

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 26 August 2020 at 10.00 am The meeting will be held virtually.

From the Chief Executive, Sheena Ramsey

| Item | Business |
|----------|-----------------------------------------------------------------------------------------------------------------|
| 1 | Apologies for Absence |
| 3 | Declarations of Interest Members to declare interests in any agenda items |
| 4 | Planning Applications (Pages 3 - 8) Report of the Strategic Director, Communities and Environment |
| 4i | No. 1 - Land west of Albany Road, Gateshead (Pages 9 - 34) |
| 4ii | No. 2 - Mossheaps Recreation Ground, Gateshead (Pages 35 - 44) |
| 4iii | No. 3 - Former Go-Ahead Bus Depot, Gateshead (Pages 45 - 76) |
| 4iv | No. 4 - Vacant land Storey Lane, Blaydon-on-Tyne (Pages 77 - 102) |
| 4v | No. 5 - 6 Coalway Lane, Whickham (Pages 103 - 108) |

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PLANNING AND DEVELOPMENT
COMMITTEE
26 August 2020

TITLE OF REPORT: Planning applications for consideration

REPORT OF: **Anneliese Hutchinson, Service Director,
Planning, Climate Change and Strategic Transport**

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

| Application Number | Site Location | Ward |
|---------------------------|---------------------------------------|-----------------------------------------|
| 1. DC/19/00244/OUT | Land West Of Albany Road Gateshead | Bridges |
| 2. DC/19/01189/FUL | Mossheaps Recreation Ground Moss Bank | High Fell |
| 3. DC/20/00286/FUL | Former Go-Ahead Bus Depot Gateshead | Bridges |
| 4. DC/20/00417/FUL | Vacant Land Storey Lane | Ryton Crookhill And Stella |
| 5. DC/20/00438/HHA | 6 Coalway Lane Whickham | Dunston Hill And Whickham East |

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 2019 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 detailed policies and land allocations for the new Local Plan. The DPD will be called Making Spaces for Growing Places (MSGP), which once adopted will replace any remaining saved UDP policies and designations/allocations.

UPDATES

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

SPEAKING AT COMMITTEE

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

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

SITE PLANS

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

PUBLICITY/CONSULTATIONS

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

SITE VISITS

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

| | | | |
|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A1 Shops | Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops. | C1 Hotels | Hotels, boarding and guest houses |
| A2 Financial and Professional Services | Banks, building societies, estate and employment agencies, professional and financial services. | C2 Residential Institutions | Residential schools and colleges convalescent homes/nursing homes |
| A3 Restaurants and Cafes | Restaurants, snack bars, cafes. | C2A Secure Residential Institutions | Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres. |
| A4 Drinking Establishments | Public Houses and Wine bars etc | C3 | Dwellings, small business at home, communal housing of the elderly and handicapped |
| A5 Hot food Take-Aways | Hot Food Take-away shops | C4 Houses in Multiple Occupation | Small shared dwellinghouses occupied by between 3 and 6 unrelated individuals who share basis amenities such as kitchen or bathroom. |
| B1 Business | Offices not within A2, research and development studios, laboratories, high tech., light industry appropriate in a residential area. | 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

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| Application No: | DC/19/00244/OUT |
| Case Officer | Andrew C Softley |
| Date Application Valid | 14 March 2019 |
| Applicant | Hargreaves Property Ventures Ltd |
| Site | Land West Of Albany Road Gateshead |
| Ward: | Bridges |
| Proposal: | Demolition of existing buildings and outline development within use classes A1 (retail), A3 (food and drink), A4 (drinking establishments) and/or D2 (leisure) with associated access, parking, servicing areas and landscaping with all matters reserved except for Access (amended 14/11/19 and 20/04/20 and additional information received 19/05/20). |
| Recommendation: | REFUSE |
| Application Type | Outline Application |

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

The application site is Unit 1, Albany Road, Gateshead, which has been home to 'Dynamix Skatepark' since 2009 and prior to that had been the HFW Plastics warehouse. It is a large detached, mostly single storey building of metal cladding construction that also features a pitched roof. It does also feature an ancillary office element, which is a two-storey brick-built section that is attached to the eastern elevation of the building. The application site forms part of a much larger plot, approximately 3.6 hectares in area that is defined by 2.4m high metal palisade fencing, which is bounded to the north by Quarryfield Road, to the east by Albany Road, the south by the A184 Felling Bypass and to the west by the Sunderland to Newcastle railway line. The site is located within the Urban Core (Town Centre) but is around 500m to the east outside of the Primary Shopping Area (PSA). It is in a location which is allocated in the Core Strategy under policy QB3 (5) for a mix of principal uses, with only ancillary A1 retail, and is expected to develop as a premier office location during and beyond the plan period.

1.2 The site is separated from the PSA by major pedestrian barriers including Gateshead Highway, and is out of centre in retail terms. Local Plan Policies RCL5, CS7, UC2 and GC1 make clear that the preferred approach is to focus retail development within existing centres in the retail hierarchy, including Gateshead's PSA, which is a focus for retail-led mixed-use development.

1.3 DESCRIPTION OF THE APPLICATION

This application for outline planning consent, with all matters reserved except access, proposes demolition of existing buildings and development within use classes A1 (retail), A3 (food and drink), A4 (drinking establishments) and/or D2 (leisure) with associated access, parking, servicing areas and landscaping (amended 14/11/19 and 20/04/20 and additional information received 19/05/20).

- 1.4 As of 1st September, changes to the Use Classes Order brought in by the recent Planning White Paper will radically change the current Use Classes Order. Primarily, this is through the creation of a new broad category of 'commercial, business and service' uses. Parts A and D of the original Schedule to the Use Classes Order have been entirely deleted, with Use Classes A1, A2, A3, parts of D1 and D2 subsumed into new Use Class E along with Class B1
- 1.5 Class A4 (drinking establishments) become sui generis uses and D2 (assembly and leisure) is split three ways – depending on the specific nature of the use - to either Class E (commercial, business and service use), sui generis (e.g. cinemas and concert halls) or another new use class F.2 (local community uses e.g. swimming pools, and community halls).
- 1.6 Indicative information has been submitted with the application which provides an example of the developer's thoughts on how the site may be designed, however, appearance, landscaping, layout and scale are to be considered at reserved matters stage in accordance with the requirements of Part 3 5(3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.7 As previously mentioned, this application is submitted in outline with all matters reserved except access, which is submitted for detailed consideration. The application proposes to re-use two of the three existing vehicular accesses to the site, both located on Quarryfield Road on the northern edge of the site. One access (easterly) would be dedicated to the customer vehicles and the other (westerly) as a service access for the larger retail/leisure units proposed. The third existing access located on Albany Road would be removed and stopped up.
- 1.8 The application includes illustrative plans for the layout of the site in addition to elevations, floor plans, sections and levels which detail a scheme for the construction of a 'bulky goods'/food and drink retail park, a large surface car park and associated landscaping.
- 1.9 The indicative layout plan comprises the following:
 - One Use Class A1 (becoming Class E) foodstore, comprising 1,900 sqm/20,452 sqft gross;
 - Two other large format retail units within Use Class A1 (becoming Class E), comprising 3,485 sqm/37,500 sqft gross floorspace in total (plus a garden centre of 697sqm/7,500 sqft gross);

- Two smaller units, comprising 234 sqm/2,500 sqft gross in total, within Use Classes A1 and/or A3 (becoming Class E);
- A micro-brewery/pub/restaurant (Use Classes A3/A4 – until Government guidance is provided, it is unclear if this type of mixed use would remain as sui generis, or fall within Class E) comprising 465 sqm/5,000 sqft gross;
- A drive-through coffee-shop (Use Classes A1 and/or A3 (becoming Class E), comprising 167 sqm/1,800 sqft gross;
- A gym within Use Class D2 (a gym would fall under Class E), comprising 1,068 sqm/11,500 sqft gross; and
- A 305 space car park.

1.10 The illustrative site plan reflects the information provided regarding floor areas the application form and shows a terrace of large floorplate units, comprising a foodstore and two other two large format retail units (one of which has an accompanying garden centre) on the western part of the site, facing eastwards, with a service yard to the rear. The proposed gym is shown towards the southern boundary of the site, adjacent to the micro-brewery/pub/restaurant, with the drive-through coffee-shop located on the eastern boundary, adjacent to Albany Road. The two smaller (Class A1/A3) units are shown to the eastern side of the customer vehicular access.

1.11 Trees and other soft landscaping are shown around the perimeter with the main pedestrian route shown running from north to south through the development. Customer car parking is proposed to the east and west of this route and would comprise 304 spaces in total, of which 22 are shown as accessible.

1.12 The application is supported by a Retail & Leisure Statement (R&LS) dated March 2019, which was updated in April 2020 (Updated R&LS) to reflect changes to the application proposals. Both documents have been prepared by Lichfields. The reports include sequential test and retail impact assessment details, as required by the NPPF and policy CS7 of the Core Strategy.

1.13 HISTORY

DC/14/00496/FUL: Planning application withdrawn for continued use of warehouse (use class B8) as indoor skate park with outdoor bike track (use class D2).

DC/10/00406/COU: Temporary planning permission granted for change of use vacant warehouse (use class B8) to indoor skate park with outdoor bike track (use class D2). Temporary permission expired on 08.02.2014.

2.0 Consultation Responses:

Northumbria Police No objections.

Northumbria Water No objection subject to a condition.

Tyne And Wear No comments.

Archaeology Officer

Coal Authority No objection subject to a condition.

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) (England) Order 2015.

3.2 Five letters of objection to the application have been received and raise the following concerns:

- The existing building should be retained and repaired, a mixed-use development brought forward that includes retail and a skatepark and parking provision capped at 100 cars.
- The loss of Dynamix Skatepark and the valuable resource for the community that it provides would be very sad.
- The community value of Dynamix Skatepark as a unique space for fitness and sport should be supported over any retail park development.
- Gateshead does not need another retail park creating waste and pollution, especially one disconnected from the town centre.

3.3 A detailed letter of objection, on behalf of Tesco Stores Ltd, has also been received, this concludes as follows:

“The proposed retail and leisure development poses a substantial threat to a vulnerable retail centre and to one of its key anchor tenants. Our review of the Retail Assessment suggests that the turnover of the proposed development has been underestimated, as has its likely trade draw, which together could result in detrimental consequences for the town centre, both directly and as a result of a loss linked trips between Tesco and other town centre stores.

Furthermore, the proposal is in direct conflict with development plan policies for the site and could ultimately undermine recent regeneration efforts, unravelling the progress made towards a healthier town centre and more sustainable shopping patterns. Considerable work is required to demonstrate the acceptability of the proposed development”.

3.4 Four letters have been received that neither object nor support the application and make the following points:

- Would like to see the Dynamix Skate Park either accommodated within the new development or nearby.
- In principle support the location of the development but feel the design quality and the aesthetic are low.
- A more cohesive design approach is needed that would better link the development to the town centre.

3.5 One letter of support has been received that makes the following points:

- The site has been in a state of dereliction for some years and regenerating it would enhance the view of the local area and the wider borough. It would also create future employment opportunities.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

GC1 Gateshead Central Sub-Area

SG2 The Exemplar Neighbourhood Key Site

QB1 Quays and Baltic Sub-Area

QB3 Quays and Baltic Dev Opportunity Sites

UC2 New Retail (A1) in Newcastle/Gateshead

UC12 Urban Design

UC15 Urban Green Infrastructure

CS7 Retail and Centres

CS8 Leisure, Culture and Tourism

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

RCL5 District and Local Centres

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The key considerations to be considered when assessing this planning application are the principle of the proposal, impact upon Gateshead Town

Centre, design, highway safety/parking, flood risk/drainage, ecology and contamination/coal mining legacy.

5.2 PRINCIPLE

Urban Core Policy Position

The site is in the Urban Core and is a development opportunity site (Core Strategy and Urban Core policy QB3 Quays and Baltic Development Opportunity Sites). Part 5 of policy QB3 relates specifically to the Baltic Business Quarter and sets out the following requirements:

- i. Encompass a mix of the following principal uses: Office (B1 a and b), Hotels (C1), Sport and Leisure (D2), Education (D1) and ancillary Retail (A1),
- ii. Provide streets with built frontages and active uses,
- iii. Create an urban form of development reflecting its Urban Core location,
- iv. Contribute to the provision of a green infrastructure corridor through the site, linking to the wider Urban Green Infrastructure Network and integrated with surface water management including boulevard routes of at least 30 metres,
- v. Manage surface water effectively, following the drainage hierarchy,
- vi. Consider the potential to retain existing surface water flow paths within green infrastructure,
- vii. Contribute to the provision of a high quality bus waiting/interchange facility,
- viii. Provide pedestrian improvements at the Park Lane/Albany Road junction along the secondary pedestrian route, and
- ix. Provide a foul and Surface Water Drainage Strategy which demonstrates there is adequate foul and surface water capacity for the development with the aim of reducing flood risk and ensuring no deterioration of water quality.

5.3 Policy UC2 (New Retail (A1) in Newcastle and Gateshead) requires major new retail (A1) to be in the designated Primary Shopping Areas. The proposal is for major new retail outside of the designated primary shopping area and therefore does not meet this policy requirement.

5.4 The updated Planning and Economic Statement submitted states that there is no reasonable prospect of an application coming forward for the uses allocated in the plan. The NPPF at paragraph 120 states "... Where the Local Planning Authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan...b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area."

5.5 In response, officers consider that there is a reasonable prospect of an application coming forward for the allocated principal uses in the CSUCP. Recent developments at the Baltic Quarter have included the Northern Design Centre, PROTO: The Emerging Technology Centre, Northumbria University's

Innovate Campus and Gateshead College's Baltic Campus. In addition, the Council has recently completed a £13 million, 6 storey (50,000sqft) office building at the Baltic Quarter. The development was completed in June 2020 and it will complement the existing uses at the site and provide an attractive option for growing businesses, bringing approximately 600 new jobs to Gateshead.

- 5.6 The updated Planning and Economic Statement submitted states that an office-led development on the site would not be commercially viable without public subsidy. In response, there is demand from occupiers which is why the Council has funded the recent Riga office development at the Baltic Quarter, which is now fully let.
- 5.7 It is considered that the proposal will draw away trade from the more sustainably located retail units in the primary shopping area and undermine the deliverability of the Baltic Quarter for its allocated primary use.
- 5.8 The other elements that make up policy QB3(5) are considered later in the report.
- 5.9 **SEQUENTIAL TEST/RETAIL IMPACT**
As the application site is out-of-centre it is supported by a sequential site assessment, as part of a wider Updated Retail and Leisure Statement (Updated R&LS) to consider the availability and suitability of sites within and on the edge of existing centres within the scheme's Primary Catchment Area (PCA) - Felling, Old Durham Road, Pelaw and Sheriffs Highway Centres. Although considered by the applicant to not be within the PCA, sites within and on the edge of Gateshead's Primary Shopping Area (PSA) have also been considered along with any sites within or on the edge of Low Fell District Centre to the south.
- 5.10 In regard to the sequential test the NPPF states that "Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored" (para 87).
- 5.11 Planning Practice Guidance states that, "with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly." (Paragraph: 010 Reference ID: 2b-010-20140306).
- 5.12 On the issue of flexibility and disaggregation and the extent to which the proposed development could be accommodated on more central sites, the guidance isn't prescriptive and Inspectors at various appeals have taken different approaches.

- 5.13 The approach undertaken by the applicant, in this application, is to consider whether there are any sites which could accommodate a development which is broadly similar to the application proposals (a new retail and leisure park with potential end-users identified). The Council wouldn't disagree with this approach noting that Policy CS7 refers to locating retail proposals on a sequentially preferable site. However, given the scale of the proposed development it is extremely unlikely that it would ever be accommodated within an existing centre in Gateshead - there are examples of good well-linked edge of centre sites coming forward for this type of development including in Birtley and Blaydon. However, the application site is, in retail terms, out-of-centre and is poorly linked to the PSA, being separated by other development and major highways infrastructure. It is therefore considered to be a competing rather than complementary element, which runs counter to efforts in the Local Plan to consolidate and strengthen the shopping area around Trinity Square, and is reflected in the concerns of Tesco Stores Ltd, as referred to elsewhere in this report.
- 5.14 The applicant has considered a number of potential alternative sites within Gateshead Centre and other centres within the catchment area. The majority of these are discounted on the basis of not being large enough to accommodate a new retail and leisure development of a similar scale and nature to the application proposals.
- 5.15 The exception to this is the High Street South Area in Gateshead Town Centre, which is larger than the application site and thus, in scale terms, capable of accommodating the proposed development. The High Street South Area site is located to the south of Charles Street and the Gateshead PSA. It comprises a mix of land uses including retail, offices, car parks and a cleared site. The Council's annual retail survey of March 2019 identifies 42 ground floor units in total, 14 (33.3%) of which are vacant.
- 5.16 A large area of the site is allocated for mixed use development under Policy of the CSUCP as part of the Exemplar Neighbourhood Key Site, which is identified for a minimum of 1,000 new homes and small-scale ancillary uses that support the needs of the new community including small shops, cafes and community facilities. In addition, Policy GC1 states that, where proposals for large floorplate retail development cannot be accommodated within the PSA, they must be located in the High Street South Area given its accessibility and strong links with the PSA.
- 5.17 Lichfields' assessment notes that, in October 2019, the Council published its vision for the High Street South Area for public consultation. It seeks the phased delivery of a residential-led (700 new homes) mixed use development over a 20-year timeframe. No planning application has been submitted to date. The Council owns part of the site, but the wider site comprises multiple ownerships and is yet to be assembled.
- 5.18 Overall, officers agree with Lichfields that the High Street South Area site is not currently available for the proposed development. There is insufficient evidence to suggest that the site can be expected to become available within a

reasonable period (which is the test of 'availability' set out in paragraph 86 of the NPPF). This judgement has regard to the 20-year delivery timeframe indicated in the Council's public consultation material and the firm interest expressed by potential end-users of the proposed development at Albany Road.

- 5.19 In terms of the suitability of the High Street South Area site for the proposed development, paragraph 7.11 of the Updated R&LS points to a number of physical constraints (e.g. sloping site, mature trees and other vegetation, lack of frontage to High Street). Officers are not persuaded by these arguments; town centre sites tend to be much more constrained and difficult to develop than out-of-town sites but that is not robust justification. However, noting the policy support for only small-scale ancillary uses and the long term plans for substantial residential development, which will reduce the site area developable for main town centre uses, officers accept that the High Street South Area is not capable of supporting new retail and leisure development of a similar scale and nature to the application proposals.
- 5.20 On the basis of the above it is considered that the sequential test has been complied with on the basis that a scheme as currently proposed can't be accommodated within or on the edge of the PSA or another centre.
- 5.21 **CONSIDERATION OF SUBMITTED RETAIL IMPACT ASSESSMENT**
Gateshead Town Centre Health Check
Lichfields' review concludes that Gateshead Town Centre is an important focal point for shopping, services and other community facilities. It is assessed that its range of uses is more limited compared to other larger centres in the wider area - particularly within the comparison retail sector - and it performs a more localised role as a result.
- 5.22 This is broadly consistent with its classification as an 'efficient centre' in the Gateshead Healthcheck Report Update 2015 (meaning it is performing a function and serving the needs of the local population). It is noted that, prior to 2015 and the opening of Trinity Square, the Town Centre was classified as a 'centre at risk' in 2011. The change to an 'efficient centre' was reflective of the improved shopping environment and quality of commercial premises delivered within Trinity Square.
- 5.23 The limited shopping role performed by Gateshead Town Centre, as observed by Lichfields, is further reflected by the results of the 2018 household survey in the Study Area. The survey (Q13) indicates that only 8.8% of households within Zone 1 (i.e. the 'home' zone of Gateshead Town Centre defined by Lichfields) do most of their non-food shopping in the Town Centre. A large majority of Zone 1 households do most of their non-food shopping in existing centres and stores outside, and in competition with, Gateshead Town Centre (e.g. intu Metrocentre 24%, Newcastle City Centre 22.4%, Team Valley Retail World 8%). In addition, whilst food shopping trips are typically more localised, only around 20% of Zone 1 households indicated that they 'last' did their main food shop in Gateshead Town Centre despite it being well represented by convenience retail uses including Tesco Extra.

- 5.24 With regards to the above-average unit vacancy rate identified within the Retail Frontage (PRF), paragraph 5.49 of the Updated R&LS states that a significant proportion of these are in the High Street South area, which is subject to emerging regeneration proposals. Officers consider this statement is somewhat misleading on the basis the High Street South Area lies to the south and outside of the PRF. The vacant units in the High Street South Area are additional to those within the PRF.
- 5.25 As a further observation, it is unclear why the Updated R&LS identifies the mix of town centre uses within the PRF and not the PSA as a whole. The latter is where retail development is concentrated and is most relevant when assessing the impact of new retail floorspace. Lichfields' review therefore under-states the number of vacant units. Indeed, the Council's annual retail survey of March 2019 identifies 27 (20.6%) ground floor vacant units within the PSA; this compares with 22 (17.2%) such vacant units recorded in August 2016.
- 5.26 The high / rising unit vacancy rate within Gateshead PSA can be viewed as a barometer of the local retail market and is a material consideration to any new retail development.
- 5.27 Discussions with local retail agents to better understand the local circumstances highlights the following:
- Retailer demand is almost exclusively from local and regional operators;
 - Rental levels have fallen slightly in recent years to £30-40 per square foot (Zone A) and substantial incentives (e.g. rent-free periods) are required to attract operators;
 - The largest vacant unit within Trinity Square is 5,000 square foot and is too big considering the nature of operator interest;
 - Tesco Extra trades relatively well but the trading performance of the rest of the Town Centre is a notable concern;
 - The retail offer is largely characterised by value-led shopping and secondary uses; and
 - The weakest parts of the Town Centre's retail pitch are High Street, Jackson Street and High West Street.
- 5.28 Based on the foregoing, and notwithstanding the Covid-19 crisis, it is considered that Gateshead Town Centre has clear underlying weaknesses in terms of its vitality and viability. Furthermore, its performance has declined since 2015 when the Council's Gateshead Healthcheck Report Update changed the Town Centre's classification from a 'centre at risk' to an 'efficient centre' because of the opening of Trinity Square.
- 5.29 Estimated turnover of existing centres and stores
The assessment is underpinned by a new household survey of shopping patterns in the defined Study Area. Whilst the principle of undertaking of a new survey is accepted, two important weaknesses have been identified.

- i. The survey questions ask, 'Where did you do your households last [main food shop / 'top-up' food shop / shop for the different categories of non-food goods]?' [emphasis added]. It also asks respondents 'where else' they shop for such goods. Firstly, it is unclear how the survey results have been weighted and combined by Lichfields. Secondly, it is best practice to ask where households do most of their shopping for convenience goods and the different categories of comparison goods, so as to elicit responses that are as representative as possible of households' shopping habits and preferences.
 - ii. The survey results are heavily skewed towards the older and retired population, which is potentially significant given this segment of the population tends to have different shopping habits relative to younger groups (e.g. students, young professionals, families with young children). Almost 60% of respondents to the household survey are aged over 55 years: some 44% are aged over 65 years. By contrast, fewer than 5% of respondents are aged less than 35 years. This 'age bias' - coupled with the weakness outlined under point (i) above - is likely to explain, at least in part, the small number of anomalies in the survey results noted in paragraphs 6.16-6.18 of the Updated R&LS.
- 5.30 As a result of those anomalies, Lichfields felt it necessary to adjust the survey-derived shopping patterns (i.e. they artificially increase or decrease the estimated turnover of existing centres and stores to better reflect 'benchmark' turnovers).
- 5.31 Officers are particularly concerned with the statements regarding the survey-derived turnover of the large Tesco Extra store in Gateshead Town Centre. Lichfields reports that this store is achieving a [survey-derived] convenience goods turnover of around 70% of the company average turnover to floorspace ratio (paragraph 6.16) and in turn asserts that adjustments are necessary to re-balance the overall levels of turnover achieved by both Tesco Extra and other stores in Gateshead Town Centre (paragraph 6.18). Whilst officers fully accept that the results of household surveys of this nature should not be applied uncritically, it is considered they tend to over-state the market shares or trading performance of larger centres and stores; not under-state them.
- 5.32 Table 4 at Appendix 2 of the Updated R&LS sets out the convenience goods market shares and expenditure flows in the Study Area as at Lichfields' base year of 2018. It shows Tesco Extra to be achieving a total convenience goods turnover of £46.1m in 2018. This equates to a sales density of approximately £10,400 per sqm net, which appears high for a Tesco Extra store format and is likely to represent a considerable uplift in the survey-derived convenience goods turnover.
- 5.33 Other sales densities that further call into question the reliability of Lichfields' 'baseline' turnover of existing centres and stores includes the following:
- Low Fell District Centre, which comprises a Heron Foods and Co-op convenience store. Table 4 indicates a sales density of some £18,265

per sqm net (a more realistic sales density would be well below £10,000 per sqm net);

- Lidl, Wrekenton District Centre. Table 4 indicates a sales density of some £17,934 per sqm net (more than double the average sales density assumed for the discount foodstore within this application);
- Aldi, Pelaw Local Centre. Table 4 indicates a sales density of some £26,879 per sqm net; and
- Lidl, Pelaw Local Centre. Table 4 indicates a sales density of just £5,926 per sqm net in contrast to the sales density estimated for the other Lidl (Wrekenton District Centre).

5.34 Any errors in establishing the 'baseline' turnover of existing centres and stores will directly affect the calculation of forecast (percentage) retail impacts.

5.35 Assessment of Impact on (a) Town Centre Investment and (b) Vitality and Viability

Paragraph 018 of the PPG requires that it is necessary to consider the likely adverse impacts of proposed new retail floorspace on town centres in the light of local circumstances, to judge whether the adverse impacts are likely to be 'significant' (under the terms of the NPPF).

5.36 The appraisal undertaken has identified a number of key weaknesses in the retail impact assessment contained in the Updated R&LS. These serve to undermine the reliability of Lichfields' assessment and are likely to mean that the forecast retail impacts have been under-stated.

5.37 Moreover, it is evident that town centres are facing significant challenges from a wide range of issues including changes in the economic 'climate' and retail trends such as the consolidation (or downsizing) of major retailers to fewer, prime locations; reducing retailer demand; rising occupancy / operational costs and thus falling retailer profitability; and, not least, the continued growth of and competition from online shopping. These challenges have become even more pronounced in the wake of the Covid-19 crisis, which has not been addressed in Lichfields' Updated R&LS despite its likely deep and long-lasting implications for the health, trading performance and future recovery of the existing centres.

5.38 Even based on Lichfields' quantitative assessment, it is considered the forecast retail impacts are sufficient to illustrate that the proposal would likely have a significant adverse impact on the vitality and viability of Gateshead PSA (based on a convenience and comparison goods cumulative trading impact of 5.2% and 1.7% respectively in 2023). This judgement takes into account the Town Centre's underlying weaknesses outlined earlier in this report; and would stand regardless of the imposition of a condition attached to any planning permission seeking to restrict the relocation of retailers currently trading in Gateshead Town Centre to the proposed development (a condition proposed by the applicant to safeguard Gateshead's PSA by preventing existing occupiers from relocating for first 5 years of the development). Officers do not consider that such a condition would meet the tests and therefore should not be applied.

- 5.39 The main concern in terms of the proposed development's impact is not the relocation of existing town centre retailers to Albany Road but rather, it is likely to substantially increase the general vulnerability of the PSA and raises questions about the achievement of long term improvements in its attractiveness, vitality and viability as per Core Strategy policy CS7.
- 5.40 To that end, officers take issue with Lichfields' analysis at paragraph 8.15 (et al) of the Updated R&LS that, existing traders in Gateshead and other centre... benefit from a range of trading advantages which help to ensure their attractiveness in the face of new competition. This, in officers' opinion, is ignorant of the increasingly difficult economic conditions for retailing and town centre retailers in particular; and the clear competitive advantages of a new retail and leisure park under single ownership with free and substantial surface level car parking. The impact, both psychologically and quantitatively, of a large format shopping destination opening out-of-centre may have significant effects on the decisions of retailers who are considering their store requirements. It is also likely to result in reduced footfall (given the diversion of trade) and make it more difficult to address the high / increasing unit vacancy rate within Gateshead PSA. This could, in turn, undermine the Council's regeneration plans for the High Street South Area.
- 5.41 The Updated R&LS contains limited analysis on the likely impact of the proposed new leisure floorspace (namely the potential food and beverage uses and the gymnasium).
- 5.42 It is stated that there is no requirement to consider the likely impact of such uses given the application site's location within the defined Urban Core:
- 5.43 Policy CS7 concerns the retail hierarchy (including the Gateshead PSA) and does not support new leisure development outside the PSA; and Policy CS8 supports focusing leisure, cultural and tourist attractions in the Urban Core and at accessible locations. Notwithstanding, this does not make irrelevant the considerations relating to the impact of new leisure development on the PSA.
- 5.44 Paragraphs 8.22-8.23 of the Updated R&LS do seek to justify the proposed non-retail uses. Summarised as follows:
1. There are a limited number of national food and beverage operators in Gateshead Town Centre, with the majority of existing provision comprising small, independent cafes/restaurants and public houses;
 2. There is also a limited number of gymnasiums in the Town Centre;
 3. Any trade diversion resulting from the proposed non-retail uses would be spread across a range of facilities in the surrounding area (many of which are located outside town centres);
 4. Such facilities would benefit from future forecast growth in spending; and
 5. Therefore, it is unlikely that the proposed leisure uses would have any material effect upon Gateshead Town Centre's overall vitality and viability.
- 5.45 With regard to point 1, Trinity Square's food and beverage operator line-up Burger King, Costa Coffee, Cooplands (bakery), Greggs (bakery), Nando's and

Subway; thus, the types of operators who would potentially occupy the Class A1 and/or A3 units at Albany Road. Whilst it is accepted likely that leisure trading impacts would be relatively widely diffused (point 3), the likelihood of linked trips means that any diversion of trade will, to some extent, reflect the forecast retail impacts. Furthermore, Lichfields' claim that the Town Centre's existing leisure uses would benefit from future spending growth (point 4) is not substantiated and is unlikely, given the challenges facing the food and beverage sector, particularly with the Covid-19 public health emergency.

5.46 To summarise in respect of the proposed leisure uses, the policy support for such uses in the Urban Core is noted and officers consider their impact on the Gateshead PSA would not be significant (in their own right). However, the presence of leisure uses at Albany Road would enhance its attractiveness as a shopping 'destination' and only increase the degree to which it is likely to compete with the PSA for consumers and expenditure. These adverse impacts are considered likely to outweigh the opportunity to provide leisure facilities to serve the wider Baltic Quarter.

5.47 DESIGN

The type of development proposed constitutes an out-of-town warehouse style retail facility (similar to Retail World located on Team Valley Trading Estate). However, as this site is located within Gateshead's Urban Core and the fact there are design policies that require (amongst other things) an urban form of development that provides streets with strong built frontages and active uses, it is considered that the type of development being sought inevitably necessitates a different design approach to that required by policy. This is demonstrated by the illustrative design solution provided by the developer. It is not an appropriate form of development for this site, for the simple reason that an out-of-town warehouse type of retail development (regardless of detail design) cannot deliver any of the fundamental design objectives that CSUCP policies QB3, UC12 and CS15, or that an urban site such as this requires.

5.48 It is considered that the illustrative layout indicating a substantial area of surface car parking with a backdrop of very large metal-clad retail units would not constitute an urban form and furthermore, it would not deliver a development comprising active streets with strong built frontages.

5.49 Officers cannot foresee how this type of development, of the uses and floor areas proposed, and over 300 car parking spaces, could possibly comply with the relevant design policy objectives. Furthermore, the applicant has failed to provide any assurance that relevant design policies could be complied with, indeed the illustrative plans suggest a wholly inappropriate scheme. It therefore has to follow, that despite layout, scale, landscaping and appearance being left as reserved matters, officers cannot be sure that this quantum of development could be provided except than in a form that would not meet policy requirements.

5.50 Therefore, it is considered that this is fundamentally the wrong type of development for this site, regardless of the quality of its detail design and as

such the principle of the design is contrary to the NPPF and Core Strategy policies QB3, UC12 and CS15.

5.51 HIGHWAY SAFETY/PARKING

Policy

The updated Transport Assessment (April 2020) has provided some clarification relating to the policy section. It is noted there are some welcome additions to the proposals to support QB3 5.viii, namely the improvement for pedestrians and cyclists to cross the A184 which is proposed to be provided through a financial contribution to be secured by Section 106 agreement relating to the upgrade of the Park Lane / Albany Road signalised junction, the level of contribution has not been specified. However, there is no mention of improvements to Mill Road/Hawks Road junction.

5.52 Whilst it is also noted that initial discussions with Go North East suggest additional bus stops along Quarryfield Road and the rerouting of existing services, this does not reflect QB3 5.vii (the requirement to contribute to the provision of a high quality bus waiting/interchange facility). The proposals presented do not fully consider the impact on Hawks Road, particularly considering wider development proposals that are coming forward, as the proposal is still a predominately car borne out of town retail park, which is in conflict to policy QB3 5.ii and 5.iii

5.53 General Assessment

The application claims the site is in a highly accessible location, however, the nature of the proposed type of units together with the levels of parking being proposed detract from the likelihood of significant proportions of future users, other than the potential of staff arriving by modes other than private car.

5.54 Microsimulation modelling has been commissioned and undertaken by the applicant, however the data behind this modelling including trip rates and level of committed development that have been included have not been agreed. The results therefore do not give officers full confidence that the transport network will operate without significant or severe impact as a result of this development, nor whether safety issues will arise as a result of greater demand on the network.

5.55 While officers do not wish the application to be refused on the grounds of road safety or severe impact on the transport network as set out within the NPPF, based on the assessment work that has been undertaken, it is considered that insufficient information has been provided to determine the true impacts of the development.

5.56 There are two key areas in relation to this:

1. Trip rates

Council officers and the developer are not in agreement that the trip rates used are appropriate, it has been requested that further review of the trip rates should be undertaken and agreed, this has not been done to officers' satisfaction.

2. Committed development

Officers do not consider the committed development has been suitably addressed as part of this submission. Assessment as included within application DC/20/00323/FUL (for the Quays Arena development) has been referenced, given the inclusion of the applicant's site in that appraisal. However, this was not included at the request of the council, and as with the above comment has been based on trip rates that have not been agreed.

- 5.57 The modelling work included within this separate assessment does not endorse this proposed development (Albany Road). Furthermore, the results of this modelling demonstrate issues with this development during a Saturday afternoon, linked to a potential matinee performance taking place at the Arena.
- 5.58 The access proposals, which are to be fully considered as part of this outline application continue to raise concerns.
- 5.59 Given concerns relating to trip rates and committed development, and the Council's committed highway scheme, which would create a link road between Albany Road and Hawks Road, including replacing the existing roundabout to the east of the site with a 4-way signalised junction (current application ref DC/20/00694/FUL) the need to maximise junction separation between the signalised junction and the main site access, of this site, is considered to be a key consideration, the applicant has chosen not to make any amendments to the access position despite repeated reference to this requirement.
- 5.60 A stage 1 Road Safety Audit was submitted by the applicant on 10 August 2020, together with a designer's response, which responded to the problems raised, the brief for this audit was not agreed with council officers prior to commissioning, in line with national guidance (GG119). As with previous comments, the audit has been undertaken without due regard to the councils committed highway scheme or with the assessment criteria of the development having been agreed and carried out accordingly. If Planning Committee were moved to grant planning permission, a revised stage 1 road safety audit would be required with the scope of the audit agreed by officers
- 5.61 The applicant has put significant weight on the site being situated in a sustainable location, with future users having 'genuine' choice of sustainable transport modes. Pivotal to this are the following:
- A willingness to provide a financial contribution to the implementation of a pedestrian crossing at the Park Lane/Albany Road junction.
 - Re-routing existing bus services and the provision of new bus infrastructure to improve public transport access
 - A pedestrian boulevard through the site.
- 5.62 While it is accepted all of the above have merit, officers are yet to receive any details of the contribution that could be secured through s106, (should it be decided to grant outline planning permission). Officers' consider that the full

costs of the crossing, should be met by the applicant given it is fundamental to opening up the site for sustainable travel choices.

- 5.63 The proposal relating to the rerouting of existing bus services would have clear benefits for this site, however, as suggested previously, the current proposal does not appear to have suitably considered the impacts on existing or future development proposals. Further discussions with Nexus and the bus operators would be required to determine the most appropriate measures to best serve the area by public transport. This requirement could be dealt with through a condition for a Public Transport Strategy, this would need to identify how the site would be served by public transport, what infrastructure requirements need to be met and timescales for delivery.
- 5.64 The commitment to a pedestrian boulevard through the site has been noted, while this is commended, given the internal layout details of the development are not being considered as part of this outline application, it is considered a condition requiring appropriate cycle and pedestrian connections in/out and through the site is secured as part of any approval.
- 5.65 The applicant, through their consultant, have rebutted the Council's request to allow for the safeguarding of land to secure a future pedestrian/cycle route under Park Lane alongside the existing rail infrastructure. This is extremely disappointing given the opportunities it would provide in connecting the Baltic Quarter and Quays with both existing and future development to the east. While this future aspiration is not included as part of current council policy, it is very much in line with both local and national policy in delivering development that maximises opportunities for sustainable travel. It is also relevant to the Government's new walking and cycling strategy 'Gear Change', which, among other commitments, states that:
- 'We will ensure that all new housing and business developments are built around making sustainable travel, including cycling and walking, the first choice for journeys'.*
- 'The purpose of the planning system is to contribute to the achievement of sustainable development. We expect sustainable transport issues to be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote cycling and walking are pursued'*
- 5.66 It is considered that this pedestrian/cycle route is deliverable and as a minimum if the application were to be granted permission, the applicant should provide land for a footway/cycleway alongside the service access to the boundary of the site, allowing the Council to connect in the future.
- 5.67 If a decision were to be taken to grant planning approval a final travel plan covering the site would need to be secure through planning condition.
- 5.68 It is considered that the provision of a 305 space car park is not an incentive to walk, cycle or use public transport to a predominately retail area where people are more likely to need their cars. Based on the trip rates that have been used

as part of the assessment, both the Council and applicant agree that the proposed supply of parking is in excess of the predicted demand. If planning approval were to be granted a Car Park Management Plan (CPMP) will be required and this would need to clearly set out how the use of the parking will reflect wider retail car park management including duration of stay and potential need for charging. The CPMP would also need to provide details in relation to cycle parking, EV charging, motorcycle parking and accessible parking. The applicant has accepted this can be secured by condition.

- 5.69 A Servicing Management Plan would also need to be submitted to demonstrate how each of the units would be serviced, as the position of the service yard would not meet the requirements of all the units as shown on the indicative layout. It would be necessary to provide details showing each unit can be safely serviced without detrimentally affecting other users on the site. This could be secured by condition should planning permission be granted.
- 5.70 FLOOD RISK/DRAINAGE
NWL have confirmed that they agree to the proposed discharge rates and if outline planning permission was to be granted a suitable condition could secure this.
- 5.71 It is considered that, it would be possible for a drainage engineer and a landscape architect to design an appropriate strategy to combine the drainage requirements and suitably sized tree pits, raingardens and establish the appropriate location for permeable paving. If outline planning permission was to be granted, suitable conditions could secure these details.
- 5.72 Similarly, should outline planning permission be granted, a SuDS maintenance plan and a drainage construction method statement could be conditioned.
- 5.73 As such, it is considered that the proposal would be able to satisfy the requirements of the NPPF and policy CS17 of the Core Strategy in respect of flood risk/drainage.
- 5.74 ECOLOGY
The submitted Preliminary Ecological Appraisal makes a number of recommendations for further botanical and species specific survey work to be undertaken in relation to priority habitats, great crested newts and priority butterfly species, including dingy skipper. The report states that the results of recommended further survey work are required to finalise impacts and mitigation/compensation requirements and it recommends that the scope and method of the required further ecological survey be discussed/agreed with the Council's ecologist. In addition, a biodiversity net-gains calculation using the Defra 2.0 metric is also required.
- 5.75 Overall, given the fact this is an outline application with all matters reserved except access and hence is only attempting to establish the principle of the proposed development, it is considered that the proposal would be able to satisfy the requirements of the NPPF and policy CS18 of the Core Strategy in

respect of ecology through the application of several conditions (and potentially a s106 agreement) to address the points raised.

5.76 CONTAMINATION/COAL MINING LEGACY

The site is located on land identified as being potentially contaminated and Phase 1 and Phase 2 land contamination assessments have been submitted that conclude further investigations are required. This could be addressed by conditions in accordance with policy CS14 of the CSUCP and policy ENV54 of the UDP. The Coal Authority has also been consulted and has raised no objection subject to conditions requiring further investigations if permission were granted.

5.77 OTHER MATTERS

Comments have been received supporting the current use of the site as a skate park and how valuable it is to its patrons. The current use, although more compatible with Core Strategy policy QB3 than the proposed development, is operating unlawfully without any planning permission and therefore can only be afforded limited weight. Furthermore, the Local Planning Authority must consider the merits of the scheme in front of it and the existing unlawful use does not form part of the current proposal.

5.78 Furthermore, the comment about the site being untidy is acknowledged and the appropriate enforcement action to rectify the situation is currently being considered separately from this planning application.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that outline planning permission be refused, as the principle of a retail led scheme is contrary to several aspects of the area specific policy QB3 and it would unduly harm the vitality and viability of Gateshead's Primary Shopping Area. It fails to provide adequate information in relation to the impact on the transport network including highway safety nor to demonstrate that the relevant design policy requirements could be achieved at reserved matters stage.

6.2 The proposed development does not accord with the relevant 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.

6.3 It is also worth noting that developing this site as is proposed would provide economic benefit to the area both in terms of construction and operation. However, this does not outweigh the severe detrimental impact this development would have upon the wider regeneration of the Baltic Quarter and Gateshead's Primary Shopping Area.

7.0 Recommendation:

That permission be REFUSED:

1

The principle of the development is unacceptable because it fails to provide a mix of principal uses encompassing office, hotels, sport and leisure, education and ancillary retail, contrary to site specific policy QB3(5) of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne. As a result, the development would have a detrimental impact on the wider regeneration of the Baltic Quarter

2

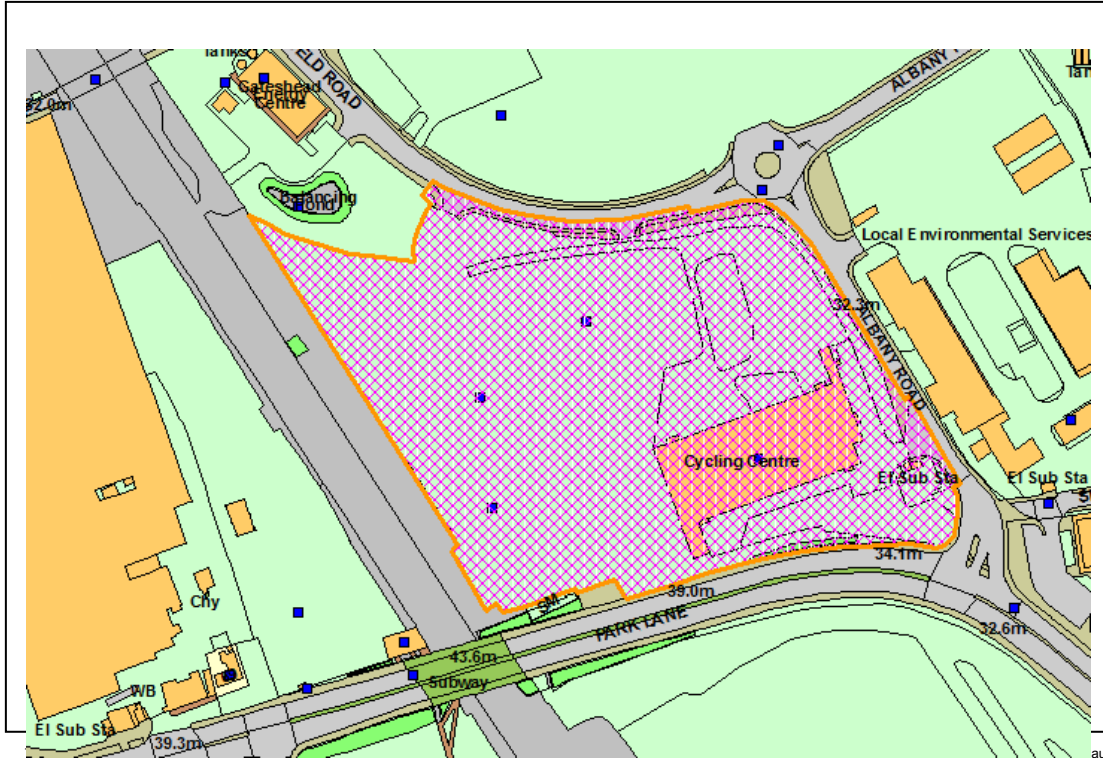
The applicant has failed to provide any information to demonstrate that the proposed type of development could deliver, at reserved matters stage, a scheme of appropriate scale, appearance and layout that would ensure compliance with the design requirements of policies QB3(5), CS15 and UC12 of the Core Strategy and Urban Core Plan, saved policy ENV3 of the Unitary Development Plan and the National Planning Policy Framework.

3

The development would have an unacceptable impact on Gateshead's Primary Shopping Area, threatening its vitality and viability, which is contrary the National Planning Policy Framework, policies UC2, GC1 and CS7 of the Core Strategy and Urban Core Plan and saved policy RCL4 of the Unitary Development Plan.

4

The applicant has failed to provide sufficient information to demonstrate that the proposed development would not harm highway safety or demonstrate that the harm can be mitigated against, which is contrary to the National Planning Policy Framework and policy CS13 of Core Strategy and Urban Core Plan.



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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, PLANNING, CLIMATE CHANGE AND STRATEGIC
TRANSPORT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
26 August 2020**

Please note this document should be read in conjunction with the main report of the Service Director, Planning, Climate Change and Strategic Transport

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MINOR UPDATE

| | |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application No: | DC/19/00244/OUT |
| Site: | Land West Of Albany Road Gateshead |
| Proposal: | Demolition of existing buildings and outline development within use classes A1 (retail), A3 (food and drink), A4 (drinking establishments) and/or D2 (leisure) with associated access, parking, servicing areas and landscaping with all matters reserved except for Access (amended 14/11/19 and 20/04/20 and additional information received 19/05/20). |
| Ward: | Bridges |
| Recommendation: | Refuse Permission |
| Application Type | Outline Application |

Reason for Minor Update

This application has been deferred to allow assessment of recently received additional information.

It will be reported back to a later Committee.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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REPORT NO 2

Committee Report

| | |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Application No: | DC/19/01189/FUL |
| Case Officer | Joanne Munton |
| Date Application Valid | 3 December 2019 |
| Applicant | Gateshead Health NHS Foundation Trust |
| Site: | Mossheaps Recreation Ground Moss Bank Gateshead |
| Ward: | High Fell |
| Proposal: | Retention of Park and Ride Facility until 30 November 2021 (additional information received 15.01.2020 and 24.06.2020) |
| Recommendation: | GRANT |
| Application Type | Full Application |

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

Mossheaps Recreation Ground lies to the west of Old Durham Road, Beacon Lough, opposite Cardinal Hume Catholic School and is formed as a series of plateaus with land levels higher at the north than the south. It is approximately 800m to the south of the Queen Elizabeth Hospital (QEH) site. The part of the Mossheaps that this application relates to is situated towards the north of the Recreation Ground. It is separated by a minimum of 40m to both north and west from the residential properties that back onto Mossheaps. To the south are football pitches.

1.2 The houses to the north are at a higher level than the application site that, in turn, sits above the level of Old Durham Road. There are trees along the Old Durham Road frontage and on the embankments within Mossheaps, but otherwise there is no boundary treatment.

1.3 Planning permission was granted on the 1 October 2012 (DC/12/00832/FUL) for the Change of use of open space to a temporary 383 space park and ride facility for Queen Elizabeth Hospital (QEH) staff) with ancillary works including soil storage, external lighting, site cabin and boundary treatment with public parking on evening and weekends in connection with use of pitches. This also included the laying of asphalt, the erection of crash barriers and the formation of an access on to Old Durham Road. Temporary Planning Permission was granted until the 30 September 2015 to compensate for car parking spaces lost during construction of the Emergency Care Centre (ECC), at the QEH site. This permission was extended to the 30 September 2016 through permission

DC/14/01027/FUL and extended further to 30 November 2019 through permission DC/16/00944/FUL.

- 1.4 The area of Mossheaps as a whole is 10.6ha and the application site has an area of 1.22ha i.e. approximately 11% of the overall. None of the application site overlaps any of the playing pitches.
- 1.5 **DESCRIPTION OF THE APPLICATION**
This application proposes an extension to use the Mossheaps Park and Ride, approved under application DC/16/00944/FUL until the 30th November 2021.
- 1.6 This is due to the demand from new staff, including the 400 additional staff members conducting community services such as community midwifery, podiatry and dental services. New patients and new services, including the QEH becoming a centre for excellence for gynaecology and orthopaedics, has also increased the demand for car parking at the QEH.
- 1.7 **RELEVANT PLANNING HISTORY**

DC/12/00832/FUL - Temporary planning permission Approved until the 30 September 2015 for a change of use of existing area of open space to temporary 383 space park and ride facility (for Queen Elizabeth Hospital staff) with ancillary works including soil storage, external lighting, site cabin and boundary treatment with public parking on evening and weekends in connection with use of pitches (amended 08/08/12).01.10.2012

DC/14/01027/FUL - Temporary planning permission approved for the retention of 382 car space park and ride facility (for Queen Elizabeth Hospital staff) for a period of up to 30 September 2016. 20.11.2014

DC/16/00944/FUL - Planning permission approved for the retention of Park and Ride Facility at Mossheaps, Gateshead until 30 November 2019. 25.01.2017

The following applications on the QE site are also considered relevant to this case:

DC/12/00785/FUL - Planning permission approved for the erection of new Emergency Care Centre with supporting 35 short stay inpatient bedrooms, hospital central stores with delivery point, ancillary support services for building and wider hospital, new hospital arrival space with reception, cafe and retail outlets and associated parking and landscaping. 07.01.2013

DC/14/01050/FUL - Planning permission approved for the creation of an additional 527 space surface car parking spaces on the hospital site and relocation of the waste compound (Additional info 17/3/15 and amended 20/08/15). 10.12.2015.

There have also been a number of applications for prior approval to demolish buildings on the QE site, submitted to and approved by the Local Planning Authority.

2.0 Consultation Responses:

Sport England 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 No representations have been received.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1C Landform, landscape and after-use

DC1J Substrata Drainage-Water Quality

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

CFR23 Protecting and Imp Existing Open Space

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

- 5.1 The main planning issues in this case are considered to be the principle of development and the impact on access and parking as well as amenity.
- 5.2 **PRINCIPLE**
The principle of using this area of Mossheaps as a temporary Park and Ride car park, for staff at the Queen Elizabeth Hospital (QEH) has established through the approval of three previous applications DC/12/00832/FUL, DC/14/01027/FUL and DC/16/00944/FUL.
- 5.3 As part of those applications it was considered the development was not contrary to policy CFR20 of the Unitary Development Plan (UDP), as there was not a shortfall of open space in this locality. In addition it was demonstrated that in accordance with policy CFR23 of the UDP, the area of open space was of the lowest quality and in accordance with policies CFR21 and CFR22 the distance residents would have to travel to recreational land did not increase. This remains the case.
- 5.4 Whilst it is recognised that National Planning Policy Guidance advises against Local Planning Authorities granting development successive temporary planning permissions, NPPG also states that an exception to this would be in cases where changing circumstances provide a clear rationale for doing so.
- 5.5 Sport England has been consulted on this proposal to extend the time period and originally expressed concerns with further temporary retention of the car park, given that the works at the main hospital site were no longer a reason for the parking facility. However, Sport England withdrew their objection based on the understanding that the future use and arrangement of the Moss Heaps site is subject to review in relation to other developments and actions arising from the Local Football Plan, which are either underway or due to progress. Therefore, it is considered that a further temporary permission would be appropriate, from a playing pitch perspective, to allow for this review and for clarity on the likely future need of the current car park land.
- 5.6 Conditions are recommended requiring that the site be returned to a playing field following the expiration of the temporary permission (CONDITION 5 AND 6).
- 5.7 Whilst this application would extend the loss of playing field until the 30th November 2021, the availability of other open space within the neighbourhood and the assessment of the quality of these spaces, indicates that there is no policy objection to the principle of this development.
- 5.8 On this basis it is considered that the development does not conflict with the aims and objectives of the relevant paragraphs in the National Planning Policy Framework (NPPF), policies CS14 and CS18 of the Core Strategy and Urban Core Plan (CSUCP) and policies CFR20, CFR21, CFR22 and CFR23.
- 5.9 As such, it is considered the retention of the car park is in principle acceptable, subject to all other material planning considerations being satisfied.

5.10 ACCESS AND PARKING

As part of the previous applications, an explanation for the number of parking spaces proposed for the Park & Ride car park was provided and this has been supplemented with a Travel Plan for this application.

5.11 It is understood that the 527 additional parking spaces at the QEH site (as granted under DC/14/01050/FUL) are now in use. As part of this development there will be a focus on strengthening parking enforcement within the hospital site and a greater emphasis on promoting alternate forms of transport.

5.12 Whilst the additional spaces are understood to now be in place, the applicant has confirmed that parking demands have increased as a result of an increase in services at the QEH and subsequent staff and patients. It is considered by officers that there continues to be a reasonable justification for the parking proposed, as well as the extension to the time period.

5.13 A Travel Plan has been submitted and updated as part of the application and provides a clear indication of the current situation across the sites in terms of sustainable travel, including measures being implemented such as discouraging staff from parking in nearby residential areas.

5.14 A review of the existing Travel Plan measures identifies several changes since 2016, including the following:

- Queen Elizabeth Hospital regularly posts information regarding cycling and different events and opportunities. Other emails are also circulated through the cycling group email;
- All new staff are provided information on cycling, public transport and other sustainable modes during induction;
- Continued use of in-house system to promote and match people who could car share;
- The QEH currently has 9 pool cars;
- Park and Ride is cheaper to park at, the park and ride continues to be popular with many staff choosing to Park and Stride;
- All staff are required to reapply for a parking permit, the permit is based on the emissions rating of employee vehicles.
- The Trust has also introduced disciplinary measures when staff are found to be parking on surrounding residential streets; and
- Visiting hours are staggered.

5.15 However, a number of the measures within the action plan are already out of date, it is considered that the targets should be more challenging, and some facilities on site remain less than adequate, for example:

- The percentage of staff that cycle is reported at 0.9%, this equates to approximately 41 staff, yet there are only 34 long stay cycle storage points

- The targets for modes, other than drivers using the QEH car park, have all been grouped together, including drivers using other car parks, putting little emphasis on encouraging use of sustainable modes.

5.16 There is also a significant amount of emphasis on the review of the Travel Plan in 2021. That said, it is acknowledged that the ongoing Covid-19 pandemic has impacted on acquiring up-to-date information, and it is considered reasonable in this case to capture the commitment to review the Travel Plan and car park management plan again in 2021 through the imposition of conditions (CONDITIONS 3 AND 4).

5.17 With regards to access into the park and ride site, this was also assessed as part of the previous applications and found to be acceptable. The safety of the access will continue to be monitored.

5.18 Therefore it is considered the extension of time will not lead to any increased parking issues and it is hoped it will enable the QE Hospital, in the long term, to deal more robustly with the issue of hospital staff and visitors parking in surrounding residential streets.

5.19 The proposal is subsequently considered to satisfy the aims and objectives of the NPPF as well as policy CS13 of the CSUCP.

5.20 AMENITY

The car park is generally open for Park and Ride to the Hospital between the hours of 7am and 7pm, Monday to Friday with peak activity understood to be primarily between 7am - 9.30am and 4pm - 6.30pm. Outside of these times there is much reduced activity at the site. From a residential amenity point of view, these peak times are at the times when there is already greater activity in the general area and the more sensitive times of early morning, late night and weekends are avoided.

5.21 The car park is available for use by users of the football pitches in the evenings and weekends, but this would normally only be for the duration of matches, not into the hours of darkness (as the pitches are not illuminated) and does not appear to result in additional people using the pitches. This was considered acceptable as part of the previous applications and has not resulted in issues whilst the car park has been operational.

5.22 The scheme includes nine, five metre high lighting columns within the car park. The position of the lighting columns and the directional nature of the illumination means that upward lighting is minimal and the sideways spread of illumination is within the car park, or a small distance around. A condition was attached to the previous applications restricting the use of the lights to between 7am and 7pm and this can be carried over should this application be approved (CONDITION 8). It is not considered necessary to allow the lights

to be used for longer periods, as the only use beyond 7pm would be by people using the pitches, who would not be able to play in any event, if light levels after 7pm were too low.

- 5.23 The impact on residential properties from vehicles leaving the park and ride was addressed as part of the previous applications and was found to be acceptable.
- 5.24 However due to the general proximity of residential properties, it is considered appropriate to impose a condition relating to construction hours for when the area is being returned back to a playing field (CONDITION 7).
- 5.25 The impact on the visual amenity of the area was considered acceptable as part of the previous applications and a further extension would not have a significantly greater impact.
- 5.26 Therefore, subject to the use of the conditions referred to above, it is considered the application is in accordance with the requirements of the NPPF, policies CS14 and CS15 of the CSUCP and UDP policies DC2 and ENV3.
- 5.27 OTHER MATTERS
The Environment Agency have previously advised that oil interceptors are provided but the construction work was all carried out under application DC/12/00785/FUL and it is understood the required surface drainage measures have already been implemented. The bollards to prevent vehicles from getting onto the playing pitches shall be retained and this can be conditioned (CONDITION 9).

6.0 CONCLUSION

- 6.1 Taking into account all relevant planning issues, it is considered the application does not conflict with the aims and objectives of national and local planning policy, and it is recommended that the application is granted subject to conditions as allowing the car park to be in operation until the 30th November 2021.

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 maintained in complete accordance with the approved plan(s) as detailed below -

C-GA-01 P4 - Proposed Layout
C-GA-03 P2 - Site Sections
SK1959 1 - Shelter Details
SA21 - Anti Vandal Office
Moss Heaps Car Park Entrance Gate

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 permission hereby granted shall be until the 30 November 2021 and on the expiration of this period, the use and all associated structures hereby approved shall cease/be removed and the site returned to the condition in accordance with the requirements and timescale for restoration in condition 5.

Reason

To enable the Local Planning Authority to ensure that site is restored to its former condition in acknowledgement of the temporary justification for this use, the interests of visual amenity and to reprovide the temporarily lost recreation land in accordance with policies DC1, DC2, CFR20, CFR21, CFR22 and CFR23 of the Unitary Development Plan.

3

Within 12 months of planning permission being granted an updated Travel Plan for the Queen Elizabeth Hospital and its wider parking strategy shall be submitted to the Local Planning Authority for approval. The updated Travel Plan shall identify measures to improve the use of the Park and Ride Facility whilst at the same time reducing car usage and increased the use of public transport, walking and cycling. Timescales for implementation as well as a programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan shall also be included.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Action Plan.

4

The updated Travel Plan shall be implemented in accordance with the timescales approved under condition 3.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Action Plan.

5

Prior to the expiry of the temporary permission a restoration scheme (based upon Sport England's design guidance note 'Natural Turf for Sport') shall be submitted to and approved in writing by the Local Planning Authority following consultation with Sport England. The scheme shall include details of all of the following:

- a) Restoration of the playing field; including the removal of all structures
- b) Restoration of the land used for soil storage
- c) Removal of the vehicular access and restoration of that land
- d) Removal of the diverted footpath and restoration of that land
- e) Reinstatement of existing footpaths
- f) Reinstatement of the cycle lane markings on Old Durham Road

Reason

To enable the Local Planning Authority to ensure that site is fully restored to its former condition in the interests of visual amenity and to re provide the temporarily lost recreation land in accordance with policies DC1, DC2, CFR20, CFR21, CFR22 and CFR23 of the Unitary Development Plan and policies CS14 and CS18 of the Core Strategy and Urban Core Action Plan.

6

The restoration scheme approved under condition 5 shall be fully implemented within six months of its approval.

Reason

To enable the Local Planning Authority to ensure that site is fully restored to its former condition in the interests of visual amenity and to re provide the temporarily lost recreation land in accordance with policies DC1, DC2, CFR20, CFR21, CFR22 and CFR23 of the Unitary Development Plan and policies CS14 and CS18 of the Core Strategy and Urban Core Action Plan.

7

Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with reverting the site back to a playing field, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved policies DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

8

The lights within the car park shall only be illuminated between the hours of 7am and 7pm Monday to Friday and at no other times.

Reason

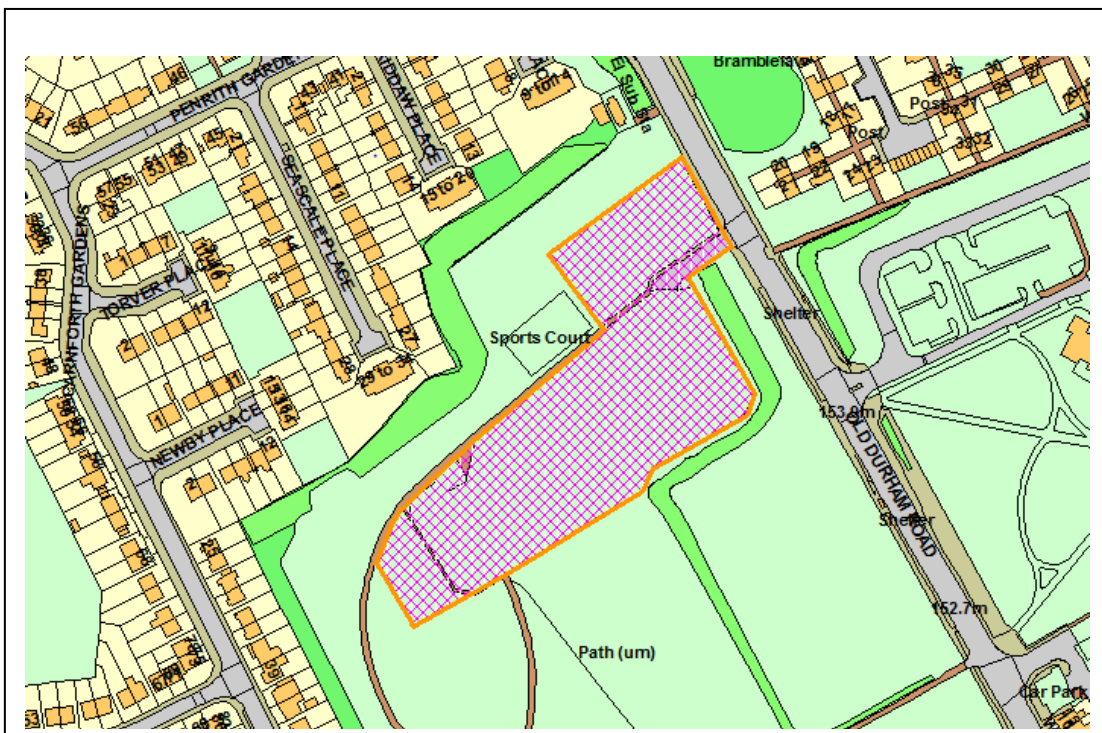
In the interests of residential amenity, in accordance with Policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Action Plan.

9

The bollards that are in place to prevent vehicular access onto Mossheaps playing pitches shall be retained for the duration of the temporary use.

Reason

In the interests of effective use of the site and visual amenity in accordance with Policy ENV3 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Action Plan.



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REPORT NO 3

Committee Report

| | |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application No: | DC/20/00286/FUL |
| Applicant | Jewish Community Council Of Gateshead |
| Date Application Valid | 7 April 2020 |
| Site: | Former Go-Ahead Bus Depot Gateshead |
| Ward: | Bridges |
| Proposal: | Residential development comprising 26 dwellings with associated open space and infrastructure on the former Go Ahead Bus Depot, Gateshead (amended 22/06/20 and additional information 10/07/20 and 14/07/20). |
| Recommendation: | MINDED TO GRANT SUBJECT TO A SECTION 106 AGREEMENT |
| Application Type | Full Application |

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

This brownfield 0.86 hectare site is the former Go Ahead bus depot that was demolished in 2014. The site is bounded by Sunderland Road to the south with Chad House, recently converted to apartments, and Bede House, that accommodates the Jewish Boys School, beyond; Lindisfarne Drive to the west, with a vacant site and the Gateshead flyover beyond. Lindisfarne Road bends to the right and creates the northern boundary to the site also, and to the east, is an Aldi supermarket and residential development beyond. On street parking spaces are located on Lindisfarne Drive.

1.2 The site is relatively level. There are five trees to the front of the site on Sunderland Road and many self-seeded trees and shrubs along the Lindisfarne Road boundary. The site is enclosed by masonry walls, palisade fence and paladin fence along the eastern boundary with the Aldi supermarket.

1.3 The site is located close to Gateshead town centre, with good accessibility to local services and facilities. It is within walking distance of bus stops, schools, employment and retailing.

1.4 The site is allocated in the Core Strategy and Urban Core Plan as part of the Exemplar Neighbourhood, a key location for new residential development.

1.5 Separate to this proposal, Traffic Regulation Order (TRO) works are proposed to be undertaken immediately adjacent to the site on Sunderland Road to

improve pedestrian and cycle connectivity with Gateshead town centre and beyond. The new bus link to High Street is under construction in front of the site on Sunderland Road.

1.6 DESCRIPTION OF THE PROPOSAL

This application seeks planning approval for 26 No. four bedroomed, three storey, gable fronted, affordable residential homes to be occupied by Orthodox Jewish families.

- 1.7 All of the dwellings meet or exceed the Nationally Described Space Standards.
- 1.8 The houses have been designed to the specific cultural requirements of the Orthodox Jewish community, including an interconnected kitchen, dining and living spaces with study facilities, a sukkah with secondary eating space and an appropriately sized kitchen for food-type separation, suiting the needs of a large Jewish family in terms of layout, detailing and installation of fixtures and fittings.
- 1.9 The layout arranges the 26 dwellings around a central area of open space and access road.
- 1.10 Plots 1 to 7 are arranged as a terrace of five and a pair of semidetached properties face outwards onto Lindisfarne Drive with rear gardens backing onto the central area of open space. A 3m wide path runs between plots 5 and 6. Plot 7 has a very large garden due to the 6m Nexus stand-off easement over the Metro tunnel that runs below.
- 1.11 At the entrance to the site, adjacent to plot 1, there is a large grassed area as this is a no build zone due to the presence of a mine shaft.
- 1.12 Plots 8 to 12 are detached dwellings and 13 and 14 are a pair of semi-detached dwellings arranged in a crescent and they back onto the Aldi supermarket and front onto the access road.
- 1.13 Plots 15 to 17 are a terrace of three and face onto Sunderland Road with pedestrian access from the front and parking to the rear.
- 1.14 A wide pedestrian and cycle path bound by landscaping is proposed between plots 17 and 18. Four existing trees are proposed to be retained in front of the gardens of plot 18 and plot 20. Tree T5 is proposed to be removed at the entrance to this path to enable the construction of the footpath.
- 1.15 Plots 18 and 19 are a pair of semis and continue the building line of plots 15-17. Plots 20 to 23 are a terrace of four dwellings and the front elevation is set back from plots 19 and 24 to create a visual break in the street scene to Sunderland Road.

- 1.16 Plots 24, 25 and 26 are a terrace of three dwellings facing Sunderland Road also with pedestrian access from the front and parking to the rear.
- 1.17 Plots 1 to 7 each have an in-plot car parking space per property accessed from Lindisfarne Road. All other plots have an in-plot parking space accessed from within the development surfaced in terracotta block paving. Seven visitor parking bays are proposed; a block of four alongside the access road and a block of three located to the front of plots 9 - 11, to be marked out in white block paving to contrast with the terracotta block paving of the shared surface to the front of plots 8 to 12.
- 1.18 Each plot has a steel cycle locker 1900 x 900 x 1205 high securely fixed to a concrete base.
- 1.19 Each plot has a patio area created in buff slabs to the rear and a grassed garden area.
- 1.20 Security and privacy are considered to be high priority by the applicant, and the site layout has been arranged to design out crime by providing active elevations for natural surveillance and including attractive brick/railing boundary treatments.
- 1.21 The central landscaped area has been laid out to provide a social space for residents. The court is proposed to be bounded by flowering hedges on two sides adjacent to the visitor parking bays, around which are small areas planting with a circular central hard landscaped space. This is to be surfaced with a variety of landscape materials and landscape furniture to give character and structure together with opportunities for incidental play.
- 1.22 Amended plans have been received that have addressed officer concerns in relation to the visual appearance of the bin stores and transport concerns in relation to visibility for drivers, cycle parking and footpath construction and the amended plans have made the following changes to relocate the bin stores so that they are less obtrusive, details of the cycle stores, reduction in the fencing height to enable drivers to see pedestrians when manoeuvring, surface treatment details and the removal of tree T5 to enable the footpath to be constructed to the required width.
- 1.23 The proposed development is subject to Homes England grant funding which will secure all of the properties as affordable housing, managed by local Registered Provider, Adler Housing.
- 1.24 The application is supported by the following documents:
 - Planning statement
 - Noise impact assessment
 - Ground investigations report
 - Flood risk assessment
 - Design and access statement

Bat and barn owl survey
Statement of Community Involvement
Tree survey
Transport statement
Travel plan

1.25 Planning History

DC/13/01283/DEM - Demolition of bus depot and support site comprising of steel frame buildings and hardstandings - Prior approval required and approved 17 December 2013.

Adjacent to the application site, also forming part of the historic Go Ahead Bus Depot site, is an Aldi supermarket approved through application DC/14/00346/FUL for Erection of a foodstore with associated access, car parking and landscaping (amended 22/12/14). Former Go Ahead Bus Station Sunderland Road, Gateshead. Granted March 2015. The only aspect of the permission which is relevant to this application is the restriction on site deliveries, with reversing warning sounds required to be turned off between the hours of 10pm and 8am.

2.0 Consultation Responses:

| | |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Northumbria Police | No objections to the principle of the development but a number of concerns were raised including a gap between the Aldi and the development boundaries, lack of surveillance from Plot 15, a 'leaky' cul de sac due to pedestrian links and no lighting scheme. |
| Tyne And Wear Fire And Rescue Service | No objections |
| Northern Gas Networks | No Objection |
| Nexus | Nexus Rail require final details on the ground improvement works to be carried out. The proposed works should note the presence of their operational railway infrastructure tunnels and include mitigation measures should grouting produce unexpected pathways which might carry grout towards the tunnels. |
| Northumbria Water | NWL has no issues to raise provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk and Drainage Impact Assessment" dated March 2020. |

Coal Authority

The Coal Authority has no objection to the proposed development subject to the imposition of conditions.

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) (England) Order 2015. A site notice was posted on 9 July 2020. A notice in the press was published on 29 April 2020.

3.2 Three representations have been received making the following comments:

- Accommodation is needed for everyone, not just for one group.
- This area is meant to be residential for all people
- Lack of publicity of the application
- This should be developed for retail. Matalan should be moved here.
- The land between Chad House and Bede House, opposite the site, is piling up with rubbish. Large rats have been seen.
- Sunderland Road is very noisy and traffic speeds along it. Would the new tenants like that noise?
- Loss of light (to apartment in Chad House).

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS2 Spatial Strategy for Urban Core

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

DEL1 Infrastructure/Developer Contributions

H5 Housing Choice

SG2 The Exemplar Neighbourhood Key Site

UC4 Homes

DC1P Contamination, derelict land, stability

DC1C Landform, landscape and after-use

DC1D Protected Species

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENSPD Exemplar Neighbourhood SPD

5.0 Assessment of the Proposal:

5.1 The main considerations are the principle of the proposal, flooding and drainage, ground conditions, coal legacy, ecology, highways, residential amenity and noise, urban design, landscaping and biodiversity.

5.2 PRINCIPLE

The site is a brownfield site, formerly in commercial/industrial use, which has been vacant for a number of years. The proposed scheme therefore presents an opportunity to redevelop the site whilst also providing housing within the urban core.

5.3 This NPPF is reflected in CSUCP policy CS1(8) Spatial Strategy for Sustainable Growth that seeks sustainable development that seeks to create and sustain thriving communities by all development being amongst other things.

8. i: Fully inclusive, irrespective of cultural background ethnicity and age, to meet the diverse needs of all residents and communities.

8. ii. Well connected and accessible by sustainable modes of transport.

8. iii. Well designed to promote community cohesion, wellbeing, and to reflect and enhance the area's character and natural environment.

- 5.4 It is considered the proposal meets the three strands of sustainable development and as such the presumption in favour of development should be applied. Overall, the principle of the proposed development is considered to be wholly in accordance with CSUCP policy CS1 and the NPPF.
- 5.5 The application site is situated within the Exemplar Neighbourhood area, which is allocated as the major new residential development area within Gateshead.
- 5.6 CSUCP policy SG2 ensures the Exemplar Neighbourhood is allocated for a minimum of 1000 homes (C3) at an average of 50 dwellings per hectare across the site therefore the principle of residential development on the site is consistent with the relevant policy of the development plan.
- 5.7 CSUCP policy CS2 outlines that the Urban Core is the priority location for development which will maintain and enhance its vibrancy. Policy CS2 seeks to deliver housing prioritising the Exemplar Neighbourhood and CSUCP policy UC4 allocates an Exemplar Neighbourhood in the Southern Gateway Sub Area for approximately 1000 new homes, predominantly for families. The proposals will enable the delivery of 4 bedroomed family homes. The policy also seeks to promote sustainable modes of transport and to secure high quality design. The principle of the proposed development is considered to be in accordance with policy CS2.
- 5.8 A core principle of the NPPF is to support the Government's objective of significantly boosting the supply of homes (Paragraph 59). CSUCP policy CS10 sets out the housing provision for Gateshead which has been informed by housing needs assessment. This approach is consistent with the NPPF. The proposed development includes the provision of 26 four bedroomed family residential units that will contribute towards to target for new homes in Gateshead across the plan period. Given the above, the proposals accord with CSUCP policy CS10.
- 5.9 Range and choice of housing
The emerging Local Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure.
- 5.10 Family Homes
Paragraph 61 of the NPPF supports policies which reflect the size, type and tenure of housing needed for different groups. The proposed development is for 26 dwellings each of four bedrooms which will be for affordable private rent.
- 5.11 CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). Saved UDP policy H5 also seeks to improve the choice of housing in Gateshead.

- 5.12 The proposed development is for 26 dwellings each of four bedrooms which therefore accords with CSUCP policy CS11 and saved UDP policy H5.
- 5.13 **Affordable Homes**
CSUCP policy CS11 (5) requires the provision of 15% affordable homes on all developments of 15 or more dwellings.
- 5.14 As referred to above, the proposed development is subject to Homes England grant funding which will secure all of the properties as affordable housing, managed by local Registered Provider, Adler Housing. As such, the scheme is an exemption to NPPF paragraph 64, that would require 10% (of our required 15% affordable housing) to be available for affordable home ownership (as opposed to rent).
- 5.15 A S106 legal agreement is required to ensure that at least 15% of the dwellings remain as affordable units in perpetuity.
- 5.16 Given the above, and subject to the S106 legal agreement, the proposal is considered to be acceptable and in accordance with the NPPF and CSUCP policy CS11.
- 5.17 **FLOODING AND DRAINAGE**
The site lies within Flood Zone 1 representing the lowest risk of flooding. There is also no risk of flooding from other sources such as sewers, groundwater, water mains, land or other artificial sources.
- 5.18 An urban solution form of SuDS is proposed on this site. This incorporates below ground tanks and pipes and rain gardens to individual properties rather than a SuDS basin. The feed to the below ground tanks is proposed through permeable paving, sub-grade, and oversize pipes.
- 5.19 Details of the final detailed drainage strategy need to be confirmed and this can be secured by condition (CONDITIONS 15 and 16).
- 5.20 A further condition is recommended to secure details in respect of the final drainage and SuDS maintenance plans (CONDITIONS 17 and 18).
- 5.21 Given the above, subject to the recommended conditions, and those requested by NWL, the proposals are considered to be appropriate and acceptable and in accordance with the NPPF and CSUCP policy CS17.
- 5.22 **GROUND CONDITIONS**
The site has been assessed by the Council as being located on potentially contaminated land as it has previously been occupied by a colliery, which later was used as a tram and bus depot. The Site Investigation report, submitted in support of the application, describes the site as comprising of made ground; broadly consisting of a surface covering of concrete (locally overlain by block paving), underlain generally by granular fill of slightly clayey

ashy gravel of mudstone, brick and coal with sandstone and dolomite noted locally. Trial pits contained colliery spoil material and black ash with hydrocarbon odours noted.

- 5.23 There are operational railway infrastructure tunnels associated with the Metro in the north east corner of the site below the garden of plot 7. Nexus Rail require details of any mitigation measures to ensure that the works will not impact upon the tunnels and these details can be secured by condition (CONDITION 3).
- 5.24 The report concludes that the proposed redevelopment, to a more sensitive end use, requires intrusive ground investigation; therefore, it is recommended that conditions be imposed to require an intrusive site investigation with a Phase II Detailed Risk Assessment, and where required conditions for Remediation, Monitoring and Verification Reports. These can be secured by condition (CONDITIONS 3 - 7).
- 5.25 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV54 and CSUCP policy CS14.
- 5.26 **COAL LEGACY**
The site is situated within a Coal Authority defined "Development High Risk Area". These are areas, based upon Coal Authority records, where the potential land instability and other safety risks associated with former coal mining activities are likely to be greatest. They include, for example, areas of known or suspected shallow coal mining, recorded mine entries and areas of former surface mining. There are believed to be coal outcrops on the extreme western boundary of the site boundaries.
- 5.27 The layout of the scheme takes into account two mine shaft exclusion zones adjacent to plot 1 and plot 14.
- 5.28 The proposed remedial measures set out in the Site Investigation Report are considered to be appropriate to address the coal mining legacy issues present within the site.
- 5.29 However, in order to secure sufficient information to demonstrate that the site is safe and stable for the residential development proposed, in accordance with NPPF paragraphs 178-179, it is recommended that pre commencement conditions are imposed to secure intrusive site investigations, and, to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site (CONDITIONS 13 and 14).
- 5.30 Given the above, subject to the recommended conditions and those requested by the Coal Authority, the proposals are considered to be acceptable and in accordance with paragraphs 178 and 179 of the NPPF and Saved UDP policy ENV54 and CSUCP policy CS14.

5.31 HIGHWAYS

An amended site layout, that responds to officer comments in relation to visibility for drivers when manoeuvring has been submitted and it is considered to be acceptable. A condition is recommended to ensure visibility splays of driveways are kept clear (CONDITION 29).

5.32 The footway link onto Sunderland Road, between plots 17 and 18, and the link to Lindisfarne Drive between plots 5 and 6 are acceptable as this is a requirement to ensure good pedestrian permeability.

5.33 The footway links are proposed to be finished in a flagged paving material however a bituminous surfacing material in visual amenity terms would be preferred. A condition is recommended to secure a sample of material in the interests of visual amenity (CONDITIONS 30 and 31).

5.34 The proposed visibility splay at the new access onto Lindisfarne Drive will need to be kept clear of any obstructions above 600mm in height and a compliance condition, can ensure this is the case (CONDITION 32).

5.35 The existing on street limited time parking bays on Lindisfarne Drive that fall within the visibility splay will need to be removed and revised on street restrictions imposed. These changes will require existing Traffic Regulation Orders (TROs) to be revoked or amended and new TROs may be required. The new development will need to be a 20mph zone, with appropriate signage and a supporting TRO.

5.36 A condition is recommended that requires a detailed design for all off-site highway works to be submitted for approval and subsequently implemented on-site (CONDITIONS 19 and 20).

5.37 With regards to EV charging points, the applicant has agreed to install all cabling, ducting, and blanking plates to all dwellings during construction. This will allow the residents to agree with the developer the final type of charger to be installed at their property and would be incorporated into a Final Travel Plan (CONDITIONS 25 and 26).

5.38 Secure and weatherproof cycle storage is required to be provided for each dwelling in accordance with the Gateshead Cycling Strategy. The indicative position of cycle stores is indicated on the site layout and the proposed metal cycle locker is acceptable. Installation can be secured by a recommended condition (CONDITION 33).

5.39 Given the above, and subject to the recommended conditions, the proposals are considered to be acceptable and in accordance with the NPPF and CSUCP policy CS13.

5.40 RESIDENTIAL AMENITY AND NOISE

The proposed layout provides for privacy for future occupants with generous separation distances between the dwellings. Each plot includes external

garden space and a central open space for use by the future residents is proposed.

- 5.41 Whilst there is no opportunity for loss of privacy or overlooking the plots on the boundary with Aldi may be affected by noise sources to the immediate east of the site associated with the Aldi store. These have been assessed in the Noise Impact Assessment submitted in support of the application. A 1.8 m high noise attenuation barrier between the proposed site and Aldi has been proposed to minimise the external plant noise to reduce the impact on indoor ambient noise levels.
- 5.42 A condition was imposed on the Aldi supermarket development approved through application DC/14/00346/FUL to restrict on site deliveries, with reversing warning sounds to be turned off between the hours of 10pm and 8am and compliance with this condition will protect the amenities of the future occupants of this development.
- 5.43 The dwelling on Plot 7 is located within the plot such that it takes account of the Nexus Stand Off Zone and Exclusion Zone from the sub-surface tunnels and given this; it is considered occupants will not experience vibration from Metro trains.
- 5.44 A condition is recommended to limit the hours of construction to protect the residential amenities of the nearby residential properties (CONDITION 28).
- 5.45 Given the above and subject to the recommended conditions, the proposals are considered to be acceptable and in accordance with the NPPF, CSUCP policy CS14 and Saved UDP policy DC2.
- 5.46 URBAN DESIGN
As mentioned above the dwelling on Plot 7 is located to take account of the Nexus Stand Off Zone and Exclusion Zone from the sub-surface tunnels and this creates a generous garden area for this plot.
- 5.47 The site is situated within the Exemplar Neighbourhood area of Gateshead, and the guiding design principles of the Exemplar Neighbourhood SPD have been used to assess the proposed development. The design principles require all development proposals to:
- Demonstrate a high level of architectural design quality across all buildings;
 - Provide contemporary architecture that responds to the locality;
 - Create attractive and useable green spaces that provide relief in an urban setting;
 - Ensure active, animated routes with windows and activity, with active ground floor use;
 - Ensure all buildings be constructed using high quality, durable materials, with the design of the building being as robust as practical;
 - Ensure buildings are designed to maximise energy efficiency and solar gain;

- Ensure buildings are designed to reduce maintenance and have security built into the layout and fabric of the building; and
- 5.48 The scheme meets the design principles of the SPD and is considered to be acceptable in terms of design quality subject to a condition requiring details of materials and surface treatments (CONDITIONS 21, 22, 30 and 31).
- 5.49 Given the above and subject to the recommended conditions the proposals are considered to be acceptable and in accordance with the NPPF, Saved UDP policy ENV3, CSUCP policy CS15 and the Exemplar Neighbourhood SPD.
- 5.50 **LANDSCAPING**
The Arboricultural Impact Assessment submitted in support of the application acknowledges that it will be necessary to remove some existing low-quality trees to facilitate the proposed development. Four trees that are on the Sunderland Road boundary are proposed to be retained. The roots and crowns of retained trees will need to be protected during the construction of the development through the provision of adequate construction protection measures and a condition is recommended to secure tree protection measures and implementation (CONDITIONS 10 and 11).
- 5.51 A detailed landscaping design for the central area of open space and individual gardens has been submitted that comprises of planting set in a full circle of small unit dark 'sett' type paving within which are sited three curved benches, some with a partial back to suit different users. Around this circle, up to the beds and edges, are light coloured 'setts' laid out in a radial pattern.
- 5.52 The circle centre is surfaced with a sandy coloured sealed gravel with three sculptural 'pebbles' manufactured in concrete and designed as seats and play elements. At the entrance to the space is a circular low 'podium' feature / meeting place.
- 5.53 No trees are to be planted in the Nexus Stand Off Zone and Exclusion Zone, as in the future the root systems could affect the tunnels.
- 5.54 Given the above the proposed landscaping is considered will create an attractive entrance to the site and centre feature for residents, in accordance with Policies CS15 and CS18 of the CSUCP and Saved UDP policy ENV3
- 5.55 **BIODIVERSITY**
An ecological survey dated March 2020 was submitted in support of the application that outlined the results of initial ecological site inspections that had been undertaken.
- 5.56 The report provides a description of the habitats present within the site and an assessment of their potential to support statutorily protected and/or priority/notable species. It concludes that the site has low ecological value of

local value. It poses a residual risk for statutorily protected and priority species and the proposed development will result in a residual loss of biodiversity.

5.57 In accordance with the mitigation hierarchy set out within the NPPF, in addition to the on-site measures referred to below, there is also a requirement for off-site compensation to be secured via a developer contribution (s106).. Off-site compensation/ biodiversity net-gain measures are proposed at Friars Goose (1.5km north east of proposed development site) to include scrub clearance to include herbicide treatment to provide 0.1ha of restored semi-improved grassland capable of supporting priority butterfly species and selective thinning of 0.2ha of broadleaved plantation woodland to improve structural and species diversity providing enhanced opportunities for nesting and foraging birds and mammals including bat and hedgehog. The Friars Goose scheme is an appropriate and proportionate scheme of off-site ecological compensatory measures to be delivered on Council owned land to be secured through a s106 agreement.

5.58 Where impacts on biodiversity resulting from the construction phase and operation of the development have been predicted; avoidance and/or on-site mitigation measure have been proposed. These include:

- Retention of scattered trees where possible - only 4no. trees (2no. Whitebeam, 1no. Rowan and 1no. Japanese Cherry) situated along Sunderland Road are proposed to be retained.
- Three crevice bat boxes and bat roost features will be included within the site layout. (CONDITIONS 34 and 35).
- 8 bird boxes, suitable for tit species and wren and 12 bird boxes, four each suitable for starling, swift and house sparrow should be incorporated into the design proposals. It is recommended that full details be secured by imposition of a condition (CONDITIONS 34 and 35).
- 13x13cm 'Hedgehog Highways' can be secured by imposition of a condition (CONDITION 36).
- Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests - a condition is recommended (CONDITION 12).
- Works to the western boundary wall will be undertaken to a precautionary method statement, in case of the presence of bats.
- A precautionary reptile method statement is to be included and addressed in a Biodiversity Method Statement (BMS) to be secured by imposition of a condition (CONDITIONS 37 and 38).

- 5.59 The proposed landscape planting proposals are considered to be acceptable, in ecological terms. It is recommended that maintenance of the soft landscaping be secured by condition (CONDITION 41).
- 5.60 Given the above and subject to the recommended conditions and the provision of an appropriate and proportionate scheme of off-site compensation secured by a s106 legal agreement; the proposed development is considered to be acceptable and in accordance with national and local planning policy, including: CS18, DC1(d), ENV46 and ENV47.
- 5.61 OTHER MATTERS
Northumbria Police raised some concerns around the security of the site and requested:
- higher boundary fencing to the rear of plots 7 - 15;
 - a side elevation window in plot 15 to improve natural surveillance
 - and the removal of the pedestrian / cycle links to both Lindisfarne Drive and Sunderland Road that they considered made the development a "leaky cul-de-sac", with this level of permeability, as it compromises the security of the properties, by allowing the criminal legitimate access to the front or rear of the dwellings;
 - lack of lighting scheme.
- 5.62 Officers consider the boundary 1800mm close board fence to the rear of plots 7 - 11 that abounds the Aldi boundary is sufficiently high and if a higher fence were installed this would be likely to have an overbearing impact on the occupants of those plots.
- 5.63 Officers consider it is not appropriate to install a window in the side elevation of Plot 15 due to the noise generated by the Aldi that would result in noise and disturbance to the occupants.
- 5.64 Officers negotiated the footpath cycle links in to the scheme to ensure that the scheme is inclusive. There is much evidence to suggest that gated communities can lead to negative views and opinions from those who live near or pass by them, and regular/closer contact with other communities, religious groups, ethnic groups etc. helps to build community and reduce friction between different groups.
- 5.65 In addition, the layout encourages sustainable modes of travel including pedestrians and cycling, and access to modes of public transport in accordance with national and local planning policy.
- 5.66 A condition is recommended to secure a lighting scheme (CONDITIONS 23 and 24).
- 5.67 SECTION 106 AGREEMENT
It is necessary that any planning permission subject to a legal obligation, is compliant with the requirements of paragraph 56 of the Framework and Policy

DEL1 of the CSUCP. The content of the legal agreement is recommended to include the following provisions:

- 15% on-site affordable housing in perpetuity; and
- a financial contribution towards off-site biodiversity enhancements.

5.68 STATEMENT OF COMMUNITY INVOLVEMENT

A leaflet drop was the most effective way of consulting the community and hearing their views.

5.69 Approximately 900 leaflets were posted, by the developer, to businesses and households in the vicinity of the site to notify them of the development. The leaflets provided a summary of the proposals and a feedback form. These included a questionnaire with a Freepost address to allow residents to respond via post.

5.70 Overall, 13 responses were received. With comments on the following topics:

- Improvement of access links to Gateshead and Newcastle;
- The redevelopment of the wider area; and
- The type of person who the development provides for.

5.71 In addition to the consultation with the local community, other local stakeholders have been engaged, with particular reference to Nexus. As part of this process the exact route of the metro tunnel beneath the northern corner of the site has been established, including the relevant stand off distance for any ground works. This resulted in a revision to the site boundary and the consequent loss of one dwelling in this area.

5.72 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. The site lies within residential CIL Zone C and the levy is £0/sqm.

6.0 CONCLUSION

6.1 The site is well located close to Gateshead Town centre, with good accessibility to local services and facilities. It is within walking distance of bus stops, schools, employment and retail destinations in the town.

6.2 The proposed development will deliver 26 affordable, family homes to be secured through Homes England grant funding and managed by local Registered Provider, Adler Housing.

6.3 The development proposals accord with the relevant policies of the Core Strategy and Urban Core Plan, Unitary Development Plan and Supplementary

Planning Document. In accordance with Paragraph 11c of the NPPF, the presumption in favour of sustainable development is therefore engaged and it

is recommended that planning permission be granted subject to a Section 106 legal agreement in respect of affordable housing and a biodiversity off set contribution on expiry of the publicity period.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT:

1) The agreement shall include the following obligations:

- 15% on-site affordable housing in perpetuity; and a financial contribution towards off-site biodiversity enhancements.

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

3) That the Service Director 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 -

Site layout plan 19002 P02E
Soft landscaping specification
Landscape design description
Planting schedule
Landscape Plan 807/LA1A
Planting Plan 807/LA2A
Rain Garden Planting 807/LA3
'Asgard' metal cycle locker

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

Reason

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

2

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

Reason

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

3

No development hereby approved shall commence until a report of findings arising from Phase II intrusive site investigations and a Phase II Detailed Risk Assessment have been submitted to and approved in writing by the Local Planning Authority, in consultation with Nexus Rail.

Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports that should note the presence of Nexus Rail's underground infrastructure and include mitigation measures should grouting produce unexpected pathways which might carry grout towards the tunnels.

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework and that such necessary works do not result in direct or indirect damage to Nexus Rail's underground infrastructure.

Reason for pre commencement condition

To ensure that contamination and remediation measures are identified along with any factors related to the stability of Nexus Rail's underground infrastructure, 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.

4

Where required, the remediation and monitoring measures approved under Condition 3 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, or to Nexus Rail's underground infrastructure, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

5

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

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

Reason

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

6

The amended remediation and monitoring measures approved under condition 5 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

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

Reason

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

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

7

Where additional remediation is required, following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

8

The development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition and site investigations) shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include:

- a) construction haul routes
- b) a dust management plan
- c) a noise management plan
- d) pollution prevention measures
- e) contractor parking
- f) details of delivery arrangements including hours and routing
- g) measures to limit and manage transfer of debris on to the highway
- h) 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 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 the Construction Management Plan (CMP) measures approved at condition 8.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the 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

The development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition and site investigations), shall not commence 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, will be undertaken outside the bird breeding season (March to August inclusive). Where this is not possible a nesting bird checking survey must be undertaken by a suitably qualified ecologist immediately (i.e. no more than 48hrs.) prior to the commencement of works on site. Where the presence of active nests is confirmed, these must remain intact and undisturbed until the young have fledged and the nest(s) is no longer in use as confirmed by the suitably qualified ecologist. Any works happening during the bird 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

The development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition and site investigations), shall not commence until details of remediation measures to remove risks associated with coal mining legacy in the development area have been submitted to and approved in writing by the Local Planning Authority, in consultation with Nexus Rail.

Where required, the coal legacy remediation measures should note the presence of Nexus Rail's underground infrastructure and measures necessary to protect this infrastructure.

Reason for condition

To ensure that risks from the coal mining legacy of the land and neighbouring land are minimised and to ensure that the development can be carried out safely, in accordance with saved policy DC1 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework and that such necessary works do not result in direct or indirect damage to Nexus Rail's underground infrastructure.

Reason for pre commencement condition

To ensure that coal mining legacy remediation measures are identified along with any factors related to the stability of Nexus Rail's underground infrastructure, 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 remediation measures approved under condition 13 shall be implemented wholly in accordance with the approved scheme prior to the commencement of the development hereby permitted.

Reason for condition

To ensure that risks from the coal mining legacy of the land and neighbouring land are minimised and to ensure that the development can be carried out safely, in accordance with saved policy DC1 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework and that such necessary works do not result in direct or indirect damage to Nexus Rail's underground infrastructure.

Reason for pre commencement condition

To ensure that coal mining legacy remediation measures are identified along with any factors related to the stability of Nexus Rail's

underground infrastructure, 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.

15

The development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition and site investigations) shall not commence until the final detailed drainage strategy and assessment has been submitted to and approved in writing by the Local Planning Authority.

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.

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.

16

The details of SuDS measures approved under condition 15 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.

17

The development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition and site

investigations) shall not commence until a final drainage maintenance and SuDS maintenance plan in perpetuity, in full accordance with the Gateshead Council Interim Surface Water (SuDS) Guidelines for New Development, to include details of the responsibility for maintaining the rain gardens and how the details of the maintenance regime is communicated to the responsible person(s), 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.

18

The maintenance details approved under condition 17 shall be wholly adhered to throughout 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.

19

Prior to the development hereby permitted progressing above damp proof course, a detailed design for the off-site highway works to include the removal of the existing on-street parking bays on Lindisfarne Drive and any associated signage; the introduction of new no waiting at any time restrictions, and new traffic signs.

Reason

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

20

The off site highway works approved under condition 19 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted

Reason

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

21

Prior to the construction of any dwelling, hereby permitted, progressing 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.

22

The materials approved under condition 21 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.

23

Prior to first occupation of the development hereby permitted, a street lighting scheme for the proposed development site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the specifications and locations of the street lights.

Reason

In the interests of residential amenity and highway safety, in accordance with CSUCP policies CS13 and CS14 and Saved UDP policy DC2.

24

The street lighting details approved under condition 23, shall be installed prior to first occupation of the development hereby permitted in accordance with the specifications and locations set out in the scheme, and these shall be maintained thereafter in accordance with the strategy.

Reason

In the interests of residential amenity and highway safety, in accordance with CSUCP policies CS13 and CS14 and Saved UDP policy DC2.

25

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) The promotion of the use of public transport, walking and cycling and a reduction in car usage, compared to typical levels
- b) Ensure traffic speeds within the site are no more than 20mph and ensure road safety and personal security for pedestrians and cyclists;
- c) the mechanism to ensure residents can maximise opportunities for EV charging at their home.

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.

26

Prior to the first occupation of any dwelling, hereby permitted, a spur for an electric vehicle charging point shall be provided at that dwelling, to allow for future installation of electric 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.

27

The development hereby permitted shall be implemented in full accordance with the information contained within the submitted document entitled "Flood Risk and Drainage Impact Assessment" dated March 2020 and specifically the Proposed Drainage Layout dated 24th March 2020.

The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason

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

28

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

0700 hours to allow deliveries and site vehicles to come off the main highway;

0730 hours demolition/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.

29

2m x 2m visibility splays, kept clear of any obstructions above 600mm in height, shall be provided and subsequently maintained for all driveways for the life of the development.

Reason

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

30

Notwithstanding the details indicated on drawing 19002 P02E and prior to the first occupation of the development hereby permitted, details of the hard surface treatments shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and the preservation of the character of the area, in accordance with 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.

31

The surface treatment details approved under condition 30 shall be implemented wholly in accordance with the approved details and retained for the life of the development

Reason

In the interests of visual amenity and the preservation of the character of the area, in accordance with 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.

32

The visibility splay at the new access onto Lindisfarne Drive hereby permitted shall be kept clear of any obstructions above 600mm in height

Reason

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

33

The approved 'Asgard' metal cycle locker or equivalent fully enclosed metal cycle locker, shall be provided in accordance with the approved details prior to the relevant dwelling being first occupied and the locker shall 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.

34

Prior to the development hereby permitted progressing above damp proof course, details of the following, shall be submitted for the consideration and written approval of the Local Planning Authority:

- 4 no. integral bat roost features (e.g. bat bricks or bat tubes)
- 8 bird boxes, suitable for tit species and wren
- 12 no. integral bird boxes, 4 each suitable for nesting starling, swift and house sparrow.

The details shall include the type/specification and precise location of such features (as shown on a plan and elevation drawing(s)) to be incorporated within the fabric of the new buildings to be constructed on site.

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(d) and ENV46 and the NPPF.

35

The details approved under condition 34 shall be implemented wholly

in accordance with the approved details prior to the first occupation of the development hereby permitted and retained for the life of the development thereafter

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.

36

A minimum of 1 no. 13x13cm 'Hedgehog Highway' shall be incorporated into all lengths of close board fencing prior to first occupation of the development hereby permitted

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.

37

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, reptiles and hedgehog;
- 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.

38

The Biodiversity Method Statement approved under condition 37 shall be implemented in full and in accordance with the approved timescale and shall be retained thereafter for the life of the development.

Reason

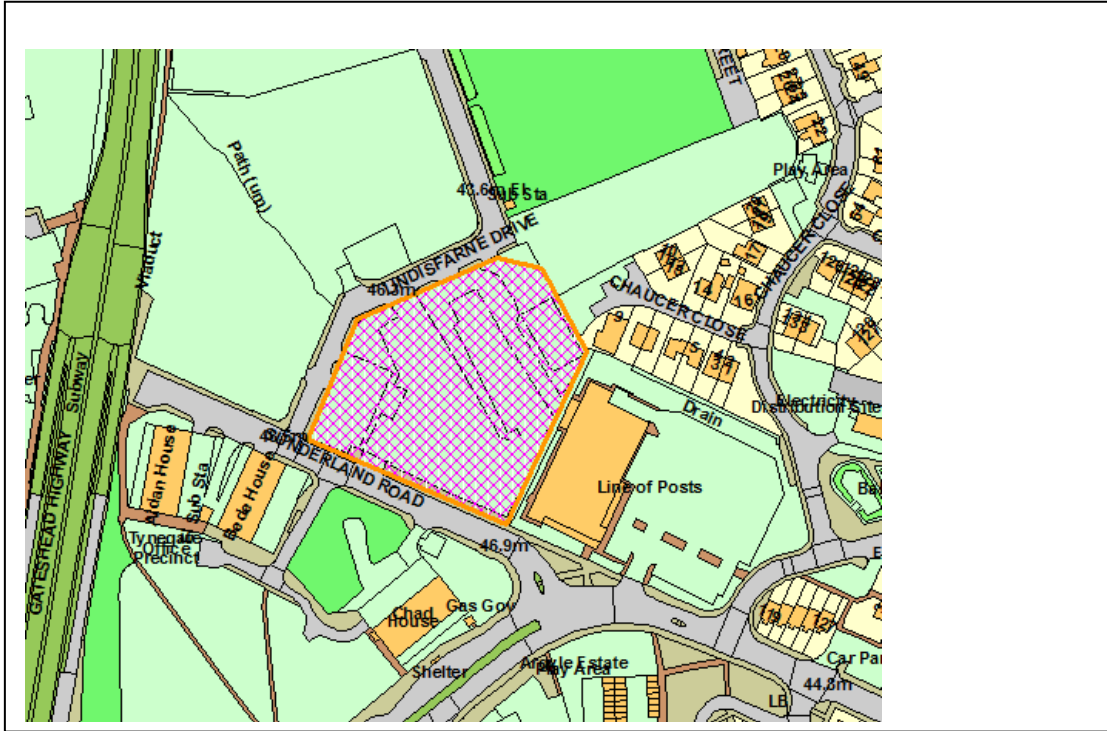
To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

39

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

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with saved Policies DC1(d) and ENV3 of the Unitary Development Plan and CSUCP policy CS14.



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Committee Report

| | |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application No: | DC/20/00417/FUL |
| Case Officer | Rebecca Adams |
| Date Application Valid | 1 June 2020 |
| Applicant | Mr George Cooper |
| Site: | Vacant Land Storey Lane Blaydon-On-Tyne NE21 4NF |
| Ward: | Ryton Crookhill And Stella |
| Proposal: | Proposed erection of single detached dwelling including demolition of part of stone boundary wall to enable development (amended plans 09.07.2020) |
| Recommendation: | REFUSE |
| Application Type | Full Application |

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

The application site comprises a plot of land situated between Storey Lane and Stella Lane which is accessed from Stella Road (B6317) to the east.

1.2 The site measures 0.06ha in area and is covered with bark chippings, vegetation and small trees, having previously supported a number of mature trees that were recently felled pursuant to application TREE/19/073. Land levels within the site and wider area rise to the west and the site is elevated above Stella Lane to the south, bordered by a stone retaining wall.

1.3 The application site is bordered by a crescent of residential dwellings along Storey Lane (nos. 1-14) which span around the site from south west to the north east and face inwards towards this. There is also a further property (Oak View) to the south west beyond 14 Storey Lane along Stella Lane. To the south east is St Mary and St Thomas Aquinas Catholic Primary School and to the south is open land contained within Stella Lane Pasture Local Wildlife Site. To the east of the site is the junction of Stella Lane and Storey Lane with the Grade II listed Church of St Mary and St Thomas Aquinas beyond.

1.4 The site is situated within Path Head Conservation Area and the Battle of Newburn Ford 1640 Registered Battlefield.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the erection of a four bedroom detached dwelling.

- 1.6 The proposed dwelling would be situated centrally within the site and would be orientated to face north east. The property would have two storeys to the north side increasing to three storeys to the south, with the front entrance and integral garage at lower ground floor level. It is proposed that the dwelling be constructed from clay brick with a slate roof and timber windows and doors.
- 1.7 The application includes the creation of an access from Stella Lane with a driveway accommodating vehicular parking for 2no. cars, necessitating the removal of part of the stone retaining wall. The scheme additionally proposes a cycle store within the rear garden and electric vehicle charging point.
- 1.8 The application has been amended during its course to increase the visibility splay at the access resulting in the removal of a proposed brick wall at the site entrance and slight reduction in the width of the proposed dwelling.
- 1.9 The application is supported by the following documentation:
- Design and Access/Heritage Statement;
 - Coal Mining Risk Assessment; and
 - Ecological Impact Assessment.
- 1.10 RELEVANT PLANNING HISTORY
TREE/19/073 - Tree works at land at Storey Lane Stella Blaydon. Determined 03.12.2019

2.0 Consultation Responses:

| | |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Northumbrian Water | No objections. |
| Tyne and Wear Archaeologist | The site is located within the designated battlefield of Newburn Ford. The proposals will not have a significant impact on any known heritage assets and no archaeological work is required. |
| Historic England | Awaiting comments. |
| The Coal Authority | Objection. The submitted Coal Mining Risk Assessment does not adequately assess the risks posed by coal mining legacy, specifically the risks posed by potentially unrecorded shallow coal mine workings. |

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015 including the display of press and site notices.
- 3.2 One letter of objection and additional comments have been received from Councillor Buckley citing the impact of the development upon the Conservation Area and a listed building and refer to ecological issues and the proximity of the site to the nearby school.
- 3.3 Eighteen letters of objection have been received, including from St Mary & St Thomas Aquinas Catholic Primary School, in addition to which some objectors have submitted additional comments. These are summarised as follows:
- Overdevelopment
 - The development would dominate properties on Storey Lane
 - Out of character with the streetscene and surrounding properties
 - Out of character with Conservation Area
 - Detrimental impact upon visual amenity
 - Inappropriate/harmful development within the Conservation Area
 - The proposed development would appear as incongruous and awkward in its siting, design, scale and position
 - Infill development should be resisted in this area in accordance with the Gateshead Placemaking SPD
 - The site was retained to maintain the integrity of the conservation area and therefore is not 'in the midst of a residential area'
 - The site does not constitute derelict land
 - Loss of green space
 - Impact upon historic views and setting of nearby Grade II listed building
 - Inadequate amount of outdoor space for future occupiers
 - Impact upon residential amenity
 - Loss of light to properties on Storey Lane
 - Overbearing impact
 - Loss of outlook
 - Additional noise and disturbance
 - Loss of privacy/overlooking to existing and future occupiers
 - Inadequate/narrow access

- Increase in traffic during/following construction
- Inadequate visibility at entrance to site
- Inadequate car parking
- Exacerbation of existing parking issues
- Road safety concerns, including to school pupils and parents, during construction
- Inaccessible cycle storage
- Proximity to school
- Loss of trees
- Loss of habitat
- Harm to biodiversity/wildlife
- Harm to wildlife corridor
- Exacerbation of existing flooding concerns resulting from heavy rainfall runoff
- Drainage concerns resulting from the loss of green space
- Flood risk concerns
- The property is not an affordable home, as required by the Government
- Impacts/disruption during construction- noise, dust, access, storage of materials, traffic and parking, impacts upon power supply
- Damage to neighbouring property
- Issues relating to covenants on the site
- Land ownership disputes
- Security issues
- Lack of previous site maintenance
- Devaluation of property
- Impact on views

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1H Pollution

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

H12 Housing Density

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV9 Setting of Conservation Areas

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV24 Newburn Ford Battlefield

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPD

MSGP Making Spaces for Growing Places

IPA17 Conservation Area Character Statements

5.0 Assessment of the Proposal:

5.1 The key matters in the assessment of this application are the principle of the development, impacts upon heritage, design and visual amenity, archaeology, residential amenity, highway safety, trees, ecology, land conditions, CIL, open space/play provision, and any other matters.

5.2 THE PRINCIPLE OF THE DEVELOPMENT

5.3 Housing demand and policy

Policy CS10 of the Council's Core Strategy and Urban Core Plan (CSUCP) states that 11,000 new homes (excluding purpose-built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.

5.4 The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. The principle of housing development on this site is therefore to be assessed against saved policy H4 of the Unitary Development Plan (UDP) as a windfall site. The location of the site is sustainable, being within an established residential area close to local services and public transport routes. The principle of housing development on this site is therefore acceptable, subject to all other material planning considerations being satisfied.

5.5 Housing choice

Core Strategy policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families, with a minimum target of 16,000 new homes to have three or more bedrooms. The application proposes the erection of a four bedroom dwelling and would therefore satisfy this policy objective.

- 5.6 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*". Based on the information submitted it is considered that the application meets this requirement and would provide an acceptable level of internal and external space for future occupiers of the proposed development
- 5.7 Housing density
Saved UDP policy H12 seeks a density of between 30 and 50 dwellings per hectare, with a lesser density permitted only where higher density proposals would have an unacceptable impact on the amenity and character of the area. The resultant density of the proposed development would equate to 20 dwellings per hectare; whilst this is below the range specified by saved policy H12 Officers consider this to be justified in this instance by the physical constraints of the site.
- 5.8 The development is considered to be acceptable in principle and would contribute to housing stock in the Borough. The proposal therefore accords with saved policies H4 and H12 of the UDP, policies CS10 and CS11(1) of the CSUCP and the NPPF.
- 5.9 HERITAGE
The application site is situated within Path Head Conservation Area and the Battle of Newburn Ford 1640 Registered Battlefield. The site is also adjacent to the Former Stella Hall Estate Locally Listed Park and Garden and within proximity of the Grade II listed St Mary and St Thomas Aquinas church.
- 5.10 NPPF Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.
- 5.11 The NPPG explains that the NPPF makes clear that significance derives not only from a heritage assets physical presence but also from its setting. The NPPG further advises that proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to a designated heritage asset is identified, it needs to be categorised as either less than substantial harm or substantial harm in order to identify which policies in the NPPF apply (paragraphs 194-196). Within each category of harm (which

should be explicitly identified) the extent of harm may vary and should be clearly articulated. (NPPG Paragraph: 018 Reference ID: 18a 018 20190723).

- 5.12 NPPF Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 5.13 NPPF Paragraph 195 states that where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 5.14 NPPF Paragraph 196 explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.15 Core Strategy policy CS15 requires development to contribute to good place making and seeks the conservation and enhancement of the historic environment. This is supported by saved UDP policy ENV7, which requires new development within Conservation Areas to preserve or enhance the area's special architectural or historic character or appearance; and policy ENV9, which supports development that protects or enhances the setting of a Conservation Area.
- 5.16 The application site is a small, irregularly shaped plot of land that is tightly enclosed between Stella Lane and Storey Lane and is closely bordered by the crescent of mid C20 dwellings along Storey Lane, for which the site acts as a green focal point. The site was previously covered with mature trees and dense vegetation however following their recent felling the site is now more open but remains uncultivated, with vegetation and small trees. The site is elevated above Stella Lane to the south, bounded by a stone retaining wall which is likely to relate to the former Stella Estate, with open land and trees beyond to the south that are also elevated above Stella Lane. The topography within the wider area rises to the west and consequently the site appears as being positioned at a higher level than the properties to the east.
- 5.17 Interim Policy Advice 17 (Conservation Area Character Statements, Strategies and Policy Guidelines) describes Path Head Conservation Area as having been designated to afford recognition and protection to the combination of historic, architectural and ecological sites including the former Stella Hall estate, with its boundary having been drawn to reflect the historic extent of the estate. The Conservation Area includes areas of open countryside as well as buildings, with

historic significance extending to archaeological and battlefield movements associated with the Battle of Newburn Ford.

- 5.18 The application site is situated to the northern edge of the Conservation Area to the southern edge of the village of Stella, at the transition of the landscape from urban to rural open land and woods. The Conservation Area also includes the Grade II listed church and terraced dwellings to the east of the site however excludes the adjacent properties along Storey Lane and the school, and the site is separated from these adjacent areas of the Conservation Area by Stella Lane, which at the point to the south of the site is sunken below the level of the land on either side.
- 5.19 The Design and Access/Heritage Statement states that the site is peripheral to the Conservation Area and that the proposed development would not affect this due to its segregation from the heritage asset; in addition, it is stated that the proposed dwelling is reflective of the scale, massing and materials of the surrounding dwellings and suitably responds to the character of the area.
- 5.20 The application site is separated from other areas of the Conservation Area and Officers consider that this is not in itself of historic significance; the site nevertheless forms part of the Conservation Area and Officers consider that this makes a positive contribution to the rural character and appearance of this part and facilitates the transition from Stella village and the properties along Storey Lane to the surrounding rural open land that is designated within the Conservation Area.
- 5.21 The trees which previously occupied this site afforded a visual screen and degree of separation of the houses along Storey Lane from the Conservation Area to the south, which is at the same level as the site, separated by the sunken Stella Lane; Officers acknowledge that the removal of these trees has diminished this visual screen however consider that the site in its present form continues to contribute to the character and appearance of the Conservation Area and allows for a degree of separation to be maintained between the adjacent suburban houses and open land to the south of the application site.
- 5.22 Council officers are of the opinion that the introduction of the proposed development into this site would erode the rural character of the site, which is significant to the character and appearance of this part of the Conservation Area and facilitates the transition of the developed surroundings to the surrounding rural open land that is contained within the wider Conservation Area. Officers therefore consider that the proposed development would result in less than substantial harm to the character and appearance of this part of the Conservation Area.

- 5.23 Saved UDP policy ENV24 seeks to protect and enhance the historical value of the Newburn Ford battlefield by preventing development and changes to the landscape which would adversely affect the scope to interpret the course of events during the battle.
- 5.24 The Oxford Archaeology 2018 Historic England project NHPP 4EI: Strategic Research for the Registered Battlefields at Newburn Ford and Boroughbridge: Newburn Ford report provides an appraisal of the battlefield and divides this into character areas, with the site being situated between areas 4 and 8. The application site is within/adjacent to an area which is described as contributing to the overall landscape of the battlefield that illustrates the type of area where English troops retreated to. The report identifies the view facing west along Stella Lane towards the application site as being a 'View of High Significance' in the understanding of the battlefield (View 11) as a result of Stella Lane having been referenced in accounts of the battle as one of the routes taken by the retreating English troops, and notes the presence of historic stone walls along the route of Stella Lane.
- 5.25 The proposed development would result in the introduction of a highly intrusive feature adjacent to Stella Lane in the context of the interpretation of the battlefield and Officers therefore consider that this would result in less than substantial harm to the registered battlefield.
- 5.26 The site is situated some 80m west of the Grade II listed St Mary and St Thomas Aquinas church; it is however considered that the proposed development would not detrimentally impact upon the setting of, or views of, this heritage asset. It is further considered that the proposed development would not have a detrimental impact upon the Locally Listed Park and Garden.
- 5.27 Benefits
Council officers consider that the harm that would result from the proposed development to the significance of the heritage asset would be less than substantial. In accordance with NPPF Paragraph 196 it is therefore necessary to balance the harm against any public benefits from the proposal.
- 5.28 The NPPG states that public benefits may follow from many developments and could deliver economic, social or environmental benefits, as at NPPF Paragraph 8.
- 5.29 The supporting Design and Access/Heritage Statement states that the proposed development would not result in harm to the Conservation Area and would benefit this through the removal of an area of derelict land through the development of the site. Further benefits are also given, comprising economic benefits resulting from construction jobs associated with the development and

the provision of a high quality house that would provide the opportunity for local people to construct their own home as a self-build plot.

- 5.30 Council Officers have reviewed the suggested benefits and it is accepted that the proposal would result in the net gain of a family dwelling; however given that the development relates to one additional dwelling and the Council has a number of major housebuilding schemes ongoing at present this benefit would be relatively minor. It is also accepted that the development would generate some economic benefits through employment associated with construction works however this would not be a substantial benefit given the scale of the development and would also be a temporary benefit lasting only during the construction stage. Whilst the site is presently undeveloped Council Officers disagree that this would constitute derelict land so as to render its development a public benefit.
- 5.31 Council Officers have considered the benefits that would arise from the proposal and in weighing the public benefits of the proposal against the identified harm are of the opinion that the public benefits of the development are no more than limited weight due to the scale of the development. Officers are therefore of the view that the benefits associated with the development would not outweigh the less than substantial harm that would be caused by the development to the significance of the heritage asset.
- 5.32 It is therefore recommended that planning permission be refused for the proposal on the grounds of less than substantial harm to the Path Head Conservation Area and Battle of Newburn Ford 1640 Registered Battlefield, that would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV24 of the UDP and policy CS15 of the CSUCP
- 5.33 DESIGN AND VISUAL AMENITY
Core Strategy policy CS15 requires development to contribute to good place making and seeks the conservation and enhancement of the historic environment. This is supported by saved UDP policy ENV3, which requires the design, density and scale of new development to positively contribute to the established character of its locality.
- 5.34 The adjacent houses along Storey Lane comprise a crescent of 7 pairs of matching semi-detached houses, which are arranged around the site. A number of these properties have been extended to the side and rear however their appearance is generally uniform.
- 5.35 Officers consider that as a result of its form, scale and position the proposed dwelling would appear as dominant, over-developed and incongruous within its

setting relative to its surroundings and would be out of keeping with the character, appearance and established crescent arrangement of the properties along Storey Lane. Officers therefore consider that the development would have a detrimental impact upon the general character and appearance of the wider streetscene.

5.36 Making Spaces for Growing Places (MSGP)

Policy MSGP24 of the emerging Making Spaces for Growing Spaces DPD (MSGP) refers to Areas of Special Character. MSGP24 affords a high level of importance to the design of development within or affecting the setting of these areas and states that development that will maintain or enhance the character of the area, with inappropriate development to be resisted. Whilst this is emerging policy MSGP24 indicates the direction of travel towards a recognition of Stella's significant character.

5.37 The policy designates Stella, Crookhill and Hedgefield as an Area of Special Character; this includes the properties along Storey Lane adjacent to the application site however excludes the site itself, which is therefore within the setting of the area. The Gateshead Placemaking SPD identifies the important aspects of the character of the areas that are to be protected and provides design guidance on development within these areas; within the Stella, Crookhill and Hedgefield Area of Special Character the SPD identifies the setting of the area within the rural landscape and states that infill development that would detract from the existing townscape quality and setting of the properties is to be resisted and that the landscaping/semi-rural setting is to be protected.

5.38 Officers consider that the proposed development would detract from the setting of the properties along Storey Lane and would therefore not maintain or enhance the Area of Special Character and would therefore be contrary to MSGP24. The current status of MSGP is that it has been subject to examination in Autumn 2019 and weight should therefore be afforded accordingly.

5.39 It is therefore considered that the proposed development is unacceptable in terms of design and impact upon visual amenity and would be contrary to the NPPF, CSUCP policy CS15, saved UDP policy ENV3 and emerging MSGP policy MSGP24 and it is therefore recommended that planning permission be refused for this reason.

5.40 ARCHAEOLOGY

The site lies within an area of archaeological importance within the Registered Battlefield of Newburn Ford 1640 and is identified as an area of low sensitivity and high capacity for change with little archaeological potential within the Historic England battlefield report. It is considered that the proposed development would not have a significant impact on any archaeological

remains relating to the battle and should planning permission be granted no archaeological work or investigations would be recommended, in accordance with the NPPF and saved UDP policies ENV21 and ENV22.

5.41 RESIDENTIAL AMENITY

Paragraph 127 of the NPPF states that developments should, amongst others, create places that afford a high standard of amenity for existing and future users. Policy CS14 of the CSUCP and saved policy DC2 of the UDP additionally require that new development does not have any negative impact upon the amenity of nearby residents.

5.42 A number of representations have objected on the grounds that the proposed development would have a harmful impact upon residential amenity.

5.43 The proposed dwelling would be situated around 16m from the closest dwellings to the north (nos. 5-8 Storey Lane) which face towards the site, to which the property would present its two storey north side elevation that would contain a first floor non-habitable room window; should planning permission be granted a condition could be attached requiring this window to be obscurely glazed. The south side elevation would increase to three storeys and would include windows facing towards open land.

5.44 The front (east) elevation of the property would not face directly towards any neighbouring dwelling and would have an offset relationship with nos. 1-4 Storey Lane, from which it would be separated by a minimum of 20m, increasing to around 35m.

5.45 The rear (west) elevation of the dwelling would be positioned around 22m from the properties to the north west (nos. 9-10 Storey Lane), from which it would be offset and between which are situated a small number of trees within the site that are proposed to be retained. The property would be positioned around 30m from nos. 11 and 12 Storey Lane, increasing to around 40m from 13 and 14 Storey Lane, also partly separated by these trees and further vegetation and hedging which provide an element of screening.

5.46 Officers recognise that the application would result in the introduction of a dwelling into a site which maintains a close relationship with existing properties and is previously undeveloped. Having regard for the separation distances that would be afforded between the proposed dwelling and existing properties surrounding the site and its positioning within the site, officers however consider that the development would not result in any such significant harm to the living conditions of adjacent residents including through any loss of light or overshadowing, loss of privacy/overlooking or loss of outlook/visual intrusion so as to warrant refusal of the application.

- 5.47 As a result of changing topography the application states that the property would be situated at a higher level than the existing properties to the east (nos. 1-4 Storey Lane) however having regard for the aforementioned separation distances it is considered that this would not result in such a detrimental impact upon amenity so as to warrant refusal of the scheme.
- 5.48 It is further considered that the proposed scheme would afford an appropriate level of amenity to future occupiers of the proposed dwelling.
- 5.49 Given the proximity of the site to adjacent residential properties construction works associated with the development have the potential to impact upon the amenity of nearby residents; this could however be limited by a planning condition requiring the submission of details including controls over dust and noise, access arrangements and working hours, should planning permission be granted.
- 5.50 The proposed development is therefore considered to be acceptable in respect of impact upon residential amenity and would not be in conflict with the NPPF, saved policies DC2 and ENV61 of the UDP or policy CS14 of the CSUCP.
- 5.51 HIGHWAY SAFETY
Paragraph 109 of the NPPF states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 5.52 Access arrangements
Access to the site is gained from Stella Lane via Stella Road to the north east. Stella Lane serves a number of existing residential properties together with St Mary And St Thomas Aquinas Catholic Primary School and St Mary and St Thomas Aquinas Church which are to the east of the site. The carriageway along Stella Lane varies in width, with some sections unable to accommodate two-way traffic and there are also some gaps in the pedestrian footway.
- 5.53 Stella Lane divides at the eastern boundary of the site, with Storey Lane bordering the site to the north and serving the adjacent properties and Stella Lane continuing south west along the southern site boundary towards Hexham Old Road. The section of Stella Lane to the south of the site does not include any pedestrian footway and is a no-through road (except for cycles), with a barrier in place to prevent vehicular through-traffic around 100m south west of the site (beyond the access to Oak View).

- 5.54 The application proposes the creation of a new access to the development from Stella Lane to the south of the site. The scheme as originally submitted included a 2.4m x 2.4m visibility splay at the site entrance. Highway safety concerns were however raised by Council Officers about the level of visibility at the access, given the absence of a pedestrian footway along Stella Lane. Amended plans were subsequently submitted which included a 2m x 25m visibility splay, necessitating the removal of a proposed brick wall at the site entrance and slight reduction in the width of the proposed dwelling. Council officers consider that the revised access would provide adequate visibility and the proposed access would be acceptable in terms of highway safety.
- 5.55 Car parking provision
The application proposes the creation of a driveway that would allow vehicles to turn within the site and would provide vehicular parking for 2no. vehicles, in addition to an integral garage. The proposed car parking provision would be sufficient for the development and is therefore considered to be acceptable.
- 5.56 A number of objections to the application have raised issues relating to the impact of the proposed development upon existing on-street parking provision. Whilst Officers acknowledge that there are existing issues relating to parking within the area officers consider that the level of parking proposed would be sufficient for the development and there is no evidence that the proposed scheme would impact upon existing parking provision within the area.
- 5.57 Traffic generation
A number of objections received to the application have raised issues in respect of the level of traffic that would be generated by the proposed development, citing existing issues relating to the constraints of Stella Lane together with existing traffic movements and parking issues associated with the adjacent school and church. Whilst noting the constraints of the site Council Officers are however of the opinion that the increase in traffic movements associated with the erection of the proposed single dwelling would not have a significant impact upon Stella Lane or the surrounding highway network and the development is therefore acceptable in terms of traffic generation.
- 5.58 Cycle storage provision
The application proposes a cycle store within the rear garden of the property. Officers consider this to be acceptable in principle and should planning permission be granted it is considered that the final details of this storage provision could be secured by condition.
- 5.59 Electric vehicle charging
The application proposes the creation of an external electric vehicle charging point to the property; whilst advocated this is not a requirement of CSUCP

policy CS13 as the proposal is not major development and therefore should planning permission be granted it would be unreasonable to require the inclusion of conditions to secure the provision of this feature.

5.60 Other matters

A number of objections received have raised issues in respect of highway safety and amenity impacts during the construction phase, in particular due to the proximity of the site to the school. Should planning permission be granted it is considered that such impacts could be limited through construction control conditions in relation to arrangements for the storage of materials and arrangements of parking, access and deliveries to the site.

5.61 Subject to the inclusion of the above conditions it is considered that the proposed development is acceptable in terms of highway safety and would comply with the aims and requirements of the NPPF, policy CS13 of the CSUCP and the Council's Cycling Strategy.

5.62 TREES

The application site previously benefitted from a number of mature trees which were felled in late 2019/early 2020. A Conservation Area notification (Section 211 notification; reference TREE/19/073) was submitted to the Council in October 2019 seeking the removal or pollarding of these trees, to which no objection was raised, as it was considered that the trees were in poor and hazardous condition which justified their removal and reasonably prevented their retention through the making of a Tree Preservation Order.

5.63 The site at present does not benefit from any significant trees however there are a small number of small trees present within the site together with areas of defunct laurel hedging and other vegetation. The application proposes the removal of 4no. small trees within the site which Officers consider to be acceptable as a result of their low quality, which would not warrant protection under a Tree Preservation Order (TPO).

5.64 The proposed development is therefore considered to be acceptable in respect of impact upon trees, in accordance with the NPPF, saved policy ENV44 of the UDP and policy CS18 of the CSUCP.

5.65 ECOLOGY

The application site is located within a designated Wildlife Corridor and immediately adjacent to Stella Lane Pasture Local Wildlife Site (LWS) and is ecologically connected to the wider landscape and larger areas of high quality ecological habitat including hedgerow, woodland and unimproved grassland to the south and west via Stella Lane.

- 5.66 The application is supported by a Preliminary Ecological Appraisal which provides a description of the habitats present within the site and an assessment of the potential impacts of the proposed development.
- 5.67 The site in its present form provides limited opportunities for low numbers of species including statutorily protected and priority/notable species including nesting and foraging birds, foraging bats, small mammals and invertebrates. Officers consider that the proposed scheme would not have an unacceptably detrimental impact upon ecology so as to result in the refusal of the scheme and that conditions could be included, should planning permission be granted, to provide ecological enhancements within the site and to avoid/reduce the risk of harm to biodiversity during the site clearance and construction phases of the development.
- 5.68 Therefore the proposal is not in conflict with the NPPF, saved policies DC1D, ENV46, ENV47 and ENV51 of the UDP and policy CS18 of the CSUCP.

5.69 LAND CONDITIONS

5.70 Contaminated land

The application site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not situated on potentially contaminated land based on previous usage, having been previously occupied by agricultural land/open space prior and subsequently by woodland.

- 5.71 The application is not accompanied by a Preliminary Risk Assessment (PRA); however, given the above assessment Officers consider this to be acceptable. Should planning permission be granted conditions requiring the submission of a PRA and further investigations would not be required beyond those required under the Building Control regime however conditions would be recommended to address any previously unidentified contamination found during construction. The proposal would therefore comply with the aims and requirements of the NPPF, saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

5.72 Land stability

The application site falls within the defined Coal Mining Development High Risk Area and there are therefore coal mining features and hazards which need to be considered in relation to the determination of the application. As such, the application is accompanied by a Coal Mining Risk Assessment.

- 5.73 The Coal Authority has raised an objection to the application on the basis that the initial Coal Mining Risk Assessment does not adequately consider the risks

posed by coal mining legacy specifically in regard to the risks posed by potentially unrecorded shallow coal mine workings.

- 5.74 At the time of writing this report a revised Coal Mining Risk Assessment had been submitted on which the Coal Authority has been consulted however no additional comments had been received and therefore their objection still stands.
- 5.75 As such it is considered that insufficient information has been submitted with the application to demonstrate that the application site is safe, stable and suitable for development and assess the risks posed by potential historic recorded shallow underground coal workings and a thick coal seam outcrop. Therefore, the proposal would fail to comply with the aims and objectives of the NPPF, policy CS14 of the CSUCP and saved UDP policy DC1(p).
- 5.76 **OPEN SPACE/PLAY PROVISION**
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.77 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.
- 5.78 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.79 Therefore while it cannot be concluded that the proposal would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for either off site open space or off-site play provision in this case based on the above assessment.
- 5.80 **COMMUNITY INFRASTRUCTURE LEVY**

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

5.81 OTHER MATTERS

A number of objections received have raised issues of flood risk and drainage. The site comprises an area of 0.06 hectares and is located in Flood Zone 1, an area at least risk of flooding. There is therefore no statutory requirement for a Flood Risk Assessment or Surface Water Drainage Assessment to be submitted with this application.

5.82 The application proposes that surface water is to be disposed of via soakaway, with the proposed driveway area to be constructed from permeable block paving. The development would introduce hard surfacing into a currently undeveloped site however Officers consider that the proposed drainage method is appropriate and the development would not lead to a significant increase in surface water and there is no evidence that this would result in an unacceptable increase in flood risk.

5.83 One objection received has stated that the property should be an affordable home; this is not however a requirement of planning policy.

5.84 Issues raised in letters of representation relating to covenants, land ownership, impacts on property prices, security and health and safety risks, a lack of previous site maintenance, damage to neighbouring property and loss of views are not material planning issues that can be taken into account when considering a planning application.

5.85 It is considered that all other material planning considerations have been addressed within the main body of the report.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account including representations made by local residents it is considered that the proposal would result in less than substantial harm to the Path Head Conservation Area and Battle of Newburn Ford 1640 Registered Battlefield that Officers consider would not be outweighed by the benefits of the development. In addition, the proposed development would result in harm to the visual amenity of the surrounding area.

- 6.2 Furthermore, insufficient information has been submitted in the form of a Coal Mining Risk Assessment in order to fully assess the risks posed by coal mining legacy affecting the site.
- 6.3 It is therefore considered that the proposed development is unacceptable and is contrary to the aims and objectives of both national and local planning policies and it is therefore recommended that planning permission be refused.

7.0 Recommendation:

That permission be REFUSED for the following reasons:

1

The proposed development would result in less than substantial harm to the Path Head Conservation Area and Battle of Newburn Ford 1640 Registered Battlefield that would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV24 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

2

By virtue of its form, scale and location the proposed dwelling would appear as dominant, over-developed and incongruous within its setting relative to its surroundings and would be out of keeping with the character, appearance and established arrangement of the properties along Storey Lane. The development would therefore have a detrimental impact upon the general character and appearance of the wider streetscene and is therefore contrary to the NPPF, saved policy ENV3 of the Unitary Development Plan, policy CS15 of the Core Strategy and Urban Core Plan and emerging Making Spaces for Growing Places policy MSGP24.

3

The application site falls within the Coal Authority defined Development High Risk Area and insufficient information in the form of a Coal Mining Risk Assessment has been submitted in order to fully assess the risks posed by potential historic unrecorded shallow underground coal workings and a thick coal seam outcrop. The development therefore fails to comply with the requirements of the NPPF, saved policy DC1(p) of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.



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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, PLANNING, CLIMATE CHANGE AND STRATEGIC
TRANSPORT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
26 August 2020**

Please note this document should be read in conjunction with the main report of the Service Director, Planning, Climate Change and Strategic Transport

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MINOR UPDATE

| | |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application No: | DC/20/00417/FUL |
| Site: | Vacant Land Storey Lane Blaydon-On-Tyne NE21 4NF |
| Proposal: | Proposed erection of single detached dwelling including demolition of part of stone boundary wall to enable development (amended plans 09.07.2020) |
| Ward: | Ryton Crookhill And Stella |
| Recommendation: | Withdraw |
| Application Type | Full Application |

Reason for Minor Update

Application has been withdrawn.

The application has been withdrawn in accordance with the applicant's email of 20 August 2020.

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Committee Report

| | |
|-------------------------------|--------------------------------------------------------------------------------------------------------|
| Application No: | DC/20/00438/HHA |
| Case Officer | Josh Woollard |
| Date Application Valid | 4 June 2020 |
| Applicant Site: | Mr P Churnside 6 Coalway Lane Whickham NE16 4BX |
| Ward: | Dunston Hill And Whickham East |
| Proposal: | First floor side extension and canopy to create covered car port (description amended 06.07.20) |
| Recommendation: | REFUSE |
| Application Type | Householder Application |

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

The application site is a link-detached bungalow of brick and tile construction. The host property has previously been extended by dormer windows to the rear roof plane to provide a second floor of living space and a single storey front extension. Land levels on the site are relatively flat, however, the topography of the area slopes steeply down towards the north, therefore each property is slightly set down from the neighbouring property to the south.

1.2 The streetscene comprises of linked detached bungalows with a staggered building line on the east side of Coalway Lane; two-storey semis and blocks of garages line the west side of the road. The bungalows all have an attached garage to the side (south) elevation which are set back from the front elevation. The bungalows have their main entrance door within their side elevation.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the erection of a first-floor side extension and the creation of a covered car-port.

1.4 The proposed extension would fill much of the void at first floor level between the side elevation of the host property and the gable wall of number 4 Coalway Lane. With the exception of 0.45m high section, a 0.5m gap would be retained between the gable elevation of the first-floor side extension and the side elevation of number 4.

1.5 The extension would be 7.1m in length. The existing garage is set back 5.9m from the front wall of the dwelling, and the proposed extension would project 3.1m beyond the front elevation of the garage at first floor level. This section would be cantilevered, supported by steel beams.

1.6 Materials used in the construction of the extension would match the existing dwelling.

1.7 RELEVANT PLANNING HISTORY

DC/04/00345/FUL - Installation of dormer windows on east side of dwellinghouse to provide additional living accommodation in roofspace. – Granted 15.04.2004

DC/10/00464/HHA - Erection of single-storey extension at front of dwellinghouse. – Granted 07.07.2010

DC/18/00542/HHA - 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) – Refused 17.10.2018 & Appeal Dismissed 18.02.2019

DC/19/01070/HHA - First floor side extension and canopy to create covered car port – Decline to Determine 16.12.2019

2.0 Consultation Responses:

None received.

3.0 Representations:

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

3.2 Representations have been received from 8 households which object to the proposal. The objections are summarized as follows:

- Out of character
- Overbearing
- Overdevelopment
- Infilling of space will make residents feel shut in
- Building regulations approval on previous development at the site
- Right to light
- Loss of view
- Quality of drawings
- Covenants
- Located in a Coal Mining High Risk Area
- Loss of property value
- Discrepancies and inconsistencies on plan

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

5.1 The main planning issues in this case are considered to be the impact on the street scene/design, residential amenity, and highway safety.

5.2 IMPACT ON STREET SCENE/DESIGN

In considering the appeal for application DC/18/00542/HHA, the Inspector found that whilst there had been some alterations to the bungalows along Coalway Lane, the eastern side exhibits a relatively uniform character, reinforced by the regular gaps between the buildings. The steeply sloping nature of the street further emphasises the gaps between the properties and these play an important contribution in the creating the character of the street.

5.3 In considering the impact of the appeal scheme, the Inspector found that the combination of infilling the gap between the properties (number 4 and 6) and the overhanging first-floor element of the extension would be inconsistent with the existing street scene and would be harmful to its otherwise uniform appearance.

5.4 Whilst slightly different, the scheme proposed as part of this application exhibits some of the same features which have previously been considered harmful.

5.5 The proposed extension would still infill much of the gap, at first floor level, between number 4 and number 6 Coalway Lane for example. Whilst the applicant has made an attempt to overcome this refusal reason by providing a 0.5m gap between the two gable elevations, it is not considered that this distance would be sufficient to ensure that a terraced/linked effect would not occur as a result of the extension. When travelling north or south along Coalway Lane, the extension would be a prominent and alien feature given the regular gaps between the other bungalows. Further, when looking directly towards the principal elevation of number 6, it is considered that the 0.5m gap between the elevations would be an unusual feature that would not contribute positively to the street scene.

5.6 The proposed extension, much like application DC/18/00542/HHA, would also feature an overhanging first-floor element, 3.1m in length. This element has

been found to be inconsistent with the existing street scene, and therefore out of character and harmful.

5.7 Taking into account the above assessment, it is considered that the proposed development would be unacceptable and contrary to the NPPF, policy CS15 of the CSUCP, Saved policy ENV3 of the UDP, and Gateshead Council's HAESPD.

5.8 RESIDENTIAL AMENITY

The scheme which was the subject of application DC/18/00542/HHA and subsequently dismissed at appeal featured a dormer window within the rear roof slope of the extension.

5.9 In considering the impact of the dormer window on the residential amenity of number 4 Coalway Lane, the Inspector found that due to the change in levels 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 was found that it would appear as an overly dominant feature when viewed from the garden of the neighbouring house.

5.10 The Inspector also found that, when considering the French windows within the rear elevation of the dormer, they would be unacceptably oppressive to the occupiers of number 4 and restrict the enjoyment and privacy of the rear garden area. With regard to the impact on numbers 13 and 15 Church Rise to the east, the Inspector found that the dormer would have a neutral effect on their living conditions.

5.11 In considering the current application, the dormer window feature has been entirely removed and replaced with a simple slate roof slope which is set quite significantly down from the roofline of number 4. Further, the extension would not project beyond the rear elevation of number 4. In removing the dormer, the bulk of the extension has been reduced considerably to help ensure the extension would be a less dominant feature and would not therefore result in an unacceptable loss of sunlight or outlook. Further, the lack of any windows within the rear roof slope will ensure the extension is less oppressive and would not therefore have an unacceptable impact on the privacy of the occupants of number 4, or properties along Church Rise to the east.

5.12 Taking into account the above assessment, it is considered that the proposed extension would not have an unacceptable impact on residential amenity and would comply with the NPPF, policy CS14 of the CSUCP, Saved policy DC2 of the UDP, and Gateshead Council's HAESPD.

5.13 HIGHWAY SAFETY & PARKING

Existing parking and highway access arrangements would be unaltered by the proposal and therefore the proposed development would not have an impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with policy CS13 of the CSUCP.

5.14 OTHER MATTERS

In regard to this application setting a precedent within the area, each application will be judged on its own individual merits.

5.15 In regard to land stability, while material, The Coal Authority have indicated they do not wish to be consulted on applications of a householder scale. As such, any stability issues will be addressed/considered through the building regulation approval process.

5.16 With regard to inaccuracies and discrepancies within the submitted plans, the merits of the proposal have been considered in detail above and the proposed development has been found to be unacceptable. It is not therefore considered necessary or reasonable to require further amendments to the plans given these amendments would not alter the recommendation.

5.17 Issues of devaluation of properties, loss of view, property maintenance, The Party Wall Act, the quality of workmanship and building regulations approval on previous development on site, property deeds, the proposed internal layout, noise and dust arising from construction, potential future development at neighbouring properties, and building against another person's property are not material planning considerations and as such are not afforded any weight.

6.0 CONCLUSION

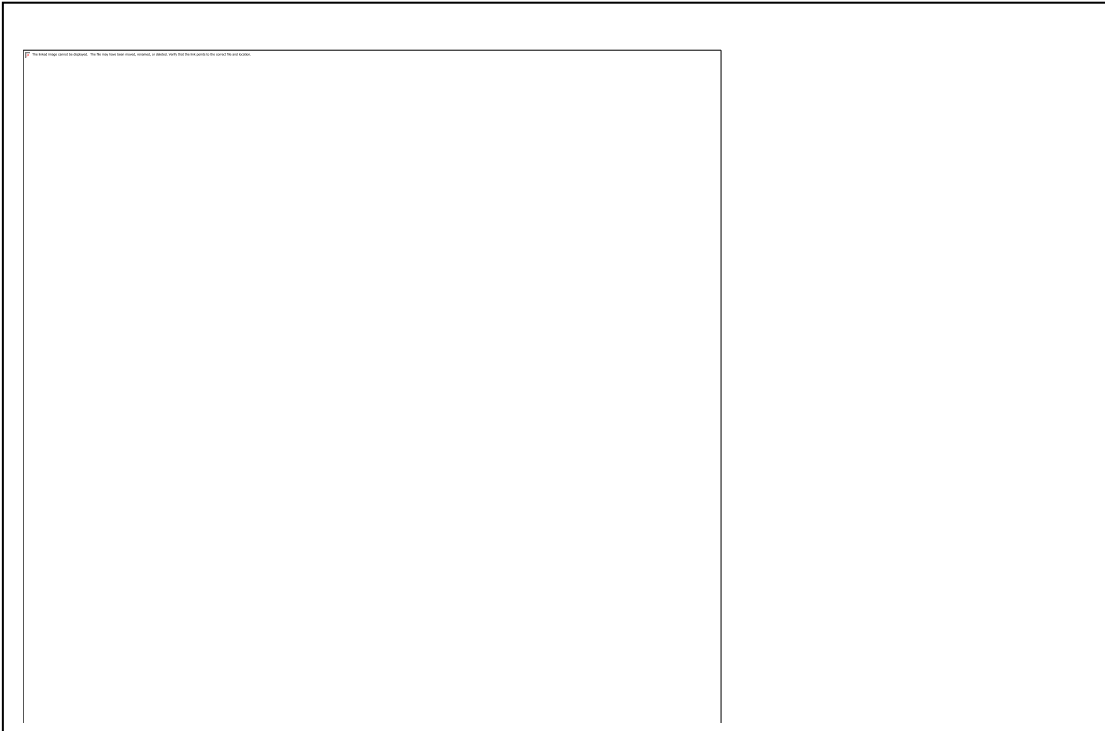
6.1 Taking all the relevant issues into account, it is recommended that planning permission be refused. It is considered that the proposal does not accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 Recommendation:

It is recommended that planning permission be REFUSED for the following reason

1

The proposed infilling between the side elevations of number 4 and 6 Coalway Lane and the overhanging first-floor element would be inconsistent and harmful to the uniformity of the street scene. The development would therefore be harmful to the character and appearance of the street scene, contrary to the NPPF and policies CS15 of the CSUCP, ENV3 of the UDP, and Gateshead Council's HAESPD.



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