in the evenings, particularly due to the layout of the housing area to the east of the appeal site where the terraced properties have their principal entrance facing pedestrianised area and vehicular access is via a narrow back lane. Nonetheless, from what I have read and from what I saw when I visited the site, I am satisfied that any additional parking requirement could be accommodated in the vicinity of the appeal building.
18. I conclude that the proposed development would not cause harm to the operation of the highway in the vicinity of the appeal site, with particular regard to car parking. It would not conflict with the relevant requirements of SCUCP Policy CS13 and the Framework which seek to minimise car trips and locate new development where the use of sustainable transport can be maximised.

#### **Other matters**

19. Whilst the proposed development would bring a prominent building in a main road location back into use, which would be a benefit to the area in terms of its appearance, this should not be at the expense of the living conditions of the future occupiers.
20. CSUCP Policy CS11 is supportive of widening the choice of suitable accommodation for elderly people and those with physical or intellectual disabilities, particularly through the provision of bungalows, sheltered accommodation and extra care accommodation. However, no substantive evidence has been provided that would indicate that there is a need for the type of flatted accommodation proposed in this location and, again, this should not be at the expense of the living conditions of the future occupiers.

#### **Conclusion**

21. I have found that the proposed development would not provide suitable living conditions for the future residents of the flats and would be contrary to Policy SC14 of the CSUCPP and Saved Policy DC2 of the UDP. Although I have found that safe access could be provided and that any additional parking demand could be accommodated in the vicinity of the appeal building, neither of these points would justify the provision of accommodation with an unsuitable level of internal space.
22. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR





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## Appeal Decision

Site visit made on 5 February 2019

by **John Dowsett MA DipURP DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2019

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**Appeal Ref: APP/H4505/W/18/3216434**

**Hollinhill Lane, High Thornley, Rowlands Gill, Gateshead NE39 1BG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Shaun Quinn against the decision of Gateshead Council.
  - The application Ref: DC/18/00964/FUL, dated 18 September 2018, was refused by notice dated 13 November 2018.
  - The development proposed is a temporary equestrian workers caravan at equestrian stud enterprise.
- 

### Decision

1. The appeal is dismissed.

### Procedural matter

2. The appeal site is identified on the planning application form by way of a grid reference and is further described as Hollinhill Lane, Rowlands Gill. The decision notice issued by the Council gives the address as Hollinhill Lane, High Thornley, Rowlands Gill. This more clearly identifies the site and I note that it has also been used by the appellant on the appeal form. I have, therefore, also used this form of the address for the purposes of the appeal.

### Main Issues

3. The main issues in this appeal are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
  - The effect of the development on the openness of the Green Belt; and
  - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and that amounts to the very special circumstances necessary to justify the development.

### Reasons

4. The appeal site is part of an area of land to the east of Hollinhill Lane that currently contains an L shaped block of stables. It is not in dispute that the appeal site is located in the countryside and is within the designated Green Belt.

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5. Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030, adopted in March 2015 (CSUCP) sets out that the Green Belt will be protected in accordance with national policy in order to prevent the merging of settlements, safeguard the countryside from encroachment, check unrestricted urban sprawl and assist in urban regeneration.

*Whether the development is inappropriate development in the Green Belt*

6. The National Planning Policy Framework sets out at Paragraph 145 that, subject to certain exceptions, the construction of new buildings within the Green Belt is inappropriate development. Among these exceptions are buildings for agriculture and forestry, and the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, provided that these preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The appellant contends that the existing stables at the site, which were granted planning permission in 2016, were considered on the basis that the stables and the land were s appropriate for outdoor sport and recreation, and as such fell within this latter exception. Consequently, it is suggested that the proposed static caravan could be also considered as an exception, in that it is associated with an equestrian enterprise for outdoor recreation.
7. Dwellings for rural workers are primarily intended for residential use. Consequently, they are neither buildings for agriculture or forestry, nor are they appropriate facilities for outdoor sport or outdoor recreation, even though they are intended to support such a use. Unless a proposed rural worker's dwelling specifically falls within one of the exceptions in paragraphs 145 or 146 of the Framework, for example, because it is the re-use of a building, it will be inappropriate development. In addition, the proposal makes clear that it is intended that the dwelling would be used in connection with a horse breeding business, which is neither outdoor sport, nor recreation; nor does it fall within the definition of agriculture in the Town and Country Planning Act 1990.
8. I therefore find that the proposed development would be inappropriate development in the Green Belt.

*The effect of the proposal on the openness of the Green Belt*

9. The countryside around the appeal site comprises mainly of small to medium sized fields in agricultural use, generally separated by hedgerow boundaries. The field pattern is broken up by small groups of trees with some more substantial areas of woodland further away to the north east and south west. There are a few scattered individual and groups of buildings in the near vicinity and further to the south larger settlements. As a result, the countryside has a largely open appearance. The landform is also quite steeply sloping from the south east to north west, rising up from the valley of the river Derwent.
10. Whilst I note that the application sought permission for the proposed static caravan for a temporary period of three years, the static caravan would be relatively large at approximately 15.24 metres long, approximately 6 metres wide, and with an overall height of approximately 3.6 metres. It would be located adjacent to the existing stables and pole barn that are present on the site. The Framework is clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Taken in isolation,

due to its overall size, the proposed static caravan would inevitably result in a reduction in openness of the Green Belt due to the presence of a new structure where previously there was none. This would be harmful to the openness of the Green Belt.

11. I saw when I visited the site that the existing stables are visible from the road from a number of places, particularly when approaching from the south but also from the north. In addition, they are visible from the Public Rights of Way in the vicinity. Taken together with the existing structures on site, the cumulative effect of the proposal would further reduce the openness of the area by increasing the extent of built development and would represent an encroachment onto the countryside. I accept that the proposed static caravan would be clad in materials similar in appearance to the existing stables on the site and that this would reduce the visual prominence of the structure. Nevertheless, this would not wholly militate against the reduction in openness that would result.
12. Although permission is sought at this time for a three year period, the effect on openness would be immediate, starting from the time that the static caravan was bought onto the site and would endure for the duration of its presence. Notwithstanding the temporary nature and reversibility of the development, this does not equate to no harm to openness. However, also due to these factors, the harm to openness would only be moderate.
13. I therefore find that the proposed development would cause harm to the openness of the Green Belt.

*Other considerations*

14. I note that CSUCP Policy CS1 seeks to sustain villages and the rural economy through a balance of housing provision, employment and local services. The Framework also seeks to enable the sustainable growth and expansion of all types of businesses in rural areas. It is not in dispute that the appellant's business is one that is appropriate in a rural area, although there is no compelling evidence before me that it could not be established in an area beyond the Green Belt. Neither Policy CS1, nor the Framework, prioritises the establishment of new rural businesses over policies to protect the Green Belt.
15. The proposed static caravan would result in the appellant having to travel less to work at the site and the operation of the business would make a contribution to the rural economy in terms of employment and local supply chains. However, other employees not resident at the site would still need to travel to the site to work and, due to the rural location of the site, remote from any shops, services and other facilities and with no access to public transport, residents of the site would still need to travel to meet other day to day requirements. Any environmental benefit from reduced travel to work by the appellant would be small. Due to the small scale of the operation the potential benefits to the local economy would also be modest.
16. Whilst I note the appellant's contention that the Green Belt is a barrier to very minor development that supports the rural economy, I do not find it a compelling argument as the Framework is very clear that inappropriate development in the Green Belt should only be approved in very special circumstances. The Framework is also clear that the essential characteristics of Green Belts are their openness and permanence.

17. Paragraph 79 of the Framework expects planning decisions to avoid the development of isolated homes in the countryside unless, among other matters, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The appeal site is not within a settlement or existing group of houses and in this respect the proposed static caravan would represent an isolated dwelling in the countryside.
18. The Framework does not define what may constitute an essential need in the context of Paragraph 79. The appellant has produced an assessment of functional and financial needs based on Annex A of the now superseded Planning Policy Statement Note 7 - Sustainable Development in Rural Areas (PPS7). Whilst the assessment contains some useful information in respect of the appellant's proposed horse breeding business, PPS7 is no longer current national policy and the key test is whether there is an essential need for a worker to live permanently at or near the place of work.
19. I have had regard to the comments of appellant's veterinary surgeon that attendance during the night is sometimes necessary and that a permanent presence of a worker on the site would lead to improved welfare of the horses. However, I also note that no alternative arrangements have been explored or considered, other than a dwelling on site, and that the business has only recently been established. Only limited financial information has been provided which largely comprises expectations, rather than having a factual basis such as comparisons with other similar scale breeding establishments. Similarly, no estimates have been provided in respect of costs labour/wages for the three to four workers the business is expected to require, or for other expenses such as building maintenance, utilities, feed, rates, and veterinary charges. On the basis of the evidence provided, I do not find that it has been demonstrated at this time that the business would endure or be profitable in the long term.
20. Whilst it would no doubt be more convenient for the appellant to live at the site and there would be some advantages in terms of animal welfare, the evidence that is before me is not persuasive that there is an essential need for there to be a permanent presence on the site in order for the business to operate or develop.

*Do very special circumstances exist?*

21. The proposed development is inappropriate development in the Green Belt which is by definition harmful. Added to this is the harm that the proposed development would cause to the openness of the Green Belt. Substantial weight must be given to any harm to the Green Belt, whether by reason of inappropriateness or for other reasons.
22. I have not found that there is an essential need for a rural worker to live permanently at the site and whilst the operation of the business would contribute to the rural economy in the area, this contribution would be modest and can only be given moderate weight in favour of the proposal.
23. These other considerations do not clearly outweigh the harm that would be caused to the Green belt by the proposed development. They cannot, therefore, amount to the very special circumstances necessary to justify inappropriate development in the Green Belt.

24. I therefore conclude that the proposed development would be inappropriate development on the Green Belt, would cause harm to the openness of the Green Belt, and that no very special circumstances exist that would warrant granting planning permission. The proposed development would conflict with CSUCP Policy CS19 and the requirements of the Framework which seek to protect the Green Belt from inappropriate development.

**Conclusion**

25. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
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
DC/18/00486/FUL	Site At Rear Of Garage And Substation Adj Meadow View, Woodside, Ryton	Erection of two bedroom dormer sustainable eco home	Written	Appeal in Progress
DC/18/00542/HHA	<b>6 Coalway Lane Whickham NE16 4BX</b>	<b>First floor side extension and canopy to create covered car port, and Juliet balcony to rear (description amended 27.06.18, amended plans received 08.09.18)</b>	Written	<b>Appeal Dismissed</b>
DC/18/00579/FUL	<b>Riding Chase Garesfield Lane Winlaton Blaydon</b>	<b>Removal of Condition 2 of Application Reference Number CA39327 to allow removal of agricultural occupancy restriction.</b>	Written	<b>Appeal Dismissed</b>
DC/18/00614/COU	Land Adjacent Rose Cottage High Street Wrekenton Gateshead NE9 7JS	Change of use from former petrol filling station to hand car wash and car valeting facility (Sui Generis Use)	Written	Appeal in Progress
DC/18/00623/FUL	<b>The Chopwell Derwent Street Chopwell NE17 7AA</b>	<b>Change of use from public house to twelve assisted living units (use class C3) (description amended 07/09/18)</b>	Written	<b>Appeal Dismissed</b>

DC/18/00964/FUL	<b>Hollinhill Lane/High Thornley Rowlands Gill</b>	<b>Temporary siting of equestrian worker's caravan</b>	Written	<b>Appeal Dismissed</b>
DC/18/00958/TPO	Woodlands Derwent Avenue Rowlands Gill NE39 1BZ	Tree works at Woodlands, Derwent Avenue, Rowlands Gill	Written	Appeal in Progress

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**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

13 March 2019

**TITLE OF REPORT: Planning Obligations**

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

**Purpose of the Report**

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

**Background**

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee meeting there have been **no** new planning obligations.
4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 13 March 2019.

**Recommendations**

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

Contact: Emma Lucas Ext: 3747

**1. FINANCIAL IMPLICATIONS**

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

**2. RISK MANAGEMENT IMPLICATIONS**

Nil

**3. HUMAN RESOURCES IMPLICATIONS**

Nil

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil

**6. SUSTAINABILITY IMPLICATIONS**

Nil

**7. HUMAN RIGHTS IMPLICATIONS**

Nil

**8. WARD IMPLICATIONS**

Monitoring: Various wards

**9. BACKGROUND INFORMATION**

The completed Planning Obligations

**TITLE OF REPORT: Validation of Planning Applications**

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

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### **Purpose of the Report**

1. To inform members of the review of the guidance on the information requirements and validation of planning applications document - Validation of Planning Applications in Tyne and Wear - 2019.

### **Background**

2. As part of the drive to provide a quicker, more predictable and efficient planning service, the Government introduced new information requirements for the validation of planning applications by Local Planning Authorities in 2007.
3. The first Tyne & Wear Validation List was adopted in 2008. In March 2010 The Government produced “guidance on information requirements and validation” and in response to this the Tyne & Wear Authorities worked together to update their requirements lists and the list has since been up dated every 2 years.
4. Local lists can be a very useful guide, helping applicants establish the information the local authority will require to validate a planning application. An up to date local list can give applicants certainty about what information is necessary at an early stage in the design process, reducing delays at the validation stage.
5. Paragraph 193 of the National Planning Policy Framework makes it clear that local planning authorities should only request supporting information that is relevant, necessary and material to the application. Government has also introduced provisions to ensure that Councils review local lists at least every two years.

### **Changes between the 2016 and the 2019 versions**

6. This new version includes updates to reflect changes to planning policy, either nationally due to the publication of the National Planning Policy Framework and the National Planning Policy Guidance, or locally where there have been advances in each council’s local development plan. Also, there have been some general revisions to the text to improve its clarity and on advice from statutory consultees.
7. Please note that Sunderland City Council have opted to produce their own bespoke validation checklist. Therefore, the validation requirements for Sunderland have not been included in this document.

8. As with previous versions of this document, Tyne & Wear authorities worked together to review the validation list and have consulted regular service users (agents) and statutory consultees. Comments were received from South Tyneside Council, Durham Bird Club, Sport England, Historic England, Highways England, Natural England, the Theatres Trust, Northumbrian Water and The Coal Authority along with three agents/architects. (comments are summarised in Appendix 3)
9. It is anticipated to review the guidance every 2 years, or earlier should legislation change to an extent that would require a significant change to the guidance.
10. A copy of the revised guidance can be found in Appendix 2.

### **Recommendations**

It is recommended that the Committee note the contents of this report and accept the revised Validation of Planning Applications in Tyne and Wear - 2019 to replace the previous 2016 guidance.

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Contact: Emma Lucas - extension 3747

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**1. FINANCIAL IMPLICATIONS**

Nil

**2. RISK MANAGEMENT IMPLICATIONS**

Nil.

**3. HUMAN RESOURCES IMPLICATIONS**

Nil

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil

**6. SUSTAINABILITY IMPLICATIONS**

Nil.

**7. HUMAN RIGHTS IMPLICATIONS**

Nil.

**8. WARD IMPLICATIONS**

Nil.

**9. BACKGROUND INFORMATION**

CLG: Guidance on information requirements and validation (March 2010)

<http://www.communities.gov.uk/publications/planningandbuilding/validationguidance>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1505012.pdf>

NPPF



**APPENDIX 3 Consultation responses.**

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# Validation of Planning Applications in Tyneside – 2019



**North Tyneside Council**



**South Tyneside Council**

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## (i) Background to the Tyneside Validation List

- a) The submission of a valid application for planning permission requires a completed application form, compliance with local and national information requirements and the correct application fee. Without the correct information and fee the planning application cannot be made valid and it cannot be determined.
- b) National Planning Policy Framework makes clear that local planning authorities should publish a list of their local information requirements for planning applications and that this list should be kept under review.
- c) This Tyneside Validation List therefore seeks to explain, the information that the relevant local planning authority will require in order to make your application valid. Failure to submit the required information will result in your application being made invalid and being returned to you without it being determined. Information regarding planning fees is available on either the council's website or on the Planning Portal webpage.
- d) The checklist seeks to ensure that the supporting information is relevant, necessary and material to the planning application in question. This document should be followed when submitting planning applications to the following local planning authorities: Gateshead, Newcastle, North Tyneside and South Tyneside. These four authorities have worked together and have consulted regular service users (agents) and statutory consultees to ensure that this validation checklist is kept up to date. This latest document supersedes the validation checklist published in 2016.
- e) **Sunderland City Council have opted to produce their own bespoke validation checklist. Therefore the local validation requirements for Sunderland have not been included in this document. For further advice you are advised to contact Sunderland City Council on 0191 520 5506 or at [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk) or [www.sunderland.gov.uk](http://www.sunderland.gov.uk)**

## (ii) Discretion

- a) This document seeks to ensure that the information requested in order to validate a planning application is reasonable, having regard to the nature and scale of the proposed development. The required information will relate to matters that, it is reasonable to think, will be a material planning consideration in the determination of the application.
- b) Planning applications must be determined in accordance with the adopted development plan, unless material planning considerations indicate otherwise. Pre-application engagement with the local planning authority offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success (see paragraph (v) on page 5 of this document).. If used the pre-application advice service enables the council to provide an informal response regarding the planning merits of the scheme. This service requires a fee to be paid (refer to the relevant council's website).

## (iii) Review

- a) Despite best intentions there may be anomalies in this local validation checklist. There is also the potential for a variance in interpretation from those using the list across the four authorities.

The review of the 2016 validation checklist began with a 21 day publicity exercise. On 26 November 2018, all external and internal consultees for planning applications and all regular service users (including the agents listed on submitted planning applications) were sent a draft copy of the updated checklist and they were invited to make written comments within the 21 day publicity period. All written representations received (held on file by South Tyneside Council) were then given careful consideration.

- b) Please note that the authorities may need to update and make changes to this publication to comply with legislative changes. Should this occur we will seek to update it on our websites as soon as practicable. Please be aware of this limitation should you choose to print a copy of this publication.
- c) Newcastle, North Tyneside and Gateshead are Community Infrastructure Levy (CIL) charging authorities. Therefore CIL liable development in Newcastle, North Tyneside and Gateshead will be required to provide further information as part of the planning application (see Note 33).

#### (iv) Using the Checklists

- a) In relation to the local validation checklist, criteria are included, wherever possible, to indicate when local list requirements will be triggered. Much depends on the location of development, its size, scale and nature/character and/or its impact on local amenities and the environment. The requirements are not prescriptive in every case. Links to other sources of information and guidance are provided to assist in determining when additional information is required.
- b) Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**
- c) Clearly, there are some circumstances where applicants will need to discuss the local list requirements with the relevant local planning authority (LPA) before submitting an application. Applicants are strongly encouraged to do this because **if an application lacks the information specified by the Government and in the LPAs published local validation checklist, the LPA will be entitled to invalidate the application and so decline to determine it.**
- d) Where the application is not accompanied by the information required by the LPA, the applicant should provide written justification as to why it is not appropriate in the particular circumstances. Where an application is considered to be invalid, the LPA will write to explain what information is required, why any missing information is required and indicate a time period within which this must be provided. There is a procedure in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (under article 12) to resolve such disputes. An applicant must first send the LPA an article 12 notice. This must set out the reasons why the applicant considers that the information requested by the LPA, in refusing to validate the planning application, does not meet the statutory tests.
- e) Once the application is made valid it will be passed to a planning case officer for determination, but on occasions the proposed development will need to be revised to make it acceptable under planning policy or further information will be needed from the applicant in order for a planning decision to be made on the application. In such circumstances the planning case officer will inform the applicant / agent as soon as possible setting out what information is required.

- f) An additional publicity/consultation exercise may then need to be undertaken by the LPA on receipt of any additional or amended information. In such circumstances, LPAs are likely to seek approval from the applicant for an extension of time period for the determination of the application. This extension of time must be agreed in writing (an email will do) and it must provide the LPA with sufficient time to consider any third party representations made. Failure to provide the requested information alongside the extension of time may result in the application being determined on the information currently available and it may result in the application being refused. The Planning Portal webpage provides further information on the planning appeal process including appeals relating to the non-determination of an application by a LPA. Planning appeals are made to the Planning Inspectorate of central government.

#### **(v) Pre-application Advice**

- a) The government's National Planning Policy Framework document (paragraphs 39 to 46) makes clear the importance of pre-application engagement and front loading. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. In all but the most straightforward cases, the planning application process will be more efficient if applicants have sought advice about a proposed development and the information that will be expected to be submitted with an application, before making any application.
- b) Pre-application discussions are therefore an important stage in ensuring that applications are complete in terms of their information requirements. The Government recommends that LPAs and applicants should take a positive attitude towards pre-application discussions so that formal applications can be dealt with more certainty and in a speedy manner and the quality of decisions can be better assured. In addition to addressing the information requirements of formal applications, pre-application discussions can bring about a better mutual understanding of the planning history, policies, objectives and constraints that apply to the particular site and assist in proposals being adapted to better reflect community aspirations. They can also assist applicants by clarifying and narrowing down the information required to support a planning application. This will have the advantage of avoiding unnecessary work and expenditure and minimising delay in the handling of your application.
- c) Pre-application advice provided by the local planning authority cannot pre-empt the democratic decision making process or a particular outcome, in the event that a formal planning application is made. The advice could, however, be a material consideration to be taken into account and given weight in the planning application process.
- d) The right information is crucial to good decision making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations Assessment, Flood Risk Assessment and Transport Assessment).
- e) To avoid delay, applicants should discuss, as soon as possible, what information is needed with the LPA and relevant expert bodies such as Highways England, Natural England, Historic England, Environment Agency, Sport England, The Coal Authority, Lead Local Flood Authority, Marine Management Organisation, County Archaeologist, and Highway Authority etc. as early as possible.
- f) Please visit the planning pages of your LPAs website to find out more about the range of pre-application services available, including any charges that may apply for using them.

(vi) Local Planning Authority Contacts

<b>Council</b>	<b>Phone</b>	<b>Email / Website</b>
Gateshead Council	(0191) 433 3416	<a href="mailto:enquiriesdevcon@gateshead.gov.uk">enquiriesdevcon@gateshead.gov.uk</a> <a href="http://www.gateshead.gov.uk">www.gateshead.gov.uk</a>
Newcastle City Council	(0191) 2787878	<a href="mailto:planning.control@newcastle.gov.uk">planning.control@newcastle.gov.uk</a> <a href="http://www.newcastle.gov.uk">www.newcastle.gov.uk</a>
North Tyneside Council	(0191) 643 2310	<a href="mailto:development.control@northtyneside.gov.uk">development.control@northtyneside.gov.uk</a> <a href="http://www.northtyneside.gov.uk">www.northtyneside.gov.uk</a>
South Tyneside Council	(0191) 424 7894	<a href="mailto:planning.enquiries@southtyneside.gov.uk">planning.enquiries@southtyneside.gov.uk</a> <a href="http://www.southtyneside.gov.uk/planning">www.southtyneside.gov.uk/planning</a>

## Appendix 1

### National and Local Validation Requirement Notes to accompany checklists

#### National Validation Requirements

##### 1. Completed Application Form

Planning applications should be submitted by email/post directly to the relevant local planning authority or online (Planning Portal website: [www.planningportal.co.uk](http://www.planningportal.co.uk) or the iApply website: <https://iapply.co.uk/>)

The use of email and online systems are quick and easy to use. They allow various types of applications, under both planning and Building Control, to be submitted electronically. Applications submitted electronically do not need to be accompanied by any further copies either of the application or accompanying information.

However, not all consent types may be submitted through the Planning Portal i.e. Applications for Permission in Principle and some Prior Approval Applications. Further information on the different types of applications that may be submitted electronically may be found at: [https://www.planningportal.co.uk/info/200126/applications/60/consent\\_types](https://www.planningportal.co.uk/info/200126/applications/60/consent_types)

Applications may still be submitted in paper form, but this requires the completed application form and all supporting documents to be submitted in duplicate by post. You may download offline printable forms from the Planning Portal at: <https://1app.planningportal.co.uk/YourLPA/DownloadofflineForms>

When making your application all of the relevant questions on the form should be responded to, or the words “Not Applicable” or N/A should be inserted for clarity. See: “4. Ownership Certificates” below with regard to certificates on the form.

It is very important that the description of development stated on the planning application form accurately describes the proposed development and that it correctly summarises the detail shown on the submitted plans. Otherwise your application may not be made valid and it may lead to delays due to the council having to re-notify / re-consult interested third parties.

##### 2. Location Plan

All applications must include copies of a location plan based on an up-to-date map. This should be at an identified standard metric scale (1:1250 or 1:2500). The location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings.

A blue line should be drawn around any other land owned or controlled by the applicant, close to or adjoining the application site.

*Your LPA may be able to sell you Ordnance Survey plans for this purpose. Please contact your LPA for further advice. Alternatively, there are a number of online sellers that can provide a*



*location plan and some of these are listed on the Planning Portal website (see the Buy a Plan section).*

Applicants should note that the copying of Ordnance Survey plans by unauthorised persons is an infringement of copyright.

### **3. Site Plan (Existing and Proposed)**

All planning applications that include extensions or external ground works i.e. excluding applications for change of use where there are no external building works proposed should include existing and proposed site plans at a standard metric scale (typically 1:100 or 1:200).

The purpose of the site plan(s) is to enable the impact of the development to be assessed in terms of its site and immediate surroundings. The site plan(s) must show the direction north along with the proposed footprint of the development within the context of all existing buildings falling within 10 metres of the development. The site plans should also provide written dimensions and distances from the elevations of the proposed development to both: i) The existing site boundaries and ii) The existing buildings falling within 10 metres of the development.

It is not necessary to show flower beds, shrubbery and other garden features on the site plans, where they would not be relevant to the planning assessment of the application, particularly in terms of the impact of the development upon its site and immediate surroundings.

The following information should also be shown, **unless these would not influence or be affected by the proposed development:**

- All the buildings, roads and footpaths on land adjoining the site including access arrangements;
- All public rights of way crossing or adjoining the site;
- The position of all existing trees on the site (including the canopy), and those on adjacent land;
- The extent and type of any hard surfacing;
- Boundary treatment including the type and height of walls or fencing.

### **4. Ownership Certificates (A, B, C or D as applicable)**

The relevant certificates concerning the ownership of the application site must accompany all forms of applications.

For this purpose an 'owner' is anyone with a freehold interest or a leasehold interest if the unexpired term of which is not less than 7 years.

- Certificate A must be completed when the applicant is the sole owner of the site.
- Certificate B must be completed when the applicant is not sole owner of the site but all of the owner(s) of the site are known. The applicant needs to serve written notice on the person(s) who, on the day 21 days before the date the application is submitted was an owner of any part of the land to which the application relates. A copy of this notice must be sent to the LPA (included in the planning application).
- Certificate C must be completed when some of the owners of the site are known but not all.

If Certificate C has been completed, written notice must be served on the known owners of the site in question in the same way as the procedure under Certificate B and a copy sent to the LPA with the planning application.

There is also a requirement for the applicant to advertise the proposal in a local newspaper and this must not take place earlier than 21 days before the date of the application.

- Certificate D must be completed when none of the owners of the site are known.

If Certificate D has been completed, the applicant is required to give notice of the proposal in a local newspaper. This must not take place earlier than 21 days before the date of the application and a copy of the notice must be included with the planning application

## 5. Agricultural Land Declaration

All agricultural tenants on a site must be notified prior to the submission of a planning application. Applicants must certify that they have notified any agricultural tenants about their application, or that there are no agricultural tenants on the site. The certificate is required whether or not the site includes an agricultural holding. It is incorporated into the standard application form, and must be signed in order for the application to be valid.

No agricultural land declaration is required if the applicant is making an application for the approval of reserved matters, renewal of temporary planning permission, discharge or variation of conditions, tree preservation orders, listed building consent, a lawful development certificate, prior notification of certain developments with permitted development rights, a non-material amendment to an existing planning permission, or express consent to display an advertisement.

## 6. The Correct Fee

Most applications incur a fee and they cannot be validated without the correct fee being paid.

The Planning Portal includes a fee calculator and a fee schedule for applicants, although each Local Planning Authority is able to advise applicants on specific cases and payment methods. These can be found at:

[https://www.planningportal.co.uk/info/200126/applications/59/how\\_to\\_apply/7](https://www.planningportal.co.uk/info/200126/applications/59/how_to_apply/7)

Note: For the purposes of fee calculation, floor space is taken to be the gross amount (all storeys, including basements and garaging) to be created by the development. This is an external measurement, including thickness of external and internal walls.

## 7. Design and Access Statement (if required)

### **When is this required?**

- The provision of dwellinghouses where -
  - (i) the number of dwellinghouses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within (i);
- The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;
- Development carried out on a site having an area of 1 hectare or more (excluding minerals, mining or waste development applications)

- In World Heritage Sites or in a conservation areas;
  - i. the provision of one or more dwellinghouse
  - ii. the provision of a building (or extension) where the proposed floor space is more than 100 square metres;
- Applications for listed building consent

Where pre-application advice from the relevant Local Highways Authority has confirmed that a Design and Access Statement is required to deal with the transport and highways access issues associated with the development (see above paragraphs under the heading: v) 'Pre-application Advice').

### **What information is required?**

A Design and Access Statement sets out the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with alongside the need to design out crime and eliminate the fear of crime.

For Planning Applications they must:

- Explain the design principles and concepts that have been applied to the development;
- Demonstrate the steps taken to appraise the context of the site and its surroundings and how the design of the development takes that context into account;
- Explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- State what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
- Explain how any specific issues which might affect access to the development have been addressed.
- A description of any heritage asset affected, including any contribution made by their setting and the contribution made by the development to local character and distinctiveness
- Explain how the application has taken into account existing crime in the area and how the development has been designed to both address issues of crime and minimise its impact on the safety and security of the area.

For Listed Building Consent applications they must:

- Explain how the design principles and concepts that have been applied to the works take account of:
  - The special architectural or historic importance of the building;
  - The particular physical features of the building that reflect and illustrate the significance of the building ;
  - The building's setting.

Where appropriate a Design and Access Statement may also include a Heritage Statement (see requirement 16).

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

## Outline Planning Applications

An outline planning application is a means of establishing the principle of a proposed development without having to supply all of the details. The grant of outline planning permission will then be conditional upon the subsequent approval of details of 'reserved matters' – as defined below.

The Government has set down the minimum level of information that must be submitted with outline applications, as follows:-

- **Use** – the use or uses proposed for the development and any distinct development zones within the application site.
- **Amount of development** – the amount of development for each use.
- **Indicative access points** – an area or areas in which access point or points to the site will be situated.

An outline application may also contain details and seek approval of one or more of the reserved matters, but at least one must be reserved for later approval. It should be noted that for an outline application it is necessary to indicate access points on the submitted plans even if access will be a reserved matter.

Whilst the outline planning application process allows the minimum level of information to be submitted to enable the application to be made valid, the LPA must then reach its planning decision on the application in line with its development plan and having had regard to any material planning considerations. The LPA may therefore require further information to be provided by the applicant in order to reach a favourable decision on the application. The application may be refused if the requested information has not been provided within the agreed timescales. Therefore before submitting an outline planning application applicants are strongly advised to seek pre-application advice (see above paragraphs under the heading: v) 'Pre-application Advice').

Any additional/indicative information submitted i.e. not form part of the completed planning application form, must be clearly marked as such otherwise this will lead to confusion in terms of the reserved matters being applied for.

## Reserved Matters Applications

Reserved matters are defined by the government as follows:-

- **Layout** – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- **Scale** – the height, width and length of each building proposed in relation to its surroundings.
- **Appearance** – the aspects of a building or place which determine the visual impression it makes. This includes the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- **Access** – the accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation and how these fit into the surrounding network.
- **Landscaping** – this is the treatment of private and public space to enhance or protect the amenities of the site through hard and soft measures. This may include, for example, planting of trees or hedges, screening by fences or walls, the formation of banks or terraces, or the layout of gardens, courts or squares.

## Local Validation Requirements

### 8. Application Plans

#### When is this required?

- Elevation plans should be submitted for all applications where external alterations are proposed;
- Floor plans, Site Sections and Site Levels should be submitted for applications where this would be expected to add to the understanding of the proposal;
- Roof Plans should be submitted where there is an alteration to an existing roof or otherwise where this is expected to add to the understanding of the proposal.
- All plans/drawings submitted should be numbered (any amended plans will require a revision number and date).

#### What information is required?

All plans should be numbered.

##### (a) Existing and Proposed Elevations

The drawings of the elevations should be at a scale of 1:50 or 1:100 and all external sides of the proposal must be shown, along with the proposed building materials and the style, materials and finish of windows and doors where possible. Where a proposed elevation adjoins another building/structure or is in close proximity the drawing should clearly show the relationship between the two buildings/structures and detail the positions of any openings on each property. Proposed blank elevations must also be included if only to show that this is in fact the case.

##### (b) Existing and Proposed Floor Plans

The submitted drawings should be at a scale of 1:50 or 1:100 and should explain the proposal in detail. Where existing buildings or walls are to be demolished, these should be clearly shown. The proposed development should be shown in context with the site boundary and any existing adjacent buildings including property numbers/names where appropriate.

Floor Plan drawings also need to clearly state the number of bedrooms and bed spaces the property will provide, to show the intended number of occupants the house has been designed to accommodate, and also as a statement indicating how the property will be marketed (i.e. a 3b/5p property).

**North Tyneside Only:** Please note that all applications for new build housing within North Tyneside must be accompanied by a statement to demonstrate compliance with Policy DM 4.9 of the North Tyneside Local Plan 2018. This Policy requires that all new houses must be compliant with the Government's Nationally Described Space Standards and developments of 2 units or more also need to demonstrate compliance with M4(2) 'Category 2 - accessible and adaptable dwellings' of the Building Regulations. The standards apply only to new houses and not to an extension of an existing house or to the material change of use affecting an existing house.

**Gateshead and Newcastle Only:** Nationally Described Space Standards policies are likely to be adopted by both Gateshead and Newcastle following adoption of their respective Development and Allocations Plans in late 2019/2020. Following adoption of these standards, and any the stipulated notice period for implementation of these policies, applications for new build housing in Gateshead of 15 units or more and in Newcastle of 11 units or more, must be accompanied by a

statement to demonstrate compliance with the relevant Nationally Described Space Standards policy. The statement should contain layouts (annotated in square metres) to demonstrate that all rooms within the property can; (a) comfortably accommodate the required basic items of furniture, and (b) provide enough circulation space for the intended occupants to safely navigate rooms and perform basic tasks. Bedroom dimensions should be provided to demonstrate compliance with the technical requirements of the NDSS. The gross internal area of the property should be provided to include all habitable rooms and all built-in spaces designed specifically for storage.

### **(c) Existing and Proposed Site Sections and Site Levels**

Section drawings should be drawn at a scale of 1:50 or 1:100 showing how the proposed development relates to existing site levels and adjacent land (with levels related to a fixed datum point off site).

### **(d) Roof Plan**

Both an existing and proposed roof plan drawn to a scale of 1:50 or 1:100 are required in order to show the shape of the roof, its location and the proposed facing materials.

**For applications for advertisement consent only, the following should be submitted:**

- Where multiple adverts are proposed a site plan to a scale of either 1:100 or 1:200 showing the direction of north, all buildings on site, and the position of the advert(s) with written dimensions and distances to the site boundaries as a minimum;
- Plans of the advert(s) to a scale of 1:50 or 1:100 showing their elevations, their size, position on buildings or land, height above ground level, extent of projection, sections, materials, colours and method of fixing;
- Details of means of illumination where applicable, with section through advertisement and method of illumination.

Advertisement consent applications may also include existing and proposed photomontages to supplement scaled plans.

## **9. Affordable Housing Statement**

### **When is this required?**

All applications for housing development of 10 units or more.

**North Tyneside only:** All applications for housing development of 11 dwelling units or more and gross internal area of more than 1,000 square metres .

**South Tyneside only:** All applications for housing development of 11 units or more in the urban fringe villages (Whitburn, Cleadon, East Boldon, West Boldon and Boldon Colliery), except where the total gross internal floorspace of the development is more than 1,000 sqm (i.e. affordable provision/contributions would still be required on sites of 10 dwellings or less where the total floor space exceeds 1,000 sqm) and 15 units or more in other locations, or housing development on sites of 0.5 ha or more.

## **Re-Use and Demolition of Vacant Buildings**

Government policy now means that a 'financial credit', equivalent to the existing floorspace of any vacant buildings brought back into any lawful use or demolished for redevelopment, should be deducted from the calculation of any (on-site or off-site) affordable housing contributions sought from relevant development schemes. This does not, however, apply to vacant buildings that have been abandoned.

Affordable housing contributions are only required in relation to any net increase in gross (internal) floorspace on the site – i.e. calculated based on the net additional new floorspace being built/created, having subtracted the amount of vacant floorspace on the site (at the time of the planning application being assessed and determined) that is to be re-used/converted or demolished. An applicant should apply for this 'vacant building credit' at the time of submitting the planning application. Further information on 'vacant building credit' can be found at: <https://www.gov.uk/guidance/planning-obligations>

### **What information is required?**

This statement should clearly identify the following points:

- Is affordable housing to be provided? If not then what is the justification? (i.e. financial viability)
- Will it be provided a) on site, b) off site or c) by way of financial contribution? If b) or c) why will it be provided in this way?
- What type of units will be affordable (e.g. houses, apartments) and how many bedrooms will they have?
- What type/tenure of affordable housing is being provided to ensure it meets NPPF requirement for 10% home ownership products and local plan policy? (e.g. social rented or intermediate - see Annex 2 Glossary of the NPPF)
- How will the affordable housing be affordable to those on lower incomes or in receipt of housing benefit?

For full or reserved matter applications, there should be clarification **on the plans** as to the location of the affordable units.

A Draft Heads of Terms for a Section 106 Agreement should also confirm the provision of affordable housing, its delivery and its retention in perpetuity.

**Please seek pre-application advice from the Local Planning Authority for further details on what provisions would be required.**

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

### **Policy Background**

#### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 5 and Annex 2 Glossary
- National Planning Practice Guidance – Housing need assessment section.

#### **Development Plan:**

Newcastle and Gateshead

### South Tyneside

Core Strategy Policies: SC3, SC4 and SC5

Development Management Policies: DM4 and DM5

Area Action Plan Policies: SS6, SS11, J9 and H8

Site-Specific Allocations Policies: SA8, SA9 and SA10

Supplementary Planning Documents: SPD4, SPD5 and SPD9

### North Tyneside

Local Plan (2017) DM4.7

## 10. Air Quality Assessment

### **When is this required?**

The following criteria are provided to help establish when an air quality assessment is likely to be considered necessary, but they are by no means exhaustive:

- Where a development would lead to a minimum 5% increase in traffic within an Air Quality Management Area (AQMA), Clean Air Zone (CAZ) or 10% elsewhere;
- Where the Average Annual Daily Traffic (AADT) would exceed 10,000 vehicles (or 5,000 if narrow and congested);
- Where a development would increase the number of Heavy Goods Vehicle journeys by more than 200 per day;
- Where there would be an increase of 50 parking spaces within an AQMA or 100 spaces elsewhere;
- Major development (10 dwellings or more/1,000 square metres floorspace) within or adjacent to an AQMA or CAZ;
- Development in excess of 100 dwellings or 10,000 square metres floorspace (or an equivalent combination);
- Where a development would include Biomass boilers or a Combined Heat and Power Plant;
- Proposals for industrial processes where there are direct emissions to the air.

**Air quality may require consultation with the statutory consultees e.g. Highways England and pre-application advice, particularly in terms of clarifying the level of information that would be required, is therefore encouraged to avoid any delays in the determination of the application (see above paragraphs under the heading: v) 'Pre-application Advice').**

**The LPA are likely to seek the comments of relevant statutory consultees on the air quality assessment before reaching a decision on the planning application.**

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### **What information is required?**

The purpose of an air quality assessment is to demonstrate the likely changes in air quality or exposure to air pollutants, as a result of a proposed development. There are three basic steps in an assessment:

- Assess the existing air quality in the study area (existing baseline);
- Predict the future air quality without the development in place (future baseline);



- Predict the future air quality with the development in place (with development).

The report should also contain the following information:

- Relevant details of the proposed development;
- Description of the relevant air quality standards and objectives;
- Details of the assessment methodology and input data including: traffic data; emissions data; meteorological data; baseline pollutant concentrations; other relevant parameters;
- Results of the modelling assessment and an assessment of the significance of the result;
- Summary of the assessment results, which should include: impacts of construction phase of development; impact that change in emissions will have on ambient air quality concentrations; any exceedance of air quality objectives or worsening of air quality; a verification of the model outputs; any impacts upon sensitive ecological habitats vulnerable to deposition from increased emissions to air. Sensitive habitats may experience nutrient enrichment and eutrophication from increases to deposition from oxides of nitrogen and sulphur, or smothering from increased particulate matter emissions and subsequent deposition.
- For developments with a potential impact on the strategic highway road network Highway England should be contacted

Where a local authority has adopted an Air Quality Action Plan or Air Quality Strategy, the assessment should detail whether any of the actions contained within these will be directly compromised or rendered ineffective by the development.

## **Policy Background**

### **Government Policy or Guidance**

- National Planning Policy Framework – paragraph 181
- National Planning Practice Guidance – Air quality chapter

### **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policy CS14

Gateshead  
Unitary Development Plan Policy DC1 (h)

South Tyneside  
Core Strategy Policy EA5  
Development Management Policy DM1

North Tyneside  
Local Plan (2017) DM5.19

### **Area specific requirements and further information:**

- Development Control: Planning for Air quality - 2010 update (Environmental Protection UK
- [http://www.iaqm.co.uk/text/guidance/epuk/aq\\_guidance.pdf](http://www.iaqm.co.uk/text/guidance/epuk/aq_guidance.pdf)

## 11. Archaeological Assessments

### When is this required?

#### **Archaeological desk based assessment**

- Proposals on or near Scheduled Ancient Monuments;
- Developments along the Hadrian's Wall corridor or within the vicus (civilian settlement) of the Roman Forts (Newcastle, Benwell, Wallsend and South Shields);
- Greenfield sites of 1 hectare or more in size.

**Exceptions:** Householder extensions and also any development with no ground intrusion.

#### **Archaeological Evaluation Report (field walking, earthwork survey, geophysical survey and/or trial trenching)**

All applications involving new builds where one of the following would apply:

- Proposals affecting Scheduled Ancient Monuments;
- Developments along the Hadrian's Wall corridor or within the vicus (civilian settlement) of the Roman Forts (Newcastle, Benwell, Wallsend and South Shields);
- Proposals affecting sites identified on the Tyne & Wear Historic Environment Record;
- Greenfield sites of 1 hectare or more in size.

#### **Archaeological Building Assessment and Recording**

- Proposals on or adjacent to sites identified on the Tyne & Wear Historic Environment Record;
- Applications for the demolition, substantial repair or alteration of historic buildings (19th century or earlier), and other listed buildings, locally listed buildings and unlisted buildings within a Conservation Area. The types of building which warrant assessment include churches, farms, houses, industrial buildings, public houses and schools;
- Proposals affecting buildings or structures identified on the Tyne & Wear Historic Environment Record.

### What information is required?

#### **Archaeological desk based assessment**

The County Archaeologist will provide a specification for the desk based assessment for the applicant which sets out what is required.

The assessment must be produced by an experienced professional archaeologist. The archaeological desk based assessment is an assessment of the known or potential archaeological resource within and around the development site. It consists of a collation of existing written, graphic, photographic and electronic information in order to identify the likely character, extent, quality and worth of the known or potential archaeological resource within the development site.  
The Local

The LPA will use the assessment to appraise the likelihood that archaeological features survive within the site and to determine if further archaeological fieldwork is required.

## **Archaeological Evaluation Report (field walking, earthwork survey, geophysical survey and/or trial trenching)**

The County Archaeologist will provide a specification for the evaluation for the applicant which sets out what is required.

The evaluation must be undertaken by an experienced professional archaeologist. Archaeological field evaluation is a limited programme of fieldwork which determines the presence or absence of archaeological features, structures, deposits, artefacts or eco-facts within the development site. It can take the form of field walking, geophysical survey and trial trenching.

Where remains are present the field evaluation defines their character, extent, quality and preservation and enables an assessment of their significance.

## **Archaeological Building Assessment and Recording**

Standing buildings, structures and complexes form part of the archaeological resource and should be treated in an equivalent manner to other parts of the resource.

The County Archaeologist will provide a specification for the building assessment and recording for the applicant which sets out what is required.

The assessment and recording must be undertaken by an experienced professional archaeologist or buildings historian. This is a programme of work to establish the character, history, dating, form and archaeological development of a specified building, structure or complex and its setting.

The purpose of the recording is not only to provide an archive record of the building as it is, but also to advise the proposed scheme by identifying those parts of the building which are most significant and should be retained in the conversion process. It will be used to formulate a strategy for the conservation, alteration, demolition, repair or management of a building and to seek a better understanding, compile a lasting record, analyze the findings and then disseminate the results.

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## **Policy Background**

### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 16 Conserving and Enhancing the Historic Environment
- National Planning Practice Guidance – Conserving and enhancing the historic environment section.
- Historic England Good Practice in Planning Notes 1, 2 and 3;  
<https://historicengland.org.uk/images-books/publications/pps-practice-guide/>

### **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policy CS15

## Newcastle

Unitary Development Plan Policies C4, C4.1, C4.2 and C4.3

## Gateshead

Unitary Development Plan Policies ENV21, ENV22 and ENV23

## South Tyneside

Core Strategy Policies EA1 and EA4

Development Management Policy DM6

Area Action Plan Policies SS12, J10 and H9

## North Tyneside

Local Plan (2017) DM6.7

### **Area specific requirements and further information:**

- Jennifer Morrison, Tyne and Wear Archaeology Officer tel. (0191) 2816117 or email [jennifer.morrison@newcastle.gov.uk](mailto:jennifer.morrison@newcastle.gov.uk)
- <https://historicengland.org.uk/listing/selection-criteria/listing-selection/>

## **12. Coal Mining Risk Assessment / Mineral Safeguarding**

### **When is this required?**

This is normally only required for development in Coal Mining Development High Risk Areas with the exception of householder extensions or alterations, changes of use and shop front alterations. A link is attached below to the map showing these areas.

See below in relation mineral safeguarding, which is a South Tyneside Council requirement.

### **What information is required?**

There is a legacy of past coal mining activity in the region. In order to ensure coal mining related land stability issues are assessed in planning applications, a Coal Mining Risk Assessment is required. The Coal Mining Risk Assessment should be prepared by a competent person and should address the following issues:

- 1 Site specific coal mining information  
Including past/present/future underground mining, shallow coal workings (recorded or probable), mine entries (shafts and adits), mine gas, current licensed areas for coal extraction, any geological features, any recorded surface hazards, past/present surface mining sites (past sites may have used the old style opencast extraction methods);
- 2 Identify what risks these coal mining features including cumulative effects pose to new development;
- 3 Identify how coal mining issues have influenced the proposed development scheme (e.g. layout) and what mitigation measures will be required to manage those issues and/or whether any changes have been incorporated into the development proposals, and
- 4 Confirm whether the prior written permission of the Coal Authority will be required for the site investigation and/or mitigation works and indicate when this permission will be sought.

Where an application site exceeds 1 hectare in area and the proposals are for non-mineral development a report will be required to deal with the potential sterilisation of mineral resources

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### **Policy Background**

#### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 15
- National Planning Practice Guidance – Land stability section

#### **Development Plan**

Newcastle and Gateshead  
Core Strategy Policy CS14, CS18

Gateshead  
Unitary Development Plan Policy DC1 (p)

South Tyneside  
Development Management Policies DM1, DM8 and DM9

North Tyneside  
Local Plan (2017) DM5.18

#### **Area specific requirements and further information:**

- Coal Authority planning service can be found at:  
<https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>
- Maps of Coal Mining Development High Risk Areas.  
<https://www.gov.uk/government/collections/coalfield-plans-for-local-planning-authority-areas>

### **13. Ecological Survey Assessment and Mitigation Report & Protected Species Survey**

#### **When could either of these be required?**

#### **Modification / demolition (including in part) of the following:**

- Permanent agricultural buildings;
- Buildings with weather boarding, wooden cladding and/or hanging tiles within 200 metres of woodland or water;
- Pre-1960 buildings within 200 metres of woodland or water and pre-1919 buildings within 400 metres of woodland or water; buildings/structures of any age within or immediately adjacent to woodland and/or water;
- Tunnels, mines, kilns, ice houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;
- Bridges, aqueducts and viaducts;
- Buildings known to support roosting bats.

### **Applications that would include the following:**

- Floodlighting within 50 metres of woodland, water or hedgerows / lines of trees with an obvious connection to woodland or water;
- Works to fell or lop veteran trees, trees with obvious cracks, holes and cavities, or trees with a diameter greater than a metre at chest height;
- Major proposals within 500 metres of the perimeter of a pond, or 200 metres of rivers, streams, canals, lakes or other aquatic habitats such as wetlands;
- Minor proposals within 100 metres of a pond or adjacent to rivers, streams, canals, lakes or other aquatic habitats such as wetlands;
- Proposals for wind turbines.

### **Applications affecting:**

- Woodland, or hedgerows / lines of trees with an obvious connection to woodland or water;
- Gravel pits, quarries, natural cliff faces, or rock outcrops with crevices or caves;
- European protected sites or candidate sites: Special Protection Area (SPA) / Ramsar Site, Special Area of Conservation (SAC);
- Site of Special Scientific Interest (SSSI);
- Local Wildlife Sites (LWS);
- Local Nature Reserve (LNR)
- Wildlife Corridors;
- Site of Local Conservation Interest (SLCI);
- Priority habitats as defined in the UK Biodiversity Action Plan (BAP) (Refer to Local BAPs and the Natural Environment and Rural Communities Act);
- A semi-natural habitat.

### **Exceptions:**

A survey assessment & mitigation report may be waived if:

- Following consultation at the pre-application stage, it is confirmed in writing by the Council that a survey/report is not required;
- A reasoned risk assessment, undertaken by a suitably qualified ecologist, is submitted demonstrating that no protected species are present, or that none would be adversely affected by the proposal;

**Please seek pre-application advice from the Local Planning Authority for clarification on when a survey or Habitat Regulation Assessment screening opinion (see below) would be required.**

### **What information is required?**

Where a development has the potential to impact on priority and protected habitats or species e.g. bats or Great Crested Newts, appropriate surveys and assessments will be required with the application. Mitigation measures to negate harm may be required along with evidence of lack of alternative sites. The level of detail will vary according to the size of the development and the habitats and species concerned.

It should be noted that species associated with some designated sites receive protection outside of the designated boundary – for example land outside of the site boundary where birds associated with Special Protection Areas are found to be feeding or roosting would be considered

'functional land'. This would receive the same protection as land within the designated site and so the same expectation for avoidance and mitigation measures to be put in place would exist.

An Ecological Survey should contain the following information:

- Up-to-date information of habitats on site and links to habitats off site;
- Species present or likely to be present;
- Records search, likely impacts, mitigation and opportunities for enhancement.

Depending on the results of the initial survey, further surveys may be required.

Where protected or priority species are known or have a reasonable likelihood of occurring, a detailed Protected Species Survey must be carried out by a suitably qualified and experienced ecological specialist. Failure to provide information on protected species at the outset can significantly delay the processing of your planning application whilst a survey is carried out, and could result in a need for design and layout changes that should have been taken into account in the original proposal.

**Please note certain surveys can only be undertaken at certain times of the year.** For further details please contact the Local Planning Authority at pre-application stage.

Where a development could impact upon a European Protected Site or candidate site a Habitat Regulation Assessment (HRA) will be required. The HRA is an overall assessment process, which involves a number of stages including screening and Appropriate Assessment. The process seeks to identify any potential 'likely significant effects' (LSE) which may impact upon the designated site, either alone or in-combination with other plans and projects.

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## **Policy Background**

### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 15
- National Planning Practice Guidance – Natural environment section

### **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policy CS18

Newcastle  
Unitary Development Plan Policies NC1.1, NC1.2, NC1.3 (in part), NC1.4, NC1.5, NC1.6 and NC1.7

Gateshead  
Unitary Development Policies DC1 (d), ENV44, ENV46, ENV47, ENV48, ENV49, ENV50 and ENV51

South Tyneside  
Core Strategy Policies ST1, EA1 and EA3  
Development Management Policies DM1 and DM7

### North Tyneside

Local Plan (2017) S5.4, DM5.5, DM5.6, DM5.7

#### **Area specific requirements and further information:**

- Bat Conservation Trust  
<http://www.bats.org.uk/>
- Natural England website  
<https://www.gov.uk/government/organisations/natural-england>
- Northumberland Biodiversity Action Plan  
<http://www.nwt.org.uk/northumberland-BAP>
- Durham Biodiversity Action Plan  
<http://www.durhambiodiversity.org.uk/biodiversity-action-plan/>

## **14. Habitat Regulations Assessment**

The European Union (EU) Habitats Directive protects certain species of plants and animals which are particularly vulnerable. The Directive specifically relates to Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites known as Natura 2000 sites. The UK Habitats Regulations are used to implement the EU Directive and require a Habitats Regulations Assessment (HRA). The process of HRA involves an initial 'Screening' stage followed by an Appropriate Assessment (AA) if proposals are likely to have a significant (adverse) impact on a Natura 2000 site.

Information on the reasons for which European Sites are designated may be obtained at Natural England's Designated Sites View website:

<https://designatedsites.naturalengland.org.uk/>

Further information may be obtained from Natural England:

<http://magic.gov.uk/MagicMap.aspx>

**South Tyneside only:** South Tyneside Council's Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development) March 2018 is applicable to residential development where the development proposal is for 10 units or more and falling within a distance of 6km from the European designated coastal sites.

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## 15. Flood Risk and Drainage Assessments

### Flood Risk Assessment

#### **When is this required?**

All planning applications for:

- Development within a local authority's own identified critical drainage area and Flood Zones 2 & 3;  
<http://www.environment-agency.gov.uk/research/planning/93498.aspx>
- Development on sites of 1 hectare or greater;
- Development or changes of use to a more vulnerable class that may be subject to other sources of flooding (see relevant section of National Planning Practice Guidance on Flood Risk and Coastal Change -  
<http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/>)
- Development on sites of 0.5 hectare or more within a local authority's own identified critical drainage area.

#### **What information is required?**

For both residential extensions and non-residential extensions of less than 250 square metres in a local authority identified critical drainage area and Flood Risk Zones 2 and 3, a simple flood risk assessment is required using the link below:

<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#minor-extensions-standing-advice>

Otherwise, a Flood Risk Assessment should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account.

A Flood Risk Assessment should include the following information:

#### **Zone 1**

- Existing flood risk to the site from localised sources & impact of development upon run off rates;
- Design measures proposed to mitigate run off rates (SUDS).

#### **Zone 2**

- Existing flood risk to the site from all sources & potential impact of development upon flood risk only (High level assessment only);
- Design measures proposed to mitigate risk of flooding, and their impact (details should include floor levels, ground levels, evacuation routes, SUDS).

#### **Zone 3**

- Existing flood risk to the site from all sources (e.g. flood depth, flow routes, flood velocity, defence failure);
- Potential impact of development upon flood risk;

- Design measures proposed to mitigate risk of flooding, and their impact (details should include floor levels, ground levels, evacuation routes, SUDS).

Applications for new development in Flood Zones 2 and 3 should contain a sequential testing statement (except for householder extensions, non-residential extensions of less than 250 square metres or renewable energy proposals) which should demonstrate to the local authority that there are no reasonably available alternative sites where the proposed development could be sited within an area of lower flood risk. It is recommended that applicants consider and apply the sequential approach prior to the submission of a full application to avoid unnecessary costs due to planning permission being refused.

The applicant needs to submit the following evidence to allow the local authority to consider the sequential test:

- A written statement explaining the area of search;
- A map identifying all other sites considered within lower areas of flood risk;
- A written statement explaining why the alternative sites listed within lower areas of flood risk are not reasonably available.

However, if the sequential test is passed there are still some vulnerable types of development that should not normally be allowed in Flood Zones 2 and 3 unless there are exceptional circumstances. These circumstances are established by using the Exception Test. More information on this can be found at the relevant section of National Planning Practice Guidance on Flood Risk and Coastal Change -

<http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/>

For the exception test to be passed it has to satisfy each of the following three tests:

- It must be demonstrated that the proposed development provides significant wider sustainability benefits to the community that outweighs flood risk;
- The development must be on previously developed land;
- A Flood Risk Assessment submitted with the application must demonstrate that the development will be safe without increasing flood risk elsewhere and where possible reduce flood risk overall.

## **Policy Background**

### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 14
- National Planning Practice Guidance – Flood risk and coastal change section
- Environment Agency Standing Advice Development and Flood Risk  
<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>
- <https://www.gov.uk/government/organisations/environment-agency>

### **Development Plan:**

#### Newcastle and Gateshead

Core Strategy Policy CS17 Flood Risk and Water Management

## Gateshead

Unitary Development Plan Policy DC1 (j)

## South Tyneside

Core Strategy Policies ST2, EA2 and EA5

Area Action Plan Policies SS13 and J11

Development Management Policy DM1

## North Tyneside

Local Plan (2017) S5.10, S5.11, DM5.12, DM5.13, DM5.14, DM5.15

### **Area specific requirements and further information:**

- CIRIA: Sustainable Urban Drainage Systems - <http://www.ciria.org.uk/>

## **Drainage Assessment – Surface Water**

### **When is this required?**

All major development as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015

### **What information is required?**

All design development should be in accordance with the following documents:

Non Statutory technical standards for sustainable drainage systems March 2015

Link: <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

LASOO Non Statutory technical standards for sustainable drainage systems Practice Guidance

Link: <http://www.lasoo.org.uk/non-statutory-technical-standards-for-sustainable-drainage>

Information needs to be submitted to evidence all surface water shall be managed for the development. The drainage hierarchy is:

1. Infiltration
2. Watercourse
3. Surface water sewer
4. Combined sewer

It requires infiltration systems to be investigated before controlled attenuation discharge to watercourse is considered. Only then if these forms of flood attenuation are not possible should developments consider surface water and eventually combined sewer means of surface water drainage.

For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.

### 1. Infiltration

If the development discharges to an existing soakaway, evidence that it has sufficient capacity to cater for any additional flow must be submitted. Evidence which verifies the condition of the soakaway may also be requested.

Where new infiltration assets are proposed, percolation tests should be undertaken in accordance with the testing method set down in BRE 365. The results of such tests should be included in the Drainage Assessment. Infiltrations systems must be designed with sufficient capacity to accommodate a critical rainfall event of 1:100 year

+ 40% allowance for climate change. Supporting calculations should be included in the Drainage Assessment and form part of the planning application.

### 2. Discharge to watercourse

The existing greenfield run off rate for the site should be calculated. Attenuation systems should be designed to accommodate a critical rainfall event of 1:100 year + 40% allowance for climate change.

Written consent, in principal, must be obtained from either the EA or LLFA if the point of discharge is to an ordinary watercourse or main river. Supporting calculations should be included in the Drainage Assessment.

### 3. Discharge to sewer

It should be noted that in most circumstances surface water is not permitted to be connected to the public combined or foul sewers. Only where there is no other feasible option will this be considered and where it can be proved that all other options have been explored. Evidence will need to be submitted which confirms the outcome of the other investigations undertaken and reasons why discharge the sewer is the only feasible option.

Written evidence from Northumbrian Water Ltd or the owner of the sewer will also be required that confirms that the proposed development can be connected to the water sewer network. Confirmation of the agreed discharge rate must be supplied.

For all approaches to drainage the following will be required:

- Drainage design statement – This should outline how the development will comply with the DEFRA non statutory technical standards: <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards> and , [Planning Practice Guidance](#) (ID: 7-051-20150323- ID: 7-086-20150323. and The SuDS Manual (C753).
- Detailed design drawings - layout of drainage network, details of drainage features including SUDS components (if applicable), inlets and outlets and flow controls.
- Detailed infiltration assessment of SUDS infiltration components (if applicable).

- Construction details and planning including phasing of development and Construction Management Plan (refer to CIRIA guidance – Construction Method Statements [RP992/22](#) or update) and The SuDS Manual (C753).
- SUDS Management Plan should set out ownership and management of SUDS components and maintenance requirements over the lifetime of the development. This should include the maintenance plan setting minimum standards of maintenance over the lifetime, integrating with other green infrastructure and long term funding plan (including annual charges and replacement of SUDS) (refer to CIRIA guidance on maintenance plan [RP992/21 or update](#)) and The SuDS Manual (C753).
- Details of the proposed management and maintenance of the drainage system.

## **Policy Background**

### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 14
- National Planning Practice Guidance – Flood Risk and Coastal Change section
- SUDS technical standards <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

### **Development Plan:**

#### Newcastle and Gateshead

Core Strategy Policy CS17 Flood Risk and Water Management

#### Gateshead

Unitary Development Plan Policy DC1 (j)

#### South Tyneside

Core Strategy Policies ST2, EA2 and EA5

Area Action Plan Policies SS13 and J11

Development Management Policy DM1

#### North Tyneside

Local Plan (2017) S5.10, S5.11, DM5.12, DM5.13, DM5.14, DM5.15

### **Area specific requirements and further information:**

- CIRIA: Sustainable Urban Drainage Systems - <http://www.ciria.org.uk>

## **Drainage Assessment – Foul Water**

### **When is this required?**

All major development as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **What information is required?**

Confirmation that capacity exists both on and off site in the sewerage network to serve the proposed development. Where capacity doesn't exist the assessment should include information on what infrastructure needs to be upgraded and how this upgrade will be delivered.

If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s).

Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory.

If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification.

### **Policy background**

#### **Government policy or guidance:**

National Planning Policy Framework – Chapter 14

National Planning Practice Guidance – Flood risk and coastal change section

#### **Development Plan:**

##### Newcastle and Gateshead

Core Strategy Policy CS17 Flood Risk and Water Management

##### Gateshead

Unitary Development Plan Policy DC1 (j)

##### South Tyneside

Core Strategy Policies ST2, EA2 and EA5

Area Action Plan Policies SS13 and J11

Development Management Policy DM1

##### North Tyneside

Local Plan (2017) S5.10, S5.11, DM5.12, DM5.13, DM5.14, DM5.15

## **Area Specific requirements and further information:**

Northumbrian Water Limited Water Developer Services on telephone number 0345 733 5566 or visit [www.nwl.co.uk/buisness/dev-water-mains-and-services.aspx](http://www.nwl.co.uk/buisness/dev-water-mains-and-services.aspx)

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

## **16. Heritage Statement**

### **When is this required?**

A Heritage Statement is required for:

- Listed Building Consent applications;
- Major planning applications within or otherwise affecting conservation areas;
- Planning applications for developments within conservation areas, including demolition, (except changes of use) where the proposal would materially affects its appearance;
- Planning applications that may affect the significance of any heritage asset, including its setting

### **What information is required?**

A Heritage Statement could form part of a more comprehensive Design and Access Statement (see also requirement 7), where this is also needed.

A Heritage Statement will describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise, where necessary.

### **Works to a Listed Building**

Applications for Listed Building Consent may need to, as appropriate, include some or all of the following elements within the Heritage Statement:

- A schedule of works to the listed building, and an analysis of the impact of these works on the significance of the archaeology, history, architecture and character of the building/structure along with a statement explaining the justification for the proposed works and principles which inform the methodology proposed for their implementation;
- Contextual and detailed photographs of the buildings/structure as existing to illustrate any features which are proposed to be altered or removed;
- Where reinstatement of lost or damaged features is proposed historic evidence to support the detail of reinstatement should be provided where possible i.e. historic plans or photographs;
- For any alterations, replacement, or installation of features such as windows, doors and shopfronts, elevation plans and sectional drawings to a scale of 1:20 or less. Further details of features such as architrave, cills, horns, glazing bars, lintels, transom, mullions, panelling, mouldings, meeting rails etc. may need to be at a scale of 1:5 or less;
- A detailed specification for all proposed materials including, where appropriate samples;
- Photomontages illustrating the proposed works in context.

### **Planning Applications for development within Conservation Areas**

For developments including or solely for demolition, the statement should assess the contribution that the building in question makes to the character and appearance of the conservation area and provide justification for demolition.

For planning applications within conservation areas the statement should address how the proposal has been designed to have regard to the character and/or appearance of the conservation area and to explain how the proposal enhances or preserves the character or appearance of the conservation area. Appropriate photographs should accompany the appraisal.

### **Applications affecting the setting of heritage assets**

For applications impacting on the setting of heritage assets a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, locally listed buildings and structures, historic parks and gardens, historic battlefields and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required.

The scope and degree of detail necessary in the appraisal will vary according to the particular circumstances of each application. Applicants are advised to discuss proposals with a planning officer and/or a conservation officer before any application is made.

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

### **Policy Background**

#### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 16 Conserving and enhancing the historic environment
- National Planning Practice Guidance – Conserving and enhancing the historic environment section
- Historic England Good Practice Advice in Planning – Notes 1-3  
<https://historicengland.org.uk/images-books/publications/pps-practice-guide/>

#### **Development Plan:**

##### Newcastle and Gateshead

Core Strategy Policies CS15, UC13 and UC14

##### Newcastle

Unitary Development Plan Policies C2, C2.2 and C3.1

##### Gateshead

Unitary Development Plan Policies ENV7, ENV8, ENV9, ENV10, ENV11, ENV12, ENV14, ENV15, ENV16, ENV17, ENV18 and ENV19

##### South Tyneside

Core Strategy Policies EA1 and EA4

Development Management Policy DM6

Area Action Plan Policies SS12, J10 and H9

Supplementary Planning Documents 10-21



## 17. Land Contamination Assessment

### **When is this required?**

All new development with a sensitive end use (including dwellings, allotments, schools, nurseries, playgrounds, hospitals and care homes) require a minimum of a Phase 1 Land Contamination Assessment (often referred to as a Preliminary Risk Assessment) to be submitted. Also new development on land that has been identified on the public register as being contaminated or land that is adjacent requires a Phase 1 Assessment will be required as a minimum.

### **What information is required?**

The Phase 1 Land Contamination Assessment should include a desktop study, site walkover and a conceptual site model. For single home development a screening assessment form can be used as a basic contamination assessment.

The purpose of a Phase 1 Land Contamination Assessment is to establish the previous uses of the land under consideration or land adjacent to it, and to initially identify potential sources of contamination, receptors and pathway that could be risks to human health, surface or ground waters, buildings or protected species (the receptors).

As part of the desktop study and site walkover it is important to identify all past uses of the site, and adjacent or nearby sites, since pollutants have the potential to travel away from the source, depending on the geology, groundwater and surface water of the area.

The desktop study and the site walkover should be the first stages of any site assessment and should enable a 'conceptual site model' of the site to be produced that provides a clear interpretation of all plausible pollutant linkages at the site. Off-site sources and receptors should also be considered.

The Phase 1 Land Contamination Assessment compiled following the completion of the conceptual model will determine whether a Phase 2 Intrusive Site Investigation is required.

Where significant contamination is known or is likely to be present, it may be necessary to carry out some site investigations before the submission of an application, as significant contamination may limit the allowable land uses.

Some sites which are potentially contaminated may also be of archeological interest and therefore co-ordination is desirable to prevent site investigation in relation to the former adversely affecting the latter.

**Please seek pre-application advice from the Local Planning Authority to address potential pollution matters early in the planning process.**

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### **Policy Background**

## **Government policy or guidance:**

- National Planning Policy Framework – Chapter 15
- National Planning Practice Guidance – Land affected by contamination section

## **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policy CS14

Newcastle  
Unitary Development Plan Policy POL6

Gateshead  
Unitary Development Plan Policies DC1 (p), DC2 (d) and ENV54

South Tyneside  
Core Strategy Policies EA5 and EA6  
Development Management Policies DM1 and DM8-DM9  
Area Action Plan Policies SA11-SA12

North Tyneside  
Local Plan (2017) DM5.18

## **Area specific requirements and further information:**

- Environment Agency website:  
<https://www.gov.uk/government/collections/land-contamination-technical-guidance>
- BS 10175: Investigation of Potentially Contaminated Sites: Code of Practice
- Gateshead guidance on contamination land  
<http://www.gateshead.gov.uk/Building%20and%20Development/Planning/LandContamination.aspx>
- YALPAG Planning Guidance (version 9.2)  
[https://www.york.gov.uk/downloads/file/3803/yalpag\\_planning\\_guidance\\_version\\_82](https://www.york.gov.uk/downloads/file/3803/yalpag_planning_guidance_version_82)

## **18. Landscaping Details**

### **When is this required?**

Planning applications (except those for the change of use or alteration to an existing building), where landscaping would be a significant consideration in the assessment of the application.

### **What information is required?**

The submitted scheme shall, as applicable, include: existing trees, shrubs and other landscape features (indicating which are to be retained and which removed); planting plans, specifications and schedules; existing and proposed levels and contours; means of enclosure, walls, retaining walls and boundary treatment; paving and other surface treatment including car parking and circulation layouts; items of landscape furniture, equipment, storage, signage, and lighting; services and drainage; location of site cabins and compounds. The location of any watercourse

and associated landscaping as existing and proposed should also be shown. These details should be cross-referenced with the Design and Access statement where submitted.

Existing trees and other vegetation of amenity value should, wherever possible, be retained in new developments and will need to be protected during the construction of the development. Landscape schemes should aim to prioritise native species of local provenance in their design.

Development may present opportunities to protect and enhance locally valued landscapes (including any local landscape designations) and opportunities for biodiversity net gain. Landscape design should consider local landscape features or characteristics which could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. The Landscape Institute Guidelines for Landscape and Visual Impact Assessment provide further guidance:

<https://www.landscapeinstitute.org/technical/glvia3-panel/>

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### **Policy Background**

#### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 12

#### **Development Plan:**

##### Newcastle and Gateshead

Core Strategy Policies CS15, CS18 and CS20

##### Newcastle

Unitary Development Policy EN3

##### Gateshead

Unitary Development Plan Policies DC1(c) and (e), DC2 (a) and (c), ENV3, ENV27 and ENV29

##### South Tyneside

Core Strategy Policy SC6

Development Management Policy DM1

Area Action Plan Policies SS10, J8 and H7

Site Specific Allocations Development Plan Document Policy SA7

Supplementary Planning Document 3

##### North Tyneside

Local Plan (2017) DM5.9

#### **Area specific requirements and further information:**

- BS 4428:1989: Code of practice for general landscape operations (excluding hard surfaces)
- BS8545:2014 Trees: from nursery to independence in the landscape
- BS 7370-1 to BS 7370-5: Grounds maintenance.

## 19. Marketing Information

### **When is this required?**

Planning applications for:

- Conversion to residential use of rural buildings, including in the Green Belt or Safeguarded Land as allocated in the development plan;
- Change of use from retail to other uses in town centre primary shopping frontages;
- Non B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution) uses on land allocated for such purposes in the development plan;
- Demolition of listed and locally listed buildings and buildings in conservation areas.

With regard to the first three bullet points marketing information will not always be required and the need for such evidence should be clarified with the Local Planning Authority at pre-application stage including the scope of the marketing exercise and timescales.

### **What information is required?**

It should be demonstrated that the property/land has been advertised for sale or lease on the open market for uses appropriate to the use allocated in the development plan. Details of the marketing and all offers received, if applicable, should be submitted along with a written assessment.

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### **Policy Background**

#### **Government policy or guidance:**

- National Planning Policy Framework – Chapters 6, 7 and 16
- National Planning Practice Guidance –Conserving and enhancing the historic environment

#### **Development Plan:**

##### Newcastle

Unitary Development Plan Policy C2.1

##### Gateshead

Unitary Development Plan Policies RCL5, RCL6, JE1, JE3, ENV12, ENV8 and ENV18

##### South Tyneside

Core Strategy Policy E1

Development Management Policy DM2

##### North Tyneside

Local Plan (2017) S1.5, DM1.6, S2.1, S2.2, DM2.3, DM2.4, S3.1, DM3.4

## 20. Noise Assessment

### When is this required?

A noise impact assessment prepared by a suitably qualified acoustician should support applications that raise issues of disturbance, or are considered to be noise sensitive developments. Noise survey/sound insulation details may be required for the following types of application:

- Changes of use to Class A3 (restaurants, snack bars, cafes), A4 (nightclub), A5 (takeaways), D1 (places of worship, church halls, clinics, health centres, crèches, day nurseries, consulting rooms), D2 (cinemas, music, concert halls, dance, sports halls, swimming baths, skating rinks, gymnasiums, other indoor and outdoor sports and leisure uses, bingo halls and casinos);
- New residential development adjacent to the strategic road network (i.e. trunk roads or motorways under the control of Highways England) or classified roads (forming part of the local highway network under the control of the Local Highways Authority, or adjacent to railway or metro lines, the airport, or existing industrial uses (except Class B1);
- New residential development near to licensed premises and cultural venues;
- New industrial development close to existing residential development.
- Minerals and waste development
- Energy generation development

In addition, a vibration survey may be required if a development is proposed adjacent to a railway line.

### What information is required?

A noise impact assessment prepared by a suitably qualified acoustician should support applications that raise issues of disturbance or are considered to be noise sensitive developments. Sound insulation details may be required for the types of application named in the above list.

The Noise Impact Assessment should outline the potential sources of noise generation, and how these may have a negative effect on local amenity and environmental receptors particularly on sites in close proximity to nationally and internationally designated sites. The assessment should also outline how the developer intends to overcome these issues. For developments likely to be affected by noise associated with the strategic road network, please contact Highways England for details of its noise assessment requirements.

Environmental receptors should be identified as a feature that requires consideration in a noise assessment, particularly industrial or port developments in close proximity to nationally and internationally designated sites.

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### Policy Background

#### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 15
- The Calculation of Road Traffic Noise (DEFRA, 1988)

- The Calculation of Railway Noise (Department of Transport, 1995)
- National Planning Practice Guidance – Noise section
- The Noise Policy Statement for England ( Department for Environment, Food & Rural Affairs, 2010)

### **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policy CS14

Newcastle  
Unitary Development Plan Policies Development Control Policy Statement 22, POL7, POL8, POL9 and POL11

Gateshead  
Unitary Development Plan Policies DC1 (h), DC2 (a), DC2(c), ENV61, ENV62, MWR2, MWR25 and MWR32 (e)

South Tyneside  
Development Management Policy DM1

North Tyneside  
Local Plan (2017) DM5.19

### **Area specific requirements and further information:**

- The International Standard for Assessment of Environmental Noise ISO 1996;
- "Acoustics – Description and Measurement of Environmental Noise" is the principal standard referred to for environmental noise assessment;
- BS 4142 – Method for rating and assessing industrial and commercial sound (British Standards Institution 2014);
- BS 8233 – Code of Practice for Sound insulation and noise reduction for buildings; (British Standards Institution 2014)
- World Health Organisation Guidelines for Community Noise (1999)
- World Health Organisation Night Noise Guidelines for Europe (2009);
- ProPg: Planning and noise - Professional Practice Guidance on planning and noise.

## **21. Open Space Assessment (including playing fields and recreational buildings)**

National Planning Policy Guidance (paragraphs 96 to 101) makes clear that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to date assessments of the need for open space, sport and recreation facilities.

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

## **Sport England**

The LPA must consult Sport England on planning applications that include development which is likely to prejudice the use of, or lead to the loss of use of land being used as a playing field or is on land which has been used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped or allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration replacement; or involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.

Sport England will require sport specific information to be provided by the applicant as part of the planning application and applicants should therefore refer to Sport England's webpage and seek pre-application advice to avoid any delay in the determination of the application (see above paragraphs under the heading: v) 'Pre-application Advice').

## **Open Space Assessment**

All planning applications for development on existing open space will require an open space assessment.

Open space can be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs, that can offer important opportunities for sport and recreation and can also act as a visual amenity.

## **What information is required?**

Proposals should be accompanied by plans (to scale and also including area measurements), showing any areas of existing or proposed open space within or adjoining the application site.

Planning permission is not normally given for the development of existing open spaces that local communities need. In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land and buildings are surplus to local requirements. Any such evidence should accompany the planning application.

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## **Policy Background**

### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 8 and Annex 2 Glossary.
- National Planning Practice Guidance - Open space, sports and recreation facilities, public rights of way and local green space section

### **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policy CS18

## Newcastle

Unitary Development Plan Policies OS1, OS1.1, OS1.2, OS1.4, OS1.5 and OS1.6 (in part)

## Gateshead

Unitary Development Plan Policies CR20, CR21 and ENV27

## South Tyneside

Core Strategy Policy SC6

Area Action Plan Policies SS10, J8 and H7

Site Specific Allocations Development Plan Document Policy SA7

Supplementary Planning Document 3 Green Infrastructure Strategy (Feb 2013)

Supplementary Planning Document 3 Green Infrastructure Strategy Technical Appendices (Feb 2013)

## North Tyneside

Local Plan (2017) S5.1, DM5.2, DM5.3

## **22. Planning Obligations (Section 106 Agreements) – Draft Head of Terms**

### **When is this required?**

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

### **What information is required?**

Planning obligations (under Section 106 of the Town and Country Planning Act 1990 (as amended) are private agreements negotiated between a Local Planning Authority and persons with an interest in a relevant parcel land. They must only be sought where they meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

Planning obligations seek to address various planning issues such as affordable housing, public open space provision, highway works or landscape and nature conservation mitigation.

To make the planning application process quicker, it is expected that a draft head of terms will be submitted along with the application and the ownership and contact details necessary for the planning obligation to be progressed.

Please note that Highways England (whom are responsible for the strategic road network i.e. trunk roads and motorways) cannot be a signatory to a s106 Agreement for a planning application, unless the agreement has been specifically requested by Highways England. Pre-application advice should therefore be sought with Highways England where a proposal is likely to affect the strategic road network.

### **Viability Assessments**

Where up-to-date planning policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability



assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the development plan was brought into force. All viability assessments, including any undertaken at the development plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Local planning authorities are required to check the validity of viability assessments and this may incur a cost, which may then be passed onto the applicant through the terms of the planning obligation.

## **Policy Background**

### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 4
- National Planning Practice Guidance – Planning obligations section

### **Development Plan:**

#### Newcastle and Gateshead

Core Strategy Policies CS13, CS18 and DEL1

#### Newcastle

Unitary Development Plan Policies IM6 and IM7

#### South Tyneside

Core Strategy Policy ST1

Supplementary Planning Documents 4, 5 and 7

#### North Tyneside

Local Plan (2017) S7.1, DM7.2, DM7.5

## **23. Planning Statement**

### **When is this required?**

All planning applications for 100 dwellings or more or where a minimum of 10,000 sq. metres of commercial/retail development would be created, or major planning applications that would constitute a departure from the development plan.

### **What information is required?**

A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development relates to relevant national and local planning policies. It may also include details of consultations with the Local Planning Authority and wider community/statutory consultees undertaken prior to submission. This can be in the form of a Statement of Community Involvement (SCI; see Item 24).

The Planning Statement can also include information on employment creation as well as economic and regeneration benefits. Applicants can also submit an Economic Statement to highlight the

economic benefits of a scheme if they so wish but this would not be required for validation purposes.

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

### **Policy Background**

#### **Government policy or guidance:**

- National Planning Practice Guidance – Consultation and pre-decision matters section

#### **Development Plan:**

South Tyneside  
Development Management Policy DM1

## **24. Statement of Community Involvement**

### **When is this required?**

A Statement of Community Involvement (SCI) would be required for some major development application as advised at pre-application stage by the Local Planning Authority.

### **What information is required?**

A SCI will explain how the applicant has complied with the requirements for pre-application consultation set out in the Local Planning Authority's adopted Statement of Community Involvement and seek to demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals.

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### **Policy Background**

#### **Government policy or guidance:**

- National Planning Practice Guidance – Consultation and pre-decision matters section

#### **Area specific requirements and further information:**

Newcastle Statement of Community Involvement (September 2018)-  
<http://www.newcastle.gov.uk/planning-and-buildings/planning-policy/statement-community-involvement>

Gateshead Statement of Community Involvement (December 2007), updated January 2013 -  
<http://www.gateshead.gov.uk/Building%20and%20Development/PlanningpolicyandLDF/LocalPlan/StatementofCommunityInvolvement.aspx>

South Tyneside Statement of Community Involvement (January 2013) -  
<http://www.southtyneside.gov.uk/article/26423/Public-consultation>

## 25. Structural Survey

### **When is this required?**

All applications that involve:

- The change of use or conversion of rural buildings (e.g. barn conversions), including those in the Green Belt and on safeguarded land;
- The demolition, or proposals that may affect the structural integrity, of a building or structure in a Conservation Area;
- Any listed or locally listed building or structure, where works are proposed that involve demolition or would affect the structural integrity of the building or structure.

**Please seek pre-application advice from the Local Planning Authority for further details on when this would be required.**

### **What information is required?**

A full structural engineers survey by a suitably qualified professional. This should include each of the following where appropriate:

- General description and age of building;
- Condition - structural integrity, foundations, damp proofing, walls, joinery, timbers, roof structure and roof covering;
- Assessment of repairs necessary to ensure retention of the building;
- Assessment of structural and other alterations necessary to implement the proposed conversion;
- Assessment of percentage of building that needs to be rebuilt - including walls and timbers;
- Opinion as to the suitability of building for proposed conversion;
- Photographs are often helpful but not essential;
- A schedule of works necessary to preserve the building;
- A schedule of works necessary to carry out the applicant's proposals (including those necessary to meet building regulation approval).

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

### **Policy Background**

#### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 13 and 16

#### **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policy CS15

#### Newcastle

Unitary Development Plan Policies C2, C2.1, C3.1, GB2.1, GB2.2, GB2.3 and GB2.4

#### Gateshead

Unitary Development Plan Policies ENV8, ENV12, ENV18 and ENV42

## 26. Sustainability Statement

### **When is this required?**

Most major full planning applications and major reserved matter applications.

### **What information is required?**

The statement should demonstrate how sustainability has been addressed and/or how it will be addressed at future design stage. This can include topics such as water use, materials waste, pollution, health and wellbeing, management, ecology, building fabric, resilience to climate change, local renewable and low carbon energy and transport.

The statement should include a strategy to reduce CO<sub>2</sub> emissions to include building design and materials, energy demand reduction, and renewable energy supply and generation

The statement should indicate whether the Code for Sustainable Homes and/or BREEAM assessment methods and rating systems are being used or considered.

In Newcastle, the Sustainability Statement should include the Council's assessment grid.

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

### **Policy Background**

#### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 14
- National Planning Practice Guidance – Climate change section

#### **Development Plan:**

##### Newcastle and Gateshead

Core Strategy Policies CS1, CS13, CS15 and CS16

##### Gateshead

Unitary Development Plan Policies DC1 (g) and MWR35

##### Newcastle

Sustainability Statement Developer Guidance and Assessment Grid

[www.newcastle.gov.uk/planning-and-buildings/planning-and-development/planning-guidance/sustainability-statements-1](http://www.newcastle.gov.uk/planning-and-buildings/planning-and-development/planning-guidance/sustainability-statements-1)

##### South Tyneside

Core Strategy Policy ST2

Development Management Policy DM1

Site Specific Allocations Policies SA1, SS2, J2 and H2

Supplementary Planning Documents 1 and 9

## 27. Telecommunications Development

### **When is this required?**

Planning applications for mast and antenna development by mobile phone network operators.

### **What information is required?**

Telecommunications applications will need to be accompanied by:

- Area of search;
- Details of the proposed structure;
- Technical justification;
- Evidence of mast sharing;
- Details of any consultation undertaken;
- A signed declaration that the equipment and installation has been designed to comply with the requirements of the radio frequency (RF) public exposure guidance of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

### **Policy Background**

#### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 10

#### **Development Plan:**

##### Newcastle

Unitary Development Plan Policy ED6

##### South Tyneside

Core Strategy Policy ST2 and Development Management Policy DM1

##### North Tyneside

Local Plan (2017) DM7.11

#### **Area specific requirements and further information:**

**Code of Best Practice on Mobile Network Development in England (Mobile Operators Association) (2013)**

<http://www.mobilemastinfo.com/2013/new-code-of-best-practice-on-mobile-network-development-in-england-published.html>

## 28. Town Centre Use Assessment

### When is this required and what information should be supplied?

The national planning policy framework (Chapter 7) states that local planning authorities should apply a sequential test to planning application for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan.

#### Main Town Centre uses are:

- Retail development (including warehouse clubs and factory outlet centres);
- Leisure, entertainment facilities, and the more intensive sport and recreation uses (including cinema, restaurants, drive through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres and bingo halls);
- Offices;
- Arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotel and conference facilities).

The government's Policy Framework states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development of over a proportionate locally set threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m

Site Location (as defined by NPPF)	Large scale (floorspace above 2,500sq.m net)	Less than 2,500 sq. m net)	Mezzanine floorspace up to 200sq.m net
In Centre	No	No	Planning permission not required
Edge of Centre and Out of Centre	Yes**	Yes**	Planning permission not required

An Impact Assessment needs to assess the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment of the proposal and;

The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where there full impact will not be realised in five years, the impact should also be assessed up to 10 years from the time the application is made.

\*\* A sequential assessment will be required. An impact assessment will also be required if the local authority has set a threshold lower than 2,500 sq. m floorspace set by NPPF. Check with the local authority. A sequential assessment and impact assessment are not required for planning applications that are in accordance with an up-to-date development plan.

The sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

## **Policy Background**

### **Government policy or guidance:**

- National Planning Policy Framework – Chapter 7
- National Planning Practice Guidance – Ensuring the vitality of town centres section

### **Development Plan:**

#### Newcastle and Gateshead

Core Strategy Policies CS6, CS7 and UC1

#### Newcastle

Unitary Development Plan Policies R1 and R1.2

#### Gateshead

Unitary Development Plan Policies RCL5 and RCL6

#### South Tyneside

Core Strategy Policies SC1 and SC2

Development Management Policies DM2 and DM3

Area Action Plan Policies SS7-SS9, J4, J6 and J7, H4, H5 and H6

Site Specific Allocations Policies SA5 and SA6

#### North Tyneside

Local Plan (2017) S3.1, S3.2, S3.3, DM3.4, DM3.5, DM3.6

## **29. Transport Assessments / Statements, and Travel Plans**

### **When is this required?**

For new development, changes of use and alterations to existing buildings, the transportation and accessibility outcomes of development needs to be set out as part of a planning application. This information is used to assess the suitability of the development and to ensure it is in accordance with policy and other related guidance.

Where a development is likely to have significant transportation implications, a Transport Assessment (TA) and Travel Plan (TP) should be prepared. In some instances, The TA may be downgraded to a Transport Statement (TS). These documents are used to determine whether the impact of the development is acceptable, in highways and transportation terms.

Pre-application advice in terms of the need for a TA, TS or TP should be sought from the relevant LPA / Local Highways Authority to avoid any delay in the determination of the application (see above paragraphs under the heading: v) 'Pre-application Advice').

**Transport Assessment (TA):** A comprehensive and systematic process that sets out transport issues relating to a proposed development. It should quantify the travel characteristics of the development by all modes of travel, the resulting impact on transport infrastructure and identify what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.

Pre-application scoping is key if a TA is to prove acceptable to the relevant highway authorities (not simply that of the authority within which the proposed development is located but also neighbouring authorities and Highways England, where there exists the potential for an impact to be apparent at the Strategic Road Network, as represented by trunk roads and motorways). Scoping should comprehensively set out all methodologies, input and data by which the development's trip-making at the supporting transport networks is to be established. In the absence of comprehensive and agreed scoping there is the risk that re-visitation will be required before an application's transport impacts and any associated mitigation across all modes are agreed, thereby delaying an application's determination and increasing an applicant's costs.

TAs are to be fully supported by evidence with all data referred to and referenced provided in full.

**Transport Statement (TS):** A simplified version of a transport assessment where it is agreed the transport issues arising out of development proposals are limited and a full transport assessment is not required. However, the same comments regarding scoping and provision of supporting evidence noted above in relation to TAs equally apply to TSs.

**Travel Plan (TP):** A travel plan is a long term management strategy which encourages sustainable travel for new and existing developments. It sets out transport impacts, establishes targets and identifies a package of measures to encourage sustainable travel. There are a number of types of travel plan:

- Full Travel Plan;
- Interim Travel Plan;
- Framework Travel Plan;
- Travel Plan Statement;
- Area Wide Travel Plan (for a defined geographic area).

The type and scale of development together with locality will normally determine the requirement for a TS or TA. A TP would be expected to be prepared and submitted alongside both of these reports.

The table at the end of this chapter provides indicative thresholds for when a TS or TA and TP are required. These thresholds are for guidance purposes only, ***for full requirements on all applications advice should be sought from the appropriate Local Planning Authority.***



## Scope of reports

In general terms each Local Authority will expect to see the following information provided within transport submissions;

		Transport Statement	Transport Assessment	Travel Plan
Context	Maps (Strategic and Local Context)	Y	Y	Y
	Policy Review*	Y	Y	Y
	Site Audit	Y	Y	Y
	Identification of barriers to sustainable Travel	Y	Y	Y
	Clearly defined objectives	Y	Y	Y
Data	Traffic Surveys (including the identification of queue surveys)	Y	Y	N/A
	Speed Surveys	Y	Y	N/A
	NMU/User Surveys	Subject to Review	Subject to Review	Y
	Collision Review (5 years)	Y	Y	N/A
	Parking Surveys	Subject to Review	Subject to Review	Subject to Review
	Public Transport Information	Y	Y	Y
	Travel Surveys	Y	Y	Y
Modelling	Consultation with Relevant Highway Authorities regarding: Trip Rates/Local Highways Model	Y	Y	Y
	Development Trip Generation	Subject to Review	Y	Y
	Trip Distribution	Subject to Review	Y	N/A
	Trip Assignment	Subject to Review	Y	N/A
	Junction Modelling*	Subject to Review	Y	N/A
Parking	Parking Provision (inc. Cycles)	Y	Y	Y
Road Safety	Mitigation Proposals	Y	Y	N/A
Monitoring	Monitoring Framework	Y	Y	Y
	Named Contacts/Coordinators	Y	Y	Y
	Mitigation Plans (if targets not reached)	Subject to Review	Subject to Review	Y
	Road Safety Audits	Y	Y	Y

\*Must be appropriate and relevant to the development

Outside of the above, matters that will need to be taken into consideration for all developments include; site access, construction phases, existing parking pressures, road safety, local committed development and the proposed number of parking spaces.

On the basis that the wording modifications suggested above are incorporated: where the need for highway mitigation works are identified as necessary at the Strategic Road Network these must comply with all aspects of Design Manual for Roads and Bridges, with Stage 1 Road Safety Audit in accordance with GG 119 and Walking, Cycling & Horse-riding Assessment and in accordance with HD 42/17 for both outline and detailed applications.

For significant developments within Tyne and Wear, the Passenger Transport Executive NEXUS should also be contacted to ensure that development can be appropriately served by public transport. When this is not the case the Applicant is expected to work with Nexus and the Local Highway Authority to resolve any issues.

## **Monitoring**

To ensure compliance with the Travel Plan, the Local Authority may also ask for a bond or a monitoring fee to ensure that the targets defined within the Plan are either met or exceeded.

The Tyne and Wear Local Authorities use two systems to record and monitor Travel Plans within the area and unless expressly agreed by a Local Authority the following tools will be used, for creating and monitoring Travel Plans;

- For Local Authority managed schools;  
<https://www.modeshiftstars.org/>
- For Residential and Workplace Travel Plans;  
<https://gosmartertravelplanning.co.uk>

The above is not exhaustive and to avoid abortive work, please seek pre-application advice from the Local Planning Authority for definitive advice on the scope of the transport requirements.

## **Parking and servicing requirements**

Parking and servicing issues must be considered as a fundamental part of any scheme. Car parking provision needs to be at an appropriate level to cater for both the development and any visitors to the development, whilst taking into account; development location, local circumstances, public transport availability, sustainability, impact on residential amenity, and highway safety.

Servicing requirements also need to be fully considered so they are not of danger or inconvenience. This information can be combined within the Transport Assessment or Transport Statement or provided as a supporting document.

Information that may be sought includes:

- Setting out the rationale for the approach to parking provision (car, cycle, disabled and motorcycle provision);
- Car parking accumulation information;
- Car parking layout plan;
- Cycle parking layout plan;
- Servicing plan covering deliveries, refuse collection and taxi pick up and drop off (Auto Tracks may be required in some instances);

- Parking and servicing management plan;
- Existing and proposed Traffic Regulation Orders Plan for a defined area;
- Details of Car Club and Electric Charging Point Facilities.

Applications for those changes of use to apartments and HIMO's which claim they are for social housing requiring lower levels of parking provision will need to be supported with suitable evidence.

### **Existing Highways and Public Rights of Way**

Some new developments will necessitate the need for works and changes to the local highway network and/or to public rights of way. In order to understand the impact of the development the proposed changes will need to be set out on a plan and include any areas of Highway to be stopped up. The amount of information provided will be appropriate to the type and scale of development.

### **New Highways**

Proposed new development may necessitate the creation of new highways that can be identified for future adoption by the Highways Authority. In order to understand the impact of the proposed development any future highway that may be adopted needs to be detailed on an appropriate plan.

If the highways within the development do not fulfil the requirements for future adoption by the Highway Authority then a Management and Maintenance of Estate Streets plan will be required and may be secured in a S106 Agreement for the highways to remain privately maintained.

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### **Policy Background**

This section briefly outlines some of the local and national planning policies that should be referred to when developing the relevant TS, TA or TP.

#### **Government policy or guidance:**

National Planning Policy Framework – Chapter 9 Promoting Sustainable Travel  
National Planning Practice Guidance – Travel plans, transport assessments and statements section.

#### **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policies CS13 and CS16

Newcastle  
Unitary Development Plan Policies T2, T4.5, T5.3, T7.1 and T7.2

Gateshead  
Unitary Development Plan Policy T1

## South Tyneside

Core Strategy Policies ST2 and A1

Development Management Policy DM1

Area Action Plan Policies SS3, J3 and H3

Site Specific Allocations Policy SA2

Supplementary Planning Documents 6 (Parking Standards) and 7 (Travel Plans)

## North Tyneside

Local Plan (2017 S7.3, DM7.4

LDD12

### **Area specific requirements and further information:**

- Tyne & Wear Local Transport Plan - <http://www.tyneandwearltp.gov.uk/>

### **Transport Thresholds**

<b>Land Use</b>	<b>Description of development</b>	<b>Size</b>	<b>TS &amp; TP required</b>	<b>TA &amp; TP required</b>
A1 - Food retail	Retail sale of food goods to the public – food superstores, supermarkets, convenience food stores.	Gross Floor Area (GFA)	>250 sq. m <800 sq. m	>800 sq. m
A1 - Non-food retail	Retail sale of non-food goods to the public; but includes sandwich bars – sandwiches or other cold food purchased and consumed off the premises, internet cafés.	GFA	>800 sq. m <1500 sq. m	>1500 sq. m
A2 - Financial & Professional Services	Financial services – banks, building societies and bureaux de change, professional services (other than health or medical services) – Estate Agents and employment agencies, other services – principally where services are provided to visiting members of the public.	GFA	>1000 sq. m <2500 sq. m	>2500 sq. m
A3 - Restaurants and Cafés	Restaurants and cafés – use for the sale of food for consumption on the premises, excludes internet cafés (now A1).	GFA	>300 sq. m <2500 sq. m	>2500 sq. m
A4 - Drinking Establishments	Use as a public house, wine-bar or other drinking establishment.	GFA	>300 sq. m <600 sq. m	>600 sq. m
A5 - Hot food takeaway	Use for the sale of hot food for consumption on or off the premises.	GFA	>250 sq. m <500 sq. m	>500 sq. m
B1 - Business	(a) Offices other than in use within Class A2 (financial and professional services) (b) research and development – laboratories, studios (c) Light industry.	GFA	>1500 sq. m <2500 sq. m	>2500 sq. m
B2 - General industrial	General industry (other than classified as in B1). The former 'special industrial' use classes, B3 – B7, are now all encompassed in B2.	GFA	>2500 sq. m <4000 sq. m	>4000 sq. m
B8 - Storage or Distribution	Storage or distribution centres – wholesale warehouses, distribution centres and repositories.	GFA	>3000 sq. m <5000 sq. m	>5000 sq. m

Land Use	Description of development	Size	TS & TP required	TA & TP required
C1 - Hotels	Hotels, boarding houses and guest houses, development	Bedrooms	>75 <100 bedrooms	>100 bedrooms
C2 - Residential institutions - hospitals, nursing homes	Used for the provision of residential accommodation and care to people in need of care.	Beds	>30 <50 beds	>50 beds
C2 - Residential institutions – residential education	Boarding schools and training centres.	Students	>50 <150 students	>150 students
C2 - Residential institutions – institutional hostels	Homeless shelters, accommodation for people with learning difficulties and people on probation.	Residents	>250 <400 residents	>400 residents
C3 - Dwelling houses	Dwellings for individuals, families or not more than six people living together as a single household. Not more than six people living together includes – students or young people sharing a dwelling and small group homes for disabled or handicapped people living together in the community.	Dwellings	>50 <80 units	>80 units
C4 - Houses in Multiple Occupation	Dwellings occupied by between 3-6 unrelated individuals who share basic amenities (such as student lets and small bedsits).	Refer to LPA	Refer to LPA	Refer to LPA
D1 - Non-residential Institutions	Medical and health services – clinics and health centres, crèches, day nurseries, day centres and consulting rooms (not attached to the consultant's or doctor's house), museums, public libraries, art galleries, exhibition halls, non-residential education and training centres, places of worship, religious instruction and church halls.	GFA	>500 sq. m <1000 sq. m	>1000 sq. m
D2 - Assembly and leisure	Cinemas, dance and concert halls, sports halls, swimming baths, skating rinks, gymnasiums, bingo halls and casinos. Other indoor and outdoor sports and leisure uses not involving motorised vehicles or firearms.	GFA	>500 sq. m <1500 sq. m	>1500 sq. m

Land Use	Description of development	Size	TS & TP required	TA & TP required
Others	For example: Betting offices/shops, casinos, amusement arcades, pay day loan shops, garden centres, theatres, larger houses in multiple occupation, hostels providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, laundrettes, taxi businesses, stadium, car/vehicle hire businesses, and builders yards.	Refer to LPA	Refer to LPA	Refer to LPA

### 30. Tree Survey and/or Statement of Arboricultural Implications of Development

#### What information is required?

Planning applications must be assessed having had regard to the impact of the development upon its site and surroundings. Trees and other established landscape features are important to our environment but they are vulnerable to damage during construction work i.e. impact damage, or root damage due to excavation work and ground compaction due to plant/material storage. Requests to remove existing soft landscaping may also arise, due to overshadowing problems associated with new development, if sufficient space is not set aside for future growth.

Where trees are present on site, or where the canopies of trees on adjacent land overhang the application site, the planning application must therefore be submitted with sufficient information to demonstrate that; i) Sufficient space would be left to enable the tree to grow without detriment to the future occupiers of the development, and ii) To ensure that the construction phase of the development may be carried out without harming the trees.

Trees/soft landscaping located close to a proposed development and certainly within falling distance must therefore be accurately shown on a scaled plan with the following information:

Species; height in metres; stem diameter in metres at 1.5 metres above adjacent ground level or immediately above the roof flare for multi-stemmed trees; branch spread in metres taken at north, south, east and west points; height in metres of the lowest part of the canopy above ground level.

However, the following details will also be required where a tree is protected by a Tree Preservation Order or where the site is located in a Conservation Area:

Age class (young, middle aged, mature, over-mature, veteran); physiological condition (e.g. good, fair, poor, dead); structural condition (e.g. collapsing, the presence of any decay and physical defect); preliminary management recommendations, including further investigation of suspected defects that require more detailed assessment and potential for wildlife habitat; estimated remaining contribution in years (e.g. less than 10, 10-20, 20-40, more than 40); category grading (see BS5837: 2012 Trees in Relation to Construction – Recommendations).

For all development proposals, it should be clearly identified which trees are to be felled, together with the reasons for removing those trees. Where trees are shown as to be retained, the means of

protecting those trees during construction works will need to be specified. A suitably qualified and experienced arboriculturalist should prepare this information in accordance with BS 5837: 2012. This should include a tree survey, Tree Constraint Plan (TCP), Arboricultural Implications Assessment (AIA) and where appropriate an Arboricultural Method Statement (AMS) with a Tree Protection Plan.

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

## **Policy Background**

### **Government policy or guidance:**

National Planning Policy Framework – Chapters 2 and 15

### **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policy CS18

Newcastle  
Unitary Development Plan Policies EN3 and EN3.2

Gateshead  
Unitary Development Plan Policies ENV7 (d) and ENV44

South Tyneside  
Core Strategy Policy EA1  
Development Management Policy DM1

North Tyneside  
Local Plan (2017) DM5.9

### **Area specific requirements and further information:**

- Paragraph 4.2.4 of BS 5837: 2012 'Trees in relation to construction - Recommendations', offers advice on how to identify trees on adjacent land that could influence the development;
- Sections 4 to 6 of BS 5837: 2012 contain detailed guidance on survey information and plans that should be provided. Using the methodology set out in the Standard should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided;
- Sections 7 to 12 of BS 5837: 2012 contain detailed guidance on protecting trees that are to be retained both within and outside the proposed site that could be affected by the development.

## **31. Ventilation / Extraction Details**

### **When is this required?**

Planning applications where ventilation or extraction equipment is to be installed, including those for the sale or preparation of cooked food, launderettes, and significant retail, business, industrial or leisure developments.

Where a hot food takeaway or restaurant or pub is proposed close to an existing residential property, details of extraction facilities will normally be required for validation purposes

## **What information is required?**

Details of the position and design of ventilation and extraction equipment. This may include technical specification including an acoustic assessment of the extraction system, noise mitigation measures and odour abatement techniques where required. Elevation drawings showing the size, location and external appearance of plant and equipment will also be required, drawn to a scale of 1:50 or 1:100 (in line with requirement 8).

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## **Policy Background**

### **Government policy or guidance:**

- National Planning Policy Framework – Chapters 7, 8 and 15
- National Planning Practice Guidance – Noise section
- Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (DEFRA): <http://www.defra.gov.uk/publications/2011/03/25/odour-noise-kitchen-exhaust-pb10527/>
- Local Exhaust Ventilation (LEV) workplace fume and dust extraction (Health and Safety Executive): <http://www.hse.gov.uk/lev/>

### **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policy CS14

Newcastle  
Unitary Development Plan Policies H2 and POL7  
Hot Food Takeaway Supplementary Planning Document (October 2016)  
<https://www.newcastle.gov.uk/planning-and-buildings/planning-policy/supplementary-planning-documents/hot-food-takeaways-spd-0>

Gateshead  
Unitary Development Plan Policies DC2 (a) and (b) and ENV3  
Supplementary Planning Document – Hot food takeaways

South Tyneside  
Development Management Policies DM1 and DM3  
Supplementary Planning Document 22 Hot Food Takeaways and Health  
<https://www.southtyneside.gov.uk/article/36021/Supplementary-Planning-Documents>

North Tyneside  
Local Plan (2017) DM3.7, DM5.19



## 32 Sunlight/Daylight/Microclimate Assessment

### When is this required?

- a) When a proposed development is in close proximity to the windows of habitable rooms of an existing residential development and is likely to significantly affect the sunlight and/or daylight levels to those windows;
- b) When a proposed residential development, because of its proximity to either existing buildings or other proposed buildings within the development, is likely to receive low levels of sunlight and/or daylight to habitable rooms;
- c) When the scale and form of a development is likely to result in significant shadowing impacts upon neighbouring properties or land;
- d) When the scale of the development proposed would result in micro-climatic conditions that could result in wind levels affecting pedestrian and vehicle movement outside of the building.

Please note that these requirements will normally only apply when developments propose buildings in close proximity to each other or where tall buildings are proposed. You should seek advice from your Local Planning Authority in advance, normally through the pre-application process, as to when these studies will be a validation requirement. These assessments may also form part of a Design and Access Statement (see section 7).

**Please note: This section is not a validation requirement in South Tyneside.**

### What information is required?

The assessment should be carried out in accordance with the British Research Establishment document Site Layout Planning for Daylight and Sunlight – A guide to Good Practice 2nd edition. Daylight, vertical sky component, sunlight availability, average daylight factor and shadow studies should be undertaken and assessed against the criteria set out in the BRE document.

Wind tunnel modelling will be required to assess the impact of new development will have on a local wind environment and any consequential effects on pedestrian comfort and safety using the Lawson criteria for comfort and safety.

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### Policy Background

#### **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policy CS14

Newcastle  
Unitary Development Plan Policy H2

Gateshead  
Unitary Development Plan Policies DC2 (a and b) and ENV3

### 33 Community Infrastructure Levy (Gateshead, North Tyneside and Newcastle only)

Gateshead, North Tyneside and Newcastle operate a community infrastructure levy (CIL) on many types of new development. The money raised is used to help pay for infrastructure needed as a result of development, such as schools, green spaces and flood defences.

A CIL payment is only required for certain types of development in selected locations. Further details as to the types of development, the areas where a charge applies and charge level are available on the respective council websites.

Additional information is required to determine whether a charge is due and to determine the amount. Applicants are therefore required to answer additional questions to enable the Council to calculate your levy liability. The information required is: How much floorspace (in square metres) are proposed; and has a building or a part of a building, on the site been in use for a continuous period of at least six months within the past 3 years? What use(s) has it been in? How much gross internal floorspace of this building do you intend to demolish or change the use?

A Planning Application Additional Information Requirement Form is required to be completed for all relevant applications in Gateshead, North Tyneside and Newcastle to calculate CIL liability. Use this link to the government's Planning Portal webpage to find out more information about CIL: [https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy)

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#### **Policy Background**

#### **Development Plan:**

Newcastle and Gateshead  
Core Strategy Policy DEL1

Newcastle City Council's Community Infrastructure Guidance:  
<https://www.newcastle.gov.uk/planning-and-buildings/planning-and-development/planning-guidance/community-infrastructure-levy>

Gateshead Council's Community Infrastructure Guidance:  
<https://www.gateshead.gov.uk/article/2972/Gateshead-Community-Infrastructure-Levy>

North Tyneside Council's Community Infrastructure Guidance:  
<http://my.northtyneside.gov.uk/category/1157/community-infrastructure-levy-cil>

## Appendix 2

### The Validation Checklists

Checklist 1: Full Applications

Checklist 2: Outline Applications & Reserved Matters Submissions

Checklist 3: Listed Building Consent & Planning Permission for Relevant Demolition in a Conservation Area

Checklist 4: Advertisement Consent

Checklist 5: Householder Applications

Checklist 6: Non-material and minor material amendments

## Checklist 1: Full Applications

Validation Requirements	Applications for new building, extension or; engineering works; or change of use with external building / extension/ engineering works	Change of use with no external building / extension / engineering works	Required	Submitted
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National Requirements				
Completed planning application form	See Note 1	See Note 1	Yes	Yes / No
Location plan	See Note 2	See Note 2	Yes	Yes / No
Site Plan	See Note 3	See Note 3	Yes	Yes / No
Completed Ownership Certificate (A, B, C, D)	See Note 4	See Note 4	Yes	Yes / No
Completed Agricultural Holdings Certificate	See Note 5	See Note 5	Yes	Yes / No
Appropriate fee	See Note 6	See Note 6	Yes / No	Yes / No
Design and Access Statement (where required)	See Note 7	See Note 7	Yes	Yes / No

Tyne and Wear Requirements				
Application Plans	See Note 8	See Note 8	Yes / No	Yes / No
Affordable Housing Statement	See Note 9	See Note 9	Yes / No	Yes / No
Air Quality Assessment	See Note 10	See Note 10	Yes / No	Yes / No
Archaeological Assessments	See Note 11	No	Yes / No	Yes / No
Coal Mining Risk and Mineral Safeguarding Assessment	See Note 12	See Note 12	Yes / No	Yes / No
Ecological Survey Assessment and Mitigation Report & Protected Species Survey	See Note 13	See Note 13	Yes / No	Yes / No
Habitat Regulations Assessment	See Note 14	See Note 14	Yes / No	Yes / No
Flood Risk and Drainage Assessment	See Note 15	See Note 15	Yes / No	Yes / No
Heritage Statement	See Note 16	See Note 16	Yes / No	Yes / No
Land Contamination Assessment	See Note 17	No	Yes / No	Yes / No

Landscaping Details	See Note 18	No	Yes / No	Yes / No
Landscape & Visual Impact Assessment	See Note 18	See Note 18	Yes / No	Yes / No
Marketing Information	See Note 19	See Note 19	Yes / No	Yes / No
Noise Assessment	See Note 20	See Note 20	Yes / No	Yes / No
Open Space Assessment (including playing fields and recreational buildings)	See Note 21	No	Yes / No	Yes / No
Planning Obligations – Draft Head of Terms	See Note 22	See Note 22	Yes / No	Yes / No
Planning Statement	See Note 23	See Note 23	Yes / No	Yes / No
Statement of Community Involvement	See Note 24	See Note 24	Yes / No	Yes / No
Structural Survey	See Note 25	See Note 25	Yes / No	Yes / No
Sustainability Statement	See Note 26	See Note 26	Yes / No	Yes / No
Telecommunications Development	See Note 27	See Note 27	Yes / No	Yes / No
Town Centre Use Assessment	See Note 28	See Note 28	Yes / No	Yes / No
Transport Assessments / Statements and Travel Plans	See Note 29	See Note 29	Yes / No	Yes / No
Tree Survey and/or Statement of Arboricultural Implications of Development	See Note 30	See Note 30	Yes / No	Yes / No
Ventilation / Extraction Details	See Note 31	See Note 31	Yes / No	Yes / No
Daylight/sunlight/Microclimate studies	See Note 32	See Note 32	Yes/No	Yes/ No
Community Infrastructure Levy Additional Information Form	See Note 33	See Note 33	Yes/No	Yes/No

**Please note: The above documents may be requested during pre-application discussions, or where no discussions have taken place following validation of the application.**

**On validation - If the requested detail is judged to be critical in determining whether permission should be granted or not, and the applicant / agent is unable to submit the information within a specified timescale the authority may be left with no option but to refuse the application due to lack of information.**

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

## Checklist 2: Outline Applications & Reserved Matters Submissions

Validation Requirements	Outline Application	Reserved Matters Application	Required	Submitted
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National Requirements				
Completed planning application form	See Note 1	See Note 1	Yes	Yes / No
Location plan	See Note 2	See Note 2	Yes	Yes / No
Site Plan	See Note 3	See Note 3	Yes	Yes / No
Completed Ownership Certificate (A, B, C, D)	See Note 4	See Note 4	N/A	Yes / No
Completed Agricultural Holdings Certificate	See Note 5	See Note 5	Yes	Yes / No
Appropriate fee	See Note 6	See Note 6	Yes / No	Yes / No
Design and Access Statement (where required)	See Note 7	See Note 7	Yes	Yes / No

Tyne and Wear Requirements				
Application Plans	See Note 8	See Note 8	Yes / No	Yes / No
Affordable Housing Statement	See Note 9	See Note 9	Yes / No	Yes / No
Air Quality Assessment	See Note 10	See Note 10	Yes / No	Yes / No
Archaeological Assessments	See Note 11	See Note 11	Yes / No	Yes / No
Coal Mining Risk and Mineral Safeguarding Assessment	See Note 12	See Note 12	Yes / No	Yes / No
Ecological Survey Assessment and Mitigation Report & Protected Species Survey	See Note 13	See Note 13	Yes / No	Yes / No
Habitat Regulations Assessment	See Note 14	See Note 14	Yes / No	Yes / No
Flood Risk and Drainage Assessment	See Note 15	See Note 15	Yes / No	Yes / No
Heritage Statement	See Note 16	See Note 16	Yes / No	Yes / No
Land Contamination Assessment	See Note 17	See Note 17	Yes / No	Yes / No
Landscaping Details	See Note 18	See Note 18	Yes / No	Yes / No
Landscape & Visual Impact Assessment	See Note 18	See Note 18	Yes / No	Yes / No
Marketing Information	See Note 19	See Note 19	Yes / No	Yes / No

Noise Assessment	See Note 20	See Note 20	Yes / No	Yes / No
Open Space Assessment (including playing fields and recreational buildings)	See Note 21	See Note 21	Yes / No	Yes / No
Planning Obligations – Draft Head of Terms	See Note 22	See Note 22	Yes / No	Yes / No
Planning Statement	See Note 23	See Note 23	Yes / No	Yes / No
Statement of Community Involvement	See Note 24	See Note 24	Yes / No	Yes / No
Structural Survey	See Note 25	See Note 25	Yes / No	Yes / No
Sustainability Statement	See Note 26	See Note 26	Yes / No	Yes / No
Telecommunications Development	See Note 27	See Note 27	Yes / No	Yes / No
Town Centre Use Assessment	See Note 28	See Note 28	Yes / No	Yes / No
Transport Assessments / Statements and Travel Plans.	See Note 29	See Note 29	Yes / No	Yes / No
Tree Survey and/or Statement of Arboricultural Implications of Development	See Note 30	See Note 30	Yes / No	Yes / No
Ventilation / Extraction Details	See Note 31	See Note 31	Yes / No	Yes / No
Daylight/sunlight/Microclimate study	See Note 32	See Note 32	Yes/ No	Yes / No
Community Infrastructure Levy Additional Information Form	See Note 33	See Note 33	Yes/No	Yes/No

**Please note: The above documents may be requested during pre-application discussions, or where no discussions have taken place following validation of the application.**

**On validation - If the requested detail is judged to be critical in determining whether permission should be granted or not, and the applicant / agent is unable to submit the information within a specified timescale the authority may be left with no option but to refuse the application due to lack of information.**

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

### Checklist 3: Listed Building Consent & Planning Permission for Relevant Demolition in a Conservation Area

Validation Requirements	Listed Building Consent	Relevant Demolition	Required	Submitted
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National Requirements				
Completed planning application form	See Note 1	See Note 1	Yes	Yes / No
Location plan	See Note 2	See Note 2	Yes	Yes / No
Site Plan	See Note 3	See Note 3	Yes	Yes / No
Completed Ownership Certificate (A, B, C, D)	See Note 4	See Note 4	Yes	Yes / No
Completed Agricultural Holdings Certificate	See Note 5	See Note 5	Yes	Yes / No
Appropriate fee	See Note 6	See Note 6	Yes / No	Yes / No
Design and Access Statement (where required)	See Note 7	See Note 7	Yes	Yes / No

Tyne and Wear Requirements				
Application Plans	See Note 8	See Note 8	Yes	Yes / No
Archaeological Assessments	See Note 11 Seek pre-application advice	See Note 11 Seek pre-application advice	Yes / No	Yes / No
Heritage Statement	See Note 16	See Note 16	Yes / No	Yes / No
Marketing Information	See Note 19	See Note 19	Yes / No	Yes / No
Planning Statement	See Note 22	See Note 22 Seek pre-application advice	Yes / No	Yes / No
Structural Survey	See Note 24 Seek pre-application advice	See Note 24 Seek pre-application advice	Yes / No	Yes / No
Tree Survey and/or Statement of Arboricultural Implications of Dev.	See Note 30	See Note 30	Yes / No	Yes / No

**Please note: The above documents may be requested during pre-application discussions, or where no discussions have taken place following validation of the application.**

**On validation - If the requested detail is judged to be critical in determining whether permission should be granted or not, and the applicant / agent is unable to submit the information within a specified timescale the authority may be left with no option but to refuse the application due to lack of information.**

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**



## Checklist 4: Advertisement Consent

Validation Requirements	Advertisement Consent	Required	Submitted
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National Requirements			
Completed advertisement consent form	See Note 1	Yes	Yes / No
Location plan	See Note 2	Yes	Yes / No
Appropriate fee	See Note 6	Yes / No	Yes / No

Tyne and Wear Requirements			
Application Plans	See Note 8	Yes	Yes / No

**Please note: The above documents may be requested during pre-application discussions, or where no discussions have taken place following validation of the application.**

**On validation - If the requested detail is judged to be critical in determining whether permission should be granted or not, and the applicant / agent is unable to submit the information within a specified timescale the authority may be left with no option but to refuse the application due to lack of information.**

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

## Checklist 5: Householder Applications

Validation Requirements	Householder Applications	Required	Submitted
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### National Requirements

Completed planning application form	See Note 1	Yes	Yes / No
Location plan	See Note 2	Yes	Yes / No
Site Plan	See Note 3	Yes	Yes / No
Completed Ownership Certificate (A, B, C, D)	See Note 4	Yes	Yes / No
Completed Agricultural Holdings Certificate	See Note 5	Yes	Yes / No
Appropriate fee	See Note 6	Yes / No	Yes / No
Design and Access Statement (where required)	See Note 7	Yes	Yes / No

### Tyne and Wear Requirements

Application Plans	See Note 8	Yes	Yes / No
Archaeological Assessments	See Note 11	Yes / No	Yes / No
Ecological Survey Assessment and Mitigation Report & Protected Species Survey	See Note 13	Yes / No	Yes / No
Flood Risk and Drainage Assessment	See Note 15	Yes / No	Yes / No
Noise Assessment	See Note 20	Yes / No	Yes / No
Tree Survey and/or Statement of Arboricultural Implications of Development	See Note 30	Yes / No	Yes / No

**Please note: The above documents may be requested during pre-application discussions, or where no discussions have taken place following validation of the application.**

**On validation - If the requested detail is judged to be critical in determining whether permission should be granted or not, and the applicant / agent is unable to submit the information within a specified timescale the authority may be left with no option but to refuse the application due to lack of information.**

**Data Protection: For any supporting documents, we prefer these with signatures already redacted or provided in a typed form i.e. without any signatures.**

**These checklists do not apply where the intention is to carry out a development as 'permitted development' or under the Neighbour Notification Scheme / Prior Approval Notification process. Further information on permitted development and whether these have been withdrawn is available on the council's webpage and on the Planning Portal:**

[https://www.planningportal.co.uk/info/200125/do\\_you\\_need\\_permission](https://www.planningportal.co.uk/info/200125/do_you_need_permission)

## Checklist 6. Non-material and Minor-material Amendments

Issues can arise after planning permission has been granted and in such circumstances an applicant may need to seek to modify or vary the approved plans or details. If these modifications are fundamental, a new planning application under Section 70 of the Town and Country Planning Act 1990 would need to be submitted.

When less substantial changes are proposed a minor material or non-material amendment could be sought. Such provisions do not however cover Listed Building Consents and a new application for Listed Building Consent will be required.

Section 96A of the Town and Country Planning Act 1990, enables the submission of applications for non-material changes to existing planning permissions, without requiring the submission of a new planning application. Section 73 of the Act allows a new permission to be issued where the change to the approved development represents a Minor-material amendment.

Such applications must be made by completing the correct form, which are available on the Planning Portal website. The extent and nature of the proposed amendment must be clearly identified on the plans and drawings accompanying the application form. This can be done by either including sets of both the original and amended drawings, or by superimposing the proposed amendment on those originally approved. Full specification of materials, colours, sections must be included where appropriate.

If the extent and nature of the minor amendment cannot easily be identified from the submitted material the application will not be made valid until further information or clarification have been received.

There are strict rules in terms of what may be accepted as a non-material amendment and applicants are therefore encouraged to read the Non-material Amendment Protocol which is available on-line before submitting an application at:

<https://www.newcastle.gov.uk/sites/default/files/wwwfileroot/planning-and-buildings/planning/protocolforonmaterialamendmentsmarch20101.pdf>

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## Summary of Responses

<u>Name</u>	<u>Address/ Authority</u>	<u>Page no</u>	<u>Comment</u>	<u>Suggested outcome</u>
Urban Designer	Gateshead Council	section 8 appendix 1 b)	<p>That submitted drawings include reference to information about space standards as per the N Tyneside reference as Gateshead and Newcastle now have policies. Also suggest that all submitted proposed floor plan drawings contain the following information.</p> <ul style="list-style-type: none"> <li>• Furniture Layouts - To demonstrate that all rooms within the property can (a) comfortably accommodate the required basic items of furniture, and (b) provide enough circulation space for the intended occupants to safely navigate rooms and perform basic tasks.</li> <li>• Floor Areas – Floor Plan drawings must be annotated to provide this information (in square metres), to include the GIA (Gross Internal Area) of the property; all habitable rooms; and all built-in spaces designed specifically for storage.</li> <li>• Bedroom Dimensions – Floor Plan drawings also need to provide dimensions of all bedroom widths within the property to demonstrate compliance with the technical requirements of the NDSS.</li> <li>• House Type Specification - Floor Plan drawings also need to clearly state the number of bedrooms and bed spaces the property will provide, to show the intended number of occupants the house has been designed to accommodate, and also as a statement indicating how the property will be marketed (i.e. a 3b/5p property).</li> </ul> <p>I would also suggest including a footnote to the effect of: "The developer should refer to the technical requirements in the NDSS for guidance on how to accurately and correctly obtain these required measurements."</p>	Include reference to space standards as per S Tyneside reference and change wording to include suggested wording.
Urban Designer	Gateshead Council	Page 9 appendix 1	<p>Typo in second bullet point “the steps taken to appraise the context of the development and how the design of the development takes that context into account”. This should read, “the steps taken to appraise the context of the site and its surroundings and how the design of the development takes that context into account”</p>	Correct typos
Biodiversity officer	Gateshead Council but agreed with South Tyneside and Sunderland Ecologists	Section 13	<p>13. Ecological Survey Assessment and Mitigation Report &amp; Protected Species Survey When could either of these be required?</p> <p>Modification / demolition (including in part) of the following:</p> <ul style="list-style-type: none"> <li>• Permanent agricultural buildings;</li> <li>• Buildings with weather boarding, wooden cladding and/or hanging tiles within 200 metres of woodland or water;</li> <li>• Pre-1960 buildings within 200 metres of woodland or water and pre-1919 buildings within 400 metres of woodland or water; buildings/structures of any age within or immediately adjacent to woodland and/or water;</li> <li>• Tunnels, mines, kilns, ice houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;</li> <li>• Bridges, aqueducts and viaducts;</li> <li>• Buildings known to support roosting bats.</li> </ul> <p>Applications that would include the following:</p> <ul style="list-style-type: none"> <li>• Floodlighting within 50 metres of woodland, water or hedgerows / lines of trees with an obvious connection to woodland or water;</li> <li>• Works to fell or lop veteran trees, trees with obvious cracks, holes and cavities, or trees with a diameter greater than a metre at chest height;</li> <li>• Major proposals within 500 metres of the perimeter of a pond, or 200 metres of rivers, streams, canals, lakes or other aquatic habitats such as wetlands;</li> <li>• Minor proposals within 100 metres of a pond or adjacent to rivers, streams, canals, lakes or other aquatic habitats such as wetlands;</li> <li>• Proposals for wind turbines.</li> </ul> <p>Applications affecting:</p> <ul style="list-style-type: none"> <li>• Woodland, or hedgerows / lines of trees with an obvious connection to woodland or water;</li> <li>• Gravel pits, quarries, natural cliff faces, or rock outcrops with crevices or caves;</li> </ul>	Make suggested changes

**Summary of Responses**

		<ul style="list-style-type: none"> <li>• European protected sites or candidate sites: Special Protection Area (SPA) / Ramsar Site, Special Area of Conservation (SAC);</li> <li>• Site of Special Scientific Interest (SSSI);</li> <li>• Local Wildlife Sites (LWS);</li> <li>• Local Nature Reserve (LNR)</li> <li>• Wildlife Corridors;</li> <li>• Site of Local Conservation Interest (SLCI);</li> <li>• Priority habitats as defined in the UK Biodiversity Action Plan (BAP) (Refer to Local BAPs and the Natural Environment and Rural Communities Act);</li> <li>• A semi-natural habitat.</li> </ul> <p>Exceptions:</p> <p>A survey assessment &amp; mitigation report may be waived if:</p> <ul style="list-style-type: none"> <li>• Following consultation at the pre-application stage, it is confirmed in writing by the Council that a survey/report is not required;</li> <li>• A reasoned risk assessment, undertaken by a suitably qualified ecologist, is submitted demonstrating that no protected species are present, or that none would be adversely affected by the proposal;</li> </ul> <p>A survey assessment &amp; mitigation report may be required if:</p> <ul style="list-style-type: none"> <li>• The Council believe that your specific proposal poses a reasonable likelihood of impacting on protected species and/or habitats even where the criteria above is not triggered.</li> </ul> <p>Please seek pre-application advice from the Local Planning Authority for clarification on when a survey or Habitat Regulation Assessment screening opinion (see below) would be required.</p> <p>What information is required?</p> <p>Where a development has the potential to impact on priority and protected habitats or species e.g. bats or Great Crested Newts, appropriate surveys and assessments will be required with the application.</p> <p>Ecological survey and reporting work must comply with BS42020:2013 Biodiversity – code of practice for planning and development and be in accordance with up to date good practice guidance. Please refer to the CIEEM website for details.</p> <p>Failure to provide information on protected species at the outset can significantly delay the processing of your planning application whilst a survey is carried out and could result in a need for design and layout changes that should have been taken into account in the original proposal.</p> <p>Please note certain surveys can only be undertaken at certain times of the year. For further details please contact the Local Planning Authority at pre-application stage.</p> <p>Where a development could impact upon a European Protected Site or candidate site a Habitat Regulation Assessment (HRA) will be required The HRA is an overall assessment process, which involves a number of stages including screening and Appropriate Assessment. The process seeks to identify any potential ‘likely significant effects’ (LSE) which may impact upon the designated site, either alone or in-combination with other plans and projects.</p> <p>Policy Background</p> <p>Government policy or guidance:</p> <ul style="list-style-type: none"> <li>• National Planning Policy Framework – Chapter 15</li> <li>• National Planning Practice Guidance – Natural Environment section</li> </ul> <p>Development Plan:</p> <p>Newcastle and Gateshead Core Strategy Policy CS18</p> <p>Newcastle Unitary Development Plan Policies NC1.1, NC1.2, NC1.3 (in part), NC1.4, NC1.5, NC1.6 and NC1.7</p> <p>Gateshead</p>	
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## Summary of Responses

			<p>Unitary Development Policies DC1 (d), ENV44, ENV46, ENV47, ENV48, ENV49, ENV50 and ENV51</p> <p>South Tyneside Core Strategy Policies ST1, EA1 and EA3</p> <p>Development Management Policies DM1 and DM7 Area Action Plan Policies SS13 and J11 Interim Supplementary Planning Document 23 – Mitigation Strategy for European Sites <a href="https://www.southtyneside.gov.uk/article/36021/Supplementary-Planning-Documents">https://www.southtyneside.gov.uk/article/36021/Supplementary-Planning-Documents</a></p> <p>North Tyneside Local Plan (2017) S5.4, DM5.5, DM5.6, DM5.7</p> <p>Area specific requirements and further information:</p> <p>Chartered Institute of Ecology and Environmental Management website</p> <ul style="list-style-type: none"> <li>• <a href="https://www.cieem.net/publications-info">https://www.cieem.net/publications-info</a></li> <li>• Bat Conservation Trust</li> <li>• <a href="http://www.bats.org.uk/">http://www.bats.org.uk/</a></li> <li>• Natural England website</li> <li>• <a href="https://www.gov.uk/government/organisations/natural-england">https://www.gov.uk/government/organisations/natural-england</a></li> <li>• Regional Biodiversity Priorities</li> <li>• <a href="https://neenp.org.uk/natural-environment/biodiversity-priorities/">https://neenp.org.uk/natural-environment/biodiversity-priorities/</a></li> </ul>	
Gary Craig	Agent	all	<p>I don't have any particular comment on the content of the revision, but if I had any criticism it is the difficulty of taking in 63 -78 pages to determine what is and is not required (the copy sent to me by South Tyneside was 63 pages long, the Gateshead copy 78 pages?) Could there not be a shortened version with just the basic requirements and perhaps the appendices, and then a separate set of guidance notes that you could refer to if it appears that the various bits of additional information are needed? If not for the whole document, at least to separate the householder requirements? I often get domestic Clients saying to me that they have looked at submitting an application themselves and have been put off by the difficulty of understanding what is required, or they have tried to submit something and it has been referred back to them for further information. Perhaps a simpler version for householders with examples of a red lined site plan, illustrations of the 1-200 site plans, etc? There is not a single illustration in the whole document.</p>	<p>we have a shorter householder checklist on our website which collates the info required and directs to further info if needed.</p> <p><a href="https://www.gateshead.gov.uk/media/6689/Tyne-and-Wear-Validation-List-Householder-Applications/pdf/TyneandWearValidationList-HouseholderApplications.pdf?m=636572499022400000">https://www.gateshead.gov.uk/media/6689/Tyne-and-Wear-Validation-List-Householder-Applications/pdf/TyneandWearValidationList-HouseholderApplications.pdf?m=636572499022400000</a></p>
Peter Lowe – TMA Architects	Agent		<p>Many thanks for sending this through. A few thoughts. Not sure if they can be included due to National Policy. In no particular order:</p> <ul style="list-style-type: none"> <li>• Change your scale requirements. For examples the scale of 1:125 should be used for plans and elevations.</li> <li>• 1:2000 should be acceptable for location plans.</li> <li>• For certain applications an acoustic survey, heritage statement, tree surveys or daylight assessments may be requested. These documents need to be produced by professionals. A list should be made available on your website of all providers in the local area. Together with their estimated fees – possibly and a range between £? - £?</li> <li>• Also you should also have a list of all RIBA Architects in the local area for people to see. Together with estimated fees.</li> <li>• A minimum standard for drawing quality should be applied. Too many applications have poor quality drawings. I can send you some examples if you require.</li> <li>• Design statements should not be required for domestic projects.</li> <li>• CIL should only be applicable to large volume house builders.</li> <li>• Have a team of Architects to review designs of sensitive applications.</li> </ul>	<p>The comments raised have been noted. Recognised scales are required for validation for ease of scaling. The Validation Checklist cannot require qualifications of authors of documents, only the contents and form. The quality of submission will form part of the planning assessment.</p> <p>Design and Access Statement are not normally required for domestic applications, except where involving heritage assets. The NE RIBA Design Review panel can be requested to consider large applications.</p>
Planning Policy	Gateshead Council	N/A	<p>Has any consideration been given to the prior extraction of minerals in accordance with CSUCP policy CS20 given there is a boroughwide MSA – this becomes a more relevant consideration for larger non or edge-of-urban area sites.</p> <p>This should be something that is covered in the validation checklist (feasibility of mineral extraction statement for sites &gt;1hectare)???</p>	<p>Revised wording in the mineral safeguarding section to include requirements for all authorities.</p>

## Summary of Responses

Historic England	All		<p>We welcome the comprehensive requirements for applications affecting the historic environment. The only comments we have are as follow:</p> <ul style="list-style-type: none"> <li>On page 9, final bullet for the list relating to Planning Applications, it may be helpful to refer to 'significance' (eg: 'A description of any heritage asset affecting, including its significance, any contribution made by their setting, and....' etc.)</li> <li>It may be helpful to provide a link to the Historic England advice on significance on our website, eg:  <a href="https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/">https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/</a></li> </ul>	Views taken into consideration in redrafting the document
Highways England	South Tyneside Council	All	<p>(ii) Discretion  b) Planning applications must be determined in accordance with the adopted development plan, unless material planning considerations indicate otherwise. Pre-application discussions with the local planning authority are therefore encouraged (see paragraph (v) on page 5 of this document), particularly where the scheme is complex or where the proposal may be in conflict with development plan policy. The pre-application advice service is discretionary and requires a fee to be paid. Mindful of NPPF, it is recommended that the important benefits of pre-application discussions are strengthened and more than simply encouraged. The wording should also clarify at who's discretion pre-application advice is.</p> <p>(iii) Review  c) Please note that the authorities may need to update and make changes to this publication to comply with legislative changes. Should this occur we will seek to update it on our websites as soon as practicable. Please be aware of this imitation should you choose to print a copy of this publication.</p> <p>(iv) Using the Checklists  b) Clearly there are some circumstances where applicants will need to discuss the local list requirements with the relevant local planning authority (LPA) before submitting an application. Applicants are strongly encouraged to do this because if an application lacks the information specified by the Government and in the LPAs published lists, the LPA will in general be entitled to invalidate the application and so decline to determine it. [original emphasis]</p> <p>(v) Pre-application Advice  Again, it is recommended that the benefits of pre-application advice be strengthened as per the guidance contained in NPPF (paragraph 39 to 46). Further, statutory consultees should be referenced to (such as Highways England); the benefits that pre-application advice would have on identifying relevant consultees; and the risk of delay to an Application's determination if consultees are not appropriately engaged. A list of potential consultees could be included within an additional Appendix and referred to in the text.</p> <p>Appendix 1  7. Design and Access Statement (if required)  Unless detailed within '(v) Pre-application advice' (in which case cross-reference should be made) differentiation should be made between pre-application Planning advice and that offered by the relevant Local Highways Authority in relation to the preparation of a Design and Access Statement, along with the benefits and risks if not appropriately engaged (see further comments below regarding Transport Statements and Assessments).</p> <p>Outline Planning Applications  Although the minimum level of information required to be submitted with an outline planning application is identified, notwithstanding this, it would be beneficial to identify that sufficient information needs to be provided to permit the application to be determined. Therefore, additional documentation may be required and the absence of such would result in delay to an application's determination. This further strengthens the benefits of pre-application consultation.</p> <p>8. Application Plans  In addition to identifying that all plans should be numbered it would be beneficial to recommend the inclusion of a revision and date also.</p> <p>10. Air Quality Assessment  Air quality may impact upon statutory consultees (Highways England) and, therefore, cross-reference is recommended.</p>	Views taken into consideration in redrafting the document



Summary of Responses

		<p>20. Noise Assessment Trunk roads and motorways are referenced within “when is this required” but are not identified as representing the Strategic Road Network, as a result the link with Highways England within the subsequent reference to the strategic road network within “what information is required” may be unclear. It is recommended that the wording be amended so that the initial identification of trunk roads and motorways be introduced as representing the Strategic Road Network and, as such, the responsibility of Highways England.</p> <p>22. Planning Obligations – Draft Head of Terms Highway works are identified within the list of items planning obligations seek to address. However, as Highways England cannot be a signatory to a s106 Agreement it is recommended that a footnote be added that provides the caveat: “with the exclusion of works at the Strategic Road Network, as represented by trunk roads and motorways, unless requested by Highways England”.</p> <p>29. Transport Assessments &amp; Statements, Travel Plans, Parking &amp; Highways It is recommended that Transport Assessments / Statements and Travel Plans be dealt with separately with parking and highways being excluded from the title but included as matters for consideration. The wording “your planning application” should be amended to ‘a planning application’, to maintain consistency of wording throughout the document.</p> <p>Suggested additional wording:</p> <p>These documents are used to determine whether the impact of the development is acceptable, in highways and transportation terms. Suggested modified wording:</p> <p>Transport Assessment (TA): A comprehensive and systematic process that sets out transport issues relating to a proposed development. It should quantify the travel characteristics of the development by all modes of travel, the resulting impact on transport infrastructure and identify identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.</p> <p>Pre-application scoping is key if a TA is to prove acceptable to the relevant highway authorities (not simply that of the authority within which the proposed development it located but also neighbouring authorities and Highways England, where there exists the potential for an impact to be apparent at the Strategic Road Network, as represented by trunk roads and motorways). Scoping should comprehensively set out all methodologies, inputs and data by which the development’s trip-making at the supporting transport networks is to be established. In the absence of comprehensive and agreed scoping there is the risk that re-visitation will be required before an application’s transport impacts and any associated mitigation across all modes are agreed, thereby delaying an application’s determination and increasing an applicant’s costs.</p> <p>TAs are to be fully supported by evidence with all data referred to and referenced provided in full.</p> <p>Transport Statement (TS): A simplified version of a transport assessment where it is agreed the transport issues arising out of development proposals are limited and a full transport assessment is not required. However, the same comments regarding scoping and provision of supporting evidence noted above in relation to TAs equally apply to TSs. Again, as noted above in relation to Design and Access Statements, differentiation should be made between pre-application Planning advise and that offered by the relevant Local Highways Authorities, including reference to Highways England.</p> <p>Scope of reports The table of data should additionally include:</p> <ul style="list-style-type: none"> <li>• Identification of queue surveys, within Traffic Surveys</li> <li>• “Consultation” should reference “Relevant Highway Authorities” rather than “Local Authority” (explicate reference to Highways England is not required, subject to inclusion of wording above expanding upon relevant highway authorities).</li> <li>• Trip Assignment and Trip Distribution order should be swapped.</li> <li>• Road Safety Audits are incorrectly identified in relation to Parking and should be identified under Mitigation Proposals, along with Walking,</li> </ul>	
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## Summary of Responses

			<p>Cycling, Horse-Riding Assessment and Review (in relation to any SRN mitigation)</p> <p>On the basis that the wording modifications suggested above are incorporated:</p> <p>Further, should a development affect the strategic road network, or for any development requiring direct access to the strategic highway network, then Highways England should be contacted. Where the need for highway mitigation works are identified as necessary at the Strategic Road Network these must comply with all aspects of In these cases mitigation will need to be designed in accordance with the Design Manual for Roads and Bridges, with Stage 1 Road Safety Audit in accordance with GG 119 HD19/15 and Walking, Cycling &amp; Horse-riding Assessment and Review Non-Motorised User Audit in accordance with HD 42/17 HD 42/05 for both outline and detailed applications.</p> <ul style="list-style-type: none"> <li>Reference to “, or for any development requiring direct access to the strategic highway network,” should be deleted as direct access is contrary to policy and would only be permitted in very exceptional circumstances.</li> </ul>	
Natural England	All		<p>Air Quality - It is positive that the revised checklist states that air quality assessment should ‘take account of potential impacts on sensitive ecological habitats vulnerable to deposition from increased emissions.’ For clarity this should ideally specify emissions ‘to air.’ Sensitive habitats may experience nutrient enrichment and eutrophication from increases to deposition from oxides of nitrogen and sulphur, or smothering from increased particulate matter emissions and subsequent deposition.</p> <p>Ecology – It should also be noted that species associated with some designated sites receive protection outside of the designated boundary – for example land outside of the site boundary where birds associated with Special Protection Areas are found to be feeding or roosting would be considered ‘functional land’. This would receive the same protection as land within the designated site, and so the same expectation for avoidance and mitigation measures to be put in place would exist.</p> <p>Habitat Regulations Assessment – Information on the reasons for which European Sites are designated may also be obtained at Natural England’s Designated Sites View website:  <a href="https://designatedsites.naturalengland.org.uk/">https://designatedsites.naturalengland.org.uk/</a></p> <p>Landscaping – Development may present opportunities to protect and enhance locally valued landscapes (including any local landscape designations) and opportunities for biodiversity net gain. Landscape design should consider local landscape features or characteristics which could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape &amp; Visual Impact Assessment should be provided with the proposal to inform decision making. The Landscape Institute Guidelines for Landscape and Visual Impact Assessment provide further guidance. <a href="https://www.landscapeinstitute.org/technical/glvia3-panel/">https://www.landscapeinstitute.org/technical/glvia3-panel/</a></p> <p>Noise – Environmental receptors should be identified as a feature that requires consideration in a noise assessment, particularly industrial or port developments in close proximity to nationally and internationally designated sites.</p>	Views taken into consideration in redrafting the document

Summary of Responses

Sport England	All	Existing site plan	<p>In addition to the national validation requirements set out within the Government’s Planning Practice Guidance, Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with the below checklist. This information will enable Sport England to provide a substantive response to applications on which it is consulted. It will also aid the LPA to assess an application in light of P.97 of the NPPF and relevant Local Plan policies.</p> <p>The checklist presents the recommended requirements for all applications. It also indicates the information that Sport England recommends should be submitted where an applicant feels their development may meet with one of the exceptions to Sport England’s Playing Fields Policy.</p> <table border="1" data-bbox="764 596 1583 1516"> <thead> <tr> <th>Document</th> <th>Presenting details on.....</th> <th></th> </tr> </thead> <tbody> <tr> <td colspan="3" style="text-align: center;"><b>Required for all applications</b></td> </tr> <tr> <td>Consultation Notice</td> <td>1. The development proposed (description), timescales, case officer contact details and how information can be viewed.</td> <td></td> </tr> <tr> <td rowspan="6">Existing site plan</td> <td>2. Extent of the playing field as defined by <a href="#">The Town and Country Planning (Development Management Procedure) (England) Order 2015</a></td> <td></td> </tr> <tr> <td>3. Location and nature of existing buildings.</td> <td></td> </tr> <tr> <td>4. 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Coal Authority	All		<p>We are pleased to see that Coal Mining Risk Assessments have been identified as a requirement on the Local Validation List and we support the justification for this requirement and are pleased to see signposting to the Coal Authority website.</p> <p>We also support the reference to Mineral Safeguarding issues and the LPA’s requirements in this regard.</p>	Views taken into consideration in redrafting the document																																																																		
Community Safety Officer / Domestic Violence Co-ordinator – Scott Bentley	South Tyneside		<p>From our point of view, it would be helpful to include something around Crime/Disorder, to assist compliance with our statutory duty (s17 of the Crime &amp; Disorder Act 1998), namely:</p> <p>I believe that the LDF Core Strategy, within Policy ST2 (Sustainable Urban Living) also mentions that we will ensure that “the need to design out crime and eliminate the fear of crime has been addressed” and that this is also reflected in the related Development Management Policies.</p> <p>I’m aware that many other local authorities already have a requirement to produce a “Crime Impact Statement” for some proposals.</p> <p>That basically involves a statement of how the application has taken into account existing crime in the area and how the development has been designed to both address issues of crime and minimise its impact on the safety and security of the area. This can also assist in allaying any public concerns about proposed developments. Some authorities suggest that this information can be included within the Design &amp; Access Statement.</p> <p>Such a statement could include:</p> <ul style="list-style-type: none"> <li>• an assessment of crime and disorder issues in the vicinity of the development site;</li> <li>• an assessment of the development proposal in terms of its likely impact on crime and disorder;</li> <li>• suggested design solutions that will reduce the proposal’s vulnerability to crime and disorder (for example consideration given to design, layout, and hours of use); and</li> </ul>	Views taken into consideration in redrafting the document																																																																		

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			<ul style="list-style-type: none"> <li>information on the consideration of achieving Secured By Design accreditation.</li> </ul> <p>Different authorities have a range of thresholds that require a Crime Impact Statement, but some of the common themes include:</p> <ul style="list-style-type: none"> <li>All 'major' planning applications/developments (including housing developments of more than a specified number of dwellings, or commercial developments of more than a specified numbers of square metres);</li> <li>Applications for crime sensitive developments (e.g. ATM's);</li> <li>All applications involving car parking for more than a specified number of vehicles;</li> <li>Other minor developments which may increase the risk of crime or which are sited in an area where crime and disorder is a particular issue.</li> <li>Restaurants, hot food takeaways, pubs and night clubs.</li> </ul>	
Northumbria n Water	All		<p>We wish to take this opportunity to recommend that you and your collaborating Local Authorities include the requirement for a drainage strategy or layout to be submitted as standard, with any development proposal for 3+ houses. This request follows internal discussions within Northumbrian Water about how we can more effectively respond to planning applications. It also ties in with the central policy push to remove pre-commencement conditions from approvals and allow for quicker site delivery. If we were to have Surface Water and Foul drainage strategies submitted as part of a planning application it would remove the need for us to condition that requirement and for applicants to seek discharge at a later date.</p>	<p>Views taken into consideration in redrafting the document. However currently no such threshold exists. No statutory obligation for LLFAs to consider minor development except minors in a flood risk area or near a watercourse.</p>
Agent - Maria Ferguson	Newcastle		<p>Thank you for the email in respect of consultation on the validation checklist. The only observation I have is that the noise survey for changes of use should clarify that where this is near to or affects noise sensitive properties, not a general requirement.</p> <p>Also, the D&amp;A statement you say should contain various pieces of information such as heritage assets that are affected and planning matters. Often, even though you don't always require a planning statement for smaller schemes, it is desirable to deal with those issues and applicants may elect to provide this information to assist the determination of the application. Often an architect will prepare this, and a planning consultant a planning statement. The requirements for a D&amp;A statement should be reduced to D&amp;A considerations only, and the planning statement and heritage statement should be sufficient to cover everything else.</p>	<p>Views taken into consideration in redrafting the document.</p> <p>For smaller applications it is possible to include a range of supporting documents within a single planning statement, by agreement with the relevant LPA.</p>