

# **PLANNING AND DEVELOPMENT COMMITTEE AGENDA**

**Wednesday, 24 February 2021 at 10.00 am in the [https://youtu.be/iAyXLyGst\\_E](https://youtu.be/iAyXLyGst_E)**

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held on 3 February 2021 (copy previously circulated).
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
<b>4</b>	<b>Planning Applications</b> (Pages 3 - 6)  Report of the Strategic Director, Communities and Environment
4i	<b>No. 1 - Dunston Hill Hospital, Whickham, Whickham Highway NE11 9DL (Pages 7 - 24)</b>
4ii	<b>No. 2 - Dunston Hill Hospital, Whickham Highway, Whickham NE11 9DL (Pages 25 - 46)</b>
4iii	<b>No. 3 - 10 Tynevale Terrace, Gateshead NE8 2XY (Pages 47 - 54)</b>

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PLANNING AND DEVELOPMENT  
COMMITTEE  
**24 February 2021**

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

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

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### **Purpose of the Report**

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

#### **PART ONE:**

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

#### **PART TWO: FOR INFORMATION ONLY**

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

### **Recommendations**

2. Recommendations are specified in the schedule.

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

## Contents

Application Number	Site Location	Ward
1. DC/19/01048/REM	Dunston Hill Hospital Whickham Highway	Dunston Hill And Whickham East
2. DC/20/01061/FUL	Dunston Hill Hospital Whickham Highway	Dunston Hill And Whickham East
3. DC/20/01111/COU	10 Tynevale Terrace Teams	Dunston And Teams

## **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.

### Committee Report

<b>Application No:</b>	<b>DC/19/01048/REM</b>
<b>Applicant</b>	<b>Mr Peter Harding</b>
<b>Date Application Valid</b>	<b>29 October 2019</b>
<b>Site:</b>	<b>Dunston Hill Hospital Whickham Highway Whickham NE11 9QT</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Proposal:</b>	<b>Application for the approval of reserved matters relating to the appearance, landscaping, layout and scale for the demolition of the existing Dunston Hill Hospital and the erection of 35 dwellinghouses and associated works pursuant to outline planning approval DC/13/00195/OUT (amended 20/11/20).</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO A SECTION 106A AGREEMENT</b>
<b>Application Type</b>	<b>Approval of Reserved Matters</b>

### 1.0 The Application:

#### 1.1 DESCRIPTION OF SITE

The site is located on land to the north of Whickham Highway (B6317) which includes the former Dunston Hill Hospital and associated buildings. The site lies to the east of Whickham and to the west of Dunston Hill urban centre.

1.2 The modern Mansion Heights residential estate, built circa 2004, lies to the immediate east which also contains Grade II\* Listed Dunston Hill Hospital, and Grade II Listed Dunston Hill Hospital Outpatients Department and Stables North of Dunston Hill Hospital. There are no Listed Buildings within the application boundary itself, however it does fall within Whickham Conservation Area.

1.3 The application site consists largely of previously used buildings associated with Dunston Hill Hospital; all hospital uses previously present on-site have now been relocated, leaving the site vacant. To the north of the existing buildings is a grass field of semi-improved grassland, there is also a small parcel of greenspace between Whickham Highway and the existing buildings to the south of the site. Within this area there is also a small balancing pond. The site is bound by timber boundary fencing and temporary heras security fencing.

1.4 There is a walled garden at the centre of the site which contains a former day care centre. The walled garden and former day care centre are subject to a separate planning application (a separate agenda item) and are not to be considered as part of current application.

- 1.5 The entirety of the application site is located within the Green Belt and the northern part of the application site is also allocated for housing under Policy MSGP9 of the MSGP Local Plan Document (MSGP).
- 1.6 **DESCRIPTION OF APPLICATION**  
Outline planning permission was granted in November 2016 following consideration by Planning and Development Committee (DC/13/00195/OUT). The application granted outline planning approval for the erection of 35 dwellings, with all matters other than access reserved. The application showed access being taken from the adopted Mansion Heights highway, off Whickham Highway.
- 1.7 Consequently, this application is for the approval of reserved matters relating to appearance, landscaping, layout and scale for the erection of 35 dwellings and associated works.
- 1.8 The outline planning approval included an indicative layout and a design code. The reserved matters application does not deviate significantly from the indicative layout and fully complies with the approved design code.
- 1.9 Areas of landscaping and open space are provided within the site, following the design parameters set in the approved design code. Further, a landscape corridor will also be provided along the western boundary acting as a buffer to the existing Site of Nature Conservation Importance. Further public open space is proposed along the southern frontage bounding the Whickham Highway, and some ecological mitigation is proposed to the north west. A SuDS feature is proposed in the south east corner of the site, in the general location of an existing balancing pond. A children's play area is proposed as part of the open space.
- 1.10 It is the view of officers that the current application should be considered in the context of and viewed alongside the detailed walled garden application (DC/20/01061/FUL). The entirety of the site is intended to be brought forward as a single development and the walled garden application includes an ecological mitigation area and affordable housing which also provides for the current application.
- 1.11 The following documents have been submitted by the applicant in support of the application:
- Phase II Contaminated Land Risk Assessment & Remediation Strategy;
  - Heritage Impact Assessment;
  - Flood Risk Assessment & Drainage Strategy;
  - Design & Access Statement;
  - Planning Statement;
  - Arboricultural Impact Assessment, Tree Protection Plan & Method Statement;
  - Landscaping Details;
  - Interim Travel Plan;
- 1.12 **RELEVANT PLANNING HISTORY**



The relevant planning history associated with the application site is summarised as follows;

- DC/13/00195/OUT; Outline application for demolition of the existing Dunston Hill Hospital and redevelopment of 35 dwellings (use class C3) with associated access, parking and landscaping (amended 29/04/13 and 14/06/13 and additional info received 30/04/13 and 20/06/13) - Approved 04 November 2016.
- DC/13/00196/CON; Conservation Area Consent: Demolition of former hospital buildings at Dunston Hill Hospital (additional info received 23/03/13) - Withdrawn 04 November 2016.
- DC/17/00009/OHL; Diversion of existing overhead line - No Observations 20 March 2017.
- DC/20/00803/NMA; Non-Material Amendment: proposed amendment to wording of Conditions 1, 6, 15 and deletion of Conditions 5, 7 and 39 of planning approval DC/13/00195/OUT - Approved 02 October 2020.
- DC/20/01082/NMA; Non-Material Amendment: proposed amendment to wording of Condition 6 of planning approval DC/13/00195/OUT (as previously amended by DC/20/00803/NMA) - Approved 18 December 2020.
- DC/20/01061/FUL - Full planning application for the demolition of the walled garden and former Woodside Centre Day Care, and proposed development of 11 residential dwellings (C3), with associated new walled garden, parking and landscaping - Still under consideration.

## **2.0 Consultation Responses:**

Northumbrian Water	No objection subject to condition(s)
Coal Authority	No objection.

## **3.0 Representations:**

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

- The proposal would harm the conservation area, the neighbouring estate and field; and
- The proposal will result in highway implications i.e. traffic and parking issues.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

MSGP9 Housing Sites Allocation

MSGP10 Accessible and Adaptable Dwellings

MSGP11 Housing for Specific Groups

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP27 Archaeology

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP33 Countryside/Landscape Protection

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP29 Flood Risk Management

MSGP40 Provide/Enhance Open Space/Sport/Rec

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment:**

- 5.1 The key considerations to be taken into account when assessing this application are the impact the proposal will have on the Green Belt, landscape, heritage assets, visual amenity, residential amenity, highways, trees, ecology, ground conditions, flood risk/drainage, open space/play provision, CIL and any other matter arising.
- 5.2 **GREEN BELT**  
The principle of redeveloping the site for residential purposes was considered at outline stage, it was concluded that subject to compliance with the approved design code that the proposal's impact on the Green Belt was acceptable. Officers consider that the submitted reserved matters application accords with the approved design code and as such remains acceptable. The proposed development is considered to comply fully with the requirements of the NPPF, Policy of the Local Plan for Gateshead and the conditions attached to the outline approval.
- 5.3 **PRINCIPLE**
- 5.4 **Housing Allocation**  
The northern part of the application site is allocated for housing under Policy MSGP9 of the MSGP Local Plan Document (MSGP). Further, the principle of developing the site for housing was established by the outline approval (DC/13/00195/OUT).
- 5.5 **Housing Mix**  
Policy CS11 of the Core Strategy (CSUCP) sets out the mix of housing and aims to promote lifetime neighbourhoods with a good range and choice of accommodation. Additionally, Policy MSGP10 of MSGP requires on housing developments of 15 or more dwellings, 25% of dwellings will be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard.
- 5.6 It is considered by officers that the current application ought to be considered in the context of the wider site and the proposed application within the walled garden (DC/20/01061/FUL).
- 5.7 Therefore, while the current application does trigger Policy MSGP11 the delivery of 11 M4(2) compliant dwellings would take place within the Walled Garden, providing accessible and adaptable dwellings in lieu of them being provided on the current application site.
- 5.8 Based on the above, it is considered that the wider development site and as such the proposed development would comply with the requirements of Policies CS11 and MSGP11 of the Local Plan for Gateshead and the conditions attached to the outline approval.
- 5.9 **Family Homes**  
CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The proposed layout is comprised entirely of

family homes, with a mix of four and five bedroomed properties. Therefore, the application complies with policy CS11(1).

5.10 Residential space standards

Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". Further, Policy MSGP12 requires all new homes to be built in accordance with Nationally Described Space Standards (NDSS), however supporting text is clear that;

*"These standards will be introduced one year after the adoption of the Plan [plan adopted 01 February 2021] to allow for a period of transition in accordance with national planning guidance."*

5.11 It is considered that all proposed dwellinghouses provide a generous gross internal area (GIA) in excess of NDSS standards, and it is on this basis that all properties are considered to provide adequate space both internally and externally in accordance with Policies CS11(4) and MSGP12 of the Local Plan for Gateshead.

5.12 Affordable Housing

Policy CS11 of the CSUCP requires housing developments of 15 dwellings or over to provide 15% affordable housing. There are no affordable homes proposed through this application as the Section 106 Agreement for the Outline states a financial contribution towards an off-site provision of affordable homes was to be provided.

5.13 However, instead of this financial contribution, the applicant is now proposing that the 15% affordable homes provision is provided within the wider site, through the walled garden application (DC/20/01061/FUL). As with 'housing mix' above, this is considered to be a pragmatic solution and also provides betterment when considered against the offer of a commuted sum, this can be secured via an amended S106 agreement.

5.14 Based on the above, it is considered that the wider development site, and as such the proposed development, would comply with the requirements of Policy CS11 of the Local Plan for Gateshead.

5.15 LANDSCAPE IMPACT

Like Green Belt, landscape was considered in detail at outline stage and it was concluded that subject to compliance with the approved design code that the proposal's impact on the wider landscape was acceptable. Officers consider that the submitted reserved matters application accords with the approved design code and as such remains acceptable in terms of landscape impact.

5.16 The proposed development is considered to comply fully with the requirements of the NPPF, Policy MSGP33 of the Local Plan for Gateshead and the conditions attached to the outline approval.

5.17 VISUAL AMENITY

Policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character. Further, Policy MSGP24 of MSGP requires that all new development ought to be considered against the following criteria; the development compatibility with the surrounding area, layout and access, spacing and public realm, detailing and materials and landscaping.

5.18 The proposed site layout largely mirrors that of the outline planning approval and is considered to be acceptable. Further, the scale and appearance of the proposed dwellinghouses is considered appropriate when considered in the context of the application site and the wider area.

5.19 Subject to conditions attached to the outline approval (pertaining to materials), it is considered that the development is acceptable in regard to its appearance, landscaping, layout and scale and the development is considered to comply with the aims and objectives of the NPPF, Policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

#### 5.20 HERITAGE ASSETS

The site lies within the Whickham Conservation Area, and the Dunston Hill locally listed Park and Garden. It lies within the former historic estate of Dunston Hill Mansion House, which remains and has recently been converted to apartments (Grade II\* listed). Adjacent to the Mansion House are the former billiard room (Grade II listed) and the former stable block (Grade II listed). Also of historic interest is the locally listed former boiler house to the north west of the Mansion House. These properties have also been recently converted into dwellings. To the rear of the site lie a range of stone cottages.

5.21 In assessing the outline application it was concluded that;  
*"... the lower density of the proposed housing scheme would permit a greater range of views through the site to re-establish links with the rural setting. This is considered to be a positive benefit."*

5.22 In reaching this conclusion, significant weight was afforded to the submitted indicative layout and design code and masterplan, officers concluded;  
*"... the details to be submitted with any reserved matters must have regard to the impact on the historic environment. In particular, the scale and density of buildings, materials, boundary treatments, ancillary buildings, etc. are critical to whether or not this development ultimately has a positive or negative impact on the significance of the historic environment. Therefore, in addition to conditions already noted above relating to design code, landscaping, boundary treatment and materials, it is recommended that a condition 4 is imposed on any outline approval, restricting the layout and ratio of built form to landscape to that set out in the DAS and masterplan."*

5.23 Further to the above, it is considered necessary to attach a number of conditions to the planning application;

- Building recording; the archaeological desk-based assessment recommends that the gardener's cottage and Anderson shelter are subject to a programme of archaeological recording (Conditions 3 and 4); and
- Archaeological Watching Brief; the submitted assessment recommends that archaeological monitoring is conducted during groundworks associated with the development in the open areas in the north-western and southern parts of the site (Conditions 5 and 6).

5.24 It is the view of officers that the proposed development complies with the requirements of the design code and conditions imposed on the outline approval. On this basis, it is considered that the proposed development would have a positive impact on Whickham Conservation Area, a neutral impact on adjacent listed buildings and the walled garden. The proposal complies with the requirements of the NPPF, Policies CS15 and MSGP25 of the Local Plan for Gateshead.

#### 5.25 RESIDENTIAL AMENITY

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

5.26 Further, it is considered that the internal separation distances within the site (including when considering application DC/20/01061/FUL) strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. On this basis, the internal layout is considered to be acceptable and would not cause any unacceptable harm to the living conditions of future occupiers.

5.27 Conditions were attached to the outline approval requiring the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise. A condition was also attached which seeks to remove permitted development rights from the proposed dwellings.

5.28 Officers are therefore of the opinion that subject to the conditions attached to the outline and based upon the above assessment, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF and Policies CS14 and MSGP17 of the Local Plan for Gateshead.

#### 5.29 HIGHWAYS

The location of the proposed site access was particularised at outline stage and was considered to be acceptable. The proposed layout largely follows that tabled at outline stage, the layout is considered to be generally good from a highways perspective and provides for an appropriate level of parking and would allow the turning of large vehicles i.e. refuse collection vehicles.

- 5.30 There are, however, some elements which need to be finalised through the imposition of planning conditions;
- Final details of traffic calming (Conditions 7 and 8);
  - Final details of cycle parking provision (Conditions 9 and 10);
  - A final Travel Plan (Conditions 11 and 12);
  - Final surface materials (Conditions 17 and 18); and
  - Final details of the pedestrian/cycle access onto Whickham Highway (Conditions 19 and 20).
- 5.31 Subject to the conditions set out above, the proposal would comply with the aims and requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.32 TREES
- An Arboricultural Impact Assessment, Tree Protection Scheme and Method Statement were submitted in support of the application. Officers largely agree with the contents/conclusions of these documents, however it is considered that a more detailed tree protection scheme is required (this requirement is covered by conditions on the outline approval). It is considered that the scheme strikes an acceptable balance between protecting retained trees within and adjacent to the site while also enabling development to take place.
- 5.33 It is considered that the proposed development is acceptable in terms of impact on trees and accords with the aims and objectives of the NPPF and Policies CS18 and MSGP36 of the Local Plan for Gateshead.
- 5.34 ECOLOGY
- The impact of the proposed development on ecology was considered in detail at outline stage, a number of planning conditions pertaining to ecology were attached to the planning approval. Further, a S106 agreement was secured which required;
- "A detailed management plan for the adjacent Dunston Hill Pond Local Wildlife Site, covering an appropriate period, to be submitted to and approved in writing by the Council prior to the commencement of works on site. The approved plan should then be implemented in full by suitably qualified persons to enhance the biodiversity value and ecological integrity of the site."*
- 5.35 However, the S106 will be amended to reflect that an area of land to the north of the Dunston Hill Hospital site will be given over for ecological mitigation (via the full application).
- 5.36 In addition to this, the current application has been supplemented by an Ecological Impact Assessment Report, Breeding Birds Survey and Bat Survey. Further, the scheme has also been supplemented by scheme of landscaping and ecological mitigation. It is, however, considered that a further condition requiring the submission of a landscape and ecological management plan and an amphibian method statement ought to be attached to the application (Conditions 13 to 16).

- 5.37 On the basis of the above and subject to the conditions attached to the outlined approval, the proposal is considered to comply with the aims and requirements of the NPPF, Policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.
- 5.38 **GROUND CONDITIONS**  
The application has been supplemented by further contaminated land information in the form of site investigation work, a remediation strategy, gas monitoring work and coal mining legacy mitigation measures. While the information is considered to be broadly acceptable the information submitted cannot be approved, as further investigative work needs to take place upon demolition of the buildings on site.
- 5.39 Subject to the conditions attached to the outline approval, the development is considered to comply with the requirements of Policies CS14 and MSGP20 of the Local Plan for Gateshead.
- 5.40 **FLOOD RISK/DRAINAGE**  
To prevent the increased risk of flooding from the site, conditions pertaining to drainage were attached to the original outline application. While NWL have requested a planning condition pertaining to drainage, this is covered by the outline approval. Further information has been provided by the applicant at reserved matters stage and officers are of the view that the development would not prejudice the delivery of a suitable drainage design the final design of which will be dealt via conditions attached to the outline approval.
- 5.41 The proposal would comply with the aims and requirements of Policy CS17 and MSGP29 of the Local Plan for Gateshead.
- 5.42 **OPEN SPACE/PLAY SPACE**  
It is considered that the proposed development would provide for an appropriate amount of on-site play/recreation space within the application site in accordance with Policy MSGP40 of the Local Plan for Gateshead.
- 5.43 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone A, with a levy of £60 per square metre for this type of development. However, as the outline approval was granted prior to the CIL coming into force, the development is not CIL liable.
- 5.44 **OTHER MATTERS**  
It is considered that the issues raised by the objectors have been addressed within the main body of the report.

## **6.0 CONCLUSION**

- 6.1 The proposed development would result in the sensitive redevelopment of previously developed land, partially on an allocated housing site. Taking all



the relevant issues into account, it is considered that the proposal is acceptable in terms of Green Belt, landscape, heritage assets, visual amenity, residential amenity, highways, trees, ecology, ground conditions, flood risk/drainage, open space/play provision, and would comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan for Gateshead.

## **7.0 Recommendation:**

**GRANT SUBJECT TO A SECTION 106A AGREEMENT:**

1) The agreement shall include the following obligations to secure:

- Provision of affordable housing;
- Creation of offsite ecology mitigation/compensation to be linked with DC/20/01061/FUL

2) That the Service Director of Development, Transport and Public Protection be authorised to conclude the agreement.

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

4) And that the conditions shall include;

1

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

PLN1. Site Location Plan Rev B  
PLN2. General Arrangement 1 Rev F  
PLN2. General Arrangement 2 Rev F  
PLN3. Boundary Treatment Plan Rev F  
PLN4. Surface Treatment Plan Rev F  
PLN5. Elevation Treatment Plan Rev F  
PLN6. Management Company Plan Rev E  
PLN7. Site Execution Plan Rev F  
PLN8. Noise Attenuation Plan Rev D  
PLN9. Ecology Mitigation Plan Rev D  
PLN10. Basic Arrangement Plan Rev F  
30050 SH DHH PCSP Rev B Swept Path and Visibility Splay  
D001 Engineering Layout Rev 10  
D100 Proposed Levels Rev 6  
D200 Impermeable Areas Rev 4  
D202 Flood Routing Plan Rev 4  
D204 Proposed Drainage Rev 8  
D205 Basin Sections Detail Rev 3  
Proposed Longsections 1of2 Rev 6  
Proposed Longsections 2of2 Rev 6  
D500 Kerbs Surfacing Plan Rev 3  
D800 S38 Plan Rev 3

D801 S104 Plan Rev 3  
 D900 Vehicle Tracking Rev 4  
 9177 Flood Risk Assessment and Drainage Strategy V2  
 Dunston 1-2-30-100 Year Calculations  
 Dunston 100 Year + 40% Calculations  
 Dunston 100 Year + 40% + 10% Creep Calculations  
 30050 SH DHH TCM Proposed Traffic Calming Measures  
 Topographical Survey TS01 1of2  
 Topographical Survey TS01 2of2  
 Dunston Arboricultural Impact assessment V5  
 PLN12. Tree Protection Plan Rev B  
 Dunston Hill Archaeological Desk Based Assessment  
 Dunston Hill Heritage Statement  
 Design and Access Statement  
 Dunston Hill Hospital Ecological Impact Appraisal R05  
 Dunston Hill Hospital Bat Report R04  
 Dunston Hill Hospital Breeding Birds Survey R02  
 C8641 Geoenvironmental Appraisal  
 C8641 Ground Gas Risk Assessment  
 Charlton A04 PD House Type  
 Hewson A04 PD House Type  
 Lawson A04 PD House Type  
 Masterton A04 PD House Type  
 Sanderson A03 PD House Type  
 Wilson A05 PD House Type  
 3714 101X Landscape Layout  
 3714 201X Planting Plan (1 of 3)  
 3714 201X Planting Plan (2 of 3)  
 3714 201X Planting Plan (3 of 3)  
 Landscape Impact Statement of Compliance  
 Reserved Matters Compliance Statement  
 Interim Travel Plan

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

#### Reason

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

2

The development to which this permission relates must be commenced not later than 2 years from the date of this approval of the reserved matters.

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

**Reason**

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

**3**

No demolition of the gardener's cottage and Anderson shelter (to the south of the site) shall take place until the scoping of programme of archaeological building recording has been submitted to and approved in writing by the Local Planning Authority.

**Reason**

To provide an archive record of the historic building or structure and to accord with the NPPF and policies CS15 and MSGP25 of the Local Plan for Gateshead.

**4**

The archaeological building recording approved under Condition 3 shall be completed in full and a report of the result shall be submitted to the Local Planning Authority, prior to the demolition of the gardener's cottage and Anderson shelter buildings on site.

**Reason**

To provide an archive record of the historic building or structure and to accord with NPPF and policies CS15 and MSGP25 of the Local Plan for Gateshead.

**5**

No groundworks shall take place within the open areas in the north-western and southern parts of the site, until the specification for a programme of archaeological groundwork monitoring has been submitted to an approved in writing.

**Reason**

To ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with the NPPF and policies CS15 and MSGP25 of the Local Plan for Gateshead.

**6**

The development shall be undertaken in full accordance with the programme of archaeological groundwork monitoring approved at condition 5. Thereafter, no dwellinghouse hereby approved shall be occupied until the report of the results of the observation of groundworks shall be submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with the NPPF and policies CS15 and MSGP25 of the Local Plan for Gateshead.

7

No dwellinghouse hereby approved shall be occupied until the final details of traffic calming measures within the application site, to secure a 20mph speed limit have been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for their implementation.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

8

The traffic calming measures approved under Condition 7 shall be completed in full accordance with the approved details and the timetable for implementation.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

9

Prior to the first occupation of any dwellinghouse hereby approved final details of weatherproof cycle storage for each dwellinghouse including details of the locking mechanism and anchor point 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 NPPF, policies CS13 and MSGP15 of the Local Plan for Gateshead, and the Gateshead Cycling Strategy.

10

The cycle storage provision approved at Condition 9 shall be provided for each dwellinghouse prior to the respective dwellinghouse being occupied.

Reason

In the interests of sustainable development and in order to accord with NPPF, Policy CS13 of the CSUCP, Policy MSGP15 of MSGP and the Gateshead Cycling Strategy.

11

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

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 the interests of sustainable development and in order to accord with NPPF, policies CS13 and MSGP15 of the Local Plan for Gateshead.

12

The Travel Plan approved under condition 11 shall be wholly implemented in accordance with the approved details.

**Reason**

In the interests of sustainable development and in order to accord with NPPF, policies CS13 and MSGP15 of the Local Plan for Gateshead.

13

A landscape and ecological management plan (LEMP) for all retained landscaping features and proposed landscaping shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the first occupation of any dwellinghouse hereby approved.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

**Reason**

To avoid/minimise harm to retained habitats, ecological features and protected/priority species in accordance with the NPPF, policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

14

All retained and proposed landscape features shall be managed in full accordance with the LEMP approved under condition 13.

**Reason**

To avoid/minimise harm to retained habitats, ecological features and protected/priority species in accordance with the NPPF, policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

15

No development (including demolition) shall commence until an Amphibian Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority.

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

- (a) details of onsite measures to avoid impacts on habitats and species
- (b) the timing of works
- (c) proposed working methods
- (d) details of how excavations will be covered during construction

Reason

To prevent/minimise harm to ecological features during the construction phases of the development in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

Reason for Pre-Commencement Condition

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

16

The development shall be undertaken in full accordance with the AMS approved under condition 15.

Reason

To prevent/minimise harm to ecological features during the construction phases of the development in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

17

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

Reason

To safeguard the visual amenities of the area and in the interests of highway safety, in accordance with the NPPF, policies CS13, CS15, MSGP15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

18

All hard landscaping shall be completed in full accordance with the details approved at Condition 17 (including timescales for implementation) and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and in the interests of highway safety, in accordance with the NPPF, policies CS13, CS15, MSGP15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

19

No dwellinghouse hereby permitted until the final details of the pedestrian/cycle route to the south of site onto Whickham Highway has been submitted to and approved in writing by the Local Planning Authority. The detail shall include a timetable for implementation, as well as details of gradients, materials and any highways works e.g. signage, dropped kerbs or lining required to create a cycle connection onto Whickham Highway.

Reason

In the interests of highway safety, improving connectivity and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

20

The pedestrian/cycle route approved under Condition 20 shall be completed in full accordance with the approved details and timetable for implementation.

Reason

In the interests of highway safety, improving connectivity and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.





### Committee Report

<b>Application No:</b>	<b>DC/20/01061/FUL</b>
<b>Applicant</b>	<b>Richard Swann</b>
<b>Date Application Valid</b>	<b>18 November 2020</b>
<b>Site:</b>	<b>Dunston Hill Hospital Whickham Highway Whickham NE11 9DL</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Proposal:</b>	<b>The demolition of the walled garden and former Woodside Centre Day Care, and proposed development of 11 residential dwellings (C3), with associated new walled garden, parking and landscaping</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO A SECTION 106 AGREEMENT</b>
<b>Application Type</b>	<b>Full Application</b>

### 1.0 The Application:

#### 1.1 DESCRIPTION OF SITE

The application site is located on land to the north of Whickham Highway which includes the former Dunston Hill Hospital and associated buildings.

1.2 The site consists largely of a rectangular walled garden structure, within which stands the former Woodside Centre. The building remained in use until 2019 until its function was replaced at Bensham Hospital.

1.3 The walled garden itself is largely masonry in its built form, varying in height from between 0.3 metres at the western wall to 4 metres for the northern wall. When viewed from the north the outer skin of the northern wall is stonework and the former day centre is built into the walled garden.

1.4 The day centre had a landscape feature at its entrance which is now overgrown and unkempt, and there are some shrubs remaining within the walled garden, as well as parking spaces which served the building. To the north of the wider Dunston Hill Hospital site, is a grass field of semi-improved grassland which forms part of the application site.

1.5 Access is existing, provided off the Whickham Highway from the south, via Mansion Heights. There are no Listed Buildings within the application boundary itself, however the Site does fall within the Whickham Conservation Area, and the walled garden is locally listed. The Mansion Heights residential estate to the east contains Grade II\* Listed Dunston Hill Hospital, and Grade II Listed Dunston Hill Hospital Outpatients Department and Stables North of Dunston Hill Hospital.

- 1.6 Further, the entirety of the application site is located within the Green Belt and the site falls outwith the housing allocation which is directly to the north of the site.
- 1.7 **DESCRIPTION OF APPLICATION**  
The application seeks full planning approval for the demolition of the walled garden and day centre, the erection of 11 dwellinghouses and the partial rebuilding of the walled garden on its existing footprint.
- 1.8 The application proposes amendment to the access point into the walled garden, however access will still be taken from the east via Mansion Heights. The application proposes that two different housetypes be used within the development, these housetypes are three and four bed properties respectively. It is proposed for the dwellings to be finished in brick and render and the layout provides for areas of landscaping/planting.
- 1.9 It is the view of officers that the application ought to be considered in the context of the reserved matters application (DC/19/01048/REM) as the site would be brought forward as a single development and as this 'walled garden' application includes an ecological mitigation area, affordable housing and other elements which are relevant to the reserved matters application.
- 1.10 The following documents have been submitted by the applicant in support of the application:
- Phase II Contaminated Land Risk Assessment & Remediation Strategy;
  - Heritage Impact Assessment;
  - Flood Risk Assessment & Drainage Strategy;
  - Design & Access Statement;
  - Planning Statement;
  - Arboricultural Impact Assessment, Tree Protection Plan & Method Statement;
  - Interim Travel Plan;
- 1.11 **RELEVANT PLANNING HISTORY**  
The relevant planning history associated with the application site is summarised as follows:
- DC/13/00195/OUT; Outline application for demolition of the existing Dunston Hill Hospital and redevelopment of 35 dwellings (use class C3) with associated access, parking and landscaping (amended 29/04/13 and 14/06/13 and additional info received 30/04/13 and 20/06/13) - Approved 04 November 2016.
  - DC/13/00196/CON; Conservation Area Consent: Demolition of former hospital buildings at Dunston Hill Hospital (additional info received 23/03/13) - Withdrawn 04 November 2016.
  - DC/17/00009/OHL; Diversion of existing overhead line - No Observations 20 March 2017.

- DC/20/00803/NMA; Non-Material Amendment: proposed amendment to wording of Conditions 1, 6, 15 and deletion of Conditions 5, 7 and 39 of planning approval DC/13/00195/OUT - Approved 02 October 2020.
- DC/20/01082/NMA; Non-Material Amendment: proposed amendment to wording of Condition 6 of planning approval DC/13/00195/OUT (as previously amended by DC/20/00803/NMA) - Approved 18 December 2020.
- DC/19/01048/REM - Reserved matters application for the approval of reserved matters relating to the appearance, landscaping, layout and scale for the demolition of the existing Dunston Hill Hospital and the erection of 35 dwellinghouses and associated works pursuant to outline planning approval DC/13/00195/OUT - Still under consideration.

## **2.0 Consultation Responses:**

Northumbrian Water                      No objection subject to conditions.

Coal Authority                              No objection.

## **3.0 Representations:**

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

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

MSGP9 Housing Sites Allocation

MSGP10 Accessible and Adaptable Dwellings

MSGP11 Housing for Specific Groups

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP27 Archaeology

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP33 Countryside/Landscape Protection

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP39 Protecting Open Space/Sport/Recreation

MSGP40 Provide/Enhance Open Space/Sport/Rec

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment:**

5.1 The key considerations to be taken into account when assessing this application are the impact the proposal will have on the Green Belt, landscape, heritage assets, visual amenity, residential amenity, highways, trees, ecology, ground conditions, flood risk/drainage, open space/play provision and CIL.

### **5.2 GREEN BELT/LANDSCAPE**

In terms of the control of new development in the Green Belt, the relevant national policy is contained in paragraphs 143 to 147 of the NPPF and states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt (inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances).

- 5.3 Paragraph 146 g) sets out the following exception;  
*"limited infilling or the partial or complete re-development of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would - not have a greater impact on the openness of the Green Belt than the existing development"*
- 5.4 Paragraph 134 of the NPPF gives five purposes of the Green Belt. These are; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Policy CS19 of the Core Strategy is in broad compliance with paragraph 134 of the NPPF and also sets out purposes for including land in the Green Belt in Gateshead.
- 5.5 Based on its previous use, it is clear that the whole of the walled garden constitutes previously developed land, with the former day centre and associated parking taking up the entirety of the land inside the walls. Further, the land to the north is part of the wider site's ecological mitigation, no new development is proposed in this location.
- 5.6 In order to assess the impact of the proposal on the openness of the Green Belt, officers consider it important to consider the site and both its immediate and wider context. The walled garden sits comfortably at the heart of the grounds of the former Dunston Hill Hospital. The walled garden is not elevated above the remainder of the site, nor is it a highly visible location. The redevelopment of the hospital for 35 units was approved in November 2016, where the impact of the scheme on the Green Belt was considered and assessed. It was concluded that the development would not detract from the openness of the Green Belt and therefore was considered to be acceptable.
- 5.7 Therefore, the land that surrounds the walled garden has planning permission for residential development and a Reserved Matters application has been submitted and is pending determination (DC/19/01048/REM). It is the intention of the developer to redevelop the wider site in its entirety. If the developer elected to only 'build out' the Reserved Matters scheme, this development would wrap around the walled garden further shielding the site from view.
- 5.8 To further measure the impact development would have in a wider context, a Landscape Visual Assessment was produced. It concluded that considering the context within which the development would be set, combined with the surrounding existing vegetation, 'walled enclosure' and other built development offering screening and containment of the site and limited receptors in the local area, the site offers the potential to accommodate a housing development, which would bring about only limited degree of landscape and visual effects. Officers agree with these conclusions.
- 5.9 Further, the proposed development would not impact or impose any additional harm on the openness of the Green Belt than the existing building as the

development would be contained within the 'walled enclosure' therefore not extending its footprint any further in the Green Belt. Whilst the walled garden is proposed to slightly reduce in height, when it is rebuilt, this still has to be factored in against the wider redevelopment of the site, and the dwellings sitting alongside the adjoining 35 unit scheme.

- 5.10 Based on the above assessment, it is considered that the proposal would constitute appropriate development in the Green Belt, would not harm the openness of the Green Belt and is considered to comply fully with the requirements of the NPPF and Policies CS19 and MSGP33 of the Local Plan for Gateshead.

#### 5.11 PRINCIPLE

##### 5.12 Windfall Housing

The site, in question, is not allocated for any specific use, and therefore the development of the site for residential purposes would form a windfall site.

- 5.13 In order to promote the development of a good mix of sites, paragraph 68(c) of the NPPF advises that local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

##### 5.14 Family Homes

Core Strategy and Urban Core Plan (CSUCP) policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The proposed layout comprises entirely of family homes, with a mix of three and four bedroomed properties. Therefore, the application complies with policy CS11(1).

##### 5.15 Residential space standards

Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". Further, Policy MSGP12 requires all new homes to be built in accordance with Nationally Described Space Standards (NDSS), however that supporting text is clear that;

*"These standards will be introduced one year after the adoption of the Plan to allow for a period of transition in accordance with national planning guidance."*

- 5.16 It is considered that all proposed dwellinghouses provide a generous gross internal area (GIA) in excess of NDSS standards, and it is on this basis that all properties adequate space both internally and externally in accordance with Policies CS11(4) and MSGP12 of the Local Plan for Gateshead.

##### 5.17 Housing Mix/Affordable Housing

Policies MSGP10 and CS11 are not triggered in relation to M4(2) compliance or affordable house, owing to the scale of the development. However, the scheme does provide both, these ensure the policy compliance of the wider

development site. Further, the affordable housing element will be secured via a S106 agreement and the M4(2) compliance will be secured via the 'approved plans' condition (Condition 1).

**5.18 VISUAL AMENITY**

Policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character. Further, Policy MSGP24 of MSGP requires that all new development ought to be considered against the following criteria; the development compatibility with the surrounding area, layout and access, spacing and public realm, detailing and materials and landscaping.

5.19 It is considered the proposed application has sought to deliver a development that is slightly different in character, density and scale to the wider development site. It is considered that the proposed layout works well, especially given the constrained nature of the application site i.e. as a very tightly defined development envelope. Overall, it is considered that the proposal would provide an appropriate design solution, commensurate with the wider development site, as well as existing residential development. However, final details of materials will need to be provided via planning condition (Conditions 3 and 4).

5.20 Subject to the above condition it is considered that the development is acceptable in regard to its visual impact and is considered to comply with the aims and requirements of the NPPF, Policy CS15 and MSGP24 of the Local Plan for Gateshead and the Gateshead Placemaking SPD.

**5.21 HERITAGE ASSETS**

The proposed development falls within Whickham Conservation Area and in close proximity to three listed buildings to the east. There are no listed buildings within the site, but the walled garden is locally listed. As such a Heritage Statement has been submitted in support of the application.

5.22 The submitted report assesses the proposed development's impact on the conservation area and concludes it would have overall benefit due to the removal of unsightly hospital buildings, in particular the breaking up of the overbearing mass of the roof of the modern hospital building within the former walled garden to be replaced with the smaller roofs of individual houses is considered to be a benefit. Officers agree with this conclusion.

5.23 Further, the proposed development is not considered to impact on the Listed Buildings to the east as the modern Mansion Heights residential development now takes on the setting of the Listed Buildings and the proposed developments impact on the setting is considered to be neutral. As the former day centre is visible from the western edge of Mansion Heights, its replacement with well-designed housing will be beneficial to the appearance of this part of the conservation area.

5.24 The walled garden is considered to have local heritage value, as indicated by its local listing. A Structural Survey was instructed to assess its structural

integrity. The Structural Survey found that the southern wall was unstable and in danger of collapse; this conclusion is considered to be sound by officers. As a result of the structural survey, it is intended for the walls to be removed and to rebuild them on the same footprint, reusing materials wherever possible. As part of the fabric will be lost as a result of the proposed works, it is considered that the development would result in a less than substantial harm to the significance of the walled garden as a heritage asset.

- 5.25 As such, the public benefits of the scheme need to be measured against this harm. In this instance, the public benefits are considered to be the provision of housing the 100% provision of M4(2) compliant housing, as well as affordable homes being provided on site. The positive impact the development would have on the conservation area is also to be taken into consideration. It is considered these public benefits clearly outweigh the less than substantial harm to the walled garden.
- 5.26 Further to the above, it is considered necessary to attach a number of conditions to the planning application;
- Building recording; the archaeological desk-based assessment recommends that the garden walls, are subject to a programme of archaeological recording (Conditions 7 and 8); and
  - Details of the replacement wall; it is considered the final details of the replacement walls of the walled garden, which will need to include scaled drawings and full details of materials is required (Conditions 5 and 6).
- 5.27 On this basis, it is considered that the proposed development would have a positive impact on Whickham Conservation Area, a neutral impact on adjacent listed buildings and it has been demonstrated that the public benefits of the scheme outweigh the less and substantial harm to the walled garden. It is considered that the proposal complies with the requirements of the NPPF, Policies CS15 and MSGP25 of the Local Plan for Gateshead.
- 5.28 **RESIDENTIAL AMENITY**  
Given the separation distances afforded between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.
- 5.29 Further, it is considered that the internal separation distances within the site (including when considering application DC/19/01048/REM) strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. The design for the rebuilt garden walls will also take account of the position and orientation of properties to ensure that, they would not in themselves have any harmful impact on residential amenity (conditions 5 and 6). On this basis, the internal layout is considered to be acceptable and would not cause any unacceptable harm to the living conditions of future occupiers.
- 5.30 It is 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 fully avoided, it is considered that through the imposition of a planning condition for the submission of a Demolition and Construction Management Plan through which measures can be imposed to minimise the impact of the development on residential amenity (Conditions 9 and 10).

- 5.31 Officers are therefore of the opinion that subject to the condition set out above, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, Policies CS14 and MSGP17 of the Local Plan for Gateshead.

5.32 HIGHWAYS

It is considered that the proposed development provides an acceptable highway layout, it is acknowledged that the constrained nature of the site has made developing the site difficult. However, the proposal provides for an appropriate level of parking and would allow for the turning of large vehicles i.e. refuse collection vehicles.

- 5.33 There are, however, some elements which need to be finalised through the imposition of planning conditions:

- Final details of traffic calming (Conditions 11 and 12);
- Final details of cycle parking provision (Conditions 13 and 14);
- A final Travel Plan (Conditions 15 and 16).
- A revised visibility splay for the walled garden (26 and 27);
- The submission of an amended hard landscaping/surface treatment plan (28 and 29);

- 5.34 Subject to the conditions set out above, the proposal would comply with the aims and requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan for Gateshead.

5.35 ECOLOGY

An Ecological Impact Assessment, Bat Survey and Breeding Birds Survey have all been produced to support the site wide development.

- 5.36 The former day centre was considered to be of moderate bat roosting suitability, with the garden walls themselves being of moderate/low suitability. Site wide mitigation has been proposed, and this includes bat boxes and crevice roost creation, however, none are proposed on any dwellings within the walled garden.

- 5.37 The application includes land located to the north of the wider development site, this is proposed to be an ecological mitigation area. This land fell outside of the outline application's red line boundary, it has been included within this application so as to secure the site-wide mitigation and allow for a comprehensive mitigation strategy. The retained semi-improved neutral

grasslands within the ecological mitigation area will be enhanced through an appropriate management regime and through the plug planting of a diverse species mix.

- 5.38 In addition to the above, it is considered that further conditions requiring the submission of a landscape and ecological management plan ought to be attached to the application (Conditions 17 and 18).

- 5.39 On the basis of the above, the proposal is considered to comply with the aims and requirements of the NPPF and Policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

5.40 GROUND CONDITIONS

The site has been assessed as being potentially contaminated. A suite of information pertaining to land contamination has been submitted in support of the application, based on this information it is considered necessary to require an amended Phase II site investigation be submitted following demolition of the building on site. It is recommended that conditions be imposed requiring details of further site investigations and remediation measures where required, to be submitted to the LPA for consideration, and implementation of the approved remediation (Conditions 19 to 24).

- 5.41 Subject to the conditions attached to the outline approval, the development is considered to comply with the requirements of Policies CS4 and MSGP20 of the Local Plan for Gateshead.

5.42 FLOOD RISK/DRAINAGE

A flood risk and drainage assessment has been submitted with the application. In accordance with Policy CS17 of the CSUCP and Policy MSGP40 of MSGP, the assessment has covered all sources of flooding and has had regard to the Council's Strategic Flood Risk Assessment (SFRA).

5.43 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.

5.44 Drainage

It is proposed to discharge surface water to public sewer utilising the existing offsite connection to the Northumbrian Water sewer, as has been discussed through a predevelopment enquiry with NWL. The development does not increase flood risk off-site, and SuDS will be incorporated with the wider site, which the proposed development will form a part of. This includes a SuDS basin to the immediate south of the proposed development which will retain standing water as part of wider ecological mitigation measures, as it replaces and existing on-site pond.

- 5.45 Based on the above, it is considered that subject to conditions (Conditions 25 and 26) and based upon the submitted flood risk assessment and drainage proposals, the drainage scheme proposed is broadly acceptable.

- 5.46 The proposal would comply with the aims and requirements of Policies CS17 and MSGP29 of the Local Plan for Gateshead.

5.47 OPEN SPACE/PLAY SPACE

It is considered that while play and open space is limited on site, the wider site allows for an appropriate amount of onsite play/recreation space in accordance with Policy MSGP40 of the Local Plan for Gateshead.

5.48 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone A, with a levy of £60 per square metre for this type of development.

## 6.0 CONCLUSION

- 6.1 The proposed development would result in the sensitive redevelopment of previously developed land. Taking all the relevant issues into account, it is considered that the proposal is acceptable in terms of Green Belt, landscape, heritage assets, visual amenity, residential amenity, highways, ecology, ground conditions, flood risk/drainage, open space/play provision, and would comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan for Gateshead.

## 7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT:

1) The agreement shall include the following obligations to secure:

- Provision of affordable housing;
- Creation of offsite ecology mitigation/compensation to be linked with DC/19/01048/REM.

2) That the Service Director of Development, Transport and Public Protection be authorised to conclude the agreement.

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

4) And that the conditions shall include;

1

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

PLN1. Site Location Plan Rev B

PLN2. General Arrangement 1 Rev F

PLN2. General Arrangement 3 Rev F  
 PLN3. Boundary Treatment Plan Rev F  
 PLN4. Surface Treatment Plan Rev F  
 PLN5. Elevation Treatment Plan Rev F  
 PLN6. Management Company Plan Rev E  
 PLN7. Site Execution Plan Rev F  
 PLN8. Noise Attenuation Plan Rev D  
 PLN9. Ecology Mitigation Plan Rev D  
 PLN10. Basic Arrangement Plan Rev F  
 30050 SH DHH PCSP Rev B Swept Path and Visibility Splay  
 D001 Engineering Layout Rev 10  
 D100 Proposed Levels Rev 6  
 D200 Impermeable Areas Rev 4  
 D202 Flood Routing Plan Rev 4  
 D204 Proposed Drainage Rev 8  
 D205 Basin Sections Detail Rev 3  
 Proposed Longsections 1of2 Rev 6  
 Proposed Longsections 2of2 Rev 6  
 D500 Kerbs Surfacing Plan Rev 3  
 D800 S38 Plan Rev 3  
 D801 S104 Plan Rev 3  
 D900 Vehicle Tracking Rev 4  
 19177 Flood Risk Assessment and Drainage Strategy V2  
 Dunston 1-2-30-100 Year Calculations  
 Dunston 100 Year + 40% Calculations  
 Dunston 100 Year + 40% + 10% Creep Calculations  
 30050 SH DHH TCM Proposed Traffic Calming Measures  
 Topographical Survey TS01 1of2  
 Topographical Survey TS01 2of2  
 Dunston Arboricultural Impact assessment V5  
 PLN12. Tree Protection Plan Rev B  
 Dunston Hill Archaeological Desk Based Assessment  
 Dunston Hill Heritage Statement  
 Design and Access Statement  
 Dunston Hill Hospital Ecological Impact Appraisal R05  
 Dunston Hill Hospital Bat Report R04  
 Dunston Hill Hospital Breeding Birds Survey R02  
 C8641 Geoenvironmental Appraisal  
 C8641 Ground Gas Risk Assessment  
 Fulford A01 PD House Type  
 Rushford A01 PD House Type  
 3714 101X Landscape Layout  
 3714 201X Planting Plan (2 of 3)  
 Landscape Visual Impact Assessment  
 Planning Statement  
 Retaining Wall Structural Survey  
 PLN13. Walled Garden Proposed Elevation (-)  
 Proposed Replacement Brick Sample Photograph 1  
 Proposed Replacement Brick Sample Photograph 2  
 Proposed Replacement Brick Sample Photograph 3  
 Transport Statement

## Interim Travel Plan

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

### Reason

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

2

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

### Reason

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

3

No dwelling 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 and samples of the materials, colours and finishes to be used on the external surfaces have been made available for inspection on site and subsequently approved in writing by the Local Planning Authority.

### Reason

To safeguard the visual amenities of the area in accordance with the NPPF, policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

4

The development hereby approved shall be undertaken in accordance with the materials schedule approved at condition 3.

### Reason

To safeguard the visual amenities of the area in accordance with the NPPF, policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

5

Prior to the rebuilding of the walls associated with the walled garden final details of the rebuild shall be provided, these details shall include a full scaled elevation, details of where reclaimed material will be used, details of where (and what) replacement material will be used shall be submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To preserve the architectural and historic interest of the site and to ensure no harmful impacts on residential amenity in accordance with NPPF and policies CS15, MSGP17 and MSGP25 of the Local Plan for Gateshead.

6

The development shall be completed in accordance with the details approved under Condition 5 and retained as such in accordance with the approved details thereafter.

Reason

To preserve the architectural and historic interest of the site and to ensure no harmful impacts on residential amenity in accordance with NPPF and policies CS15, MSGP17 and MSGP25 of the Local Plan for Gateshead.

7

No demolition of or works to the walls associated with the locally listed walled garden shall take place until the scoping of programme of archaeological building recording has been submitted to and approved in writing by the Local Planning Authority.

Reason

To provide an archive record of the historic building or structure and to accord with NPPF and policies CS15 and MSGP25 of the Local Plan for Gateshead.

8

The archaeological building recording approved under Condition 7 shall be completed in full and a report of the result shall be submitted to the Local Planning Authority, prior to the demolition of any buildings/structures on site.

Reason

To provide an archive record of the historic building or structure and to accord with NPPF and policies CS15 and MSGP25 of the Local Plan for Gateshead.

9

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

The DCMP shall include:

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

All external works and ancillary operations in connection with the demolition and/or 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.

Any temporary alteration to the working hours set out in this condition shall be submitted as part of the DCMP and approved in writing by the Local Planning Authority.

#### Reason

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

#### Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the demolition and 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 demolition and construction works and the manner in which they are undertaken could affect adjacent occupiers.

10

The development shall be implemented in accordance with DCMP measures approved at condition 9.

#### Reason

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

11

No dwellinghouse hereby approved shall be occupied until the final details of traffic calming measures within the application site have been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for their implementation.

#### Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

12

The traffic calming measures approved under Condition 11 shall be completed in full accordance with the approved details and the timetable for implementation.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

13

Prior to the first occupation of any dwellinghouse hereby approved final details of weatherproof cycle storage for each dwellinghouse including details of the locking mechanism and anchor point 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 NPPF, policies CS13 and MSGP15 of the Local Plan for Gateshead, and the Gateshead Cycling Strategy.

14

The cycle storage provision approved at Condition 13 shall be provided for each dwellinghouse prior to the respective dwellinghouse being occupied.

Reason

In the interests of sustainable development and in order to accord with NPPF, Policy CS13 of the CSUCP, Policy MSGP15 of MSGP and the Gateshead Cycling Strategy.

15

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

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 the interests of sustainable development and in order to accord with NPPF, policies CS13 and MSGP15 of the Local Plan for Gateshead.

16

The Travel Plan approved under condition 15 shall be wholly implemented in accordance with the approved details.

Reason

In the interests of sustainable development and in order to accord with NPPF, policies CS13 and MSGP15 of the Local Plan for Gateshead.

17

A landscape and ecological management plan (LEMP) for all retained landscaping features and proposed landscaping shall be submitted to,



and be approved in writing by, the Local Planning Authority prior to the first occupation of any dwellinghouse hereby approved.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species in accordance with the NPPF, policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

18

All retained and proposed landscape features shall be managed in full accordance with the LEMP approved under condition 17.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species in accordance with the NPPF, policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

19

Prior to the commencement of the demolition hereby approved, an Interim Phase II Detailed Risk Assessment must be submitted to and approved in writing, by the Local Planning Authority. Following demolition, and prior to the commencement of any underground works associated with the development, an intrusive site investigation shall be undertaken, and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, soil sampling, chemical laboratory testing, to assess potential contamination issues.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to the environment, future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the

## Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

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

### Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the NPPF, Policy CS4 of the CSUCP and Policy MSGP20 of MSGP.

### 20

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

### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF, policies CS4 and MSGP20 of the Local Plan for Gateshead.

### 21

The details of remediation measures approved under condition 20 shall be implemented in full prior to commencement of the development hereby permitted (excluding demolition) and maintained for the life of the development.

### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF, policies CS4 and MSGP20 of the Local Plan for Gateshead.

### 22

Following completion of the remediation measures approved under condition 20 a verification report that demonstrates the effectiveness of

the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF, policies CS4 and MSGP20 of the Local Plan for Gateshead.

#### 23

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

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

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

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF, policies CS4 and MSGP20 of the Local Plan for Gateshead.

#### 24

No development (excluding demolition) shall commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

- an assessment of the potential for disposing of surface water by means of a sustainable drainage system
- information about the design storm period and intensity
- the method employed to delay and control the surface water discharged from the site

- the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- a timetable for its implementation; and
- a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.

25

The drainage scheme approved under condition 24 shall be implemented in accordance with the approved timetable and managed and maintained in accordance with the approved details thereafter.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.

26

No development hereby approved (excluding demolition) shall commence until the final details of the site access off Mansion Heights, including the proposed visibility splay has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

27

The development shall be carried out in full accordance with the site access detail approved at Condition 26.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

28

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

Reason

To safeguard the visual amenities of the area and in the interests of highway safety, in accordance with the NPPF, policies CS13, CS15,

MSGP15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

29

All hard landscaping shall be completed in full accordance with the details approved at Condition 24 (including timescales for implementation) and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and in the interests of highway safety, in accordance with the NPPF, policies CS13, CS15, MSGP15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.



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## REPORT NO 3

**Committee Report**

<b>Application No:</b>	<b>DC/20/01111/COU</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>5 December 2020</b>
<b>Applicant</b>	<b>Mr Gary Candlish</b>
<b>Site:</b>	<b>10 Tynevale Terrace Teams Gateshead NE8 2XY</b>
<b>Ward:</b>	<b>Dunston And Teams</b>
<b>Proposal:</b>	<b>Proposed change of use from dwellinghouse (use class C3) to residential children's home (use class C2) (additional information received 08/01/21).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

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

The planning application relates to an existing residential property (Use Class C3) located on Tynevale Terrace, Teams. The application is located within a residential terrace, the property itself is an attractive, two-storey terraced property of brick and tile construction.

- 1.2 The property surrounded to the north and south by residential properties, Eslington Primary School is located to the north west of the site and St Aidan's C of E Primary School is located to the north. There is a parking area located to the east of the application site and there is vehicular access to the rear.

**1.3 DESCRIPTION OF APPLICATION**

The application seeks planning permission for the change of use of the property from a residential dwelling (use class C3) to a children's home (Use Class C2).

- 1.4 The applicant has set out within their application that; *"There will be a maximum of four young people living in the property at any one time. The Young People will be selected on a needs basis and their suitability assessed against a number of factors."*

- 1.5 The premises will be supported with a 24-hour staffing team, the applicant goes on to state that *'... a minimum of two staff members [will be in attendance] whilst the Young People are resident.'*

- 1.6 The submitted plans show 4no bedrooms for residents, 1 on the ground floor, 2 on the first floor and 1 on the second floor. The application also shows a staff area on the first floor.

1.7 Information provided by the applicant has indicated that there would be two members of staff in attendance at any one time, it is envisaged that staffing would run in three shifts as follows:

- 1400 to 1400 (including 'sleep in' period);
- 0800 to 2000; and
- 2000 to 0800.

1.8 Any meetings that will be held in relation to the occupiers, will be conducted away from the property and visits would be kept to a minimum and work on an appointment basis. Friends and family visits will only be organised via the Manager.

1.9 The external areas would be used and maintained in the same manner as a domestic external space.

1.10 **PLANNING HISTORY**  
No previous planning history.

## **2.0 Consultation Responses:**

Northumbria Police                      No objection.

## **3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of 6 letters of objection, including from a Ward Councillor (Councillor Brenda Clelland) have been received and are summarised as follows:

- There is currently another care home in operation which cause amenity issues;
- The proposed development would result in anti-social behaviour; and
- The proposal would result in additional parking demand.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making



MSGP11 Housing for Specific Groups

MSGP15 Transport Aspects of Design of Development

MSGP17 Residential Amenity

MSGP24 Design Quality

## **5.0 Assessment:**

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the use in terms of housing policy, residential amenity, highway safety, parking and any other matters arising.

### **5.2 HOUSING POLICY**

Paragraph 11 of the National Planning Policy Framework (NPPF) 2019 states that:

*'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:*

*approving development proposals that accord with an up-to-date development plan without delay; or*

*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

- 5.3 Policy CS9 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 (CSUCP) states that existing communities will be sustainable places of quality and choice. This will be achieved by preventing the loss of family homes, through the sub-division, change of use or redevelopment and by preventing an over concentration of shared accommodation. This development contributes to the range and choice of accommodation in the borough. There is no evidence of an overconcentration of shared accommodation in the local area, nor any expectation that this development would result in an over concentration.

- 5.4 Further, Policy MSGP11 requires that;

*"Specialist and supported accommodation and care schemes will be expected to:*

- a) provide on-site, or have good accessibility to shops, services, community facilities and open space appropriate to the needs of the intended occupiers, their carers and visitors; and/or*
- b) have good accessibility to public transport routes."*

- 5.5 It is considered by officers that the application complies with these principles.

- 5.6 Supporting text for Policy MSGP11 goes on to state:  
*"There are a number of groups within the community who have specific accommodation needs, including older people, people with physical or mental ill-health, and other vulnerabilities. Their accommodation requirements will need to be met by increasing the provision and range of specialist and supported accommodation available which will promote and maintain people's independence and increase choice. Where deemed appropriate by the Council, the use of planning conditions and obligations will be implemented as a means of safeguarding against the loss of new provision of specialist and supported accommodation and care schemes, or any change in the approved use that would undermine the wider policy objectives of the Plan."*
- 5.7 Based on comments provided by the Health and Social Care team it is clear that the proposed development does provide for a specific accommodation need. As such, it is considered necessary to condition that the home continues to be used for the purposes described in the supporting documentation submitted by the applicant, including the age group of the proposed clients, the type and level of care and support set out in the submitted Management Plan (Condition 3).
- 5.8 It is considered that the change of use from a dwellinghouse to a residential institution would, in principle, accord with the above policies; albeit that detailed consideration needs to be given to potential impacts upon the local area (below).
- 5.9 VISUAL AMENITY  
The application does not propose any external alterations to the premises and as such it is considered that the proposal would not result any visual impact on the property. The proposed development does not conflict with the aims and objectives of the relevant paragraphs in the NPPF, policy CS15 of the CSUCP or MSGP24.
- 5.10 RESIDENTIAL AMENITY  
Officers are aware that there have been representations on the basis that the proposed use would create or add to existing anti-social behaviour issues. Officers would, however, draw to attention that the planning system deals with the use and development of land; rather than the identity and background of any particular occupiers of existing and proposed buildings. As noted above, officers consider that the use of the building would accord with policy.
- 5.11 It is considered that anti-social behaviour (including noise) is a matter for the management of the building in connection with the Police and the Council's Environmental Health section and should not preclude granting planning permission in this case for the reasons cited above. The applicant has provided information to state that they intend to have a minimum of two staff members on site at any time on rotating shift basis. Officers are satisfied that the applicant has demonstrated an operational management of the property through the supplementary information submitted as part of the application.

- 5.12 It is the view of officers the scale of the premises and the anticipated level of occupation i.e. a maximum of four children and staff means that the level of noise production would be akin to the use of the property as a dwellinghouse. The property in question is a well-built property with solid structural walls. As such, it is considered that while the change of use may result in some increased noise, there will be staff living on site with the children, where situations can be managed. On this basis officers considered it unlikely that any unacceptable impact would occur.
- 5.13 The proposal would comply with the aims and requirements of policy CS14 of the CSUCP and Policy MSGP17.
- 5.14 **HIGHWAY SAFETY AND PARKING**  
Small residential institutions of this nature are considered to generate very little traffic and parking demand particularly when compared to the existing residential use.
- 5.15 Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links. The application makes provision for a number of offstreet parking space. Further, parking available within close proximity of the site, on-street with no restrictions and therefore it is not considered the proposed change of use would create undue disturbance to local residents in terms of parking.
- 5.16 Furthermore, it is considered that cycle storage provision could be accommodated within the building itself.
- 5.17 Therefore, it is considered that the development is acceptable in terms of highway safety; in accordance with policy CS13 of the CSUCP, Policy MSGP15 and the NPPF.
- 5.18 **OTHER MATTERS**  
Concerns raised regards to anti-social behaviour and safety are not material considerations in determining this planning application.
- 5.19 It is considered that all other material consideration raised by objectors have been addressed within the main body of the report.
- 5.20 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not qualifying housing related development.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues into account, it is therefore recommended that planning consent be granted, as the development has been able to demonstrate that it is acceptable in principle and would not cause significant

harm to amenity or highway safety. It is considered that the development does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

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

**7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the 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 -

A-05\_00-100\_LOCATIONS AND SITE PLANS

A-00\_00-000\_EXISTING GROUND FLOOR PLAN

A-00\_00-100-200\_EXISTING FIRST AND SECOND FLOOR PLANS

A-00\_00-51\_EXTERNAL ELEVATIONS

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

Reason

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

2

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

Reason

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

3

Upon commencement of the use hereby permitted, the operation of the premises shall, at all times, be carried out in complete accordance with "Tynevale - 10 Tynevale Terrace , Gateshead. Management Plan" unless an alternate management plan has first been submitted to and approved in writing by the Local Planning Authority. Any alternate management plan shall be required to demonstrate how the property will be managed, to minimise impact on neighbouring occupiers.

## Reason

In the interests of residential amenity and so as to accord with Policy CS14 of the CSUCP and Policy MSGP17.



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