

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 3 February 2021 at 10.00 am in the https://youtu.be/dCvA4A_4MKg

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on 13 January 2021 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 6) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Land at Former Freight Depot, St James Road, Gateshead, NE8 3EQ (Pages 7 - 54)
4ii	No. 2 - 3 Hillcroft South, Station Road, Low Fell, Gateshead, NE9 6HD (Pages 55 - 68)
4iii	No. 3 - 10 Marlboro Avenue, Whickham. NE16 3ER (Pages 69 - 74)

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PLANNING AND DEVELOPMENT
COMMITTEE
3 February 2021

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/20/00119/FUL	Land At Former Freight Depot St James Road	Bridges
2. DC/20/00660/FUL	3 Hillcroft South Station Road	Low Fell
3. DC/20/00889/GPD E	10 Marlboro Avenue Whickham	Whickham North

DEVELOPMENT PLAN

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published in 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.

We have carried out a Review of the CSUCP and concluded that it remains up-to-date in that it continues to be in general conformity with the provisions of the NPPF and helps to deliver the key priorities and aims of both.

Subject to final decision, at the time of writing the Council is due to have adopted, on 1st February 2021, Making Spaces for Growing Places (MSGP) which complements the CSUCP by setting out non-strategic allocations, designations and development management policies for Gateshead.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP and MSGP form part of the statutory development plan for Gateshead. The CSUCP and MSGP between them supersede and delete all of the saved policies remaining from the Unitary Development Plan (UDP). Lists of the respective deleted UDP policies are provided in Appendix 1 of the CSUCP and Appendix 19 of MSGP.

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.

The Council has published Supplementary Planning Documents to indicate the preferred approach to some types of development, and give greater detail on how some policies will be considered and applied. These continue to be revised and updated where appropriate.

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 Team on (0191) 433 3150 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.

Application No:	DC/20/00119/FUL
Case Officer	Emma Lucas
Date Application Valid	11 February 2020
Applicant	Vistry Partnerships
Site:	Land at Former Freight Depot St James Road Gateshead NE8 3EQ
Ward:	Bridges
Proposal:	Demolition of redundant utility apparatus building, construction of a proposed residential development of 300 dwellings, community hub building and associated infrastructure (amended 20/05/2020, 20/11/2020, 23/11/20).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site is an irregular parcel of land which measures around eight hectares. The site is made up of vacant land which was formerly in use as part of a rail freight depot. The site forms part of the Exemplar Neighbourhood Key Site, the Local Plan states that; "The Exemplar Neighbourhood is allocated for a minimum of 1000 homes (C3) at an average of 50 dwellings per hectare across the site." The Site is accessed from the east via St James Road.

1.2 The site is bound by Park Lane (A184) to the north which also wraps around some of the eastern boundary. To the east of the site also lies two car dealership units and St James Road. The south and west of the site is bounded by an existing railway line with Gateshead Stadium Metro Station located beyond. Along the opposite side of the railway line lies existing residential development, an Aldi Food store and the wider Exemplar Neighbourhood.

1.3 The surrounding area is characterised by a mix of uses. To the north there is range of predominantly commercial/industrial uses. The areas east and south of the site are largely residential areas including St James Village and the Felling Shore area. As referenced, to the west is the remaining areas of the Exemplar Neighbourhood and beyond this Gateshead Town Centre.

1.4 The site forms part of a wider allocation named the Exemplar Neighbourhood Key Site which sits in the Southern Gateway Sub Area (SGSA) of the Urban Core.

1.5 DESCRIPTION OF APPLICATION

The application seeks planning permission for the erection of 300 residential dwellings, a community hub and associated works.

- 1.6 The dwellings comprise a series of detached properties and semi-detached properties alongside three apartment blocks which are three stories in height and are located to the north of the site.
- 1.7 The proposed dwellinghouses are either two storey in height or two storey with rooms within the roof space and range in size from two bedroom to four bedroom properties. The apartments comprise one and two-bedroom accommodation.
- 1.8 The application proposes the erection of 73 two-bedroomed houses, 146 three-bedroomed houses and 21 four-bedroomed houses; a total of 240. The application also proposes for there be 60 apartments, with the split being 15 one-bedroomed and 45 two-bedroomed. It is proposed that the site would have a mixed tenure between private homes, affordable homes and private rented properties.
- 1.9 The application proposes two shared (vehicles, cycles and pedestrian) accesses via St James Road, the southernmost access will serve the majority of the application site. The second more northerly site access would serve plots 1-15 and would be a cul-de-sac, this area is linked to the main portion of the site by a cycle/pedestrian link.
- 1.10 There is a further access proposed to the south of the main site access for pedestrians and cyclists, off St James Road. In addition, there is a dedicated cycle/pedestrian route running broadly north to south across the application site and there is a dedicated cycle/pedestrian access to the north onto Park Lane, in addition to a pedestrian only access to the north.
- 1.11 As referenced, it is proposed for the apartment blocks and their associated parking and landscaping to be located to the north of the application site. The dwellinghouses are located to the south of these apartment blocks.
- 1.12 The application provides for areas of open space and SuDS within the application site. The houses are laid out in a linear form with a main/direct access through the site being provided to the west.
- 1.14 The main areas of open space would be located in the northern and central areas of the site, with smaller areas of open space distributed around the site. These areas, for the most part, double up as SuDS areas.
- 1.15 The following information has been submitted with the application:
 - Affordable Housing Statement
 - Arboricultural Impact Assessment
 - Archaeological Desk Based Assessment
 - Coal Mining Risk Assessment
 - Design and Access Statement

- Ecological Impact Assessment
- Flood Risk & Drainage Assessment
- Ground Investigation Assessment & Remediation Strategy
- Landscaping/Planting Strategy
- Masterplan
- NDSS Assessment
- Parking Statement/Strategy
- Planning Compliance Report
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Viability Assessment

1.16 PLANNING HISTORY

There is no relevant planning history associated with the application site.

2.0 Consultation Responses:

Northumbrian Water	No objection subject to conditions.
Sport England	Non-statutory objection received based on lack of sports facilities being provided.
Tyne and Wear Archaeology	No objection.
Network Rail	No objection subject to conditions.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of four objections and two representations have been received and are summarised as follows;

- The positioning of the proposed accesses, close to traffic lights on the road bridge, would lead to congestion and highway safety issues;
- The proposed development would result in increased traffic along access roads;
- The two access should be swapped resulting in the access serving the majority of the state being moved away from existing accesses;
- There is a lack of a pedestrian crossing on Park Lane which would cause issues for pedestrians;
- Directing pedestrians to the main site access will encourage use of the road bridge connecting the site to Shelley Drive;
- The development is not exemplar;
- The introduction of TROs on St James Road will have implications as the area is used for metro parking and will lead to displacement;
- The development does not encourage active travel beyond the bounds of the site; and
- There are deficiencies within the submitted Transport Assessment.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Core Strategy and Urban Core Plan for Newcastle and Gateshead (CSUCP)
2015 Policies:

CS1 Spatial Strategy for Sustainable Growth

CS2 Spatial Strategy for Urban Core

CS11 Providing a range and choice of housing

CS14 Wellbeing and Health

CS15 Place Making

CS15 Place Making

CS17 Flood Risk and Waste Management

UC4 Homes

UC5 Primary and Secondary Pedestrian Routes

UC10 Car Parking

UC12 Urban Design

UC13 Respecting and Managing Views

UC14 Heritage

UC15 Urban Green Infrastructure

UC16 Public Realm

UC17 Public Art

SG1 Southern Gateway Sub-Area

SG2 The Exemplar Neighbourhood Key Site

DEL1 Infrastructure/Developer Contributions

Making Spaces for Growing Places (MSGP) 2021 Policies:

MSGP 8 Digital Infrastructure

MSGP 9 Housing Allocation Sites

MSGP 10 Accessible and Adaptable Dwellings

MSGP 11 Housing for Specific Groups

MSGP 12 Housing Space Standards

MSGP 14 Mitigating the Impacts of Development on the Transport Network

MSGP15 Transport Aspects of the Design of New Development

MSGP17 Residential Amenity

MSGP18 Noise

MSGP19 Air Quality

MSGP20 Land Contamination and Land Instability

MSGP24 Design Quality

MSGP27 Archaeology

MSGP28 Renewable and Low Carbon Energy

MSGP29 Flood Risk Management

MSGP30 Water Quality and River Environments

MSGP31 Green Infrastructure and Flood Management Schemes

MSGP32 Maintaining, Protecting and Enhancing Green Infrastructure

MSGP 33 Countryside and Landscape Protection

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Providing and Enhancing Open Space, Sports and Recreation Facilities

Other Local Considerations:

GPGSPD Gateshead Placemaking Guide SPG

ENSPD Exemplar Neighborhood SPD

5.0 Assessment:

- 5.1 The main planning issues relating to this proposed development are considered to be: the principle of housing on this site; the impact on existing trees; flood risk and drainage; the possible impact on ecology on the site and in the area; whether the proposed design of the development is acceptable; transport issues; the impact on the living conditions of the future occupiers of the proposed housing and existing residents near the site; the impact on archaeology remains on the site; air quality, the possible contamination of the site; children's play facilities; site specific policy compliance; and any other issues arising.
- 5.2 BACKGROUND
As referenced above, the site forms part of a wider allocation named the Exemplar Neighbourhood Key Site which sits in the Southern Gateway Sub Area (SGSA) of the Urban Core. Policy SG2 of the CSUCP states; *"The Exemplar Neighbourhood is allocated for a minimum of 1000 homes (C3) at an average of 50 dwellings per hectare across the site."*
- 5.3 Policy CS2(8) of the Core Strategy and Urban Core Plan (CSUCP) sets out that the Exemplar Neighbourhood (SG2) will be brought forward in accordance with approved masterplans to demonstrate a comprehensive and coordinated approach to site development and infrastructure provision.
- 5.4 Policy SG2 (The Exemplar Neighbourhood Key Site) of the CSUCP sets out several detailed requirements, some of which directly apply to the site including:
- iii. Developing a scheme that achieves "green" against all Building for Life 12 questions or equivalent,
 - iv. Provision of good quality accessible external private or semi-private space
 - v. Contribution to the creation of the Exemplar Neighbourhood Urban Green Infrastructure Corridor,
 - vi. Contribution to the creation of the Exemplar Neighbourhood potential pedestrian route, integrated with the green infrastructure corridor, and the creation of the pedestrian and cycle bridge over the railway line,
 - vii. Provision of a series of connected green and/or public spaces, forming part of the key pedestrian and cycle routes that connect to locations outside the neighbourhood, and
 - viii. Provision of communal parking spaces for car clubs and electric car hook up points to promote sustainable transport.
- 5.5 The site is council-owned land where Policy SG2 has additional requirements. As such the proposal is required to:
- i. Achieve the Nationally Described Space Standards,
 - ii. Use Building Research Establishment Green Guide materials at ratings between A and C or equivalent, and
 - iii. Deliver a good level of sustainability required by relevant government schemes/guidance, aspiring to achieve zero carbon.

- 5.6 The wider Urban Core policies that are relevant to the proposal include:
Policy UC5 Primary and Secondary Routes - Development will be expected to contribute towards improving the routes by providing direct routes to and through the following sites and links to surrounding areas i.e. the wider Exemplar Neighbourhood.
Policy UC10 Car Parking - development should minimise car parking due to its highly accessible location in the Urban Core.
Policy UC12 Urban Design - the policy seeks to deliver higher quality locally distinctive places in terms of architecture and public realm.
Policy UC15 Urban Green Infrastructure - the site forms part of the Strategic Green Infrastructure Network. The redevelopment of this site creates an opportunity to provide new green infrastructure which should be included in any proposals.
Policy UC17 Public Art - the site is a key site and the proposal is required to include public art.
- 5.7 The above policies are the primary site-specific planning policies.
- 5.8 The Exemplar Neighbourhood SPD was approved in 2013 and needs to be read in conjunction with the CSUCP as it provides supplementary guidance to the CSUCP. The SPD includes an indicative masterplan with indicative layout for the freightliner site. However, by its very wording, the indicative masterplan is not intended to be prescriptive or limiting in the way that the site is developed. It is an interpretation of how the aspirations for the area could be accommodated within the physical and spatial constraints set out in the SPD itself.
- 5.9 The SPD cannot be afforded as much weight as the above CSUCP policies but is still a material consideration. As it includes an approved but indicative masterplan it has a direct link to policy CS2(8).
- 5.10 The indicative masterplan also divides the Exemplar Neighbourhood up into different character areas. One of these areas is the freight depot and it is set out that this area is expected as the first stage for development for the neighbourhood. It is in a key location in terms of connecting existing neighbourhoods such as St James Village and Baltic Quarter. Its positioning on the Felling Bypass gives the site prominence and requires a strong and positive image to be presented. The house types expected here will for the most part be family sized, lower level units with some apartments to give physical distinction where needed.
- 5.11 The SPD does contain various design principles relating to design quality and spacing standards, materials, infrastructure (including green infrastructure) and sustainability.
- 5.12 The above site-specific policies and SPD will be referred to, and the application will be assessed against these policies throughout the following report.

5.13 PRINCIPLE

The site forms part of a wider allocation named the Exemplar Neighbourhood Key Site which sits in the Southern Gateway Sub Area (SGSA) of the Urban Core. Policy UC4 of the CSUCP seeks to develop a range of size, types and tenure of housing through the development of approximately 3750 new homes. Policy UC4 goes on to allocate the Exemplar Neighbourhood in the Southern Gateway Sub-Area for approximately 1000 new homes predominantly for families.

5.14 Policy SG2 amplifies the above and states; *"The Exemplar Neighbourhood is allocated for a minimum of 1000 homes (C3) at an average of 50 dwellings per hectare across the site."*

5.15 The proposed development seeks to provide 300 new homes within the exemplar neighbourhood, while the housing is delivered at approximately 40 dwellings per hectare it is considered the development is in accordance with the above (density is considered in further detail below).

5.16 Officers consider that the principle of developing the site for housing is acceptable in accordance with Policies UC4 and SG2 of the CSUCP.

5.17 HOUSING POLICIES

5.18 Affordable Housing

Policy CS11 of the CSUCP requires the provision of 15% affordable homes on all developments of 15 or more dwellings subject to development viability.

5.19 The application proposes to provide 15% affordable homes, which equates to 45 units. This provision will be secured via the land sale contract with the Council, it is considered that the proposal complies with the requirements of CSUCP Policy CS11.

5.20 Housing type and density

Part 1 of policy CS11 of the CSUCP requires 60% of new private housing across the plan area to be suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms. In this case, the proposal would incorporate 167 (56%) 3-bed and above homes and 133 (44%) less than 3-bed homes. Therefore, the proposal would be slightly under the target of 60% in CS11.

5.21 However the target in CS11 is across the plan area (Gateshead and Newcastle) and the Plan period to 2030, and therefore the proposal is compliant with the policy, especially considering that it almost achieves 60% family housing.

5.22 The adopted SPD and masterplan for the Exemplar Neighbourhood (ENSPD) sets out that new homes in the Exemplar Neighbourhood would be expected to contribute to increasing the overall supply of larger homes needed for Gateshead by following the general mix outlined below, catering for a mix of households; families, young professionals and older people:

- 1 bed - 10%
 - 2 bed - 30%
 - 3 bed - 30%
 - 4+ bed - 30%
- 5.23 The proposed mix for this site is consistent with achieving the ENSPD guidance for the whole Exemplar Neighbourhood, of which this site is only part.
- 5.24 The density of the development would equate to approximately 40 houses per hectare. Policy SG2 indicates that housing should be provided at an average of 50 dwellings per hectare across the whole Exemplar Neighbourhood.. In addition, the ENSPD sets out in the "Character Areas" section that house types expected in the Freight character area will be for the most part family sized, lower level units with some apartments to give physical distinction where needed. Therefore the proposed density is consistent with policy CS11 and the ENSPD.
- 5.25 House size
Policy SG2 which allocates the Exemplar Neighbourhood requires that on Council-owned land within the site, development will achieve the minimum space standards set out in English Partnerships Quality Standards: Delivering Quality Places, Revised: from November 2007 or equivalent. These standards have been withdrawn and replaced by the Nationally Described Space Standards (NDSS).
- 5.26 Policy MSGP12 sets out that new homes should be built in accordance with the NDSS however, there will be a transition period that will last for one year after the adoption of the plan. This is to allow for a period of transition in accordance with national planning guidance.
- 5.27 Policy CS11(4) requires adequate space inside and outside of the home to meet the needs of residents.
- 5.28 The ENSPD also sets out the need to achieve the English Partnership standards as referenced above as a minimum (with a range of homes with average sizes in excess of the minimum), including sufficient storage space with a good level of storage considered to be 5% of the total Gross Internal Area (GIA) of the dwelling.
- 5.29 It is considered that all GRP and Home Group houses will comply with NDSS, this equates to 160 homes. Further, it is considered that all apartments would also comply with NDSS; this equates to 60 homes. As such a total of 220 of the 300 homes on site comply with NDSS.
- 5.30 The margins by which the remaining houses fail to meet NDSS (in regard to gross internal area (GIA)) is set out below;
- 30no. House type XCT (2B4P) - 17.9 sqm shortfall (23% shortfall on required GIA);

- 35no. House type WLL (3B5P) - 20.7 sqm shortfall (22% shortfall on required GIA); and
 - 15no. House type VWC (3B5P) - 7.2 sqm shortfall (8% shortfall on required GIA).
- 5.31 In regard to those properties that don't comply with NDSS, the applicant has stated;
"Sigma provide homes for the private rental sector. The homes provided can only partially comply with Nationally Described Space Standards (XCT, WWL, VWC) due to requirements of the operator."
- 5.32 Based on the above, it cannot be concluded that the proposed development would fully comply with the requirements of Policy SG2. However, it is the view of Officers that the development would provide acceptable levels of internal and external space in accordance with policy CS11. As set out above policy MSGP12 is subject to a transition period and therefore it would not be appropriate to consider the development against the requirements of this policy at this time.
- 5.33 Wheelchair and lifetime homes
 Part 2 of policy CS11 encourages the provision of Lifetime Homes and Wheelchair-Accessible Homes.
- 5.34 The ENSPD encourages Lifetime and Wheelchair Homes in locations with excellent public transport accessibility and also sets out the need for dwellings to be capable of being adapted and extended in the future to meet the changing needs of occupiers.
- 5.35 Policy MSGP10 requires that on developments of 15 or more dwellings, 25% will be constructed to meet M4(2) of the Building Regulations. This policy has been formulated by taking into account viability across MSGP.
- 5.36 In regard to wheelchair and lifetime homes, officers consider that there are an adequate number of proposed units which would potentially meet the requirements of lifetime and wheelchair homes. The application would be in accordance with policy CS11 of the CSUCP, MSGP10 and the ENSPD.
- 5.37 TREES
 The trees located on the application site are considered to be low quality and as such are not considered to be a significant constraint to development. It is considered that the loss of trees can be adequately addressed through the submission, implementation and maintenance of an appropriate landscaping scheme (Conditions 3, 4 and 5). Further, it is also considered necessary to condition the implementation of the submitted Tree Protection Plan to ensure that the trees identified for retention can be retained safely during the construction phase (Condition 6).
- 5.38 Given the above, it is considered that the application would be in accordance with policy CS18 of the CSUCP and MSGP36.

5.39 DRAINAGE AND FLOOD RISK

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

5.40 Flood Risk

The flood risk assessment has assessed risk from all sources of flooding (fluvial/tidal, groundwater, sewer, overland flow and artificial sources) and concludes that the flood risk is low.

5.41 Drainage

A sustainable drainage system has been incorporated in the development primarily in the form of porous driveways and a number of detention basins and the system will drain to the NWL network.

5.42 Based on the above, it is considered that subject to conditions (Conditions 7 - 12) and based upon the submitted flood risk assessment and drainage proposals, the drainage scheme proposed is acceptable, subject to conditions.

5.43 It is considered that the application has appropriate regard to the requirements of NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and MSGP 29 and MSGP30.

5.44 IMPACT ON BIODIVERSITY

The proposed development site has been confirmed as supporting approximately eight hectares of mosaic botanically diverse grassland habitats with accompanying areas of bare ground and scattered scrub. Collectively the habitats on site constitute Open Mosaic Habitats on Previously Developed Land which is identified in the Natural Environment and Rural Community Act 2006 as a Habitat of principal importance and in the Durham Biodiversity Action Plan (DBAP) as the priority habitat Early Successional Brownfield Land. The habitats on site have been assessed as being of District value for nature conservation.

5.45 The submitted survey work which took place in 2020 omitted the early part of the survey season (including the flight period of dingy skipper butterfly), but did record the presence of 16 butterfly species on site including three identified as being of principal importance which are also recognised as priority species in the DBAP. These were grayling butterfly, small heath butterfly and wall butterfly. The national and local priority butterfly dingy skipper has also previously been recorded on site. The site is considered by officers to be of County value for grayling butterfly.

5.46 In addition to supporting an important invertebrate assemblage, including several priority butterfly species; the site also provides suitable habitat for foraging bats, breeding and foraging birds (incl. several priority species), small mammals including hedgehog and terrestrial amphibians including common toad. The site is considered to pose a low residual risk for reptiles. The site

has also been confirmed as support two species of invasive non-native plant species (Japanese Rose and cotoneaster sp.)

- 5.47 The proposed development will result in the direct and permanent loss of the vast majority of the existing habitats and features on site and the associated species they support, including priority butterflies. In the absence of appropriate avoidance and mitigation measures the site clearance and construction phase of the development has the potential/is likely to result in harm to any species that may be present; and the operation of the site has the potential to result in long-term/permanent adverse impacts on any retained and/or newly created habitats/features within and immediately adjacent the development site through increased disturbance (e.g. noise, artificial night time lighting, trampling of vegetation, predation by cats).
- 5.48 The following measures are proposed to avoid and minimise (mitigate) the risk of harm to biodiversity associated with the construction and operation of the development:
- External lighting to be designed to avoid ecologically sensitive areas;
 - Vegetation/site clearance works (including removal on invasive non-native plant species) to be undertaken outside bird nesting season, in accordance with method statement and under ecological supervision;
 - Retention of small number of existing trees in north west corner of the site and narrow strip of existing vegetation along boundary with metro line; and
 - Inclusion of hedgehog highway (13cm x 13cm gap) in all close board fences.
- 5.49 The following compensation measures are proposed to reduce the impact(s) on habitats and species including direct loss resulting from the development:
- On site landscaping scheme incorporating tree and shrub species beneficial to wildlife (i.e. providing opportunities for mostly widespread and commonly occurring species); and
 - Creation of 0.1ha of replacement habitat suitable for dingy skipper butterfly along eastern section of southern boundary adjacent metro line.
- 5.50 The following are listed as compensation measures but are in fact enhancement measures for those species for which they are intended:
- 10% of properties to include integral bat roost feature; and
 - 10% of properties to include integral bird box.
- 5.51 The submitted Ecological Impact Assessment acknowledged the requirement for a developer contribution for offsite compensation to offset the residual impacts of the development on biodiversity including priority habitats and species. The applicant has proposed the restoration and enhancement of circa eight hectares of semi-improved grassland at Windy Nook for a period of 10 years as offsite compensation.
- 5.52 While it is accepted that the proposed avoidance, mitigation and compensation proposed would offset the harm of the proposed development

to some degree, it is considered by officers that there would be still be residual impacts on priority habitats and species, and a net loss in biodiversity. However, it is considered that this loss would not result in 'significant harm' as set out in the NPPF.

- 5.53 The above conclusion is reached taking into account information submitted by the applicant including the viability assessment which shows the site as being significantly unviable. It is also reached taking into consideration the need for planning conditions pertaining to the following;
- The submission of a Biodiversity Method Statement (Conditions 13 and 14);
 - The submission of a Lighting Design Strategy (Conditions 15 and 16);
 - The submission of an Ecological Design Strategy (Conditions 17 and 18); and
 - The submission of a Landscape and Ecological Management Plan (Conditions 19 and 20).
- 5.54 As a result, the application is not considered to conflict with the NPPF or the general aims and objectives of local planning Policy CS18. As the development would result in a net loss of biodiversity it would not be in total conformity with MSGP 37.
- 5.55 DESIGN AND LAYOUT
The NPPF at Paragraph 124 makes it clear that 'the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.' It goes on to make clear that 'good design is a key aspect of sustainable development...'
- 5.56 The CSUCP and MSGP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the council's design guidance contained in the Gateshead Placemaking SPD. Further, Policy CS2(8) of the Core Strategy and Urban Core Plan (CSUCP) sets out that the Exemplar Neighbourhood (SG2) will be brought forward in accordance with approved masterplans to demonstrate a comprehensive and coordinated approach to site development and infrastructure provision. Policy CS2 also sets a number of design criteria against which the application must be assessed.
- 5.57 Further to the above, a number of Urban Core specific policies are applicable to the site (UC5, UC10, UC12, UC15 and UC17).
- 5.58 The ENSPD includes an indicative masterplan with an indicative layout for the freightliner site. The indicative masterplan also divides the Exemplar Neighbourhood up into different character areas. One of these areas is the freight depot and it is set out that this area is expected as the first stage for development for the neighbourhood. It is in a key location in terms of connecting existing neighbourhoods such as St James Village and Baltic Quarter. Its position on the Felling Bypass gives the site prominence and

requires a strong and positive image to be presented. The house types expected here will for the most part be family sized, lower level units with some apartments to give physical distinction where needed.

- 5.59 The ENSPD contains various design principles relating to design quality and spacing standards, materials, infrastructure (including green infrastructure) and sustainability.
- 5.60 However, by its very wording, the indicative masterplan is not intended to be prescriptive or limiting in the way that the site is developed. It is an interpretation of how the aspirations for the area can be accommodated within the physical and spatial constraints set out in the SPD itself.
- 5.61 It is the view of officers that the applicant has elected to design and lay out the development out in a suburban form, with suburban house types, laid out in a typical suburban pattern, with typical suburban densities. The site-specific policy, areas-based policies and the ENSPD generally seek the creation of an 'urban' design solution for this site, and a design worthy of being classed as 'exemplary' residential development. It is considered that the design choices made by the applicant i.e. the number of properties, the type of properties, density of properties and level of car parking make satisfying the above requirements difficult.
- 5.62 Notwithstanding the above, it is considered that the latest design iteration, albeit in general conflict with the broad design aims for the site, would be an appropriate design solution in a suburban setting. Further, the design has evolved significantly from the original submission to take on board some of the concerns raised by officers, and has progressed to a level of design that demonstrates some good qualities by introducing better street-scaping through additional planting; improved traffic speed management; better quality open spaces and strategic landscaping; as well as some improvements to pedestrian/cycle routes and links.
- 5.63 However, there are still some elements which impact poorly on the overall scheme, for example the amount of car parking provision which has resulted in many double width drives and long unbroken runs of parking bays. While some attempt has been made by the applicant to address these concerns, through the introduction of planting/landscaping, it is considered that the development will deliver a car dominated streetscene. The layout design has also resulted in more peripheral, fragmented open green spaces in conflict with the ENSPD.
- 5.64 A further policy requirement (SG2 iii) for the site is that it achieves "green" against all Building for Life 12 questions or equivalent. The applicant has carried out an assessment of the design using this well-established national design evaluation tool and the results show 'green' for all 12 questions/prompts. Officers have some concerns with the submitted assessment as it has not been undertaken independently, and officers would disagree with some of the results of the assessment.

5.65 In regard to the design orientated elements of SG2, officers would make the following assessment:

iii. Developing a scheme that achieves "green" against all Building for Life 12 questions or equivalent,

As above, officers consider the application fails to comply with this requirement.

iv. Provision of good quality accessible external private or semi-private space.

The plans indicate each property would have a private garden and the apartments will have terraces at ground floor, and access to the apartment gardens shared space.

Officers consider the proposal complies with this requirement.

v. Contribution to the creation of the Exemplar Neighbourhood Urban Green Infrastructure Corridor.

While officers consider the corridor could be better incorporated into the scheme. The proposed development incorporates two connected open spaces through the northern part of the site which is identified on Figure 14.11 Urban Green Infrastructure Network as a 'Green Link to Strategic Infrastructure Network'. Where the primary route passes through these areas it will be 3m wide. Trees will be planted throughout these open spaces and along the primary route.

Officers consider the proposal complies with this requirement.

vi. Contribution to the creation of the Exemplar Neighbourhood potential pedestrian route, integrated with the green infrastructure corridor, and the creation of the pedestrian and cycle bridge over the railway line,

A bridge link over the rail line and a pedestrian and cycle crossing at Park Lane does not form part of the proposed development; instead the proposal provides a pedestrian/cycle entry point into the site off Park Lane (A184).

Officers consider the proposal fails to comply with this requirement.

vii. Provision of a series of connected green and/or public spaces, forming part of the key pedestrian and cycle routes that connect to locations outside the neighbourhood.

The design routes some of the cycle/ped link through the main residential street as opposed to the more attractive green route, however this link will connect some of the public and green spaces within the site.

Officers consider the proposal complies with this requirement.

- 5.66 It was referenced above that the scheme has improved based upon the initial submission and does deliver a number of positives. As well as the better quality open spaces; strategic landscaping and improvements to pedestrian/cycle routes and links mentioned above, the scheme does also offer some interesting architecture, particularly the apartment blocks which strongly echo the characteristics of past industrial/railway architecture, providing a site appropriate and bespoke solution for this former railway depot yard. The housing units also demonstrate elements of visual interest and distinctiveness. Further, it is noted that the proposed development will provide public art in the form of steel sculpture fins at the northern access point to the site which is considered to be positive.
- 5.67 Further to the above, in assessing the design of the scheme weight has been given to the operational requirements of the developer in terms of property size, parking levels and the proposed housing mix. Weight is also offered to the viability constraints of the application site.
- 5.68 Taking into account the financial constraints of the site, the requirements of the developer, the positive evolution of the scheme and the benefits delivered, it is considered that the proposed development is, on balance, acceptable. This view is reached acknowledging the need for planning conditions pertaining to landscaping (Conditions 5, 6 and 7), final surface materials (Conditions 21 and 22), materials (Conditions 23 and 24) and boundary treatments (Conditions 61 and 62).
- 5.69 To conclude, it is considered that the design of the scheme is, on balance, acceptable subject to conditions; this view is reached taking into account the partial non-compliance with the ENSPD and Policy SG2 of the CSUCP, while having appropriate regard to the NPPF, Policies CS2, SG2, UC5, UC10, UC12, UC15, UC17 of the CSUCP and MSGP24
- 5.70 TRANSPORT AND HIGHWAYS
- 5.71 Transport Assessment, Accessibility & Access to the Highway Network
As part of the application the developer has submitted a Transport Assessment (TA).
- 5.72 As part of detailed transport modelling carried out as part of applications DC/20/00323/FUL (Quays), DC/20/00698/FUL (Quays Car Park) and DC/20/00694/FUL (Hawks Road/Albany Road proposed road, cycle and footpath links) a future year scenario considering the traffic generated by this site was considered, while planning committee approved these schemes, the officer reports clearly set out the need for future development to consider additional mitigation to reduce the impact of traffic on the local network, as it stands this proposal has failed to offer any mitigation and as such is not deemed to be acceptable in transport terms.

- 5.73 Further, an assessment of the existing pedestrian/cycle/public transport facilities has been provided as part of the application. The assessment simply reflects on what is currently available rather than considering whether this is appropriate or how improvements could be introduced to maximise the potential for sustainable modes of travel. As a result of the flawed approach, the proposal makes no attempt to enhance the pedestrian, cycle or public transport networks beyond the boundary of the site and as such it fails to maximise opportunities for trips to be made by sustainable modes.
- 5.74 Officers would disagree entirely with the conclusion reach by the applicant in stating;
"In addition, it is acknowledged that the A184 Park Road/ St James Road/ Shearlegs Road and the A184 Park Road/ Albany Road junction would benefit from the installation of controlled pedestrian crossing facilities. Whilst these works could reduce highway capacity it would improve pedestrian safety. However, the demand from the development would not be sufficient to justify the costs of providing these additional crossing facilities."
- 5.75 Given the location and opportunities available, the scheme continues to underdeliver in respect of its approach to sustainable transport. The failure to suitably consider the requirement for enhancements to the existing network in order to facilitate a high proportion of sustainable trips would suggest that a contributions/s106 based approach should be taken, this would allow off site highway works to be brought forward by the Local Authority.
- 5.76 However, it is noted by officers that the site has been demonstrated to be significantly unviable. As such, irrespective of the disagreement on the necessity of offsite highway works, it is accepted that the scheme cannot provide any offsite improvements.
- 5.77 A stage 1 road safety audit has been undertaken, the detailed design of the scheme may need to be updated to ensure that it is reflective of the audited scheme and demonstrate how any identified problems have been addressed.
- 5.78 Layout
Officers consider that banks of perpendicular parking make the environment for pedestrians poor; while improvements have been made since earlier iterations the environment is still poor in certain locations.
- 5.79 As referenced within the design section of this report, the scheme has been designed in very much a suburban form, with suburban house types, laid out in a typical suburban pattern, with typical suburban densities.
- 5.80 Further to the above, there are a number of areas which require further information to be submitted as it has not been provided, or are considered to require further detail to be submitted;
- Swept path analysis must be provided for the revised scheme (Condition 25 and 26);

- Visibility splays for the cycle route and driveways must be achieved (Conditions 27 and 28);
- Final details of visitor parking (Conditions 29 and 30);
- The numbers of car club spaces proposed appears to be unrealistic given the design of the site and as such a car club strategy to demonstrate what is to be delivered and how, together with a timetable for implementation (Conditions 31 and 32);
- Alterations to the proposed pedestrian links (Conditions 33 and 34):
- The way the shared route squeezes between two shared drives at plots 68 and 74 raises future safety and maintenance concerns; a splay is required where cyclists are expected to turn 90 degrees (Conditions 35 and 36);
- Signage on shared cycle/pedestrian route (Conditions 35 and 36);
- Details of access arrangements onto St James Road and St James Square must be provided, including how visibility splays and associated changes to waiting restrictions, alterations to existing traffic calming, works associated with the emergency access and how the cycle route ties into the footway on St James Road which is not currently shared use. The works will be subject of a 4-stage road safety audit process (Conditions 37 and 38); Final details of the connections with park lane will need to be submitted for approval, together with a timetable for delivery (Conditions 63 and 64);
- Final traffic calming details and 20MPH zone signage (Conditions 39 and 40)
- Final details of waiting restrictions will be required within the site (Conditions 41 and 42);
- Bollards/fencing will may be required in certain locations to avoid abuse of 3m shared use paths at entry points and to avoid footway parking (Conditions 35 and 36);
- Longsections have previously been provided as part of the planning submission, however these have not been updated (Conditions 43 and 44);
- Details of how cycle route crosses junctions (Conditions 35 and 36); and
- Method statement for alterations to retaining wall (Conditions 45 and 46).

5.81 Parking

The application proposes to provide a total of 500 private parking spaces and 89 visitor parking spaces, although the levels of parking is suited to the suburban design, it is considered that the proposal does not comply with the requirements of CSUCP Policy UC10.

5.82 As referenced above, final details of visitor and car club parking spaces will be secured via planning condition.

5.83 Further, it is also considered necessary for final details of both cycle parking and electric vehicle charging points/parking to be secured via planning condition (Conditions 47 to 50).

- 5.84 **Travel Plan**
A TP has been submitted in support of the application; however it is considered that a number of deficiencies remain within the document. As such, it is considered that the final travel plan needs to be secured via planning condition (Condition 51 and 52).
- 5.85 Based on the above assessment, it is considered that there are deficiencies within the submitted TA, it is considered that the development underdelivers in respect to sustainable transport and further it is considered that there are elements of the proposed layout which remain poor and have resulted in a car dominant development layout.
- 5.86 However, taking into account the financial constraints of the site, the requirements of the developer, the improvements made to the scheme and the benefits delivered, it is considered that the proposed development is, on balance, acceptable. It is considered based on the submitted material and after consideration by officers that the scheme would not result in an '*... an unacceptable impact on highway safety...*' or '*a severe residual impact*' on the road network.
- 5.87 To conclude, it is considered that the scheme is, on balance, acceptable in highway terms. This view is reached taking into account the partial non-compliance with the ENSPD and Policies SG2 and CS13 of the CSUCP and the non-compliance with Policies UC10 and DEL1 of the CSUCP and MSGP 14 and MSGP15.
- 5.88 **RESIDENTIAL AMENITY**
The relevant considerations are the impact on residential amenity in terms of existing nearby properties and also for future residents of the proposed development.
- 5.89 **Impact on existing nearby properties**
The nearest existing residential properties are located to the east of the application site, opposite the proposed site accesses, located on St James Village. There are residential properties to the south of the site (across the railway lines) on Chaucer Close. Given the level of separation between these existing properties and the proposed development it is considered that the proposed layout of the development is such that it would not lead to an unacceptable visual impact or an unacceptable reduction in privacy to existing properties.
- 5.90 It is also acknowledged that the construction of the development would have a potential impact on nearby properties in terms of noise, disturbance and dust. Whilst these impacts cannot be avoided, it is considered that through the imposition of a planning condition for the submission of a Construction Environment Management Plan through which measures can be imposed to minimise the impact of the development on residential amenity (Conditions 53 and 54).

- 5.91 It is therefore considered that the application would be in accordance with policy CS14 of the CSUCP and MSGP 17.
- 5.92 Living conditions for future residents
It is considered that the separation distances within the site strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. On this basis, the internal layout is considered to be acceptable as it would not cause any significant harm to the living conditions of the future occupiers of the proposed houses in terms of loss of light, overshadowing or visual intrusion.
- 5.93 It is considered that noise production from the railway line may have the potential to impact upon the amenities of future occupiers; as such it is considered necessary to condition that the noise mitigation measures set out in the submitted Noise Assessment be installed in full (Condition 55), this includes noise reducing glazing and acoustic fencing.
- 5.94 On this basis, it is considered that living conditions for future residents would be acceptable and the proposal would not conflict with policy CS14 of the CSUCP and MSGP18.
- 5.95 ARCHAEOLOGY
This site has previously been used as a rail freight depot which was developed in the nineteenth and twentieth centuries. An archaeological desk-based assessment was carried out for the site in 2009 (TWHER report 2009/29, Alan Williams Archaeology). This concluded that although much of the site consisted of made ground, early pre-industrial archaeological remains might survive below this, along with lengths of wagonway which are known to have run across the area in the 18th century.
- 5.96 Archaeological monitoring of 18 trial pits in 2012 (TWHER report 2012/102) revealed made ground to depths of 3-5m, the greatest depths being in the northern corner of the site. Excavations on the projected path of two 18th century wagonways revealed no structural remains. No significant features or deposits were found pre-dating the mid-19th century.
- 5.97 Given the results of the archaeological investigations to date, it is considered that the site has low archaeological potential, and no further archaeological work is considered to be necessary. The application would therefore not conflict with policy CS15 of the CSUCP and MSGP27.
- 5.98 AIR QUALITY
An Air Quality Assessment for the proposed development has been submitted in support of the proposal. Officers agree with the conclusions put forward that, subject to appropriate mitigation (see next paragraph) there would be no exceedance of relevant air quality standards at residential receptors, nor any significant impact on the wider town centre Air Quality Management Area or proposed Tyneside Clean Air Zone during both construction and operation.

5.99 To help ensure that is the case it is considered necessary for a Construction Environment Management Plan (CEMP) to be approved, which shall include measures to minimise dust impact during the construction phase. This is to ensure that the construction phase is managed to prevent undue impact upon sensitive environmental receptors in accordance with the NPPF and policy CS14 of the CSUCP and MSGP19. This can be dealt with via conditions (Conditions 53 and 54).

5.100 GROUND CONDITIONS AND COAL MINING

The application is supported by a ground investigation document, risk assessment and a site-specific remediation strategy. Based on the technical information submitted and the justification provided by the applicant, it is considered that the remediation strategy including the clean cover system proposed, is on balance, acceptable and does not conflict with policy CS14 of the CSUCP and MSGP20. It is considered necessary to condition that remediation takes place in accordance with the submitted ground investigation document, risk assessment and a site-specific remediation strategy (Conditions 56, 57 and 58).

5.101 It is therefore considered that the proposed development would not cause unacceptable risk in terms of ground contamination to existing and future residents. The application would not conflict with policy CS14 of the CSUCP and MSGP20.

5.102 The Coal Authority have also been consulted on the application and have stated they have no objection to the proposed application subject to conditions pertaining to the implementation of remediation works (Conditions 59 and 60).

5.103 Subject to these conditions, it is considered that the application would not conflict with policy CS14 of the CSUCP and MSGP20.

5.104 OPEN SPACE

The site is located within an area which is not deficient in open space provision. Further, the proposed layout includes areas of green and open space which reflects the scale of the site and requirements set out in CSUCP policy SG2 and the ENSPD.

5.105 CHILDREN'S PLAY

It is acknowledged that Sport England has issued a non-statutory objection to the proposed development and have stated;

"a population of 660 in this local authority area will generate a demand for investment into sports facilities to meet new residents..."

5.106 However, the plans submitted with the application identify locations for informal play provision suitable for all age groups (toddler to teen). It is considered that these locations are suitable given that they would be well overlooked with dwellings fronting on to them. The areas would also be accessible from all areas of the development.

5.107 It is considered that the proposed development will adequately provide for play provision and as such the development will comply with the requirements of Policy CS14 of the CSUCP and MSGP39 and MSGP40.

5.108 SITE SPECIFIC POLICY

Policy CS2(8) of the Core Strategy and Urban Core Plan (CSUCP) sets out that the Exemplar Neighbourhood (SG2) will be brought forward in accordance with approved masterplans to demonstrate a comprehensive and coordinated approach to site development and infrastructure provision.

5.109 The ENSPD contains various design principles relating to design quality, the type and size of properties, materials, infrastructure (including green infrastructure) and sustainability. It is considered that the proposed development does conflict with the requirements of the SPD in the following areas;

- Quality of design and architecture; the design section of this report concludes that the proposed development is, on balance, acceptable in design. However, it is the view of the officers that the design approach taken by the applicant conflicts with the ENSPD.
- Type and Size of housing; as reference above the proposed development does not meet the housing mix indicated for the Exemplar Neighbourhood as a whole, or the requirement for the proposal to meet NDSS standards and balcony sizes.
- Photovoltaics (PVs) and Solar water heating; these elements are not provided as part of the scheme.
- Upgraded crossing to the Baltic Business Quarter; an upgraded crossing does not form part of the development proposal.
- New pedestrian/cycle bridge link over railway line; a new pedestrian/cycle bridge does not form part of the development proposal.
- Public transport; the proposed development does not provide any offsite highway improvements. While the development allows for good cycle and pedestrian permeability through the site links to public transport aren't improved offsite.
- Car parking; the car parking levels proposed exceed those specified within the ENSPD.

5.110 As set out, the applicant has elected to design the scheme in a suburban form, very much in contrast with the aims of the ENSPD ensuring that compliance with the document is difficult.

5.111 As referenced above, the ENSPD cannot be afforded as much weight as the Local Plan policies but is still a material consideration, given its indicative masterplan and its link to policy CS2(8).

5.112 Policy SG2 also sets out other detailed requirements, some of which directly apply to the site including:

- iii. Developing a scheme that achieves "green" against all Building for Life 12 questions or equivalent.

The applicant contends that the proposed development achieves "green" against all Building for Life questions. While an assessment has been submitted alongside the application this wasn't undertaken by an independent assessor and as such is afforded little weight. Further it is the view of officers that the proposed development wouldn't achieve "green" against all criteria.

Based on the opinion of officers of the scheme, it is considered that the scheme would achieve 8 'greens'; 3 'ambers'; and 1 'red'.

Officers consider the proposal fails to comply with this requirement.

iv. Provision of good quality accessible external private or semi-private space.

The plans indicate each property would have a private garden and the apartments will have terraces at ground floor, and access to the apartment gardens shared space.

Officers consider the proposal complies with this requirement.

v. Contribution to the creation of the Exemplar Neighbourhood Urban Green Infrastructure Corridor.

While officers consider the corridor could be better incorporated into the scheme. The proposed development incorporates two connected open spaces through the northern part of the site which is identified on Figure 14.11 Urban Green Infrastructure Network as a 'Green Link to Strategic Infrastructure Network'. Where the primary route passes through these areas it will be 3m wide. Trees will be planted throughout these open spaces and along the primary route.

Officers consider the proposal complies with this requirement.

vi. Contribution to the creation of the Exemplar Neighbourhood potential pedestrian route, integrated with the green infrastructure corridor, and the creation of the pedestrian and cycle bridge over the railway line,

A bridge link over the rail line and a pedestrian and cycle crossing at Park Lane does not form part of the proposed development; instead the proposal provides a pedestrian/cycle entry point into the site off Park Lane (A184).

Officers consider the proposal fails to comply with this requirement.

vii. Provision of a series of connected green and/or public spaces, forming part of the key pedestrian and cycle routes that connect to locations outside the neighbourhood.

The design routes some of the cycle/ped link through the main residential street as opposed to the more attractive green route, however this link will connect some of the public and green spaces within the site.

Officers consider the proposal complies with this requirement.

viii. Provision of communal parking spaces for car clubs and electric car hook up points to promote sustainable transport.

Communal parking spaces for car clubs and electric car hook up points are provided within the application site; these can be secured by planning condition as referenced above.

Officers consider the proposal complies with this requirement.

The site is council-owned land where Policy SG2 has additional requirements. As such the proposal is required to:

i. Achieve the Nationally Described Space Standards.

A total of 260 of the 300 homes on site comply with NDSS, those properties which don't achieve NDSS offer a significant shortfall in gross internal area.

Officers consider the proposal fails to comply with this requirement.

ii. Use Building Research Establishment Green Guide materials at ratings between A and C or equivalent.

The development will utilise Building Research Establishment Green Guide materials at ratings between A to C.

Officers consider the proposal complies with this requirement.

iii. Deliver a good level of sustainability required by relevant government schemes/guidance, aspiring to achieve zero carbon.

The proposed development will see a minimum uplift on CO2 reduction of 60% above Building Regulations.

Officers consider the proposal complies with this requirement.

5.113 OTHER MATTERS

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

6.0 CONCLUSION

- 6.1 The site forms part of a wider allocation named the Exemplar Neighbourhood Key Site which sits in the Southern Gateway Sub Area (SGSA) of the Urban Core. Policy SG2 of the CSUCP states; "The Exemplar Neighbourhood is allocated for a minimum of 1000 homes (C3) at an average of 50 dwellings per hectare across the site." As such, the principle of developing the site for residential purposes is accepted.
- 6.2 It is however considered that the proposed development would result in some conflict with the development plan.
- 6.3 As outlined above, ENSPD is a material consideration, and the proposed development does not comply with elements of the ENSPD.
- 6.4 Section 38 of the Planning and Compulsory Purchase Act 2004 sets out that decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 6.5 As discussed in the main body of the report it is considered that the proposed development would conflict with limbs iii and vi of part 2 and limb i of part 3 of Policy SG2 of the CSUCP, thus resulting in a partial non-compliance with this policy. As also set out above, it is considered that the proposed development would fail to comply with elements of Policy CS13, resulting in a partial non-compliance. Further, it is considered that the proposed development would fail to comply with the requirements of Policies UC5, UC10 and DEL1 of the CSUCP and MSGP37.
- 6.6 NPPG Paragraphs: 009 Reference ID: 21b-009-20140306 states:
"...Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be give to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight."
- 6.7 The applicant has identified the following as material considerations in this instance:
- The presumption in favour of sustainable development as set out in the NPPF;
 - Housing delivery in the Exemplar Neighbourhood to date; and
 - The contribution that the proposed development would make to the Council's five-year housing land supply.
- 6.8 In this instance it is considered that the conflict with elements of the local plan outlined above should be balanced against the benefits of the proposed development, which in this instance are considered by officers to be:
- The provision of 300no. homes on a challenging, brownfield site with substantial costs and marginal viability;
 - The provision of 15% (45no.) affordable homes;
 - The provision of family homes;
 - The contribution that the site makes to the Council's five-year housing land supply; and

- The economic benefits from construction jobs and employment including targeted local employment.

6.9 There is an aspiration to deliver housing at this site at a faster rate. Not least because its delivery is identified in the Council's five year supply of deliverable housing sites. Indeed, under the heading 'Delivery rates (build rate assumptions)' the Housing Supply Topic Paper (January 2020) states at paragraph 38:

"A significantly faster rate of development is used for the Freight Depot site in the Urban Core, consistent with the legal agreement for the site and supported by the inclusion of blocks of flats for private renting within the development. Because an assessment has been made that private rented sector blocks of flats in the Urban Core are likely to deliver completions at a higher annual rate than other sectors, both because of the economies of block construction and the simpler process of occupying them (bearing in mind that Gateshead's completions records are based on an occupier moving in rather than physical completion), a higher rate of delivery has also been used for Pipewellgate."

6.10 The only new homes delivered in the Exemplar Neighbourhood to date are from the conversion of an existing office block (89 flats). The Council are minded to grant a further 26 dwelling on at the former Go-Ahead Bus Depot. This is also a material consideration as it reflects the challenging nature of bringing forward new homes on brownfield land, including within the Exemplar Neighbourhood, and on the application site in particular.

6.11 The site has been identified by the Council to deliver 198no. homes in the next five years and 300no. new homes overall, which can only be achieved if a planning approval is granted.

6.12 Based on the above, it is considered that material planning considerations outweigh the harm caused as a result of non-compliance with the highlighted policies within the Development Plan.

6.13 As such, it is recommended that planning permission be granted subject to planning conditions outlined in the recommendation below.

7.0 Recommendation:

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

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below, unless otherwise required by condition attached to this permission -

QD1091-300-01 Location Plan 1:1250 A1

QD1091-301-01 Existing Site Plan 1:500 A0

QD1091-311-01 Planning Layout (Masterplan) 1:500 A0 - D

QD1091-DLR-01 Freight House Type DLR 1:100 A1 - A
 QD1091-FNW-01 Freight House Type FNW 1:100 A1 - A
 QD1091-GWR-01 Freight House Type GWR 1:100 A1 - A
 QD1091-LNR-01 Freight House Type LNR 1:100 A1 - A
 QD1091-MML-01 Freight House Type MML 1:100 A1 - A
 QD1091-NLR-01 Freight House Type NLR 1:100 A1 - A
 QD1091-SSR-01 Freight House Type SRR 1:100 A1 - A
 QD1091-TLR-01 Freight House Type TLR 1:100 A1 - A
 QD1091-VWC-01 Freight House Type VWC 1:100 A1 - A
 QD1091-WLL-01 Freight House Type WWL 1:100 A1 - A
 QD1091-XCT-01 Freight House Type XCT 1:100 A1 - A
 QD1091-HUB-01 Community Hub 1:100 A1
 QD1091-APART-01 Apartments Sheet 1 1:100 A1
 QD1091-APART-02 Apartments Sheet 2 1:100 A1
 QD1091-APART-03 Apartments Sheet 3 NTS A1 -
 QD1091-PRIVACY-01 Privacy Screening to Balconies 1:50 A1
 QD1091-STORAGE-01 Cycle and Waste Storage 1:50 A1
 QD1091-GARAGES-01 Garages 1:100 A1
 QD1091-SHED-01 Shed 1:20 A1
 QD1091-308-01 Existing Site Sections sheet 1 1:200 A0
 QD1091-308-02 Existing Site Sections sheet 2 1:200 A0
 QD1091-319-01 Proposed Site Sections sheet 1 1:200 A0 - B
 QD1091-319-02 Proposed Site Sections sheet 2 1:200 A0 - B
 QD1091-360-01 Master Deed Plan 1:500 A0
 QD1091-390-01 Design and Access Statement NTS A3
 GHFD-COL-00-XX-DO-L-6002 Landscape - Northern Gateway and
 Hub 1:500 A3 - 5
 GHFD-COL-00-XX-DO-L-6003 Landscape - Habitat Link Space 1:500
 A3 - 6
 GHFD-COL-00-XX-DO-L-6004 Landscape - Linked Basin Parks 1:500
 A3 - 3
 GHFD-COL-00-XX-DO-L-6005 Landscape - Apartment Gardens 1:500
 A3 - 5
 LTH checklist HOUSES NTS A4
 LTH checklist APARTMENTS NTS A4
 290120 Affordable Housing Statement NTS A4
 7995.001 Gateshead freight depot ecological assessment NTS A4
 D7995.001-003 Freight Depot Gateshead AIA (Short Format) NTS A4
 QD1091 QD1091 Flood Risk Assessment 27 01 20 NTS A4 - A
 QD1091-03-01 Engineering Layout 1:500 A0 - B
 QD1091-03-01 Engineering Layout 1:500 A0 A
 QD1091-03-02 SUDS Location Layout 1:500 A0 - A
 QD1091-05-01 Longsections 1:500 A0 - A
 QD1091 GeoEnv Appraisal and Remediation Strategy Report NTS A4
 B C
 Coal Mining Search NTS A4 -
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 QD1091-04-08 Basin D GA 1:250 A1
 QD1091-04-09 Basin E GA 1:250 A1

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

Reason

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

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

Reason

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

3

Prior to the first occupation of any residential unit hereby permitted, a fully detailed scheme for the landscaping the development of the site and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of all landscaping, ground preparation and planting plans noting the species, plant sizes, planting densities for all new planting, gapping up/planting of hedgerows and a scheme of maintenance of retained and proposed landscaping.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area, biodiversity and public safety and in accordance with the NPPF, policies GV7 and CS18 of the Core Strategy and Urban Core Plan and Policies 24, 32, 33, 36 and 37 from the MSGP.

4

The landscaping scheme approved under Condition 3 shall be implemented in accordance with the timetable for implementation approved under Condition 3.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area, biodiversity and public safety and in accordance with the NPPF, policies GV7 and CS18 of the Core Strategy and Urban Core Plan and Policies 24, 32, 33, 36 and 37 from the MSGP.

5

All proposed and maintained landscaping shall be maintained in accordance with the maintenance scheme approved under Condition 3.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area, biodiversity and public safety and in accordance with the NPPF, policies GV7 and CS18 of the Core Strategy and Urban Core Plan and Policies 24, 32, 33, 36 and 37 from the MSGP

6

All works shall take place in accordance with the submitted Arboricultural Impact Assessment (D7995.001-003 Freight Depot Gateshead AIA (Short Format)). Further, all protective fencing specified by the AIA must be installed prior to the commencement of any development hereby permitted and thereafter retained intact for the full duration of the construction works on that phase of the development and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees and hedges in accordance with the NPPF, policies GV7 and CS18 of the Core Strategy and Urban Core Plan and Policies 24, 32, 33, 36 and 37 from the MSGP

7

No development shall commence until the final details of the drainage scheme has been submitted and approved in writing by the Local Planning Authority. The drainage scheme shall be presented in accordance with the Gateshead Interim SuDS Guidelines.

This shall include an updated drainage assessment that shall demonstrate adequate water treatment is provided, including for highways runoff, an assessment of minewater risk, a drainage sub-catchment drawing, cross sections through basins, demonstration that the scheme is acceptable to Network Rail, details of adoption arrangements, and demonstration that the appropriate safeguards will be put in place to ensure permeable paving within private curtilage is maintained and protected as permeable paving for the lifetime of the development and a SuDS Health and Safety assessment.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and Policies 29, 30 and 32 from MSGP.

Reason for Pre-commencement Condition

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

8

The final drainage scheme shall be carried out in full accordance with the details approved under condition 7 (including timings for implementation).

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and Policies 29, 30 and 32 from MSGP.

9

No drainage shall be constructed until a Drainage Construction Method Statement (DCMS) has been submitted to and approved in writing by the Local Planning Authority. The information submitted shall include: Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place to protect surface water discharge off site during the construction phase.

Description of any construction methodologies to protect the SuDS functionality including the provision of any required temporary drainage systems, and methods for temporary protection of infiltration features, erosion prevention, pollution control, and de-silting prior to completion of works.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and Policies 29, 30 and 32 from MSGP.

10

The development shall be implemented in accordance with the Drainage Construction Method Statement for that phase of the development approved at condition 9.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and Policies 29, 30 and 32 from MSGP.

11

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

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and Policies 29, 30 and 32 from MSGP.

12

The drainage scheme shall be managed in full accordance with the management plan approved under condition 11 for the lifetime of the development.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and Policies 29, 30 and 32 from MSGP.

13

Notwithstanding the submitted information, no development shall take place (including any demolition, grounds works, vegetation/site clearance) until a method statement for statutorily protected and priority species, invasive non-native species and retained habitats/features within/immediately outwith the development site, has been submitted to and approved in writing by the local planning authority. The method statement shall include:

- Risk assessment of potentially damaging construction activities
- Identification of biodiversity protection zones
- Practical measures (both physical and sensitive working practices) to avoid or reduce impacts during vegetation/site clearance and construction
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during the vegetation/site clearance and construction when specialist ecologists need to be present on site to oversee works
- Responsible person(s) and lines of communication
- The role and responsibilities of the ecological clerk of works (ECoW) or similarly competent person

Reason

To avoid/minimise the risk of harm to or resulting from protected and priority species, invasive non-native species and retained habitats during the site clearance and construction phase of the development in accordance with policies CS18 and Policies 36, 37 of the MSGP.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the site clearance and construction phases of the development can be carried out in a manner which avoids or

minimises harm to ecology. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of site clearance and construction works and the manner in which they are undertaken could harm existing ecology on the site.

14

The development shall be undertaken and maintained in full accordance with the biodiversity method statement approved under condition 13.

Reason

To avoid/minimise the risk of harm to or resulting from protected and priority species, invasive non-native species and retained habitats during the site clearance and construction phase of the development in accordance with policies CS18 and Policies 36, 37 of the MSGP.

15

Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- Identify those areas and features on site that are particularly sensitive for biodiversity and ecological connectivity
- Show how and where external lighting will be installed through the provision of appropriate lighting contour plans and technical specifications so that it can be demonstrated that potential impacts on light sensitive species/features will be avoided/minimised

Reason

To avoid/minimise the impacts of external lighting on biodiversity including protected and priority species, retained and newly created habitats and features; and ecological connectivity in accordance with policies CS18 and Policies 36, 37 of the MSGP.

16

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy at condition 15.

Reason

To avoid/minimise the impacts of external lighting on biodiversity including protected and priority species, retained and newly created habitats and features; and ecological connectivity in accordance with policies CS18 and Policies 36, 37 of the MSGP.

17

Notwithstanding the submitted information, no development shall progress beyond damp proof course until an ecological design strategy (EDS) detailing the provision of on site ecological mitigation, compensation and enhancement measures has been submitted to and

approved in writing by the local planning authority. The EDS shall include the following:

- Purpose and conservation objectives of the proposed measures
- Review of site potential and constraints
- Detailed design(s) and or working method(s) to achieve stated objectives
- Extent and location/area of proposed measures on appropriate scale maps, plans and elevational drawings
- Type and source of materials to be used
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- Person(s) responsible for implementing the measures
- Details of initial aftercare and long-term maintenance
- Details of monitoring and remedial measures
- Details for disposal of any wastes arising from the measures

Reason

To ensure the design, implementation and ongoing maintenance of on site mitigation, compensation and enhancement measures provides suitable opportunities for biodiversity and ecological connectivity post construction in accordance with policies CS18 and Policies 36, 37 of the MSGP.

18

The development shall be undertaken and maintained in full accordance with the ecological design strategy approved under condition 17.

Reason

To ensure the design, implementation and ongoing maintenance of on site mitigation, compensation and enhancement measures provides suitable opportunities for biodiversity and ecological connectivity post construction in accordance with policies CS18 and Policies 36, 37 of the MSGP.

19

A landscape and ecological management plan (LEMP) for all landscaping features and landscaping shall be submitted to, and be approved in writing by, the local planning authority prior to the first occupation of any residential unit hereby approved.

The content of the LEMP shall include the following;

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.

- Preparation of a work schedule (including an annual work plan capable
- of being rolled forward over a five-year period).
- Details of the body or organization responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species in accordance with the NPPF, policy CS18 of the Core Strategy and Urban Core Plan and Policies 36, 37 of the MSGP.

20

All retained landscape features shall be managed in full accordance with the LEMP approved under condition 19.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species in accordance with the NPPF, policy CS18 of the Core Strategy and Urban Core Plan and Policies 36, 37 of the MSGP.

21

No individual hard landscaping material shall be used on site until a detailed hard landscaping plan (including a timescale of implementation) for each phase of the development has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and Policies 17 and 24 from the MSGP.

22

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

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne Policies 17 and 24 from the MSGP.

23

No residential unit hereby approved shall progress above damp proof course until an external materials schedule has been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and Policies 17 and 24 from the MSGP.

24

The development hereby approved shall be undertaken in accordance with the materials schedule approved at condition 23.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and Policies 17 and 24 from the MSGP.

25

Notwithstanding the submitted information, no development shall progress beyond damp proof course until a swept path analysis has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where amendments are found to be necessary they must be submitted as part of the analysis alongside a timetable for implementation.

Reason

In the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policy 15 of the MSGP.

26

Any amendments to the layout identified by the swept path analysis approved under condition 25, shall be undertaken in accordance with the approved timetable for implementation.

Reason

In the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policy 15 of the MSGP.

27

Notwithstanding the submitted information, no development shall progress beyond damp proof course until a visibility splays analysis for the cycle route and all driveways have been submitted to and approved in writing by the Local Planning Authority. Where amendments are found to be necessary they must be submitted as part of the analysis alongside a timetable for implementation.

Reason

In the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policy 15 of the MSGP.

28

Any amendments to the layout identified by the visibility splay analysis approved under condition 27, shall be undertaken in accordance with the approved timetable for implementation.

Reason

In the interests of highway safety and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policy 15 of the MSGP.

29

Notwithstanding the submitted information, no development shall progress beyond damp proof course until a visitor parking layout (showing the number and location of all visitor parking) has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and sustainability and in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policy 15 of the MSGP.

30

The development shall be completed in full accordance with the visitor parking layout approved under condition 29.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policy 15 of the MSGP.

31

Notwithstanding the submitted information, no development shall progress beyond damp proof course until a car club strategy has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

- the number and location of all car club parking spaces/vehicles;
- how the 'car club' will be delivered;
- how the 'car club' will be managed; and
- a timetable for the implementation of the 'car club'.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

32

The 'car club' shall be delivered and operated in full accordance with the development shall be completed in full accordance with the car club strategy (including the timescale for implementation) approved under condition 31.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

33

Notwithstanding the submitted information, no development shall progress beyond damp proof course until a details of an amended pedestrian link have been submitted to and approved in writing by the Local Planning Authority. The amended pedestrian shall include the following alterations/improvements;

- an additional link to the shared path to link the private path associated with plots 113-130;
- the inclusion of a 3 metre wide shared path around the eastern part of the site; and
- a connection to the 3 metres wide shared path between plot35 and plot 14.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

34

The development shall be completed in full accordance with the amended pedestrian link details approved under condition 33.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

35

Notwithstanding the submitted information, no development shall progress beyond damp proof course until amendments to the shared route have been submitted to and approved in writing by the Local Planning Authority. The amended pedestrian shall include the following alterations/improvements;

- a splay for cyclists at plots 68 and 74;

- details of how the cycle route crosses junctions;
- details of bollards and/or fencing required to avoid abuse of the shared surface;
- details of signage proposed for the shared cycle/pedestrian route; and
- a timetable for implementation.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

36

The development shall be completed in full accordance with the amendments to the shared route (including the timetable for implementation) approved under condition 35.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

37

Notwithstanding the submitted information, no development shall progress beyond damp proof course until details of access arrangement onto St James Road and St James Square have been submitted to and approved in writing by the Local Planning Authority. The detail shall include including how visibility splays and associated changes to waiting restrictions, alterations to existing traffic calming, works associated with the emergency access, how the cycle route ties into the footway on St James Road which is not currently shared use and a timetable for implementation.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

38

The development shall be completed in full accordance with access arrangement (including the timetable for implementation) approved under condition 37.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

39

Notwithstanding the submitted information, prior to the occupation of any residential property hereby approved details of traffic calming, 20MPH zone signage and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

40

The development shall be completed in full accordance with traffic calming and 20MPH signage details (including the timetable for implementation) approved under condition 39.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

41

Notwithstanding the submitted information, prior to the occupation of any residential property hereby approved details of waiting restrictions within the site and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

42

The development shall be completed in full accordance with waiting restriction details (including the timetable for implementation) approved under condition 41.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

43

Notwithstanding the submitted information, no development shall progress beyond damp proof course until amended longsections have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

44

The development shall be completed in full accordance with the longsections approved under condition 43.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

45

Notwithstanding the submitted information, no works shall take place to the retaining wall to the north of the site (abutting Park Road) until a method statement pertaining to works to the wall has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

46

The development shall be completed in full accordance with the method statement approved under condition 45.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

47

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

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy and Policies 14 and 15 of the MSGP.

48

The cycle storage provision approved at condition 47 shall be provided for each house prior to each residential unit being occupied.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy and Policies 14 and 15 of the MSGP.

49

Prior to the first occupation of any residential unit hereby approved electric vehicle charging scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and Policies 14 and 15 of the MSGP.

50

The electric vehicle charging scheme approved at condition 49 shall be provided for each house prior to each residential unit being occupied.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP, Gateshead Cycling Strategy and Policies 14 and 15 of the MSGP.

51

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

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

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

Reason

In order to promote sustainable travel and accord with the NPPF and policy CS13 of the CSUCP and Policies 14 and 15 of the MSGP.

52

The Travel Plan approved under condition 52 shall be wholly implemented in accordance with the approved details for the life of the development

Reason

To ensure sustainable travel and in accordance with CSUCP CS13 and the NPPF and Policies 14 and 15 of the MSGP.

53

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

The CMP shall include:

- the location and layout of the compound area
- vehicle access locations
- a dust management plan
- a noise management plan
- contractor parking
- details of delivery arrangements
- a construction layout plan

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

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, CS14 of the Core Strategy and Urban Core Plan and Policies 14, 15, 17, 18, 19 of the MSGP.

Reason for Pre-commencement Condition

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

54

The development shall be implemented in accordance with Construction Management Plan (CMP) measures approved under condition 53.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, policy CS14 of the Core Strategy and Urban Core Plan and Policies 14, 15, 17, 18, 19 of the MSGP.

55

The noise mitigation measures (for each respective property hereby approved) set out within the submitted Noise Assessment (NJD19-0159-002R, 002R Freight Depot - Noise Final, May 2020) shall be implemented in full prior to the occupation of each respective property hereby approved.

Reason

To ensure that the emission of noise is controlled in the interests of the amenity of nearby residents, in accordance with the NPPF, Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and Policies 17 and 18 of the MSGP.

56

The development must be carried out in full accordance with the submitted Remediation Strategy, made up of the following documents;

- 3515OR04 FWS Remediation Strategy
- 3515OR04 FWS Geo Environmental Report FINAL & Appendices

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and Policy 20 of the MSGP.

57

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

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy 20 of the MSGP.

58

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

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved Policy 20 of the MSGP.

59

No development, other than remediation works, shall commence in those areas identified on Drawing 3515OD15 as at risk from instability arising from past coal mining activity, until the remediation works pertaining to coal mining legacy issues set out in the approved Remediation Strategy have been implemented in full.

Reason

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

60

Prior to the first occupation of any residential unit located within those parts of the site identified on Drawing 3515OD15 as requiring remedial works to address land instability, a verification report confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This report shall confirm the completion of the remedial works necessary to address the risks posed by past coal mining activity.

Reason

To ensure that the development is not at risk from unstable land in accordance with the NPPF, policy CS14 of the Council's Core Strategy and Urban Core Plan and Policy 20 of the MSGP.

61

Notwithstanding the approved plans, no boundary treatments shall be provided until an updated boundary treatment plan and timetable for implementation has been submitted to and subsequently approved in writing by the LPA.

Reason

To ensure the satisfactory appearance of the development upon completion in accordance with the NPPF, policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and Policy 24 of the MSGP.

62

All boundary treatments on the site shall be installed in accordance with the boundary treatment plan and timetable for implementation approved under condition 61.

Reason

To ensure the satisfactory appearance of the development upon completion in accordance with the NPPF, policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne Policy 24 of the MSGP.

63

Notwithstanding the submitted information, no development shall progress beyond damp proof course until details of access arrangement onto Park Lane have been submitted to and approved in writing by the Local Planning Authority.

Reason

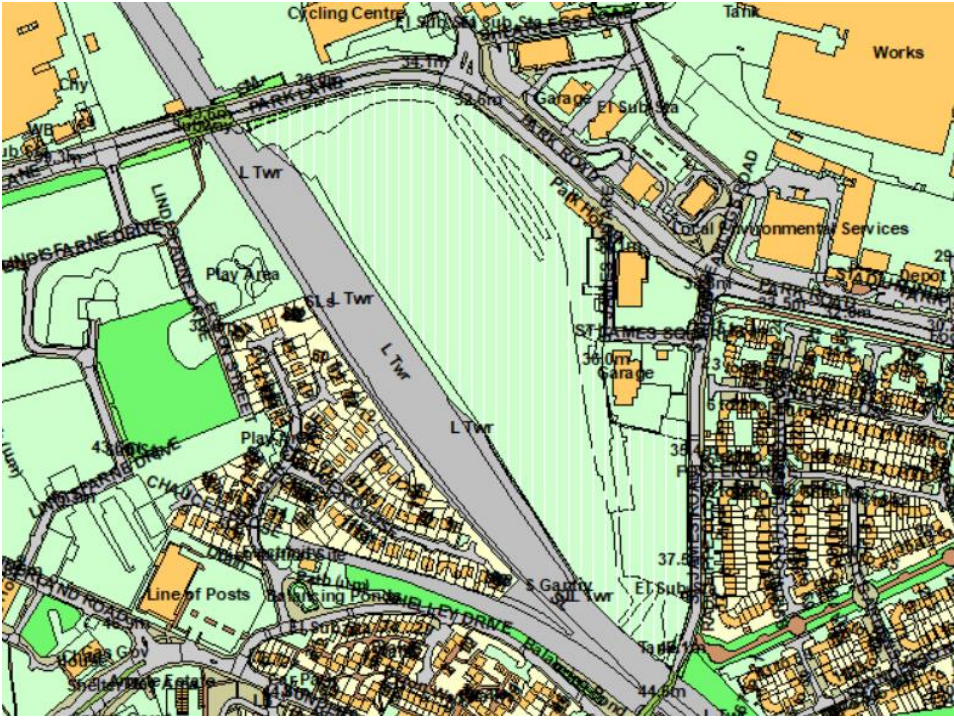
In the interests of highway safety and sustainability in accordance with the NPPF, policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.

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The development shall be completed in full accordance with access arrangement (including the timetable for implementation) approved under condition 63.

Reason

In the interests of highway safety and sustainability in accordance with the NPPF, policy CS13 of the Core Strategy and Urban Core Plan and Policies 14 and 15 of the MSGP.



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Committee Report

Application No:	DC/20/00660/FUL
Case Officer	Amy Dunbar
Date Application Valid	29 July 2020
Applicant	Eva Szewczyk
Site:	3 Hillcroft South Station Road Low Fell Gateshead NE9 6HD
Ward:	Low Fell
Proposal:	Erection of detached dwelling (amended plans and additional information submitted 25.09.2020, 28.09.2020, 30.10.2020, 23.11.2020 and 16.12.2020).
Recommendation:	REFUSE
Application Type	Full Application

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

The application site concerns a rectangular shaped plot currently occupied by several mature trees and overgrown vegetation. The site is accessed via a communal access road off Station Road and lies to the west of Saltwell Road South.

1.2 It is tightly bound by residential properties with Hillcroft South lying immediately to the north of the site and Hillcroft North situated beyond this. Hillcroft Lodge, 104 Saltwell Road (first floor flat) and 42 Station Road (ground floor flat) are located immediately to the east. To the south lies the communal garden belonging to Glenside Court with Westfield Lodge located beyond this and to the west there is an electricity substation and housing on Brekenbeds Road.

1.3 The application site is located within the Saltwell Conservation Area.

1.4 DESCRIPTION OF APPLICATION

The application seeks to construct a two-storey, 3-bedroom dwelling with the provision of two parking spaces and a new vehicle access off the communal access road associated with the Hillcroft properties.

1.5 The proposed dwelling would be of a contemporary design finished with light grey render, timber cladding and featuring a grass roof.

1.6 PLANNING HISTORY

701/82- planning permission granted for demolition of lodge and erection of a dwellinghouse (as amended) dated 7th September 1982

774/87- planning permission refused for erection of three-storey building containing four flats dated 2nd October 1987

15/90- planning permission granted for Erection of two flats (use class C3) dated 1st March 1990

581/97- planning permission refused for erection of two dwellinghouses dated 2nd October 1997

588/98- planning permission refused for construction of five additional car parking spaces with associated vehicle turning head in garden area on west side of flats dated 13th July 1998

614/98- planning permission granted for installation of ground floor window in north elevation of dwellinghouse (amended 22/6/98) dated 31st July 1998

847/98- planning permission granted for conversion of second floor of dwelling to form a two bedroomed flat (amended 22/9/98) dated 1st October 1998

DC/05/01326/FUL- planning permission granted for conversion of loft space to flat (use class C3) involving installation of 2 x dormer windows, and 1 x rooflight at rear; 3 rooflights at side and 3 rooflights at front and 1 replacement window on rear elevation (amended 06/10/05) dated 9th November 2005

DC/07/00418/FUL- planning permission granted for conversion of maisonette to two flats including installation of two dormer windows in roof space at front and rooflights in roof space at rear and side dated 3rd May 2007

2.0 Consultation Responses

None.

3.0 Representations:

3.1 The Council issued neighbour notification letters to properties surrounding the application site on 3rd August 2020 and 11th August 2020. A site notice was also displayed on site dated 19th August 2020. Following the submission of amended plans and additional information, neighbours were reconsulted on 6th November 2020.

3.2 13 letters of representation have been received which are summarised below:

- Increase in traffic/ congestion on private access road
- Location of proposed access would create vehicle manoeuvring difficulties
- Noise disturbance as a result of increased traffic
- Increase in air pollution from vehicles using proposed driveway/ parking area
- Highway safety- increased risk of vehicle and pedestrian accidents
- Proposed driveway is 'obscured' and has steep gradient- risk of collisions
- Highways Officer assessment of accident risk

- Traffic and noise disturbance as a result of building works and deliveries
- Impact on waste servicing during construction
- Increased demand for parking and risk of further indiscriminate parking
- Concerns that emergency services will not be able to access site
- Right of access to application site has not been agreed
- Overlooking into private garden space and habitable rooms
- Loss of privacy
- Loss of natural light entering nearby properties
- Loss of view
- Overshadowing
- Development would have an intrusive and overbearing impact
- Proposed boundary treatment could result in loss of light
- Overdevelopment
- Health implications
- The resulting property is likely to be unaffordable
- Loss of property value
- Development would disturb local wildlife, nature and habitats
- Loss of trees
- Living roof is not an appropriate replacement for trees
- Works to trees would require access to grounds of Glenside Court
- Concerns over cost implications of any tree pruning works
- Disruption to natural setting of area
- Out of character with surrounding area
- Negative impact on conservation area and historic environment
- Loss of garden and open space
- Green roof may become an 'eyesore' if not maintained
- Building works may result in subsidence or damage to Hillcroft buildings
- Proposed driveway would be on land owned by residents of Hillcroft North and South and access would involve demolition of wall also owned by the same residents
- Development would set a precedent for development in gardens
- Site description as 'unused wasteland' is inaccurate
- Details of application are 'misleading'
- Flood risk
- Restrictive covenant

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

MSGP12 Housing space standards

MSGP15 Transport aspects of the design of new development

MSGP17 Residential amenity

MSGP20 Land contamination and land instability

MSGP24 Design quality

MSGP25 Conservation and enhancement of heritage assets

MSGP36 Woodland, trees and hedgerows

MSGP37 Biodiversity and geodiversity

MSGP48 Waste management facilities in new development

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when considering this planning application are the principle of the development, visual amenity, residential amenity, highway safety, designated heritage assets, ecology, arboriculture and land conditions.
- 5.2 **PRINCIPLE OF DEVELOPMENT- HOUSING DEMAND AND POLICY**
The application site is not allocated for housing and is therefore classed as a windfall housing site. The site is located within an established residential area where there are recreational and community facilities, such as urban green space and playing fields, situated nearby. The site is also close to the Team Valley Industrial Estate which is a primary employment area and is easily accessible by public transport and is well linked to key road networks. Based upon this assessment, in housing policy terms, the site is considered to be in principle, an appropriate location for a new dwelling.
- 5.3 The proposal would afford a new dwelling to the local housing stock and would therefore contribute towards delivering new housing within Gateshead in accordance with policy CS10 of the CSUCP.
- 5.4 The NPPF states that development should make efficient use of land and, amongst other things, avoid new homes being built at low densities. The density of the development would equate to 35 dwellings per hectare and its therefore considered to be of a density that makes efficient use of the site.

5.5 HOUSING CHOICE

Policy CS11 of the CSUCP specifies that 60% of new private housing across the plan area should be suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms. Furthermore, Policy CS9 seeks to ensure that existing communities will be sustainable places of quality and choice. This should be achieved by, amongst other things, maintaining a range of housing types and sizes throughout the plan area.

5.6 The proposed development would provide a reasonably sized family home with three bedrooms and outdoor space in a sustainable location which accords with policy CS9 and CS11 of the CSUCP.

5.7 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.

5.8 Policy MSGP12 requires new residential development to, at minimum, achieve the Nationally Described Space Standards (NDSS) in order to ensure adequate space is provided inside the home and therefore ensuring new homes are of a high standard and quality. However, the supporting text to MSGP12 (paragraph 5.8) explains that the requirement to comply with the NDSS is to be introduced one year after the adoption of the MSGP, to allow for a period of transition in accordance with national guidance.

5.9 As indicated on the proposed floor plans, the smallest bedroom located on the ground floor of the property, would fall slightly short of the NDSS technical requirements for a single bedroom. The NDSS indicates that a minimum floor area of 7.5m² and a minimum width of 2.15m should be achieved. In this case the proposed floor plans demonstrate a floor area of 7.4m² and a width of 2m.

5.10 The proposed plans demonstrate that the remaining bedrooms exceed the minimum technical requirements for floor area and width and the minimum gross internal floor area and built-in storage requirements for a 3-bedroom, 5 persons dwelling have also been exceeded.

5.11 Despite the minor shortfall identified for the smallest bedroom on the ground floor, it is considered that this would not result in an inadequate amount of internal living space. Overall, the proposed development would not be harmful to the residential amenity of future occupiers when considering internal space standards.

5.12 In terms of housing policy, the principle of the development is considered acceptable subject to all other material planning considerations being satisfied.

5.13 IMPACT ON DESIGNATED HERITAGE ASSETS/ VISUAL AMENITY

The NPPF requires that new development makes a positive contribution to local character and distinctiveness and that heritage assets are sustained and enhanced. Where development amounts to harm to a heritage asset, it should be demonstrated that this harm can be justified and outweighed through providing public benefits.

- 5.14 The application site is located within the Saltwell Conservation Area. Policy MSGP25 deals with the sub-division of gardens and grounds in a conservation area. This policy states that sub-division of gardens and grounds will only be supported where one of the following criteria is applicable; where there is historic evidence to demonstrate that the garden was previously sub-divided into physically separate plots, where development will not harm the historic environment or where development contributes to the restoration of a historic park or garden.
- 5.15 Historic OS maps have been consulted and there is no evidence that this plot has been previously subdivided nor would the development contribute towards the restoration of a historic park or garden therefore, in order to be considered acceptable the development must not result in harm to the historic environment.
- 5.16 The Saltwell Conservation Area Character Appraisal (IPA17) describes the immediate locality as a 'leafy suburb' with trees being a major contributor to the character of the area. The application site is located immediately adjacent to Hillcroft South and is historically part of the grounds of the Hillcroft Estate, a pair of large Victorian villas which have since been converted into flats, the application site has remained undeveloped since the villas were built in the late 19th century.
- 5.17 The applicant has stated that the application site has been legally separated from the wider Hillcroft site and is now a distinct area of freehold land surrounded by a fence. Despite the legal ownership of the land, there is no historic evidence, as demonstrated through the sites planning history and a review of historic OS maps, that this plot is separate from the wider site.
- 5.18 As mentioned, the proposed dwelling would occupy the garden adjacent to 3 Hillcroft South. The character appraisal states that development within gardens and grounds has reached a 'critical stage' and therefore any further development of this nature should not harm the historic character of the area particularly through the loss of mature tree cover.
- 5.19 The development would result in the loss of a substantial amount of mature tree cover, which is visible from the wider public realm, and would adversely affect the setting of the conservation area by encroaching on the adjacent historic building.
- 5.20 The development would be of a contemporary design, incorporating timber cladding, a grass roof and a grey cement render finish however the applicant has indicated that the palette of materials could be modified to better resemble adjacent properties e.g. use of red brick or stone. The site would also incorporate a significant area of permeable block paving which would form part of the driveway, parking area and outdoor amenity space with a limited amount of soft landscaping.

- 5.21 Consideration has been given to the design of surrounding properties including 42 Station Road and 104 Saltwell Road South which are of a red brick design and resemble the modern design of the proposed dwelling. Despite this, these dwellings were granted planning permission on 1st March 1990 (ref.15/90) prior to the designation of the Saltwell Conservation Area therefore at the time of assessment, local planning policies intended to protect designated heritage assets would not have been available to consider against the proposed development.
- 5.22 It is accepted that a number of incongruous extensions and alterations have been made to Hillcroft North, Hillcroft South and Hillcroft Lodge however these should not be replicated elsewhere within the conservation area in order to avoid any further harm.
- 5.23 Notwithstanding previous unsympathetic development in the immediate locality, the contemporary design of the development in terms of its form and materials is not considered to be of a poor architectural design, despite not adhering to the character of the surrounding area, therefore the development's impact on the visual amenity of the surrounding area would not contribute towards a refusal of planning permission.
- 5.24 Despite this and with respect to the siting of the development, it would physically sub-divide the grounds of Hillcroft South resulting in harm to the conservation area by erosion of the area's special character.
- 5.25 Overall, the proposal would result in less than substantial harm to a designated heritage asset through contributing to the erosion of the quality and the character of the conservation area. NPPF paragraph 194 requires that any harm to the significance of a designated heritage asset, should require clear and convincing justification and NPPF paragraph 196 requires that where a development 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. Although, the development would result in the provision of one family sized dwelling which would contribute towards the provision of new housing within Gateshead, this public benefit is not considered significant enough to outweigh the harm to a designated heritage asset. Furthermore, without clear and convincing justification the proposed development would conflict with the aims and objectives of the NPPF and be contrary to policy CS15 of the CSUCP and policies MSGP24 and MSGP25 of the MSGP Local Plan Document.
- 5.26 RESIDENTIAL AMENITY
Paragraph 127 of the NPPF requires that planning policies and decisions should ensure that development will achieve a high standard of amenity for existing and future users. This is reflected in local policy CS14 of the CSUCP which requires that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity.
- 5.27 Policy MSGP17 recognises amongst other things, that existing residential areas are vulnerable to amenity issues where building density is increased as a

result of the sub-division of curtilages to create new building plots particularly as a result of a loss of privacy and reasonable levels of outlook.

- 5.28 Due to the location and restricted size of the application site, there would be limited separation distances between the proposed dwelling and the surrounding residential properties.
- 5.29 The east facing, relatively blank elevation of the proposed dwelling would be 4.5 metres away from a habitable room window serving 42 Station Road. Due to the ground level difference between the two properties, the height of the blank elevation as viewed from ground level at 42 Station Road would be 3 metres. Further to this, the distance between the east elevation of the proposed dwelling and the boundary of the private yard belonging to 42 Station Road is just 1 metre.
- 5.30 Consequently, the development would have a significant overbearing and oppressive impact on 42 Station Road as a result of a loss of outlook from a habitable room window and would also overshadow the private yard and habitable room to an unacceptable degree.
- 5.31 The north facing elevation of the proposed dwelling would be 9.9 metres away from the south elevation of Hillcroft South which contains a number of habitable room windows. Furthermore, the proposed parking area and driveway would be situated 1 metre away from the south elevation of Hillcroft South.
- 5.32 To ensure that the privacy of residents is maintained and to prevent overshadowing, The Council's Household Extensions and Alterations Supplementary Planning Document requires that a minimum distance of 13 metres is maintained between elevations containing habitable room windows and blank elevations.
- 5.33 The principle elevation of the proposed dwelling does not contain habitable room windows and all windows on this elevation would be obscurely glazed which would overcome some privacy issues however there is likely to be a significant level of overshadowing and loss of daylight due to the position of the two properties in relation to one another as well as the height of the proposed dwelling from ground level (approximately 6 metres).
- 5.34 Based upon the proposed autotrack drawing it is considered that residents occupying the ground floor flat of Hillcroft South in particular, would be exposed to disturbance created by car headlights shining into the windows of the property whilst vehicles are manoeuvring in and out of the site. Furthermore, it is also considered that the use of the proposed driveway/parking area would create an unacceptable level of noise disturbance and activity as a result of vehicles being driven and parked immediately in front of habitable room windows.
- 5.35 The applicant has suggested installing boundary treatment along the common boundary between the application site and Hillcroft South however it is anticipated that any significant boundary treatment in such close proximity to

habitable rooms would again be harmful to the amenity of the occupiers therefore this would not be an appropriate solution.

- 5.36 Finally, the first-floor bedroom window on the south elevation of the proposed dwelling would overlook the private garden space belonging to Glenside Court. This elevation would also be within 21 metres of the north facing elevation of Westfield Lodge which contains habitable room windows. Again, it is considered that this arrangement would infringe upon the privacy of residents occupying Glenside Court as well as the residents occupying the habitable rooms on the north elevation of Westfield Lodge.
- 5.37 The applicant has also suggested that a high fence could be erected along the south and west boundaries of the site to overcome the privacy concerns regarding Glenside Court and Westfield Lodge. To provide effective screening, any boundary treatment would have to be of a significant height and would result in a poor outlook from the ground floor and first floor bedroom windows of the proposed dwelling which would ensue poor quality living conditions for future residents. For this reason, the applicant's suggestion of installing a high fence along these boundaries would not be appropriate.
- 5.38 Overall, due to the close proximity of the proposed dwelling to existing residential properties and the location of habitable room windows, it is considered that the proposed development would have a harmful impact upon the living conditions of existing residents as a result of a loss of privacy and outlook, an increase in overshadowing of habitable rooms and private garden space, noise and light disturbance, and by means of having an overbearing and oppressive impact. For this reason, the proposal conflicts with the aims and objective of the NPPF, policy CS14 of the CSUCP and policy MSGP17 of the MGSP Local Plan Document.
- 5.39 **TRANSPORT AND HIGHWAY SAFETY**
The application proposes that all vehicle and pedestrian access to the site will be via an existing shared access road off Station Road. This access road currently serves residents occupying Hillcroft North, Hillcroft South, Hillcroft Lodge and 42 Station Road.
- 5.40 The access road serving the site is unable to accommodate two-way traffic movements and there is no footway leading to the plot, the access is also situated close to the Saltwell Road South roundabout.
- 5.41 Highways Officers have assessed the proposal and although the proximity of the site access to the Saltwell Road South roundabout is not ideal, Gateshead Council's accident database has been interrogated which demonstrates that there have been no accidents reported in the last 5 years. Furthermore, this is an existing pedestrian and vehicle access for a number of residential properties therefore it is considered that the additional trips generated by one additional dwelling would, on balance, not be significant enough to warrant a refusal of planning permission on highway safety grounds.

- 5.42 Additional plans, including an autotrack drawing, were submitted to demonstrate that the proposed driveway would not exceed a gradient of 1:8 and that a driver would be able to turn within the curtilage of the site, exiting in a forward gear. This would ensure that the driveway is of a useable gradient and would provide a sufficient level of visibility to drivers manoeuvring in and out of the site.
- 5.43 Regarding car parking for the development, two adequately sized car parking spaces would be provided along with an electric vehicle charging point which is welcomed.
- 5.44 The application has not proposed the provision of secure and weatherproof cycle parking however this could be secured through imposing a planning condition, should consent be granted.
- 5.45 The proposal would make use of an existing pedestrian and vehicle access road without having any significant additional impact on highway capacity and safety and would provide onsite car parking to the levels set out in the Council's car parking standards. Subject to the provision of cycle parking, the application is in accordance with policy CS13 of the CSUCP and policy MSGP15 of the MSGP Local Plan Document.
- 5.46 ECOLOGY
Habitats and features within and immediately adjacent to the proposed development site have the potential to support statutorily protected and priority/notable species including but not limited to bats, breeding birds, amphibians and hedgehog. The site also forms part of a wildlife corridor.
- 5.47 An ecological survey and biodiversity net gain assessment has been submitted to support this application which demonstrate that the development would result in a net loss in biodiversity of 20.18%.
- 5.48 The application proposes to mitigate this loss in biodiversity through replacing the woodland habitat with small urban trees and replacing the woodland understorey and field layer with an extensive green roof. Furthermore, a contribution towards offsite habitat creation/ enhancement has been proposed as a solution however an appropriate scheme has not been agreed with Council Officers.
- 5.49 Despite the significant loss in biodiversity proposed, there is the potential for this to be mitigated through the provision of appropriate onsite and offsite mitigation and/or compensation measures which address the residual impacts of the development and ensure the delivery of a scheme which would secure the minimum of a 10% net gain in biodiversity.
- 5.50 Subject to conditions and/or obligations to secure an appropriate scheme for a net gain in biodiversity, the application would be in accordance with policy CS18 of the CSUCP and policy MSGP37 of the MSGP Local Plan Document.
- 5.51 ARBORICULTURE

The application site contains a number of large mature trees therefore a tree survey has been submitted to support this application.

- 5.52 The trees within the site boundary and immediately surrounding the site are not subject to a Tree Preservation Order however they are protected by virtue of the Conservation Area.
- 5.53 The tree survey concludes that a number of the trees are in poor condition with limited life expectancies and would therefore require removal for arboricultural reasons. This is accepted however the proposal would require the removal of at least four trees with no opportunity for replacement planting on site. Based upon the proposed plans, there is no realistic viable opportunity to retain the trees.
- 5.54 As concluded in the ecological assessment of this application, the loss of trees could be compensated through attaching a planning condition and/or obligation for a scheme for replacement planting elsewhere.
- 5.55 Although the harm to the ecological value of the site could be overcome, the harmful impact on the historical importance of the site, in the context of the conservation area, cannot.
- 5.56 No specific tree is considered to be of a high value, however the trees as a collective make an important contribution to the historical importance of the conservation area therefore the loss or damage of these trees would be harmful to the conservation area particularly as there is no realistic prospect for onsite mitigation.
- 5.57 Overall, the development would result in the loss of trees, which are an important feature within the conservation area, on a site in which a positive scheme for mitigation cannot be reasonably implemented therefore the proposal conflicts with policy MSGP36 of the MSGP Local Plan Document.
- 5.58 **LAND CONDITIONS- CONTAMINATED LAND**
The applicant proposes a sensitive end use of the site therefore a Preliminary Risk Assessment (PRA) has been submitted with the application and the application site has been assessed and inspected as part of the Council's Contaminated Land Strategy.
- 5.59 The site has been identified as a garden/open space since the construction of the Hillcroft properties in the late 19th Century and has remained undeveloped since that time. Based on its historic use, it is unlikely that the site will be affected by ground contamination.
- 5.60 The Local Planning Authority is satisfied that no further site investigation works would be required prior to the commencement of the development, if it were to be granted. The proposal therefore complies with policy CS14 of the CSUCP and policy MSGP20 of the MSGP Local Plan Document.
- 5.61 **LAND STABILITY**

The Coal Authority has identified that the site is not situated within a 'Development High Risk Area' therefore it is not anticipated that coal mining legacy issues would pose a risk to the proposed development. If permission were to be granted, it is not considered necessary to condition that a Coal Mining Risk Assessment is carried out at this site as the proposal is in accordance with policy MSGP20 of the MSGP Local Plan Document.

5.62 WASTE MANAGEMENT

It is considered that the plot is of ample size in which to store wheeled bins and the site has sufficient access to the existing road for emptying therefore the proposal is in accordance with policy MSGP48 of the MSGP Local Plan Document.

5.63 OTHER MATTERS

Objections have been put forward which concerns matters that are not considered material planning issues. These are:

- loss of property value

- loss of an open view

- issues regarding land ownership

- claims that misleading information has been submitted and that site description is inaccurate

- affordability of the resulting dwelling

- problems arising from the construction period, specifically concerns regarding disruption to waste collection, disruption during deliveries, increased traffic, access, noise, parking of work vehicles and noise disturbance

- matters that would be addressed under the Building Control process including drainage details to control flood risk, land stability due to tree roots and impact on the stability of adjacent properties

- legal agreement/easement regarding private right of access to site

- existence of a restrictive covenant

- health implications of development

6.0 CONCLUSION

6.1 Taking all of the relevant issues into account, it is considered that the proposed development is unacceptable as it would involve the felling of trees and the subdivision of grounds within a conservation area that would result in harm to the historic environment and it would also have an unacceptable impact on the living conditions of existing residents. The proposed development does not accord with the relevant national and local planning policies therefore it is recommended that planning permission is refused.

7.0 Recommendation:

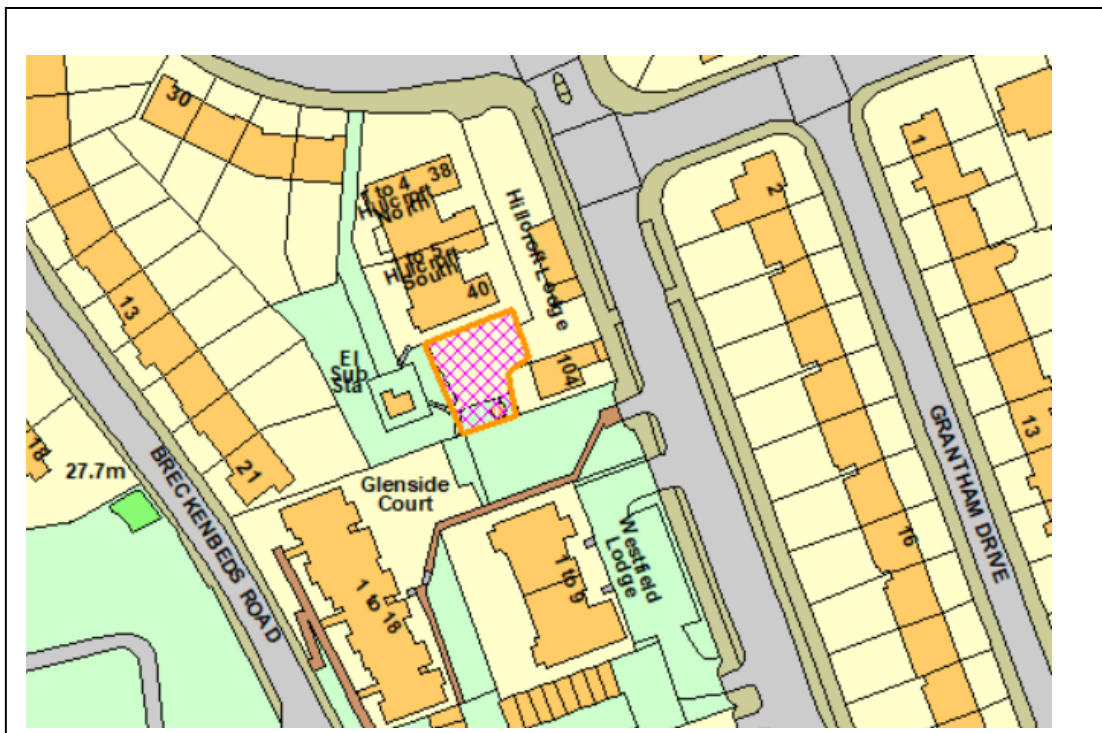
That permission be REFUSED for the following reasons:

1

The proposed development would result in less than substantial harm to the special character of the Saltwell Conservation Area by means of subdivision of grounds and loss of trees, that would not be outweighed by public benefits nor does the application demonstrate clear and convincing justification for the harm to the Conservation Area. The proposal is contrary to the aims and objectives of the National Planning Policy Framework, Policy CS15 of the Core Strategy and Urban Core Plan and polices MSGP24, MSGP25 and MSGP36 of the Making Spaces for Growing Places Local Plan Document.

2

Given the location of the site, the layout of the development and the limited separation distances between habitable room windows on both the proposed dwelling and existing residential properties; the development would have a detrimental impact on the living conditions of existing residents due to noise and disturbance, loss of privacy, loss of outlook, overshadowing and by means of the overbearing and oppressive nature of the development therefore the proposal would conflict with the aims and objectives of the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and policy MSGP17 of the Making Spaces for Growing Places Local Plan Document.



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Committee Report

Application No:	DC/20/00889/GPDE
Case Officer	Rebecca Norman
Date Application Valid	2 October 2020
Applicant	Mr Ryan Powell
Site:	10 Marlboro Avenue Whickham Newcastle Upon Tyne NE16 3ER
Ward:	Whickham North
Proposal:	Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, with a maximum height of 4m, and a maximum eaves height of 2.65m (amended 21.10.2020 and 02.12.2020)
Recommendation:	PRIOR APPROVAL IS REQUIRED AND APPROVED
Application Type	GPD - Extensions

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site is a semi-detached single storey property located to the eastern side of Marlboro Avenue, Swalwell.

1.2 The site is within a residential area that contains a mix of detached and semi-detached single and two storey dwellings.

1.3 The property adjoins 12 Marlboro Avenue to the southern side and is bordered to the north by 8 Marlboro Avenue. To the rear (east) are the properties 1 and 3 Heathwell Gardens and to the north east is 1 Oaklands and its adjoining neighbour (3 Oaklands).

1.4 Land levels within the area fall steeply to the north; this results in the property being positioned approximately 0.8m below its adjoining neighbour (12 Marlboro Avenue) and the adjacent property (8 Marlboro Avenue) being at a lower level than the application site.

1.5 DESCRIPTION OF APPLICATION

From 30th May 2013, homeowners have been afforded the right to construct larger single storey extensions to their properties, subject to certain criteria being met.

1.6 Under Schedule 2, Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), homeowners of attached dwellinghouses can construct a larger rear extension of up to 6m in depth. This is however subject to the proposed extension meeting

criteria set out in legislation and an adjoining neighbour notification procedure being undertaken.

- 1.7 If no representations are received from adjoining owners or occupiers, the homeowner can proceed to construct their extension under permitted development. If any adjoining owner or occupier objects, the prior approval of the Local Planning Authority (LPA) is required and the impact of the development upon the amenity of any adjoining premises is required to be assessed. The GPDO is worded so that only the impact on amenity is permitted to be assessed, and no other matters may be taken into consideration.
- 1.8 This application has been submitted to determine whether the prior approval of the LPA is required and should be granted for the erection of a single storey rear extension.
- 1.9 The proposed extension would extend beyond the rear wall of the property by 6m and when measured from the highest ground surface adjacent to the building has a ridge height of approx. 3.66m and an eaves height of 2.3m (4m and 2.65m when measured from lowest ground surface). Plans accompanying the application illustrate that the extension would contain a window and a French door within the north elevation and 2no. rooflight windows to the southern roof slope.
- 1.10 A total of nine letters of objection have been received from five neighbouring householders; the impact of the proposed development upon the residential amenity of any adjoining premises is therefore required to be assessed.
- 1.11 The scheme as originally submitted did not represent permitted development under the GPDO as the proposed extension exceeded 4m in height when measured from ground level (as at Part 1 Class A A.1 (f)(ii) and (g)(ii) and has therefore been subsequently amended. The design of the windows and doors within the northern elevation of the extension have also been amended from the original submission.

1.12 RELEVANT PLANNING HISTORY

- 1.13 There is no relevant planning history associated with the site.

2.0 Consultation Responses:

None undertaken

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 A total of nine letters of objection have been received from five separate households raising the following matters:

- Loss of light
- Loss of privacy/overlooking
- Overbearing impact
- Loss of outlook
- Additional noise
- Loss of sun to garden at rear of site
- Overdevelopment of site
- Design and scale of extension are out of character with street
- Car parking issues/additional traffic resulting from extension
- Loss of view
- The conversion of a bungalow into a family home is contrary to its original purpose
- Potential for vandalism

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS14 Wellbeing and Health

MSGP17 Residential Amenity

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

5.1 The sole planning issue that can be considered within the scope of this application is the effect of the proposed rear extension on the neighbouring occupiers' amenity.

5.2 **RESIDENTIAL AMENITY**
NPPF Paragraph 127 requires that planning policies and decisions should ensure that development will achieve a high standard of amenity for existing and future users. Core Strategy policy CS14 requires that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity.

5.3 The Gateshead Council Householder Alterations and Extensions Supplementary Planning Document (HAESPD) states that any rear extension should not dominate neighbouring properties or significantly alter their existing level of sunlight, daylight or privacy, and that rear extensions will be considered on their individual merit having regard to their mass and height, distance from the boundary, windows of neighbouring properties, its position in relation to the main house and neighbouring properties, the size of the remaining garden and any other previous extensions to neighbouring dwellings

- 5.4 MSGP policy MSGP17 requires that development provides a good standard of amenity for existing and future occupants and states that planning permission will be granted for development which does not have an unacceptable impact upon amenity or cause undue disturbance and safeguards the enjoyment of light, outlook and privacy.
- 5.5 The adjoining property (12 Marlboro Avenue) contains a rear-facing French door/window adjacent to the shared boundary with the site. The submitted plans show that the proposed extension would be situated approximately 0.7m away from the shared boundary with this property, in addition to the existing level difference of approx. 0.8m between the sites.
- 5.6 Officers acknowledge the 6m projection of the proposed extension and that this would be visible from the adjoining property. However, having regard for the above factors together with the relative N-S orientation of the properties and the proposed roof design which would slope away from the shared boundary Officers consider that the proposed extension would not result in any such significant harm to the residential amenity of the adjoining occupier so as to warrant refusal of the application.
- 5.7 The adjacent property to the north (8 Marlboro Avenue) is situated at a lower level than the application and consequently appears as having its first floor level with the ground floor of the application site.
- 5.8 The proposed extension would be inset approximately 5m from the shared boundary with this property and would contain a window and French door opening within the north elevation. Having regard for this inset Officers consider that the proposed window and door openings would not result in any unacceptable overlooking or loss of privacy to these neighbouring occupiers given the angle at which they would face this property, and whilst noting the difference in levels that the proposed extension would result in any unacceptable overbearing impact or loss of light/overshadowing.
- 5.9 The properties to the rear (east) of the site (1 and 3 Heathwell Gardens) are separated from the site by a combination of hedging and fencing and their rear gardens. The proposed extension would be visible from both properties above the existing boundary treatment and would be positioned in excess of 8m from the rear elevations of their rear conservatory additions, around 12m from their original rear elevations; notwithstanding this Officers consider that the proposed extension would not have an unacceptable impact upon the amenity of these properties.
- 5.10 To the north east of the property is 1 Oaklands. The rear elevation of this property would be visible from the proposed extension, however given their slightly offset relationship and minimum separation distance of around 17m Officers consider that this would not give rise to an unacceptable impact upon the amenity of its occupiers.
- 5.11 Having regard for the objection received it is therefore considered that, on balance, the proposed extension would not have an unacceptable impact upon

the amenity of any adjoining neighbours and that this is therefore in accordance with the NPPF, policy CS14 of the CSUCP, and policy MSGP17 of the MSGP.

5.12 OTHER MATTERS

The sole matter that can be taken into consideration in the assessment of this prior approval application is that of the impact of the proposed extension upon the amenity of adjoining properties. Matters raised in objections relating to overdevelopment of the site, the design and scale of the extension, the absence of extensions of a similar size within the locality and highways/parking impacts therefore cannot be taken into consideration.

5.13 Whilst there may be impacts upon amenity during the construction period of the proposed extension this would not be unacceptable in respect of long-term noise impacts. Furthermore, the loss of views, the principle of an extension to a bungalow and potential vandalism issues are not material planning considerations and therefore cannot be afforded any weight in the assessment of this application.

6.0 CONCLUSION

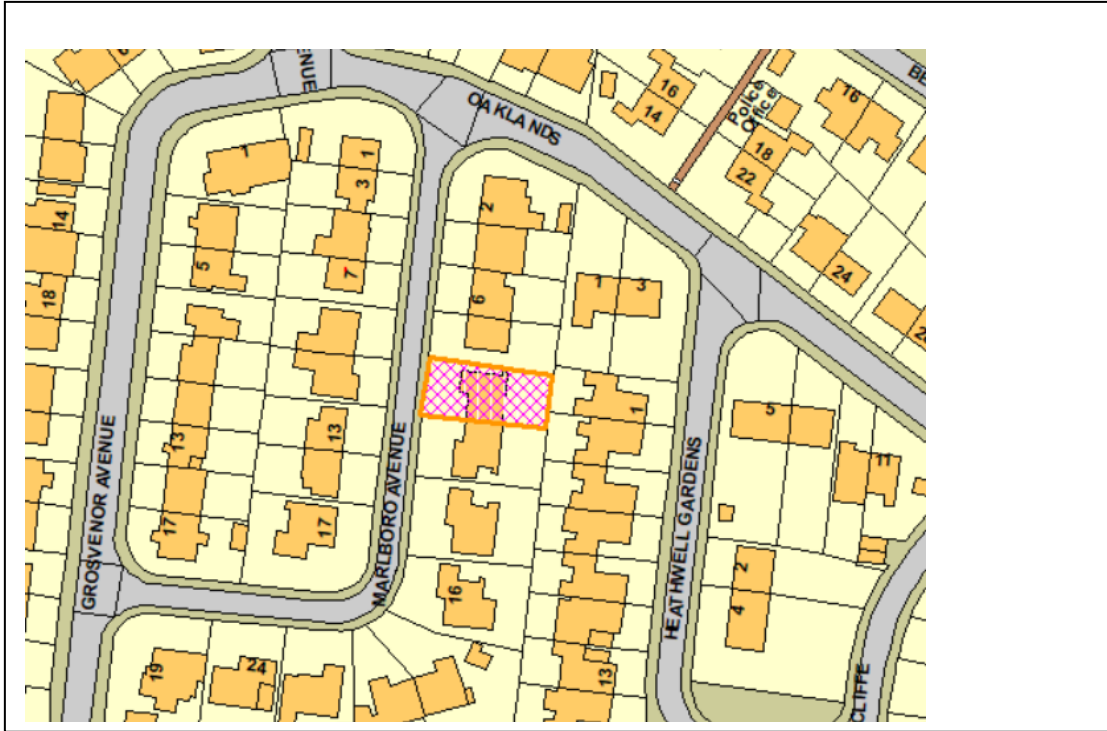
6.1 The proposal does not exceed the limitations of Part 1, Class A of the GPDO and the application complies with the relevant conditions of that Class.

6.2 It is considered that, on balance, the development would not result in an unacceptable impact on the residential amenity of any adjoining neighbours.

6.3 The proposal is therefore compliant with the NPPF, policy CS14 of the CSUCP and policy MSGP17 of the MSGP. It is therefore recommended that prior approval is required and granted.

7.0 Recommendation:

That Prior Approval is Required and APPROVED



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