

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 6 May 2020 at 10.00 am. The meeting will be held virtually.

The link to the meeting is:

<https://www.youtube.com/playlist?list=PLUsO4CIKxa5TKOilpg6vR3qjEflJcend&feature=share>

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 18 March 2020 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 8) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Lidl, Ryton, The Co-op, Parsons Drive, Ryton NE40 3RA (Pages 9 - 20)
4ii	No. 2 - 9 Derwent Street, Chopwell, NE17 7HU (Pages 21 - 30)
4iii	No. 3 - Land south of Dodsworth Terrace, Greenside, Ryton (Pages 31 - 48)
4iv	No. 4 - Land adj Chapel Close, Kibblesworth, Gateshead NE11 0YE (Pages 49 - 62)

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PLANNING AND DEVELOPMENT
COMMITTEE
6 May 2020

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

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

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/19/00778/FUL	The Co-Op Parsons Drive	Ryton Crookhill And Stella
2. DC/19/01090/FUL	9 Derwent Street Chopwell	Chopwell And Rowlands Gill
3. DC/19/01232/OUT	Land South Of Dodsworth Terrace Greenside	Crawcrook And Greenside
4. DC/20/00009/OUT	Land Adj Chapel Close Kibblesworth	Lamesley

DEVELOPMENT PLAN

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published in 2019 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

LOCAL PLAN

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

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

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

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

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

UPDATES

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

SPEAKING AT COMMITTEE

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

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

SITE PLANS

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

PUBLICITY/CONSULTATIONS

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

SITE VISITS

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

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

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

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Committee Report

Application No:	DC/19/00778/FUL
Case Officer	David Morton
Date Application Valid	25 July 2019
Applicant	Lidl - Ryton
Site:	The Co-Op Parsons Drive Ryton Central Ryton NE40 3RA
Ward:	Ryton Crookhill And Stella
Proposal:	Proposed physical alterations to existing building, reconfiguration works to car park and landscaping and extension to servicing hours to allow deliveries between 0700 and 2200 Monday to Saturday and between 0800 and 2000 on Sunday (amended 14/01/20).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

- 1.1 This application was deferred at the meeting of the Planning and Development Committee on 18 March 2020 to allow further information/evidence to be gathered.
- 1.2 **DESCRIPTION OF THE SITE**
The application relates to the Co-op store located on Parson Drive, Ryton within the defined Ryton Local Centre. The retail unit was originally granted planning permission in December 1998.
- 1.3 The application site is made up of a single storey commercial unit, a yard area to the side (west) and visitor parking to the front of the unit. There are residential properties located to the north (Dean Terrace), while there are some commercial properties located to the western end of Dene Terrace those nearest the site are residential in nature. Further, there are residential properties located to the south of the application site on Watermill and further to the south on Hexham Old Road. There is another non-residential use in the form of a Ryton Social Club located to the east of the application site, this building shares carpaking facilities with the supermarket.
- 1.4 The nearest property to the application site is 30 Dean Terrace located to the west of the application site within 14 metres of the supermarket building.
- 1.5 The application site at present benefits from opening hours between 0700 and 2230 hours between Monday and Saturday and 0900 and 2100 on Sunday. Further, the site benefits from servicing and delivery hours which allow deliveries/serving between 0730 and 1900 Monday to Saturday and between 0900 and 1800 on Sunday (excluding a single newspaper delivery to the front

of the premises). Further, the servicing yard must remain closed outside and must not be used outside of these times.

1.6 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for physical alterations to the supermarket, reconfiguration of the carpark and alterations to the hours of servicing/deliveries.

1.7 The alterations to the existing building involve the installation of new white aluminium cladding on the elevations of the building; as well as, increased fenestration around the stores entrance through the replacement of the existing windows with floor to ceiling glass; the existing brickwork will be retained.

1.8 The existing car park provides a total of 89 parking spaces for both customers and staff. The proposal comprises an increase of the overall number of parking spaces to 107 (by altering the existing landscaping and configuration of the site's parking area; these works would require the removal of a number of trees which are protected by a Tree Preservation Order (TPO)). The carpark will accommodate 89 standard spaces, 6 disabled, 10 parent and child spaces and 2 electrical vehicle charging spaces.

1.9 Further to the above, the application seeks approval for the variation to the delivery and servicing hours, the application seeks hours between 0700 and 2200 Monday to Saturday and between 0800 and 2000 on Sunday.

1.10 The following documents have been submitted in support of the application:

- A Design and Access Statement;
- A Noise Impact Assessment;
- A Planning Statement;
- A Tree Survey; and
- A Carpark Assessment.

1.11 PLANNING HISTORY

The planning history associated with the site is set out below;

- DC/20/00062/ADV; Advertisement consent application under consideration for 'Display of various internally illuminated and non-illuminated fascia, flag pole, wall-mounted signs and poster display units within site boundary'. Submitted; 23 January 2020.
- DC/13/00531/FUL; Planning permission granted for 'Variation of Condition 12 (opening hours) of permission 850/98: to allow the supermarket to open between 0700 and 2230 on Monday to Saturday and 0900 and 2100 on Sundays and variation of Condition 13 (Servicing and Delivery time) to allow deliveries between 0730 and 1900 on Monday to Saturday, between 0900 and 1800 on Sunday and to allow a single delivery (from a Transit van sized vehicle) to the front of the premises between 0600 and 0730 seven days a week.' Date; 28 June 2013.

- DC/10/00174/FUL; Planning permission granted for 'Installation of new entrance doors on east elevation of shop.' Date; 01 April 2010.
- DC/09/01609/FUL; Planning permission granted for 'Installation of new shop front and 3 new trolley bays.' Date; 13 January 2010.
- DC/09/00498/FUL; Planning permission granted for 'Installation of new windows on north and east elevations of supermarket, installation of new shop front and ATM machine on east elevation and installation of 3 new trolley bays.' Date; 13 August 2009.
- 850/98; Planning permission granted for 'Erection of enlarged replacement supermarket (use class A1) including public toilets, automatic teller machine, additional parking and enclosed service yard (amended 21/10/98 and 11/11/98).' Date; 01 December 1998.

2.0 Consultation Responses:

None received.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. A total of 66 letters of objection have been received including one from a Ward Councillor (Councillor Chris Buckley) and one from Liz Twist MP. Further, four letters of support have been received.

3.2 The letter from Councillor Buckley is summarised as follows:

- The amended hours of delivery would have an unacceptable impact on the amenity of neighbouring occupiers, further the change in offer (moving away from a convenience offer) also causes concern;
- The removal of 22 trees within the site is unacceptable and such changes are not needed, further the mitigation though tree planting could take a number of years to mature; and
- The development would impact on current staff at the Co-Op.

3.3 The letter from Liz Twist MP is summarised as follows:

- The proposed amendment to the proposed delivery hours would impact on the residents at Dean Terrace and also of Watermill, Parsons Drive and the adjoining section of Hexham Old Road; this impact is made worse by changing land levels and the resultant amplification of sound; and
- The development would lead to the loss of trees to the detriment of the environment.

3.4 The letters of objection are summarised as follows:

- The proposed development would lead to increased noise;
- The hours of delivery proposed are not acceptable;
- The removal of trees is not acceptable;

- Residents to not want a discount supermarket on their doorstep;
- The proposed development (as a result of the loss of trees) would result in an environmental impact;
- The loss of the Co-op would be damaging to the area;
- All trees and shrubs should be retained;
- The proposed development would lead to increased impact on anti-social behaviour;
- The proposed development provides too much carparking;
- The proposed development would lead to an increase in flooding;
- There is no pedestrian crossing point to the site which is a safety issue;
- The result of the submitted Noise Impact Assessment are not sound; and
- The proposed development would not comply with the Sunday Trading Act.

3.5 The letters of support as summarised as follows:

- The proposed development offers convenience to residents; and
- A budget supermarket is needed in the area.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV61 New Noise-Generating Developments

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

5.0 Assessment:

5.1 The main planning issues are considered to be the developments acceptability in terms of design, highway safety, the amenity of adjacent residents and CIL.

5.2 BACKGROUND

It should be noted that the application does not propose a change of use to the application site. The application site currently benefits from permission to operate as a supermarket (Use Class A1), the application does not propose to change this and nor does the application propose any increase in floor area.

5.3 IMPACT ON RESIDENTIAL AMENITY

Planning approval DC/13/00531/FUL allows for opening hours of between 0700 and 2230 hours between Monday and Saturday and 0900 and 2100 on Sunday. Further, the site benefits from servicing and delivery hours which allow deliveries/servicing between 0730 and 1900 Monday to Saturday and between 0900 and 1800 on Sunday (excluding a single newspaper delivery to the front of the premises). Further, the servicing yard must remain closed outside and must not be used outside of these times.

- 5.4 The National Planning Policy Framework states that *"planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life"

- 5.5 As a reflection of the national planning policies and specific guidance of noise generating development, saved UDP policy ENV61 (new noise-generating development) states that new noise generating development will not be permitted if it causes an unacceptable increase in noise levels.

- 5.6 The application seeks consent for additional servicing hours, this amendment would allow for an additional 30 minutes servicing on a morning and an extra 3 hours servicing on an evening between Monday and Saturday and well as an extra 1 hour servicing on a morning and an extra 2 hours of servicing on an evening on a Sunday. The application does not propose any physical alteration to the servicing yard.

- 5.7 The proposed development has been accompanied by a Noise Impact Assessment, the purpose of which is to assess the impact of the proposed increase in serving hours. The assessment has been conducted in accordance with the requirements of Gateshead Council and the guidance contained in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound.

- 5.8 The assessment is based on background sound measurements and associated observations at the nearest noise-sensitive locations to the site during representative daytime and night-time periods. The closest noise-sensitive receptors are those residential properties located on Main Road to the north, Watermill to the south-east and Hexham Old Road to the south of the site.

- 5.9 The report breaks the assessment of noise impact into two parts focussing on fixed plant and customer vehicles and the impact of deliveries respectively. The submitted Noise Impact Assessment concludes that both the fixed plant and customer vehicles movements are likely to have a 'low impact' on noise sensitive receptors. Further, the Noise Impact Assessment concludes that '... it can be concluded that the variation in delivery hours to extend the daytime delivery window to include between 07:00 to 23:00 hours Monday to Sunday is likely to have a low impact on the nearest residential receptors.'
- 5.10 The submitted Noise Impact Assessment has been interrogated by officers, including Environmental Health Officers. While it is considered that the conclusions reached within the Noise Impact Assessment are broadly sound. However, it is considered unacceptable to allow the deliveries to continue into the night time, it is considered that the lesser hours proposed by the application i.e. between 0700 and 2200 Monday to Saturday and between 0800 and 2000 on Sunday are acceptable; however and further increase of hours would not be appropriate.
- 5.11 It is considered appropriate to reattach conditions pertaining to both hours of opening and servicing (Conditions 3 and 4).
- 5.12 Following consultation with the Council's Environmental Health Section it is considered that the development would not lead to unacceptable noise levels to residents, therefore the proposal would achieve the aims and objectives of the NPPF, UDP Policies ENV3 and ENV61 and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).
- 5.13 VISUAL AMENITY/TREES
The application proposes alterations to both the store and the carpark associated with the store.
- 5.14 It is considered that the proposed alterations to the store are entirely appropriate in their context, the proposed alterations largely relate to changes to materials. The building would maintain the appearance as a retail unit and subject to the use of appropriate materials (Condition 5 and 6), this element of the proposal is acceptable.
- 5.15 Regarding the car park, it is considered that following the amendment to the scheme the leafy views into the site would be retained and replacement trees are to be planted in a much-improved sustainable location. It is accepted there will be some loss of trees however overall it is considered that the amenity provided by the existing trees will be retained and that the immediate loss of amenity in relation to the trees to be removed is temporary and will be compensated for by their replacement in a better location in the long term.
- 5.16 It is, however, considered necessary to condition the submission of a final landscaping scheme and the implementation and maintenance of that scheme (Condition 7, 8 and 9) as well as details of the proposed tree protection to be installed during the carrying out of the proposed works (Conditions 10 and 11).

5.17 Subject to conditions, the proposed development is acceptable from a visual perspective and accords with the aims and objectives of the NPPF, saved policy ENV3 and ENV44 of the UDP and policies CS15 and CS18 of the CSUCP.

5.18 HIGHWAYS

It is considered that the access to and from the site will remain unaltered. Further, the proposed development does not propose any increase in either store size or opening hours to the public; on this basis it is considered that the proposed development would not lead to any significant increase in vehicle movements.

5.19 It is considered that the proposed levels of parking are acceptable, the carpark is shared between the retail food store, the Social Club and the restaurant/hairdressers; on this basis parking levels are considered to be acceptable.

5.20 Based on the above assessment and subject to appropriate conditions, it is considered that the proposal would comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP.

5.21 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related. As such no CIL charge is liable.

5.22 OTHER MATTERS

The ultimate occupier of the premises cannot be controlled via the planning system, such concerns have not been afforded any weight in forming the recommendation.

5.23 The compliance (or otherwise) of the development with other legislation e.g. the Sunday Trading Act is not material to the decision-making process.

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

6.0 CONCLUSION

6.1 Following full consideration of policies contained in the Council's Unitary Development Plan, the CSUSP, national planning policy and all other material planning considerations it is considered that the development should be granted planning permission subject to conditions.

7.0 Recommendation:

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

1

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

0001 S3 P15 - Proposed Site Plan

0002 S3 P3 - General Arrangements Elevations - Proposed

0002 S3 P4 - General Arrangement Plan - Proposed Ground Floor

0002 S3 P3 - General Arrangement Plan - Proposed First Floor

002 S3 P3 - General Arrangement Plan - Proposed Roof

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

Reason

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

2

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

Reason

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

3

The hours of opening of the supermarket to the public shall be limited between 0700 and 2230 hours between Monday and Saturday and 0900 and 2100 on Sunday.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with the NPPF, Policies DC2 and ENV61 of the Unitary Development and Policy CS14 of the CSUCP.

4

Servicing and deliveries shall take place fully in accordance with the stipulation set out below:

i. No servicing or deliveries shall take place to any part of the premises before 0700 or after 2200 on Monday to Saturday and before 0800 or after 2000 on Sundays other than those prescribed in part ii. Of this condition.

ii. A single delivery between the hours of 0600 and 0730 seven days a week, the single delivery shall be made by a vehicle no

greater than 3.5 tonnes in size, shall be made fully in accordance with the 'Code of best practice for newspaper deliveries to the Ryton, Gateshead supermarket' document.

iii. During the periods when servicing and deliveries are not permitted by part i. of this condition, the service yard shall be closed, and no operations shall take place within it.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with the NPPF, Policies DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

5

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

Reason

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

6

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

Reason

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

7

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

Reason

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

8

The landscaping details approved under Condition 7 shall be implemented in accordance with the timings approved under Condition 7.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 7.

Reason

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

10

Notwithstanding the submitted information, no development pertaining to the existing carpark shall commence until a scheme for the protection of the retained trees (set out within the submitted Tree Survey) has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason

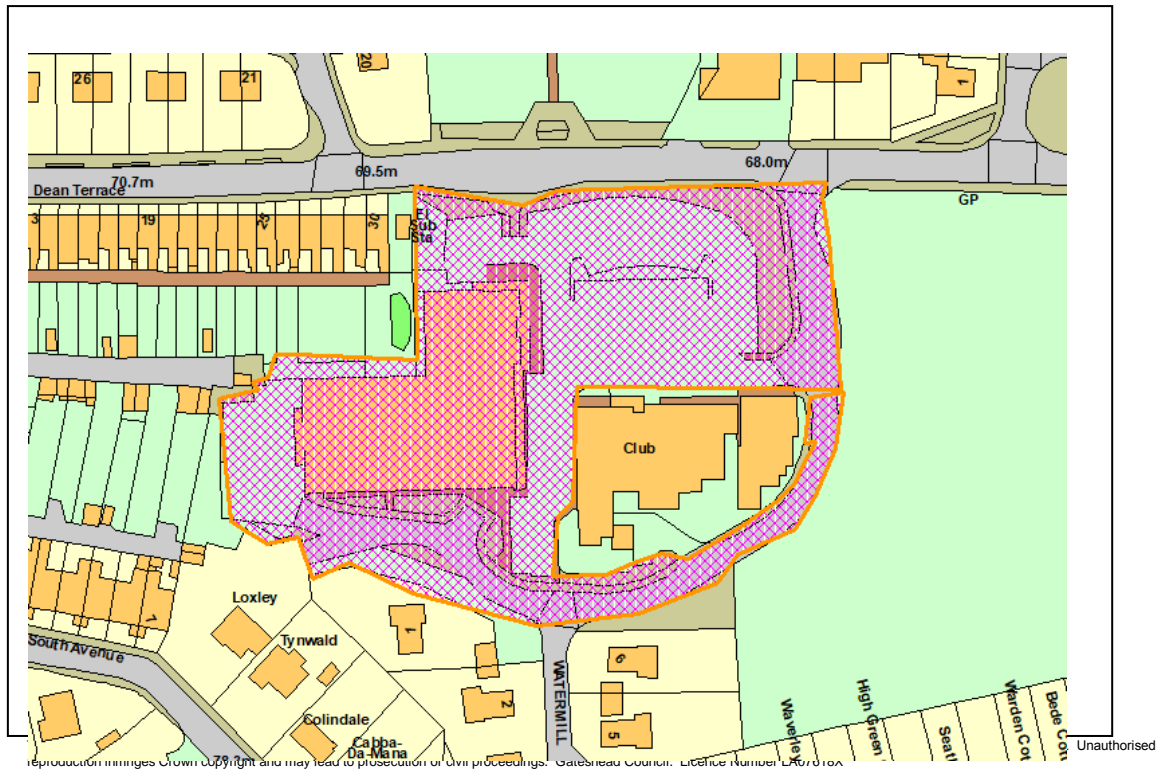
To ensure the satisfactory protection of trees in accordance with the NPPF, policy CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

11

The tree protective fencing approved at condition 10 must be installed prior to the commencement of works within the existing carpark and thereafter retained intact for the full duration of the construction works (unless an alternative is agreed in writing by the LPA) and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, policies GV6 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.



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Committee Report

Application No:	DC/19/01090/FUL
Case Officer	David Morton
Date Application Valid	25 October 2019
Applicant	Mr Gary Tremlett
Site:	9 Derwent Street Chopwell NE17 7HU
Ward:	Chopwell And Rowlands Gill
Proposal:	Change of use vacant premises to two residential units including alterations to shopfront and roof, and erection of first floor rear extension (description amended 20/04/20 and amended plans received 18/03/20).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application relates to an existing property located on Derwent Street, Chopwell. The building itself is currently in a commercial use and was most recently used as a gym (Use Class D2). The property itself has two floors, is of flat roof construction and has a typical shopfront made up of brick and glazing.

1.2 The application site is located within Chopwell Local Centre as defined by the Local Plan.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for the change of use of the property from a gym to two flats. In addition, the application seeks consent for physical changes to the building including the erection of a first-floor rear extension and amendments to the existing shop front.

1.4 RELEVANT PLANNING HISTORY

The relevant planning history is summarised as follows:

- 00798/87; Planning permission granted for 'Change of use from vacant shop to office use for the provision of financial and professional services. (Class A2).' Date; 07 September 1987.
- 1153/87; Advertisement consent granted for 'Display of two internally illuminated hanging window signs size 4'0" x 9" reading "NEWCASTLE BUILDING SOCIETY" and "NORTHERN FINANCIAL CONSULTANTS" and one internally illuminated double sided projecting box sign size 2'6" x 2'6" reading "NEWCASTLE BUILDING SOCIETY".' Date; 26 November 1987.

- DC/13/01089/COU; Retrospective planning permission granted for 'Proposed change of use from shop to gym (use class D2) and tattoo studio (use class Sui Generis) (retrospective application).' Date 23 October 2013.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 A total of four letters of objection have been received, including one from a Ward Councillor (Councillor Dave Bradford), the letters are summarised as follows:

- There is insufficient infrastructure to deal with additional housing;
- There isn't anywhere for residents to park;
- There are already a number of vacant flats within the area;
- The proposed development would lead to an increase in traffic;
- The proposed development will lead to a loss of retail units;
- The building has previously been used for illegal purposes;
- The change of use could 'close off' further commercial redevelopments within the street; and
- There is likely to be a significant increase in residents in the village and as such more varied retail will be required.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

H4 Windfall and Small Housing Sites

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

CFR23 Protecting and Imp Existing Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

RCL5 District and Local Centres

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP Making Spaces for Growing Places

5.0 Assessment:

5.1 The key planning considerations in the assessment of this application are the principle of the development in this location; highway safety; impacts upon visual amenity; impacts upon residential amenity; open space and play provision and CIL.

5.2 PRINCIPLE

5.3 Retail Policy

As referenced above the lawful use of the premises is as a gym (Use Class D2), which is defined as a main town centre use by the NPPF.

5.4 The application site is located within Chopwell Local Centre as defined by the Local Plan. The 2015 retail centre health check report and 2017 update concluded that Chopwell is a centre at risk (underperforming but with potential to improve), noting the need for improvement in the quality of shops and the centre's environment.

5.5 Annual retail surveys have recorded the following:

	<i>Total Units</i>	<i>Vacant</i>	<i>Vacant %</i>
2019	19	9	47%
2018	19	8	42%
2017	19	9	47%
2016	20	8	40%
2015	21	7	33%
2014	21	7	33%

5.6 While it is noted that the application would reduce vacancy, it would also reduce further the number of commercial properties in the centre. Similar changes have occurred elsewhere in the centre at 44-46 Derwent Street (DC/08/01273/COU), at the former curtain factory in the north of the village (DC/16/00865/FUL) and more recently at 19-21 Derwent Street (DC/17/01296/FUL).

- 5.7 It is accepted within the NPPF that residential use is an appropriate use within a town centre - other than where a primary retail frontage restriction applies which isn't the case at Chopwell. There isn't a policy within the local plan which requires a minimum number of commercial units to be retained or which restricts numerically the potential number of permitted conversions.
- 5.8 This said, the property is identified as part of the village's area of special character (Gateshead Placemaking Guide 2012 and MSGP24) where the recommended approach includes resisting the conversion of shop units to residential; this does not extend to all commercial or town centre uses. Further, the NPPF refers to the need to support economic growth in rural areas to create jobs and prosperity, including through the retention and development of local services and community facilities.
- 5.9 In addition to the above, the Council has recently embarked on the development of a sustainable communities plan for Chopwell to address some of the socio-economic issues affecting the village, and in December 2017, a report to Cabinet set out the outputs of a consultation exercise undertaken, including:
- The need for greater support for local businesses to improve choice and offer, including bringing properties back into commercial use; and
 - The need to improve the appearance of the village including through shop/building frontages.
- 5.10 Having regard to the above, it is considered that the proposed development would not significantly harm the vitality and viability of the local centre. Further, while the proposal would lead to the loss of a commercial unit (albeit not a retail unit), it is considered that the vacancy levels within the centre, the number of years the property has been vacant and the improvements the proposal will bring (both visually and through the proposed use) must weigh heavily in the assessment of the application.
- 5.11 On the basis of the above, it is considered that the application is acceptable on balance having regard to the NPPF, Core Strategy policy CS7, saved UDP policy RCL5 and emerging policies MSGP7 and MSGP24.
- 5.12 Housing Policy
- 5.13 Housing demand and policy
As the application site is not specifically allocated for housing in the UDP, proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.
- 5.14 The site forms a windfall site. The NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development."

- 5.15 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.16 **Housing choice**
Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application proposes the creation of two family homes and as such the development is considered appropriate in the context of the NPPF, saved policies H4 and H5 of the UDP and policies CS10 and CS11 of the CSUCP.
- 5.17 **Residential space standards**
Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered based upon the submitted information that the application meets this requirement providing adequate space internally and while external space is limited this is accepted given the nature of the development i.e. a conversion.
- 5.18 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5 and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.
- 5.19 **HIGHWAY SAFETY**
Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.20 It is considered that the proposed development would not lead to any additional vehicle movements when considered against the existing use. Further, the application site is capable of accommodating four vehicles to the rear of the premises, in addition to refuse and cycle storage and is located within a highly sustainable location.
- 5.21 Based on the above assessment, it is considered that the proposed development would not have an unacceptable impact on highway safety, nor would it have a severe impact on the surrounding road network. The proposed development is considered to be compliant with the aims and objectives of the NPPF and Core Strategy policy CS13.
- 5.22 **VISUAL AMENITY**
The NPPF at Paragraph 124 makes it clear that *'the creation of high-quality buildings and places is fundamental to what the planning and development*

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

- 5.23 Further, Paragraph 130 states that;
"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."
- 5.24 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.25 The design of the proposed development demonstrates a well-considered and respectful response to the site. The proposed development seeks to maintain the appearance of a retail frontage while seeking to replicate the local vernacular i.e. window proportions and styles. It is considered that the utilisation of a simple palette of limited materials would work well within what is considered to be a varied streetscene.
- 5.26 On this basis, it is considered that the proposed development represents a good design solution which is sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result. It is considered necessary to condition that the final details of materials be submitted to the Council (Conditions 3 and 4).
- 5.27 **IMPACTS UPON RESIDENTIAL AMENITY**
It is considered that the proposal would not lead to any unacceptable impact upon the occupiers of the properties in terms of an unacceptable loss of outlook, privacy or light, or any overshadowing, undue disturbance, noise or overbearing impacts.
- 5.28 Further, it is considered that the proposed development would replicate similar residential conversation within the immediate area. Given the application site is located within a local centre it is considered reasonable to suggest that any future occupiers would expect an amount of disturbance over and above that experienced within solely residential areas.
- 5.29 The proposal would therefore comply with the aims and objectives of the NPPF, Core Strategy policy CS14 and saved UDP policy DC2.
- 5.30 **OPEN SPACE/PLAY PROVISION**
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.

- 5.31 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.
- 5.32 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.33 Therefore while it cannot be concluded that the application would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for either off site open space or play provision in this case based on the above assessment.
- 5.34 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.
- 5.35 **OTHER MATTERS**
It is considered that all material planning considerations raised by objectors have been addressed within the main body of the report.

6.0 CONCLUSION

- 6.1 Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.
- 6.2 It is therefore recommended that planning permission is granted subject to conditions.

7.0 Recommendation:

- 7.1 That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -
Proposed Elevations (5), Proposed Tech Plans (3) and Site Plan (3).

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

Reason

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

2

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

Reason

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

3

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

Reason

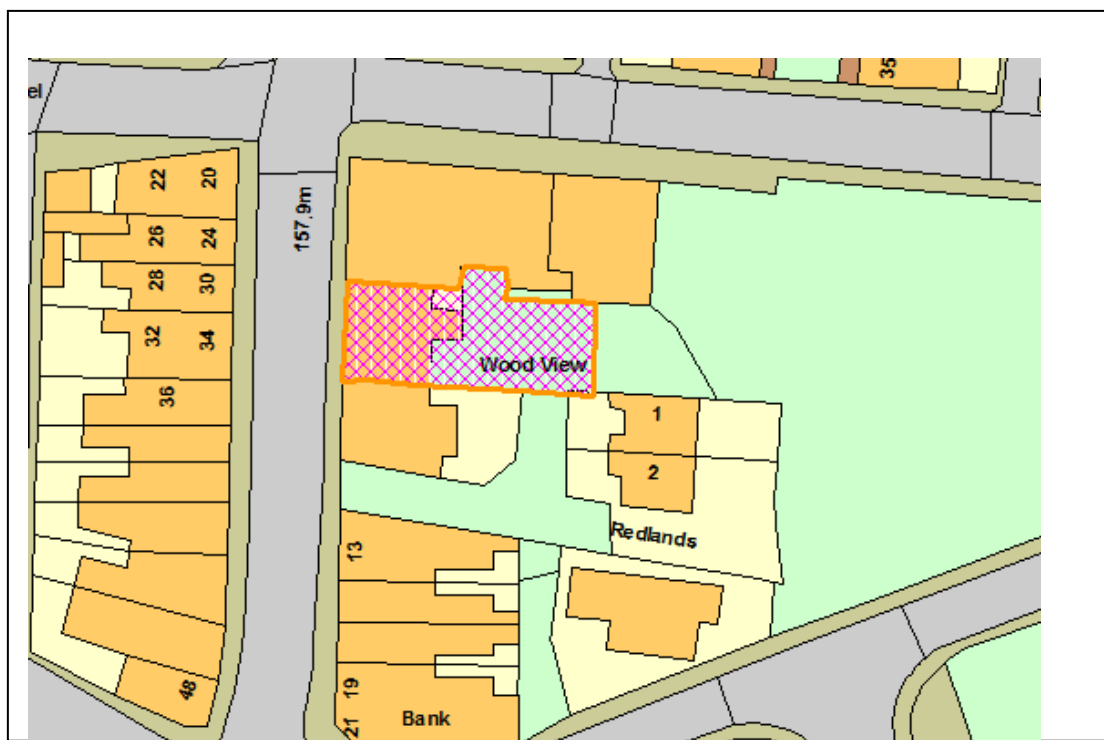
To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

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

Reason

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



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REPORT NO 3

Committee Report

Application No:	DC/19/01232/OUT
Case Officer	Josh Woollard
Date Application Valid	27 January 2020
Applicant	Mr Peter Charlton
Site:	Land South Of Dodsworth Terrace Greenside Ryton
Ward:	Crawcrook And Greenside
Proposal:	Outline permission for the construction of four dwellinghouses with some matters reserved (description changed 18.03.2020, amended 02.03.2020)
Recommendation:	GRANT
Application Type	Outline Application

1.0 The Application:

1.1 DESCRIPTION OF THE APPLICATION

The application site comprises two, thin, rectangular pieces of land which are located to the rear of Dodsworth Terrace. The two parcels of land are maintained as private gardens, whilst a private garden in different ownership splits the two parcels.

1.2 Land to the rear of Dodsworth Terrace is predominantly private garden space whilst four dwellings have been or are in construction to the east of the application site. A number of private garages and sheds abut the private access road running along the northern boundary of the site. Beyond this access road runs Dodsworth Terrace, a residential terrace. To the west of the site is Elmtree Drive, with residential properties backing onto the application site. To the south is the green belt boundary.

1.3 Land levels on the site fall gently towards the green belt boundary.

1.4 DESCRIPTION OF THE SITE

This outline application proposes the construction of four dwellinghouses (Use Class C3) with associated access. Access and layout are to be considered with matters relating to appearance, landscaping, and scale to be reserved for subsequent reserved matters approval.

1.5 RELEVANT PLANNING HISTORY

- Land to the rear of 9 Dodsworth Terrace
 - DC/11/00924/FUL - Erection of detached garage – Granted 31.10.2011
- Land to the rear of 10-11 Dodsworth Terrace
 - DC/13/00621/OUT - Erection of detached dwellinghouse (use class C3) – Granted 23.09.2013

- DC/14/01337/REM - Erection of detached 1.5 storey dwellinghouse (use class C3) – Granted 09.02.2015
- DC/15/01191/FUL - Erection of detached dwellinghouse with detached double garage – Granted 03.02.2016
- Land to the rear of 12-14 Dodsworth Terrace
 - DC/10/00326/OUT - Erection of detached 1.5 storey dwellinghouse (use class C3) – Granted 05.04.2012
- Land to the rear of 13-15 Dodsworth Terrace
 - 911/93 - Erection of double garage/store on allotment at rear of dwellinghouse – Granted 18.10.1993
- Land to the rear of 16-17 Dodsworth Terrace
 - DC/08/01803/OUT - Erection of detached dwellinghouse (use class C3) – Granted 30.04.2009
 - DC/12/00229/OUT - Extension of time for implementation of planning application DC/08/01803/OUT for the erection of detached dwellinghouse (use class C3) – Granted 27.04.2012
 - DC/12/01191/REM - Erection of detached dwellinghouse (use class C3) – Granted 10.01.2013
 - DC/15/00367/HHA - Erection of detached garage – Granted 03.06.2015
- Land to the rear of 18 Dodsworth Terrace
 - DC/04/00563/FUL - Erection of three-bedroom dormer bungalow and construction of vehicular access – Granted 16.08.2004

2.0 Consultation Responses:

The Coal Authority No objection subject to condition

3.0 Representations:

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

3.2 A site notice was placed on site on 03.02.2020.

3.3 6 representations have been received which object to the proposed development. The objections are summarized as follows:

- Loss of allotments and open space
- Inappropriate back land development and garden grabbing
- Overdevelopment
- Out of character
- Loss of light, privacy, outlook and view

- Noise and disturbance
- Poor visibility and unsafe access
- Back lane is in a state of disrepair
- Increased traffic
- Parking problems
- Impact on biodiversity
- Coal mining legacy issues
- Lack of consultation

4.0 **Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CFR20 Local Open Space

CFR27 Allotments

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1L Waste Management

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

MSGP Making Spaces for Growing Places

MWR28 Provision of Facilities in new Developments

5.0 Assessment of the Proposal:

- 5.1 The key issues to be considered in the determination of this planning application are considered to be:

5.2 PRINCIPLE OF THE DEVELOPMENT

Loss of Allotment Land

- 5.3 The application site is allocated as allotment land in the adopted Unitary Development Plan.
- 5.4 On conducting a site visit, it was evident that many of the plots are used as recreational gardens (presumably under the ownership of nearby/adjoining dwellings), for car parking and to house sheds/garages, or are occupied by new-build dwellings. In the absence of evidence demonstrating that the land is tenanted by allotment holders, Council officers are of the opinion that the site does not contribute to allotment provision within this area of the Borough and it is unlikely to make such a contribution in the future.
- 5.5 Therefore, Officers consider that as the site is not used as allotments it would not be reasonable to assess the proposal against Policy CFR27 which seeks to protect allotments.

Windfall Housing

- 5.6 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.
- 5.7 It is considered that the site meets the criteria set out in policy H4 of the UDP in relation to its sustainable location, close to local services and public transport routes, and it would help sustain the local community.

Range and Choice of Housing

- 5.8 Policy CS11 sets out the Council's aims in relation to providing a range and choice of housing. The policy seeks 60% of new private housing to have three or more bedrooms in order to be attractive to families, it also seeks to ensure that adequate space is provided inside and out to meet the needs of residents.
- 5.9 Indicative drawings submitted by the applicant show the proposed dwellings to have four bedrooms and it is therefore considered that the proposed development would contribute to meeting the aims of policy CS11.
- 5.10 Based on the above assessments, the principle of housing on the site is considered to be acceptable and would help contribute to the aims and objectives of Saved policy H4, and policies CS10 and CS11.
- 5.11 Given the above assessment, it is considered the principle of developing the site for residential is acceptable subject to all other material planning considerations being satisfied.
- 5.12 VISUAL AMENITY
The proposed dwellings would be built in a linear arrangement facing north towards Dodsworth Terrace. Each dwelling would be detached. There is no specific policy restricting backland development in this location and the submitted layout is considered to respect the established building line which has been created through the planning approval and subsequent construction of properties to the east. Further, the layout of the buildings allows for each plot to have ample private amenity space to the rear, whilst there would be an open feel to the approach to the dwellings as a result of the access roads and opportunities at the entrance for landscaping. The development would not therefore constitute an overdevelopment of the site and, in terms of layout, would be acceptable.
- 5.13 The indicative drawings show the dwellings to be two-storey in height, with simple gable roofs and a gable peak which is considered broadly acceptable and sympathetic to the design of residential properties in the area. It is considered that a scheme could be developed which would be in-keeping with the prevailing height of properties in construction to the east on land south of Dodsworth Terrace and a condition is recommended which limits the maximum height of the dwellings at reserved matters stage (condition 4).
- 5.14 Taking into account the above, it is considered that the proposed development would be acceptable, subject to condition, and would comply with the NPPF, policy CS15 of the CSUCP, and Saved policy ENV3 of the UDP.
- 5.15 RESIDENTIAL AMENITY
The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 5.16 Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not cause undue disturbance to nearby residents and ensures a high quality of design and amenity for existing and future residents.

Existing Occupants

- 5.17 Separation distances between properties to the west and north are in excess of the minimum recommended distances of 13m and 21m respectively to ensure that there would be no unacceptable loss of privacy/outlook, overshadowing, or overbearing impact on nearby residential properties.
- 5.18 A single high-level window is located within the side elevation of the property being constructed to the east. This is not the primary window serving the room and it is not therefore considered that the proposed dwellings would have an unacceptable impact on amenity.
- 5.19 There are no residential properties to the south.
- 5.20 With regards to noise and disturbance from vehicles and construction works, it is considered necessary however to restrict the hours of operation (condition 5) to safeguard the residential amenity of nearby residents by minimising the impacts of the construction phase.

Future Occupants

- 5.21 Policy CS11(4) of the CSUCP requires new dwellings to provide adequate space inside and outside of the home to meet the needs of the residents.
- 5.22 It is considered that adequate internal and external amenity space is provided for the occupants of the proposed dwellings.
- 5.23 Bearing in mind the application seeks outline permission with some matters reserved, it is considered that the dwellings could be successfully accommodated on site without compromising residential amenity and would comply with the NPPF, policy CS14 of the CSUCP, and Saved policy DC2 of the UDP.
- 5.24 HIGHWAY SAFETY

Access and Trip Generation

- 5.25 The lane to the rear of Dodsworth Terrace is narrow but two-way traffic is possible at most points on the carriageway, including the western end of the lane where it forms a junction with Lead Road. It is acknowledged that the back lane is in a state of disrepair, with the surface of the road in particular being poor. As such, whilst the development would generate additional trips along the back lane, these could safely be accommodated, subject to a condition requiring improvements to the back lane including its resurfacing (condition 6-7).

- 5.26 Streetlights are already in place to the western end of the back lane and it is therefore considered that, subject to improvements to the back lane, it could function safely as a shared surface for pedestrians and vehicles.
- 5.27 In terms of the new vehicular accesses to the site, the submitted layout shows two accesses of a sufficient width with acceptable turning heads. It is considered that a 2.4m x 2.4m visibility splay at the entrance to the application site could be provided and final details can be secured via condition (condition 6-7).

Parking Provision

- 5.28 Whilst the proposed access points may result in the loss of some informal parking along the back lane, this would be limited and is not considered to warrant refusal of the application.
- 5.29 In terms of parking provision for the proposed dwellings, each dwelling would benefit from dedicated off-street parking whilst plots 3 and 4 would each benefit from a detached garage.

Cycle Parking

- 5.30 In the absence of 3m x 7m garages on site, final details of secure and weatherproof cycle parking are required for each plot. This can be secured via condition (condition 8-9).
- 5.31 Taking into account the above, it is considered that the proposed development would be acceptable and would comply with the NPPF and policy CS13 of the CSUCP.
- 5.32 REFUSE
There is ample space on site for the storage of bins near properties. As Council refuse wagons will not enter a private development courtyard, bins will need to be pulled to the access at the edge of the back lane. As such, it is recommended that a condition be attached requiring details of an enclosed bin store at the entrance of the site to preserve visual amenity (condition 10-11).
- 5.33 Therefore, it is considered that the proposal accords with the NPPF and saved policy MWR28 of the UDP.
- 5.34 ECOLOGY
Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures
- 5.35 The proposed development site is located approx. 250m west of the Folly Local Wildlife Site. Great crested newt have previously been confirmed as breeding

within a pond located approx. 90m south east of the proposed development site. Habitats / features located within and/or immediately adjacent the proposed development site, including the area of dense scrub/woodland located along the southern boundary, have the potential to support statutorily protected and/or priority species, including (but not limited to) terrestrial amphibians.

- 5.36 The site clearance, construction and operation phases of the proposed development have the potential to adversely impact and result in a net loss of biodiversity and it is therefore recommended that a biodiversity method statement be submitted prior to commencement of the development (condition 12-13).

- 5.37 Subject to conditions, the proposal is considered to be acceptable from an ecological point of view, in accordance with the aims and objectives of the NPPF, saved policies DC1(d), ENV46, ENV47 and ENV49 of the Council's UDP and policy CS18 of the Council's CSUCP.

5.38 GROUND CONDITIONS

Coal Mining Legacy Issues

- 5.39 The Coal Authority records indicate that the site is within an area of probable shallow coal mining and the zone of influence from an off-site mine entry (shaft ref: 414562-026) extends into the north-western part of the site. The Coal Authority hold no treatment details for this mine entry and due to plotting inaccuracies, there could be some deviation by several metres from the current plotted position. This could result in the mine entry being present within the site.

- 5.40 The planning application is accompanied by a Desk Top Study / Phase 1 Risk Assessment / Coal Mining Risk Assessment (January 2020). One of the aims of the Report is to determine whether past mining activity may impact the re-development of this site. The Report has been informed by an appropriate range of sources of information including a site walkover survey.

- 5.41 Taking into account the findings of the Report, intrusive site investigations are required to be carried out on site to establish the exact situation in respect of coal mining legacy features and, where required, identify a remediation scheme to protect the development from the effects of such land instability and these can be secured via condition (conditions 14-15).

Contaminated Land

- 5.42 The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. The site has been occupied by allotment gardens since at least circa 1916.

- 5.43 As the allotment gardens have occupied part of the site for circa 100 years, it is possible that contamination is possible mainly due to imported materials used for paths, improving drainage, bonfires, ashes from coal fires being used as a fertiliser and use of pesticides and herbicides.
- 5.44 Considering the site's future sensitive land use and the potential for land contamination, a condition for a PRA and an intrusive site investigation with a Phase II Detailed Risk Assessment, and where required remediation, Monitoring and Verification Reports should be undertaken. This can be required by condition (conditions 16-21).
- 5.45 Subject to the conditions referenced above the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies ENV54 and DC1(p) of the UDP.
- 5.46 **OPEN SPACE/PLAY PROVISION**
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.47 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.
- 5.48 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.49 Therefore while it cannot be concluded that the appeal proposal would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for either off site open space or play provision in this case based on the above assessment.
- 5.50 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for qualifying housing related. The site is within Residential CIL Zone C, which has a charge of £0 per sqm.
- 5.51 **OTHER MATTERS**

One objection states that they were not consulted about the application. Officers are of the opinion that the scope of the consultation was sufficient for the development proposed, whilst a site notice was also placed along Lead Road.

- 5.52 One objection raises concerns with regard to loss of view. This is not a material planning consideration and no weight has been afforded to it.

6.0 **CONCLUSION**

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal 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.

7.0 **Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

Location Plan

Proposed Site Plan

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

- (1) appearance
- (2) landscaping
- (3) scale

Reason

This condition is imposed pursuant to article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended) to ensure development is carried out in accordance with the approved details as submitted.

2

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

Reason

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

3

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

4

The ridge line of the proposed dwelling shall not exceed 7.6 metres in height.

Reason:

In order to protect the visual amenity of the area and in the interests of residential amenity in accordance with the NPPF, policy CS15 of the CSUCP and policies ENV3 and DC2 of the UDP.

5

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved UDP policy DC2 and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

Prior to commencement of the development hereby approved, final details of works:

- i) to improve the surface of the rear lane serving Dodsworth Terrace; and
- ii) to create the new vehicular accesses to the site including the provision of a 2.4m x 2.4m visibility splay;

shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure safe movements to and from the site in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan.

Reason for pre-commencement

To ensure that safe access and appropriate visibility can be achieved and that the splay can be taken into account in the scheme and can be delivered within an appropriate timescale.

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

7

The details approved under condition 5 shall be implemented wholly in accordance with the approved details prior to the first occupation of the dwellinghouses.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

8

Prior to the first occupation of the dwellings hereby permitted, final details of secure and weatherproof cycle storage for each plot shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

9

The details approved under condition 8 shall be implemented wholly in accordance with the approved details prior to the first occupation of each relevant dwelling and retained for the life of the development.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

10

Prior to occupation of the dwellings hereby approved, final details of an enclosed bin store at the entrance to the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, scale and appearance of the bin stores.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan.

11

The details approved under condition 10 shall be implemented wholly in accordance with the approved details prior to the occupation of the dwellings hereby approved and retained for the life of the development.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan.

12

No development shall take place (including any demolition, site clearance and ground works) until an ecological method statement for protected and priority species, including terrestrial amphibians, small mammals and nesting birds, has been submitted to and approved in writing by the local planning authority.

Reason

To avoid/minimise adverse impacts on protected and priority species in accordance with the NPPF, policy CS18 of the CSUCP, and DC1(d) & ENV46 of the UDP

Reason for pre-commencement

To understand the potential impacts of the development to ensure appropriate mitigation and compensation measures are in place to avoid/minimise adverse impacts on protected and priority species

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

13

The development hereby permitted shall not take place unless in complete accordance with the details approved under condition 12.

The approved mitigation measures shall be implemented in full at all times during the construction stage and maintained as such for the lifetime of the development.

Reason

To minimise the risk of harm and long-term adverse impacts on protected and priority species in accordance with the NPPF, saved policies DC1(d), ENV46 and ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The report of the findings of the intrusive site

investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance and the report shall include details of remediation, mitigation and monitoring measures, including timescales for implementation.

Reason

To ensure the safety and stability of the proposed development and in accordance with saved policy DC1(p) of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

Reason for pre-commencement

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

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

15

Where the findings of the intrusive site investigations (required by the condition 14) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. This should include the submission of the approved layout plan which identifies the location of mine entry 414562-026 (if found present within the site) and the calculated zone of influence (no build exclusion zone) in order to demonstrate adequate separation between the mine shaft and built development. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason

To ensure the safety and stability of the proposed development and in accordance with saved policy DC1(p) of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

Reason for pre-commencement

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and

coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework

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

16

No development hereby approved shall commence (except for tree protection measures and vegetation clearance works) until a Preliminary Risk Assessment and, where required, a report of findings arising from Phase II intrusive site investigations and a Phase II Detailed Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. The site investigation will consist of a series of boreholes and trial pits, in situ testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

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

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

Reason

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

Reason for pre-commencement

To ensure adequate safety on-site during development works in terms of risks from contamination in accordance with the NPPF.

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

17

Prior to the commencement of development hereby approved, where remediation is identified under condition 16, a detailed 'Remediation Strategy' 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 environment shall be submitted to and approved in writing by the Local Planning Authority.

The 'Remediation Strategy' (including timescales for implementation) shall detail objectives, methodology and procedures of the proposed remediation works.

Reason for condition

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

Reason for prior to commencement condition

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

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

18

The remediation works detailed in the 'Remediation Strategy' approved under Condition 17, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason for condition

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

19

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous,

abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

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

Reason

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

20

The amended remediation and monitoring measures approved under condition 19 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

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

Reason

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

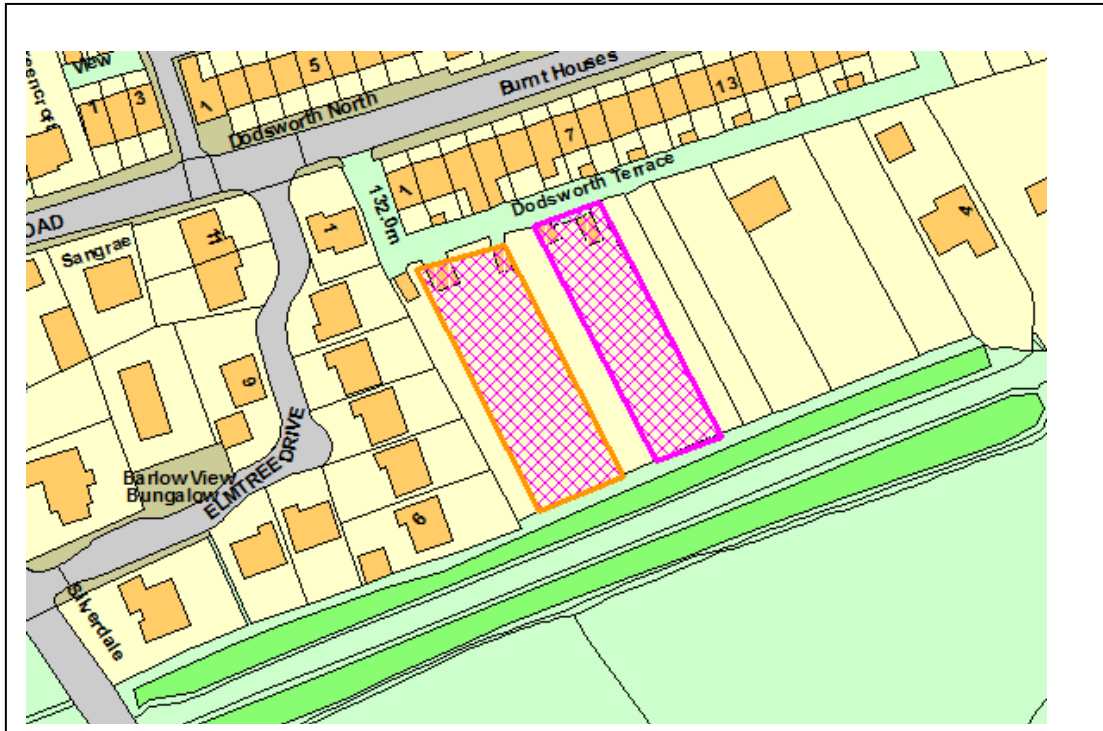
21

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

Reason

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

workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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REPORT NO 4

Committee Report

Application No:	DC/20/00009/OUT
Case Officer	Richard Smith
Date Application Valid	8 January 2020
Applicant	Mr And Mrs Askew
Site:	Land Adj Chapel Close Kibblesworth Gateshead NE11 0YE
Ward:	Lamesley
Proposal:	Outline planning application for the development of 2 dwellings (all matters reserved).
Recommendation:	GRANT
Application Type	Outline Application

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

The application site is part of a larger area of open grassland immediately east of Chapel Close, Kibblesworth, which has an area of around 381 square metres. The application site is bounded to the south and west by the remainder of the open land, with residential properties beyond. To the north, the application site comes to the rear boundaries of the commercial properties in Hadrian House, that face onto Front Street. To the east, the site slopes slightly as it abuts the rear garden boundaries of houses on Moormill. The surrounding properties are varied with terraced bungalows on Chapel Close and two-storey properties of differing size and styles surrounding the site.

1.2 The site is currently, and is proposed to be, accessed via Chapel Close. An existing fence and gate currently restricts access to the piece of land.

1.3 DESCRIPTION OF APPLICATION

This application seeks outline permission for two dwellings.

1.4 Indicative details have been submitted with the application, indicate vehicular access will be taken from Chapel Close to the west of the site. All matters (access, appearance, landscaping, layout and scale) are however reserved for subsequent reserved matters approval.

1.5 The application is accompanied by:

- Site Location Plan
- Planning Statement
- Illustrative Layout

1.6 PLANNING HISTORY

Planning Permission was granted in 2007 for the Outline planning permission for the development of 4 dwellings (DC/07/00443/OUT). This site for the 2007 approval comprised the current application site, but also included some additional land.

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No objection, subject to conditions
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3.0 Representations:

3.1 Representations:

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

3.3 A petition of 30 names representing local residents and two individual objections have been received. The following concerns have been raised:

- Loss of natural light
- Loss of privacy
- No space for parking
- Access concerns
- Concerns for child safety due to vehicle movements
- Disturbance of building work
- Encroaching on land
- Challenges over ownership

It should be noted that the final two points are not material planning considerations and therefore will not be addressed in this report.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Imp - Potential

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

5.0 Assessment of the Proposal:

5.1 The main planning considerations are the principle of the development, design, residential amenity, highway safety, drainage and archaeology.

5.2 PRINCIPLE OF DEVELOPMENT

The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. As such the principle of developing this site for housing should be assessed against saved local plan policy H4 in the Council's Unitary Development Plan (UDP), which relates to windfall housing sites. The National Planning Policy Framework (NPPF) 2019 states that to promote the development of a good mix of sites, planning authorities should "support the development of windfall sites through their policies and decisions, giving weight to the benefits of using suitable sites within existing settlements for homes."

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

5.4 On this basis and given regard to previously approved planning application DC/07/00443/OUT, and as the site is within an existing residential area, the

principle of two dwellings is considered acceptable as it would contribute modestly to housing stock in the Borough. It is considered that the proposal accords with saved policies H4 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.

5.5 DESIGN

The design of the proposed dwellings should have regard to saved policies ENV3 and DC1 which promote new development that would have a design, scale and layout proportionate to the local area and make a positive contribution to the established local character/identity whilst safeguarding residential amenity.

5.6 Paragraph 122 of the NPPF states decisions should support development that makes efficient use of land. In particular, identifying the need for different types of housing and other forms of development, and the availability of land suitable for accommodating it. In this instance it is considered given the constraints which exist on site i.e. access, visual and residential amenity, it is considered that the erection of two dwellings is considered to be appropriate.

5.7 Policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design which responds positively to local distinctiveness and character.

5.8 An illustrative plan submitted with the outline application demonstrated that 2no dwellings can be carefully located within the site, whilst allowing for suitable indoor and outdoor space. Details of final appearance, landscaping, layout and scale will be required to be submitted at reserved matters stage where further consideration can be given to design, materials and the impact the development would have upon the visual amenity.

5.9 A condition (condition 11) is recommended to restrict the height of the proposed dwellings, to a maximum of one storey, with the potential for further habitable accommodation to be provided within the roof, in order to ensure that this appears appropriate within the context of nearby dwellings and to ensure that no detrimental impact on the amenity of the nearby neighbours is caused as a result of the development.

5.10 Furthermore, a condition (condition 20) will be recommended for the details of final levels on site, to ensure an appropriate form of development in the interest of good design and in the interests of residential amenity

5.11 Subject to the conditions as proposed above it is considered that the development could demonstrate compliance with NPPF paragraphs 122, saved UDP policies DC1 and ENV3 and CSUCP policy CS15.

5.12 RESIDENTIAL AMENITY

Saved policy DC2 of the UDP states that planning permission will be granted for new development, where it does not have an adverse impact on amenity or the character of an area and does not cause undue disturbance to nearby residents or conflict with other adjoining uses. Whilst CSUCP policy CS14 1 (iii)

seeks to prevent negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.

- 5.13 Paragraph 127 of the NPPF meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users.
- 5.14 Whilst only illustrative, the plan submitted with the application has demonstrated that by positioning the dwellings north facing, a 21m separation distance can be achieved between habitable rooms of the new dwellings and the neighbouring properties to the north and south. As a result of the limit on the height of the dwellings (condition 11), a 14m separation distance between the gable elevation and the rear of the properties on Greenford and the 11m separation distance to no.1 Chapel Close is also considered appropriate in the context of the site as, on that basis it is not considered that any amenity loss will be caused to either neighbouring property.
- 5.15 In terms of the living conditions of future residents of the two houses, CSUCP policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". As the proposal is for outline permission with all matters reserved, no information has been provided yet and therefore no assessment can be made in terms of CSUCP policy CS11(4).
- 5.16 In order to avoid undue disturbance as a result of the development a condition (condition 6) is proposed limiting the hours of construction.
- 5.17 Subject to the above it is considered that the development could demonstrate compliance with NPPF paragraphs 127, saved UDP policy DC2 and CSUCP policies CS11 and CS14.
- 5.18 **HIGHWAY SAFETY**
Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links.
- 5.19 The matter of access is to be considered at reserved matters stage; however, the Planning Statement refers to access to the site being provided from Chapel Close.
- 5.20 Chapel Close is an adopted road used to access properties within Chapel Close. Whilst it is considered that access to the site off Chapel Close could accommodate two-way traffic movement, no details on access have been provided. There is an existing set of access gates, set within a boundary fence, with informal access to these gates provided across land at the eastern end of the turning head in Chapel Close. It is anticipated that the access for the two dwellings would be in the same location albeit with the gates removed and the approach hard surfaced to an appropriate width and standard.

- 5.21 The detailed design and layout of the parking, access and refuse provision will be key in ensuring the development is considered appropriate, this will be considered at the reserved matters stage.
- 5.22 A condition (condition 19) will be attached requiring the submission of secure and weatherproof cycle parking to be provided as part of the development.
- 5.23 Subject to the condition as proposed above it is considered the development could demonstrate compliance with CSUCP policy CS13.
- 5.24 **ARCHAEOLOGY**
Saved UDP policy ENV22 states that for Sites and Areas of Archaeological Importance, where there is the likelihood that archaeological remains will be encountered as a result of development, and on all developments over 0.5ha in size, the Council will require a programme of investigative research and/or fieldwork to determine whether the remains, that might exist, merit preservation in situ or by record. Research and fieldwork findings should be published.
- 5.25 The site has potential for archaeological remains of the medieval and post-medieval periods; however these are unlikely to be of sufficient significance to require preservation in situ. Given the size of the proposed development conditions (conditions 12 and 13) have been proposed for an archaeological watching brief.
- 5.26 Subject to the condition as proposed above it is considered the development is in compliance with saved UDP policy ENV22.
- 5.27 **CONTAMINATED LAND**
The site was previously occupied by terraced housing from the mid-19th century until circa 1950s before the site was cleared and became occupied by a detached building. This building was demolished circa 1980s and the site has remained as open space since then. Consequently, it is likely that the development area may be affected by ground contamination.
- 5.28 Therefore, in order to demonstrate compliance with saved UDP policies DC1(p) and ENV54 and CSUSP policy CS14 a planning conditions (conditions 14 and 15) will be required for a Preliminary Risk Assessment and where required an intrusive site investigation with a Phase II Detailed Risk Assessment, and Remediation, Monitoring and Verification Reports
- 5.29 Subject to the conditions as proposed above it is considered that the development could demonstrate compliance with NPPF paragraphs 122, saved UDP policies DC1 and ENV54 and CSUCP policy CS14.
- 5.30 **DRAINAGE**
The application site is located within flood zone 1 and therefore at low flood risk probability. No surface flow routes have been identified within the redline boundary of the application site.

- 5.31 A condition (condition 17) is recommended for the submission of a Surface Water Drainage Solution, in order to maximise water quality improvement as part of the comprehensive scheme and to comply with CSUCP policy CS17.
- 5.32 Subject to the condition as proposed above it is considered the development could demonstrate compliance with CSUCP Policy 17.
- 5.33 **PLAY AND OPEN SPACE**
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.34 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.
- 5.35 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.36 Therefore while it cannot be concluded that the application proposal would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for either off site open space or play provision in this case based on the above assessment.
- 5.37 **OTHER MATTERS**
An objector states the red line boundary encroaches onto land belonging to them, Certificate B was signed by the applicant serving notice on the respective landowner. The Local Planning Authority cannot arbitrate in matters where there is a land ownership dispute as this is a civil matter and not something under the control of the planning system.
- 5.38 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for qualifying housing related. The site is within Residential CIL Zone C, which has a charge of £0 per sqm.

6.0 **CONCLUSION**

Taking all other relevant issues into account, it is considered that the proposed development is acceptable; the proposal (subject to planning conditions) is considered to accord with the aims and objectives of both national and local planning policies.

- 6.1 Given the above, it is recommended that planning permission be granted subject to planning conditions set out below.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

Location Plan (1:1250)

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

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

Reason

This condition is imposed pursuant to article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended) to ensure development is carried out in accordance with the approved details as submitted.

2

Application for approval of the reserved matters (access, appearance, landscaping, layout and scale) shall be made to the Local Planning Authority within three years of the date of this permission.

Reason

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

3

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

4

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

Reason

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

5

The development shall be completed using the materials approved under Condition 4 and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

Prior to occupation of the dwellings hereby approved, final details of an enclosed bin store shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, scale and appearance of the bin stores.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan.

8

The details approved under condition 7 shall be implemented wholly in accordance with the approved details prior to the occupation of the dwellings hereby approved and retained for the life of the development.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan.

9

Notwithstanding the details hereby approved, boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings. The details shall include the heights, designs, locations and materials of all proposed boundary treatments.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area, in accordance with the NPPF, saved policies DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

The boundary treatment details approved under condition 9 shall be implemented wholly in accordance with the approved details prior to first occupation of the dwelling and retained for the life of the development.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

11

The dwellinghouses hereby approved in outline shall not exceed one-storey in height, plus their roofs. Additional living accommodation may be provided within the roof space.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the living

conditions of the properties located on Greenford and having regard to the requirements of policy ENV3 of the Gateshead Unitary Development Plan.

12

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason

The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF and saved Unitary Development Plan Policies ENV21 & ENV22

Reason for Pre Commencement

To ensure that any archaeological remains on the site can be preserved wherever possible and recorded.

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

13

Neither dwelling shall be occupied until the report of the results of observations of the groundworks pursuant to condition (12) has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF and saved Unitary Development Plan Policies ENV21 & ENV22

14

Prior to commencement of the development hereby permitted (except for the erection of the site security hoardings), a Preliminary Risk Assessment and, where required, a report of findings arising from Phase II intrusive site investigations and a Phase II Detailed Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason

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

Reason for pre-commencement

To ensure adequate safety on-site during development works in terms of risks from contamination in accordance with the NPPF.

15

Where required, the remediation and monitoring measures and verification reports approved under Condition 14 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

Reason

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

16

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease, and the exposed material shall be chemically tested.
The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

Reason

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

CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

17

Prior to commencement of the development hereby permitted, details of a Surface Water Drainage Solution shall be submitted for the consideration and written approval of the Local Planning Authority. The solution shall follow the hierarchy, listed in order of priority:

- discharge into ground (infiltration), or where not reasonably practicable
- discharge to a surface water body, or where not reasonably practicable
- discharge to a surface water sewer, higher drain, or another drainage system, or where not reasonably practicable
- discharge to a combined sewer.

Reason

In the interests of promoting sustainable surface water management in accordance with CSUCP policy CS17.

Reason for pre-commencement

To prevent the increased risk of flooding from any sources.

18

The drainage scheme approved under condition 17 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted

Reason

In the interests of promoting sustainable surface water management in accordance with CSUCP policy CS17.

19

Neither dwelling hereby approved shall be first occupied until secure and weatherproof cycle parking, capable of storing at least two cycles, has been provided for each dwelling. The provisions of which shall be retained on site in perpetuity.

Reason

In order to ensure adequate provision for cyclists and in compliance with Policy CS13 of the CSUCP and the Gateshead Cycling Strategy.

20

Prior to commencement of the development details of final levels on site shall be submitted to and approved in writing by the Local Planning Authority.

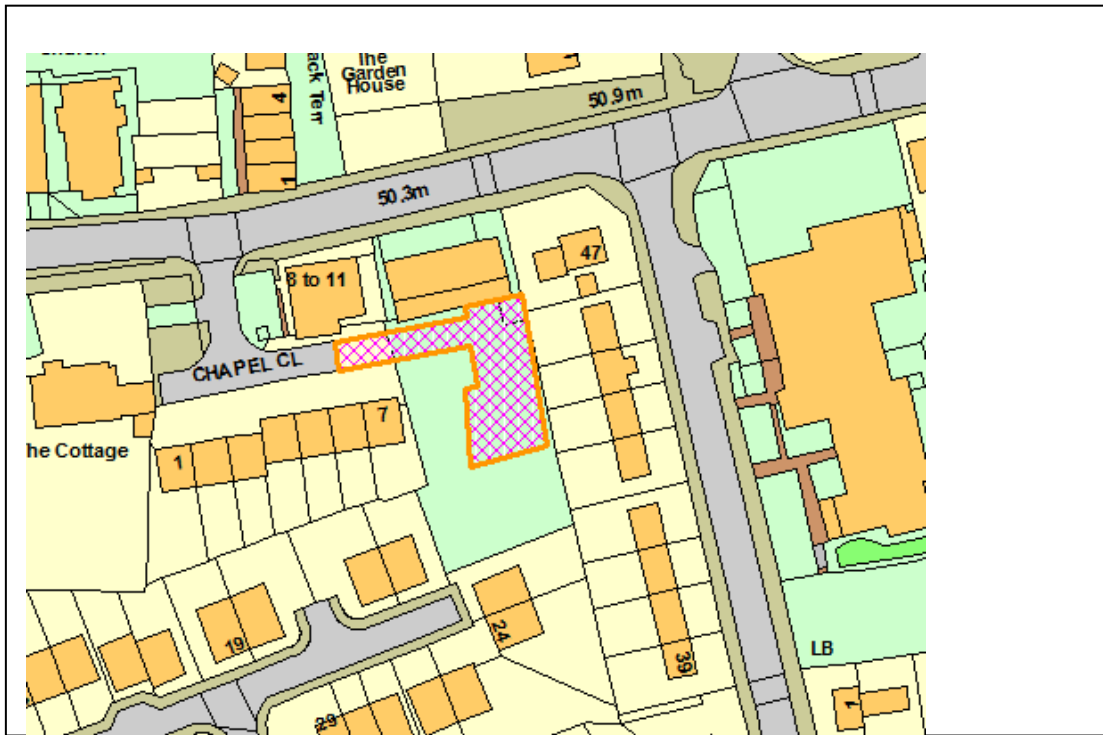
Reason

To ensure an appropriate form of development in the interest of good design and in the interests of residential amenity, in accordance with the

NPPF, saved UDP policies DC2 and ENV3 and policies CS14 and CS15 of the Core Strategy and Urban Core Plan.

Reason for pre-commencement

To ensure that final and appropriate site levels can be agreed prior to the commencement of construction of the site.



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