

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 25 January 2017 at 10.00 am in the Bridges Room - Civic Centre

From the Acting Chief Executive, Mike Barker

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on Wednesday 4 January 2017 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 10) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Former Wardley Colliery, Wardley Lane (Pages 11 - 30)
4ii	No. 2 - Winlaton and District Social Club, Garth Farm Road (Pages 31 - 48)
4iii	No. 3 - Land at Portobello Road, Birtley (Pages 49 - 86)
4iv	No. 4 - Mossheaps Recreation Ground, Moss Bank (Pages 87 - 96)
4v	No. 5 - Ravenside Bungalow, Stocksfield (Pages 97 - 104)
4vi	No. 6 - Windyridge 6 Holburn Crescent (Pages 105 - 114)
	Delegated Decisions (Pages 115 - 122)
5	Enforcement Action (Pages 123 - 132) Report of Strategic Director, Communities and Environment

Continues...

6 Planning Appeals (Pages 133 - 136)

Report of the Strategic Director, Communities and Environment

7 Planning Obligations (Pages 137 - 138)

Report of the Strategic Director, Communities and Environment

Contact: Neil Porteous - Email: neilporteous@gateshead.gov.uk, Tel: 0191 4332149,
Date: Tuesday, 17 January 2017



**PLANNING AND DEVELOPMENT
COMMITTEE
25 January 2017**

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Paul Dowling, Strategic Director Communities
and Environment

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/16/00698/OUT	Former Wardley Colliery Wardley Lane	Wardley And Leam Lane
2. DC/16/00771/FUL	Winlaton And District Social Club Garth Farm Road	Winlaton And High Spen
3. DC/16/00924/FUL	Land At Portobello Road Birtley	Birtley
4. DC/16/00944/FUL	Mossheaps Recreation Ground Moss Bank	High Fell
5. DC/16/01180/FUL	Ravenside Bungalow Stocksfield	Chopwell And Rowlands Gill
6. DC/16/01185/FUL	Windyridge 6 Holburn Crescent	Ryton Crookhill And Stella

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.' In the case of Gateshead the development plan is currently the Core Strategy and Urban Core Plan 2010 – 2030 and the saved policies of the Unitary Development Plan for Gateshead (2007), where they are in conformity with the National Planning Policy Framework.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published on 27 March 2012 by Communities and Local Government (CLG). The National Planning Policy Framework is a material planning consideration, the previous Planning Policy Statements (PPS's), Guidance notes (PPG's) and some Circulars are revoked. Some of the guidance notes that supported the PPS's and PPG's are still extant.

REGIONAL SPATIAL STRATEGY (RSS)

The RSS was revoked on 15th April 2013 and is no longer part of the development plan.

LOCAL PLAN (Formerly known as Local Development Framework)

The Council has adopted the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP) jointly with Newcastle City Council. This sets all the Strategic Planning Policies for Gateshead and Newcastle and more detailed policies for the urban core of Gateshead and Newcastle.

In accordance with 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). These are set out in Appendix 1 of the CSUCP.

The Unitary Development Plan for Gateshead was adopted on 17th 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.

The Gateshead Place Making Supplementary Planning Document and the Householder Alterations and Extensions Supplementary Planning Document, are now adopted and have weight in decision making, supplementing and providing detail to the development plan policies.

The Council is currently working on new draft detailed policies and land allocations for the new Local Plan. The Development Plan Document will be called Making Spaces for Growing Places (MSGP).

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 at the beginning of 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 where persons have indicated their intention to speak in writing, in advance of the meeting, and subsequently confirmed their intention to speak to the Development Information Officer.

For further details of speaking rights at committee contact the Development Information Officer on (0191) 4333150 or please view the leaflet 'Having Your Say' available from the second floor reception at the Civic Centre. You can also view this information on the Planning pages of the Council website under 'Having your Say'

SITE PLANS

The site plans included in each report are for illustrative purposes only. Scale plans are available to view from the file. Key plans and photographs of the site and surroundings are also displayed at committee for information purposes as are other images where necessary including consultation response plans.

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 from the application file. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) Order 2010.

SITE VISITS

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. Normally these visits take place on the Thursday morning prior to the following Wednesday committee meeting. 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 no longer invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

A1 Shops	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	C1 Hotels	Hotels, boarding and guest houses
A2 Financial and Professional Services	Banks, building societies, estate and employment agencies, professional and financial services.	C2 Residential Institutions	Residential schools and colleges convalescent homes/nursing homes
A3 Restaurants and Cafes	Restaurants, snack bars, cafes.	C2A Secure Residential Institutions	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
A4 Drinking Establishments	Public Houses and Wine bars etc.	C3 Dwellings	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared dwellings occupied by between 3 and 6 unrelated individuals who share 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.

Changes allowed without planning permission

From	To
A2 (professional and financial services) when premises have a display window at ground level	A1 (shop)
A3 (restaurants and cafes)	A1 or A2
A4 (drinking establishments)	A1 or A2 or A3
A5 (hot food takeaways)	A1 or A2 or A3
B1 (business) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B2 (general industrial)	B1 (business)
B2 (general industrial) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B8 (storage and distribution) (permission limited to change of use relating to not more than 500 square metres of floor space)	B1 (business)
C3 (dwellinghouses)	C4 (houses in multiple occupation)
C4 (houses in multiple occupation)	C3 (dwellinghouses)
Casinos (sui generis)	D2 (assembly and leisure)

Additional change of use permitted development rights applying from 30 May 2013

Buildings in use class:	Can change to:
Agricultural buildings under 500 square metres	(A1, A2, A3, B1, B8, C1 and D2).
Agricultural buildings between 150 square metres and 500 square metres	(A1, A2, A3, B1, B8, C1 and D2) but prior approval (covering flooding, highways and transport impacts, and noise) is required
B1, C1, C2, C2A and D2 use classes	State-funded school, subject to prior approval covering highways and transport impacts and noise
B1(a) office use	C3 residential use, subject to prior approval covering flooding, highways and transport issues and contamination.
A1, A2, A3, A4, A5, B1, D1 and D2 uses	change use to A1, A2, A3 and B1 uses for a single period of up to two years

Additional change of use permitted development rights applying in England from 6 April 2014

These new permitted development rights will not apply in sites of special scientific interest, safety hazard areas or military explosives storage areas; nor do they apply to scheduled monuments. With the exception of new Class CA the rights will also not apply to listed buildings.

- **retail to residential** - new class IA allows change of use and some associated physical works from a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 150 square metres of retail space will be able to change to residential use. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.*
- **agricultural to residential** - new class MB allows change of use and some associated physical works from buildings used for agricultural purposes to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 450 square metres of retail space will be able to change to up to three dwellings. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.*
- **commercial to childcare nurseries** - change of use from offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to nurseries providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.
- **agricultural to new schools and nurseries** - new class MA allows change of use from buildings used for agricultural purposes to a state funded school or nursery providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.

Explanation of Abbreviated Terms used in Reports

EVA	Economic Viability Assessment	UDP	Unitary Development Plan
DPD	Development Plan Document	SPD	Supplementary Planning Document
EIA	Environmental Impact Assessment	NPPF	National Planning Policy Framework
TA	Transport Assessment	RIA	Retail Impact Assessment
SHLAA	Strategic Housing Land Availability Assessment	SHMA	Strategic Housing Market Assessment
CSUCP	Core Strategy and Urban Core Plan		

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched a planning practice guidance web-based resource. This was accompanied by the cancellation of previous planning practice guidance documents. Now planning practice guidance is now available entirely online in a usable and accessible way with links between the National Planning Policy Framework and relevant planning practice guidance, as well as between different categories of guidance. The guidance can be accessed through this link <http://planningguidance.planningportal.gov.uk/>

This page is intentionally left blank

REPORT NO 1

Committee Report

Application No:	DC/16/00698/OUT
Case Officer	Andrew C Softley
Date Application Valid	13 July 2016
Applicant	Persimmon Homes
Site:	Former Wardley Colliery Wardley Lane Felling Gateshead NE10 8AA
Ward:	Wardley And Leam Lane
Proposal:	Outline application for no more than 155 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. All matters reserved.
Recommendation:	REFUSE
Application Type	Outline Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is made up of two adjoining parcels of land that are in separate ownership, which collectively make up the former Wardley Colliery site. The smaller of the two sites contains the remains of the former original colliery buildings that are predominantly single-storey units laid out in linear strips, save for a small number of two/three-storey tower like buildings. The buildings are in a very dilapidated, semi-ruinous state due to being neglected for the last 40 years since the colliery closed, with no lawful alternative use established during the intervening period. The larger of the two sites is the former Wardley Colliery No. 2, which is immediately adjacent to the original site and historically formed an extension to the colliery operation, including the colliery spoil heap on part of the site. However, in 1985 it began operating as a commercial vehicle dismantling and repair yard known as JW Coats and Sons. The site is made up of extensive hardstanding that was used for the open storage of truck bodies, vehicle parts, tyres, etc. The site also contained two large two-storey detached metal clad buildings that formed the enclosed repair and dismantling part of the business. The use ceased in the early to mid-part of 2015, including the removal of all the open air stored items and the demolition of one of the two large buildings. The site has remained vacant ever since.

1.2 The application site lies within the Green Belt, on the north eastern side of Wardley. The smaller site is defined with Heras style fencing that was installed by the owner at the request of the Council due to the previously insecure nature and untidy appearance of the land and on-going issues with anti-social behaviour. The larger site is defined by 2m+ high metal palisade fencing along its northern and eastern boundaries and is screened along its western, and part

of its southern boundary with mounding formed from the remodelling of the former colliery spoil heap that has subsequently been planted. The wider application site is bounded to its south/southwest side by the Leamside railway line, to its southeast/east side by the Bowes Railway route, to its east/northeast by Wardley Manor Country Park (restored former landfill) and to its north/northwest by an un-adopted track, which gives access to the site from Wardley Lane that runs over the Wardley railway bridge, and which continues also in a north westerly direction to the A185 Shields Road.

1.3 Lighter vehicles can also access the site via Manor Gardens over Wardley Bridge, but HGVs can gain access only from Wardley Lane and the north. The open land around the site generally forms part of the Wardley Manor Country Park, in accordance with an adopted Strategy for this country park (supported by UDP policy CFR25). The site itself also partly lies within the Wardley moated site, a Scheduled Ancient Monument (SAM), of a former 13th century manor house with a surrounding moat.

1.4 DESCRIPTION OF THE APPLICATION

This outline application, with all matters reserved, seeks to establish the principle for no more than 155 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. The application site extends to 4.2 hectares but that does include the existing screening bunds that would remain and the proposed dwellings would be constructed on the flatter, developable area following the demolition of the remaining buildings and structures.

1.5 Although only indicative at this stage, the main access is proposed to be via Wardley Lane from the north, with the existing rough track upgraded to an adoptable standard up to where it meets Wardley Railway Bridge and the entrance to the estate positioned towards the northwestern part of the site where the current former colliery buildings are located. The smaller bridge over the Leamside Line that links to Manor Gardens would be pedestrianised to remove the issue of vehicle rat-running between Wardley and Hebburn.

1.6 An indicative layout has also been submitted showing a combination of 2 and 2.5 storey detached and semi-detached properties and detached garages, with red brick and slate grey roofs and a "gateway" feature at the entrance.

1.7 PLANNING HISTORY

The site has had a long planning history, but the most recent, and most relevant to this current planning application, have been the following applications:-

EIA/16/003 - Environmental Impact Assessment (EIA) Screening Option for a residential development of approximately 150 dwellings (use class C3) on land of former Wardley Colliery and breaking yard, Wardley. Deemed that an EIA is not required in this case - response issued 14.07.2016.

DC/12/00363/OUT - Outline application for residential development with access to be considered. All other detailed matters reserved. Withdrawn - 31.07.2012.

DC/10/00251/CPL - CERTIFICATE OF LAWFULNESS FOR PROPOSED USE: Use of land red-edged within site as shown on drawing NE/1141/07/Rev1 (dated May 1997, pursuant to planning permission 336/97) for waste recycling (use Class B2), to comprise the processing of recyclable waste delivered to the site by road, by means of its sorting by manual and/or mechanical means, both indoors and outdoors, into separate recyclable materials, including soil, aggregates, ferrous metals and aluminium, green waste, timber, paper, cardboard, and plastics. Further processing of some of these materials to include crushing, shredding or compacting/baling to form an end product which can be sold on for recycling. No sales (other than any ancillary to the use) to be direct to visiting members of the public. Recyclable materials to comprise not less than 90% of the incoming waste and the waste fraction arising to be exported to appropriate landfill sites. No incineration or chemical treatment of waste to take place on the site, nor waste to be disposed of on the site. All waste passing through the site to undergo processing of some sort - Granted - 05.05.2010.

DC/08/01286/FUL - Erection of three industrial buildings and extension and modification to screening mounds involving erection of 2m high retaining wall. Refused - 05.02.2009. Appeal dismissed 04.01.2010.

Earlier applications are noted below:-

BX7/40 - use of land for coal stocking -1963

322/76 - a temporary mobile plant to recover coal from Wardley Colliery - granted- 16.3.1976

501/81 - use of 1.5 acres of vacant land for vehicle dismantling and reprocessing - refused - 14.07.1981

502/81 - erection of a 5,000 sq.ft. building for use in association with vehicle dismantling and reprocessing compound - refused - 14.07.1981

834/81 - change of use of storage compound to vehicle repair and reprocessing plant - refused - 14.07.1981

1119/81 - Section 53 Determination - change of use from plant repair shops and storage compound to vehicle repair and reprocessing plant - refused - 14.10.1981

1505/81 - extension to existing motor vehicle and plant repair buildings - granted - 18.01.1982

1417/83 - Erection of a single storey building to provide workshop- refused -17.06.1985

224/84 - erection of sixteen industrial units - refused - 13.06.1984

730/85 - erection of motor repair and plant repair building - refused. Appeal allowed -21.06.1986

1169/86 - erection of fabric-covered steel arch structure for use as motor and plant repair accommodation (for temporary period of 12 months) - temporary permission granted - 12.01.1987

1257/86 - change of use of 1.9 acres of former colliery spoil heap and surrounds to form extension to adjacent vehicle dismantling compound - refused - 9.03.1987

1387/87 -retention of fabric-covered steel arch structure for use as motor and plant repair accommodation for further temporary period of 12 months (renewal of planning permission 1169/86) - granted - 5.04.1988

166/89 - retention of fabric-covered steel arch structure for use as a motor and plant repair accommodation for further temporary period of 12 months (renewal of permission 1387/87) - granted - 27.04.1989

1166/89 - erection of motor and vehicle repair building in vehicle dismantling premises - granted 6.11.1989

1349/89 - erection of 2.4m high boundary fence and repositioning of gate at end of access road (retrospective application) - granted - 2.04.1991

1197/90 - erection of single storey extension to motor vehicle repair building to provide storage, office, canteen and toilet facilities - granted - 18.10.1990

97/92 - erection of extension at western end of existing workshop to provide additional workshop area, storage and office accommodation - granted -3.03.1992

463/92 - change of use of 0.2ha of former colliery railway land to open storage/parking of motor vehicles in association with adjacent vehicle dismantling premises - granted - 9.06.1992

206/94 - erection of additional storage building (230 sq.m. floorspace) in vehicle dismantling compound- granted - 3.05.1994

549/94 - erection of additional storage building (230sq.m. floorspace) in vehicle dismantling compound (pursuant to outline permission 206/94) - granted - 19.05.1995

336/97 - change of use of former colliery land to form extension to adjacent vehicle dismantling and workshop compound (retrospective) and associated works (including screen landscaping and fencing (partly retrospective) - granted - 14.02.2000

1300/01 - installation of 10KV Electro fence security system cranked at a distance of up to 200-350mm behind existing fence line and extending at a maximum 600mm over the existing palisade pales - granted - 20.12.2001

2.0 Consultation Responses:

Coal Authority	No objections subject to conditions.
Historic England	No objections subject to conditions.
Nexus	Objects to the application due to being in an isolated position in respect of bus stops and the Metro.
Northumbria Water	No issues provided it is carried out in accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy".
South Tyneside Council	Objects to the application due to conflict with Green Belt policy and insufficient information to judge the impact upon a Wildlife Corridor and the vehicle access arrangements.

3.0 Representations:

3.1 Ward Councillors Stewart and Linda Green have offered their support to this application.

3.2 One letter neither objecting nor supporting the application has been received from a local resident and raises the following points:

- Use of the bridge over the Leamside line by motor vehicles must be stopped to prevent rat-running and to promote pedestrian and bicycle use.

3.3 One letter of support has been received from a local resident and raises the following points:

- The development would massively improve this part of Gateshead and could also benefit the country park.
- It would remove an eyesore from a derelict piece of land to the benefit of the local environment.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

H4 Windfall and Small Housing Sites

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H15 Play Areas in Housing Developments

CFR25 - Countryside Recreation

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

MWR28 Prov of Facilities in new Developments

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues to be considered are viability, the principle of the development, green belt, ecology, landscape, design, amenity, highway safety, flood risk/drainage, scheduled ancient monument, contaminated land and coal mining legacy.

5.2 VIABILITY

It is accepted that this site will require significant remediation in order to provide a residential development and these costs are likely to be considerable, which would impact on the value offered to the land owner. However, having assessed the issues raised in connection with revenues stream, build costs and land remediation that does not currently support the view that the site can only be reasonably delivered without any planning obligations. Furthermore, the submitted documentation does provide any justification as to why a figure of 155 properties is required in order to make the development viable.

5.3 PRINCIPLE OF THE DEVELOPMENT

Windfall housing

Saved Unitary Development Plan (UDP) policy H4 indicates that windfall and small housing site proposals should be assessed in terms of

- (c) the location of the site in relation to jobs, shops and services, and accessibility by modes of transport other than the private car;
- (d) the capacity of the existing and potential infrastructure;
- (e) the ability to build or sustain communities;

5.4 There is relatively poor access to public transport. The bus service on Victoria Road West/Wardley Lane is further away than the 400 metre guideline by any practicable walking route (approx. 1km), and the bus stop on Manor Gardens at Rannoch Close will not be within 400 metres of any dwelling on the site (approximately 500m to the nearest dwelling). Therefore, in practice public transport accessibility is relatively limited and would place a greater reliance on the use of private cars. This is backed up by Nexus who have objected to the application on the basis that "none of the site falls within 400m of a bus service or 800m of a Metro station". The nearest property would be approximately 1200m from Pelaw Metro Station and involve the use of an unlit and isolated path.

5.5 The site is relatively distant, by awkward and indirect pedestrian routes, from shops, community facilities (except Wardley Park) and the nearest Metro station at Pelaw. It is not evident that this somewhat isolated site would contribute to building or sustaining the local communities in either Wardley or Bill Quay and these are not areas which have been identified as requiring regeneration. Therefore, it is considered that the proposal is contrary to saved policy H4 of the UDP.

- 5.6 Housing choice
The proposal is for no more than 155 dwellings. No breakdown of numbers of bedrooms in each dwelling is given but the cubic volumes of the houses shown does include a specific mix of house types. The majority of properties indicated are three and four bedroom family houses.
- 5.7 CSUCP policy CS11 requires that 60% of new private dwellings constructed, over the plan period and plan area, are family houses of three or more bedrooms. In order to meet this target, a development on this scale would be expected to meet or exceed this guideline. In addition, policy H5 requires large developments (25 or more dwellings or more than 1 hectare) to offer a range of housing choices taking account of the needs of different groups, including families with children and the elderly. Policies H9 and H10, respectively, require 10% lifetime homes and 2% wheelchair homes. The site is relatively suitable for wheelchair homes because it is flat. Policy CS11 also requires 15% affordable dwellings on sites of 15 or more dwellings, subject to viability. In this case the applicant is not proposing any affordable units due to viability concerns. However, having assessed the applicant's viability submission, it is considered that the site could support planning obligations and therefore the lack of affordable housing provision is contrary to policy CS11 of the CSUCP.
- 5.8 Residential space standards
Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". With regard to this requirement, it should be noted that in March 2015 DCLG published nationally described space standards for new housing. The Council would expect that proposals for new residential development will, as a minimum, seek to achieve nationally described space standards. It is considered that this issue could be addressed at the reserved matters stage, should permission be granted.
- 5.9 Public open space
The neighbourhood in which the site is located is not deficient in public open space and there is no requirement for the development to provide any.
- 5.10 Children's play
There are no toddler play facilities within the maximum distance specified by policy CFR28 of the UDP. As the proposal is for more than 75 dwellings, equipped provision for toddler play should be made on site in accordance with policy H15 of the UDP and the Council's guidelines in SPG4.
- 5.11 There is one junior play facility, within the maximum distance specified by policy CFR29 located at Wardley Park, but there is still a deficit of junior play provision for the catchment population. In accordance with policy H15 provision should be made for junior play, and in accordance with SPG4 this should be on site as the proposal is for more than 110 dwellings.
- 5.12 There is one teenage recreation facility within the prescribed distance set out in policy CFR30 at Wardley Park. However, this is not adequate to serve the needs of the catchment population. In accordance with policy H15, if provision

is not made on-site, a financial contribution should be secured towards the installation and maintenance of teenage recreation facilities to be provided off-site; and if on-site, a contribution to maintenance or acceptable alternative arrangement should be secured.

- 5.13 The applicant is not proposing to provide any on site play provision and is not proposing any off-site contributions and is citing viability as the reason. However, for the reasons set out above, it is considered that the site could support such provision and therefore the proposed development is considered to be contrary to saved policies CFR28, 29 and 30 of the UDP.

5.14 GREEN BELT

The site is in the Green Belt. The site is wholly or mainly previously developed land (PDL) and accommodates derelict buildings and a substantial area previously given over to the reclamation of commercial vehicles, which remains a lawful use of the site. Nevertheless, substantial parts of the site, especially around the remaining derelict colliery building, are open. Furthermore, the definition of PDL excludes temporary buildings and structures and "land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time".

5.15 Effect on openness

It is considered that the proposal represents a substantial intensification of development on the site and is contrary to paragraph 79 of the National Planning Policy Framework (NPPF) in that it would reduce the openness of the Green Belt. Houses on the colliery buildings site would intensify the volume and footprint of development on that site. Houses on the former scrapyards site would do likewise. The calculation of the cubic volume of the houses, as opposed to the truck bodies and parts, tyres and other associated non permanent features is difficult to judge, not a complete reflection of reduction in openness since more than just the houses themselves should be taken into account, and in any case the lorries have been removed and the site is currently vacant and open. Moreover the vehicles and parts were transient and not rooted to the ground like a house and thus cannot be considered as permanent. Therefore, it is not considered that the blocks shown in the submitted documents can be relied upon to say that the volume of the new development would be less than the previous use.

- 5.16 The submitted Green Belt Assessment claims that the proposal reduces the "footprint of the developable area" by 77%. This claim emphasises that only the physical volume of the proposed houses and garages is being considered in the applicants' calculation of the respective impact of the recent use and of the proposal. Gardens, roads and pavements, likely future additional structures such as shed and conservatories, residents' vehicles (as opposed to the scrap vehicles kept on the site until recently), street furniture and any other land uses or structures included within the proposed housing estate, which would in fact contribute to reducing openness, are not considered by the applicant to involve even a potential reduction in openness. The proposal is for a housing estate; housing estates, taken as a whole, do not provide the openness which is an essential characteristic of the Green Belt.

5.17 Whether inappropriate development

The applicant suggests that the proposal does not constitute inappropriate development, and the very special circumstances test should not be applied, because the final bullet point of NPPF paragraph 89 indicates that redevelopment of brownfield land "whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development" will not be inappropriate development.

It is not considered that this applies in this case because (i) the exclusion of temporary buildings indicates that they should not be taken into account when assessing whether a proposal would have no greater impact on openness than the existing use; if temporary buildings are excluded then surely the use of land for storing vehicles would also be intended to be excluded, and the intention of the NPPF is to refer to land covered by permanent buildings only; and (ii) it is considered that the proposal would have a greater impact on the openness of the Green Belt than the existing use.

5.18 Very special circumstances

Paragraph 87 of the NPPF indicates that inappropriate development in the Green Belt should only be approved in very special circumstances. Paragraph 88 indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will only exist if any potential harm to the Green Belt is clearly outweighed by other considerations.

5.19 It is not considered there are any very special circumstances to justify the inappropriate development which the proposed development constitutes. Derelict sites and buildings and unsightly land uses do not constitute a very special circumstance precisely because they are not exceptional, and if they were held to do so there would be an incentive for landowners to worsen the appearance of their sites.

5.20 It is accepted that the derelict and damaged buildings on the smaller of the two sites are unsympathetic from a visual perspective and undoubtedly removing them would lead to a visual improvement. However, for the most part they are single-storey and of low density and ultimately, in their current form, have a relatively modest impact upon the openness of the Green Belt. Replacing these structures with approximately fifty 2 and 3 storey houses of much higher density would have a far greater impact upon the openness, which could not be outweighed by any perceived visual improvement.

5.21 With regard to the larger site, the site has been completely cleared of vehicles and parts, one of the buildings has been demolished and the site is well screened from the south and west by landform and planting. Therefore, the harm it has upon openness and visual amenity is currently very small and cannot be used to justify the construction of approximately 100 2 and 3 storey houses.

5.22 Moreover, following the adoption of the CSUCP, Gateshead has a five-year supply of housing land and therefore no very special circumstances exist in terms of housing supply. Indeed, the proposal would potentially undermine the

viability of development on sites, which have been identified as suitable and sustainable through the process of public consultation and examination leading to adoption of the Local Plan. In fact, this site was assessed as part of the Council's consideration when compiling a 5 year land supply and it was rejected as unsuitable, amongst other things, due to its Green Belt classification.

5.23 Strategic Green Belt gap between Gateshead and Hebburn

The proposal would reduce the gap between Gateshead and Hebburn. The maintenance of the full width of strategic Green Belt gaps between towns, particularly where, as here, they are narrow, is recognised as making an important contribution to the objective of preventing the merger of neighbouring towns. In this case, policy CS19 of the CSUCP refers to the function of the Tyne and Wear Green Belt to prevent the merging of settlements and specifically refers to preventing the merger of Gateshead and Hebburn.

5.24 South Tyneside Council were consulted as a neighbouring authority and they have formally objected to this application on the basis that it represents inappropriate development within the Green Belt without any very special circumstances and that it would encroach into the strategic gap between Gateshead and Hebburn, which is in breach of the Local Plans of both Councils.

5.25 Sprawl of the built-up area into the Green Belt

The applicant asserts that the proposal would have no adverse impact on the Green Belt's purpose of checking unrestricted sprawl of large-built up areas, as the site will not be deleted from the Green Belt. It is true that a grant of permission would not result in the site being deleted from the Green Belt, however, in due course it is considered likely that the status of the site as Green Belt would be reviewed, as its value would be significantly diminished as a consequence of housing development taking place. Accepting this logic could set a dangerous precedence that would likely form the justification for housing development on any site within the Green Belt.

5.26 Beneficial use of land in the Green Belt

The applicant asserts that the proposal would enhance the beneficial use of land in the Green Belt in accordance with NPPF paragraph 81. This is a good description of the Council's long-standing and partially-realised plan to create the Wardley Manor Country Park, which the applicant claims would be more attractive to visitors as a result of their proposal, on the basis that visitors may be discouraged by the unsightliness of the existing site and the antisocial behaviour which is stated to take place there. This is considered to be a weak argument, since there are many measures such as landscape screening and/or improved security which could have been, or could yet be, taken to hide the unsightliness and still be consistent with Green Belt policy. It is considered that paragraph 81 is clearly intended to refer to enhancing land so that it can be used for purposes which are appropriate in the Green belt, not for housing development.

- 5.27 Strategic green infrastructure network / Wardley Manor Forest Park
The site is identified (with the adjoining Wardley Manor Country Park) as part of the Strategic Green Infrastructure Network. Policy CS18 of the CSUCP indicates that the integrity, connectivity, multi-functionality and accessibility of the network will be maintained, protected and enhanced, and that improvements will be made in "Opportunity Areas", of which this is identified as one. Furthermore, it is a crucial link between the Green Belt and wider countryside with the River Tyne. Like all parts of the Strategic Green Infrastructure Network it is important both for wildlife and people and its identification as an Opportunity Area derives from the Green Infrastructure Delivery Plan. Section 3.3, item 8, page 9 of the Delivery Plan indicates that this in turn derives from the Council's Wardley Red Barns Strategy, which includes this site in the long-term commitment to create the Wardley Manor Forest Park, which is being implemented over time. The Green Infrastructure Delivery Plan states that the proposed boundary of the Forest Park remains unchanged from that in the Wardley Red Barns Strategy, and that it is intended that it will be given the status of a statutory development plan policy through the forthcoming land allocations and development management policies element of the Local Plan, Making Spaces for Growing Places.
- 5.28 **ECOLOGY**
It is considered that the proposed development would have a significant adverse impact on the value and integrity of the adjacent Wardley Manor Local Wildlife Site (LWS) and its associated features of interest, including priority habitats and species, through the direct loss of part of the LWS/priority habitat through inappropriate tree/shrub planting, and secondary impacts including increased trampling of sensitive vegetation, the disturbance of wildlife by people and dogs, an increase in soil fertility and a loss of botanical diversity associated with increased dog fouling, the increased predation of wildlife particularly by domestic cats, increased noise and light disturbance and the increased mortality of wildlife by road traffic. The proposed measures set out in section 5.3 of the Botanical Report in no way constitute adequate compensation for the destruction of priority habitat within the proposed development site, perpetrated in the run up to the submission of this planning application.
- 5.29 The construction of proposed development would result in a significant physical narrowing of the designated Wildlife Corridor. The significant increase in unmanaged recreational pressure within the adjacent Wardley Manor Local Wildlife Site, which forms a key element of the Wildlife Corridor, will also serve to further reduce its value and integrity, which are contrary to policy CS18 of the CSUCP and saved policy ENV51 of the UDP.
- 5.30 There is a lack of up to date ecological information to enable an adequate assessment of the likely impacts of the proposed development on potential ecological receptors, including bats and priority invertebrates (i.e. butterflies). The application fails to adequately assess the likely impacts of the proposed development on the adjacent Wardley Manor Local Wildlife Site and its features of interest including priority habitats and species. The application also fails to

assess the likely impacts of the development on ecological connectivity including the designated Wildlife Corridor.

5.31 Overall, it is considered that proposed development would have a detrimental impact upon ecology, in particular Wardley Manor LWS that could not be suitably mitigated against and the application has not been supported by the necessary ecological information. Therefore, the proposed development is considered to be contrary to the NPPF, policy CS18 of the CSUCP and saved policy ENV51 of the UDP.

5.32 LANDSCAPE

The applicant states that the mound along the west/southwest boundary will remain and continue to function as a screening bund. However, the mound is not a landscape bund but a steep, high colliery waste heap that was not envisaged to function as the applicant is proposing. As such there are a range of reasons why it may not be retained unaltered, and the treatment will potentially change its appearance and size significantly, affecting the amenity and visibility of the development. The applicant is relying upon the mound staying at the scale it is as part of their justification for the development despite the strong likelihood that it is contaminated and would need to be reclaimed. The applicant suggests that this can be addressed at Reserved Matters stage and should significant amounts of the mound need to be removed they would replace it with clean earth. It is considered that this would be a very expensive exercise and is something that has not been costed by the applicant, despite their assertion that viability is critical with this development due to the extensive contamination concerns across other parts of the site. Therefore, it is considered that insufficient information has been submitted to know whether the large bund can be utilised as proposed and without further information it is not possible to say that the development would not have a negative impact upon landscape quality. As a result, it is not possible to say that the proposal would accord with the NPPF, policy CS18 of the CSUCP and saved policy DC1(c) of the UDP.

5.33 HIGHWAY SAFETY

Plan reference 114570/1001 Rev A "In Principle Highway Arrangement" is considered to be an acceptable approach to bringing the existing track up to adoptable standards and indicates that the applicant has sufficient land within their control to undertake the proposed highway works. It also gives initial details about how vehicular flows across Wardley Railway Bridge would be managed. This does provide some comfort as to how this development may come forward from a transport strategy perspective but, as all matters are reserved, it is still only an indicative layout. Therefore, should permission be granted, full details would need to be provided at Reserved Matters stage. The same applies to the bridge link to Manor Gardens to make it for pedestrians/cyclists only and developing a detailed travel plan for the site.

5.34 Overall, it is considered that the level of information submitted is insufficient to make a comprehensive assessment of the site but the reserved matters would provide the opportunity to address these issues and ensure that NPPF and policy CS13 of the CSUCP are complied with.

5.35 FLOOD RISK AND DRAINAGE

The submitted flood risk assessment (FRA) has assessed the risk of a range of flooding sources and has had regard to the Strategic Flood Risk Assessment in accordance with policy CS17 of the CSUCP and NPPF paragraph 103.

5.36 The FRA correctly assesses that the site is located within flood zone 1 i.e. low risk of tidal and fluvial flooding.

The FRA assesses surface water flood risk, however there are pockets of the site which are at high risk of surface water flooding based upon the Environment Agency's Updated Flood Map for Surface Water is different to the surface water flood map from the Strategic Flood Risk Assessment which is referred to in the FRA.

The FRA has had regard to the risk from ordinary watercourses and there does not appear to be any watercourses on the site. However the FRA has made no reference to the Environment Agency's detailed drainage network which identifies a possible watercourse to the south of the site.

The FRA does not refer to the risk of groundwater flooding. Further information is required on the risk of groundwater flood risk and mitigation measures, given the outcomes from the preliminary ground investigations which identifies ground water ingress at shallow levels.

The site is located within a Critical Drainage Area within the Strategic Flood Risk Assessment and therefore it is important that the greenfield runoff rates are maintained using SuDS.

The FRA includes correspondence from Northumbrian Water who have confirmed that there are no sewer flooding incidents in the vicinity of the site.

5.37 Taking that into account it is considered that, should outline planning permission be granted, at reserved matters stage a fully detailed assessment of groundwater flood risk and appropriate mitigation measures would be required, to ensure there are no risk to properties and the drainage scheme. This could be addressed through conditions.

5.38 Sustainable Drainage System (SuDS)

The applicant's proposed surface water drainage states in the FRA that SuDS, such as permeable surfaces and rain gardens will be integrated within the existing landscaping. It states that surface water will collect on site by a SUDS and/or piped network and discharged into the unnamed watercourse to the north of the site. The surface water flows will be attenuated on site by creating storage areas within the development. However, no conceptual drainage layout has been provided by the applicant. It is not clear from the landscape masterplan where the overland flow routes and discharge points have been accommodated, where the permeable paving and rain water gardens will be located and where the on-site surface water attenuation will be located. The design and access statement also states that there will be filter drains and detention basins. It is essential that the surface water drainage strategy iteratively informs the layout, and sufficient space is set aside for the surface water flow routes and attenuation SuDS. Should underground surface water storage be proposed, the applicant would need to demonstrate that other forms of SuDS are not 'reasonably practicable'. Underground surface water storage would not conform to Policy CS17 of the CSUCP in terms of wider

multifunctional benefits such as water quality, amenity and wildlife habitats. It is unclear whether the public open space 'the village green' will include any surface water attenuation.

5.39 Whilst it is acknowledged that this is an outline application and thus it may be unreasonable to expect full details, it is considered that the applicant should provide a conceptual drainage strategy to demonstrate that SuDS can be accommodated on site with the proposed 155 homes. The level of information submitted is not considered to be sufficient to allow officers to be comfortable that a SuDS scheme is possible. This is particularly important in this case due to the issues surrounding ground contamination, groundwater levels, mine shafts, ground stability, permeability and surface water discharge route will have on SuDS design and location. Overall, it is considered that the level of information submitted is insufficient to say that the proposal would accord with the NPPF and policy CS17 of the CSUCP.

5.40 CONTAMINATED LAND/COAL MINING LEGACY

The site is known to be 'contaminated' by the Council and has been assessed as being in Priority Category 2 i.e. "Site may not be suitable for present use and environmental settings. Contaminants probably or certainly present and likely to have an unacceptable impact on key targets. Action may be needed in the medium term"

1. The Preliminary Phase 2 site investigation undertaken by Patrick Parsons has proven the presence of contamination, including

- gross hydrocarbon contamination in soils and perched groundwater at the site
- the presence of Asbestos Containing Materials,
- the presence of 'potentially combustible' colliery ash fill.
- The presence of elevated methane and depleted oxygen.

2. Further extensive site investigation will be required to determine the extent of contamination at the site and to allow the scope of the extensive required remedial actions to be considered and designed.

3. A large amount of 'hazardous waste' will need to be removed from site and substantial volumes of 'clean' capping soils will need to be imported. These lorry movements are likely to impact on the surrounding residential streets during these works.

4. 2 of 4 potential mine shafts have been identified to date. Further investigation will be required to locate the 2 shafts not found to date. The shaft locations are likely to represent a sterile area for development which will also require a stand-off area for any development.

5.41 The report concludes that further significant reclamation works will be required at the site, including demolition, site clearance, asbestos removal, bioremediation of hydrocarbon impacted soils and earthworks to accommodate the colliery spoil materials present". "Further site investigation to delineate the extent of contamination identified within at the site will be required before a true reflection of remedial actions or a remedial specification for the site can be determined". Furthermore, it is considered that coal mining legacy potentially

poses a risk to the proposed development and that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. This stance is supported by the Council and the Coal Authority and should permission be granted, it is suggested that a number of conditions be added for attention at the reserved matters stage.

5.42 DESIGN AND RESIDENTIAL AMENITY

Due to this being an outline application with all matters reserved, the level of information submitted is very limited and only indicative in any event. Nonetheless it is considered that ensuring a high quality design that responds well to its surroundings would be crucial. The indicative Design and Access Statement makes reference to creating several key features within the estate that the applicant calls "The Gateway", "The Spine", "Village Green" and "Park View", as well as referring to a possible palette of materials. If permission was granted it is suggested that they elements are conditioned to come forward in more detail at Reserved Matters stage.

- 5.43 With regards to residential amenity, again the limited information does not allow for particular comment regarding the layout within the estate and relationships between dwellings. However, should permission be granted it is expected that at Reserved Matters stage the detailed layout would take account of privacy and ensure that future residents would enjoy the appropriate levels of amenity relative to each other. In terms of wider issues, the site is close to the Metro line and is also immediately adjacent to the mothballed Leamside Line, which may be brought back into service in the future. Therefore, should permission be granted, it is considered that a comprehensive noise assessment would need to be undertaken to establish the potential noise implications for future residents and how house design and layout would need to respond.

5.44 SCHEDULED ANCIENT MONUMENT

Investigations have revealed that the survival and condition of any archaeological remains on Wardley moated site has been severely compromised as a result of 19th and 20th century development. A reassessment of the known activities on site and the most recent archaeological investigation on this site in 2014 led to the de-scheduling of part of the Wardley Moated Scheduled Ancient Monument to enable redevelopment of the salvage yard and former colliery area. However, further archaeological work is required in the area of the colliery buildings (north-west corner) and in the south east corner where the medieval features were located during archaeological evaluation in 2014. This work can be undertaken under planning conditions, as the previous evaluations established that these archaeological assets are of local significance. The features included ditches, gullies and postholes possibly representing ancillary settlement activity beyond the medieval manorial complex. Therefore, should permission be granted, it is considered that conditions would be sufficient to allow the proposal to accord with the NPPF and saved policies ENV21 and ENV22 of the UDP.

5.45 REFUSE STORAGE AND COLLECTION

From a waste servicing perspective there are considered to be no major issues with the proposal. The layout design in terms of waste servicing is suitable with each cul de sac having a turning point so reversing will be minimised. It also appears from the outline layout that each plot has ample space for the storage of their wheeled bins with easy access to put them out for collection. Therefore, subject to finalising the details at reserved matters stage, it is considered that the proposal can accord with the NPPF and policy MWR28 in this regard.

5.46 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development because it is housing related. The CIL charge would be calculated at Reserved Matters stage, should Outline permission be granted.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that outline planning permission be refused, as the proposal would result in an unsustainable isolated development, would fail affordable housing and play provision obligation policies, would significantly harm the Green Belt and Ecology and provide insufficient information regarding landscaping and SuDS. Furthermore, the applicant has failed to submit any supporting information that would outweigh officers concerns. Therefore, it is considered that the proposed development does not accord with national and local planning policies and the recommendation is made taking into account all material planning considerations, including the information submitted by the applicant and third parties.

7.0 Recommendation:

That permission be REFUSED for the following reason(s):

1

The application site is in an unsustainable and isolated location in respect of access to public transport, shops and facilities and therefore would place undue reliance upon the use of private cars. The development is therefore contrary to saved policy H4 of the UDP.

2

The application proposes no affordable housing provision and has been unable to demonstrate a viability justification for not providing affordable housing. The development is therefore contrary to the NPPF and policy CS11 of the CSUCP.

3

The application proposes no on-site play provision or any off-site contribution and has been unable to demonstrate a viability justification for not providing play provision. The development is therefore contrary to the NPPF and saved policies CFR28, CFR29 and CFR30 of the UDP.

4

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

5

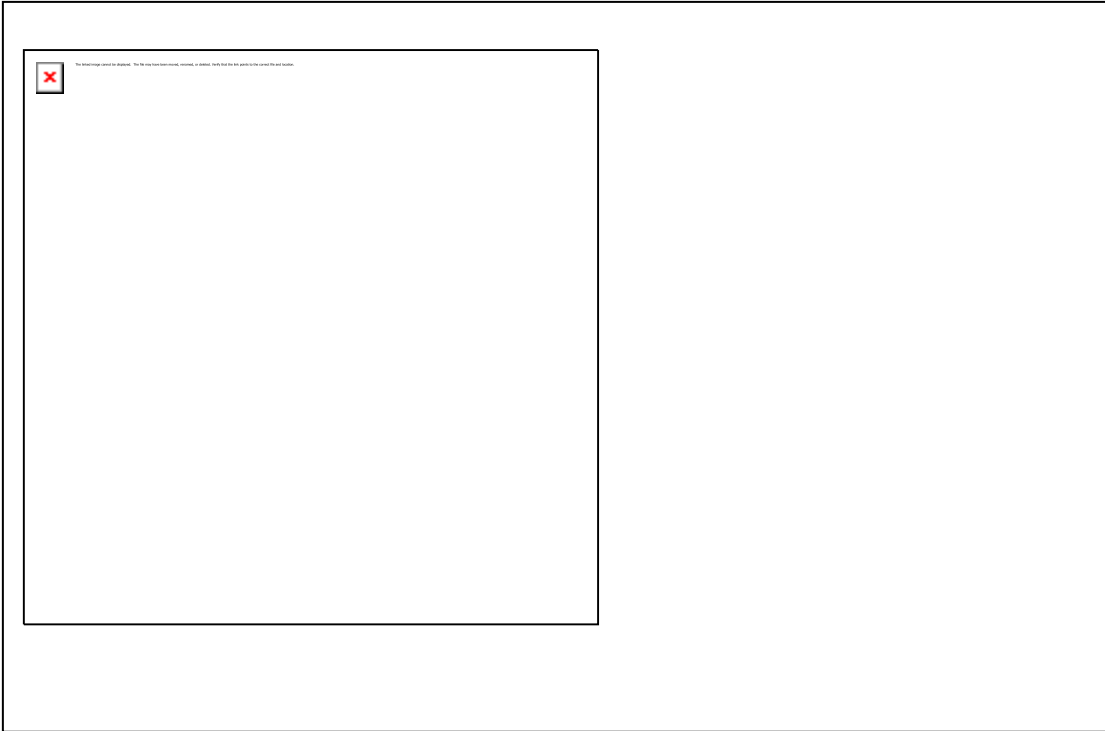
The proposed development would have a detrimental impact upon Wardley Manor Local Wildlife Site that could not be suitably mitigated against and the application has not been supported by the necessary ecological information. Therefore, the proposed development is contrary to the NPPF, policy CS18 of the CSUCP and saved policy ENV51 of the UDP.

6

Insufficient information has been submitted to know whether the large bund can be utilised as proposed and without further information it is not possible to say that the development would not have a negative impact upon landscape quality. As a result, it is not possible to say that the proposal would accord with the NPPF, policy CS18 of the CSUCP and saved policy DC1(c) of the UDP.

7

Insufficient information has been submitted to know whether a SuDS scheme is possible. This is particularly important due to the issues surrounding ground contamination, groundwater levels, mine shafts, ground stability, permeability and surface water discharge route will have on SuDS design and location. Therefore, it is not possible to say that the proposal would accord with the NPPF and policy CS17 of the CSUCP.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

This page is intentionally left blank

Committee Report

Application No:	DC/16/00771/FUL
Case Officer	Joanne Munton
Date Application Valid	15 August 2016
Applicant	Greenway Homes Ltd
Site:	Winlaton And District Social Club Garth Farm Road Winlaton Blaydon NE21 6DF
Ward:	Winlaton And High Spen
Proposal:	Erection of 15 new dwellings in three terrace blocks with associated external works (additional information received 26/09/16, 27/09/16, 28/09/16, 18/10/16, 31/10/16, 1/11/16, 2/12/16 and 7/12/16 and amended plans received 19/12/16).
Recommendation:	GRANT
Application Type	Full Application

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

The proposal site is that of the former Hallgarth Social Club, which is now cleared. The site is located on the south side of Garth Farm Road, opposite the former bus depot site and immediately east of the public car park. The site is adjacent to Hallgarth Hall Park to the east and Love Lane, an adopted pedestrian link to Hill Top, runs south of the site.

1.2 There is a block of garages immediately north of the site and access is from Hall Garth Road via the north western end of the site.

1.3 DESCRIPTION OF APPLICATION

The application proposes the erection of fifteen two storey dwellings with gardens and parking. These would be positioned in three terraced blocks, with five units in Block A located at the western part of the site facing north east, four units in Block B located at the southern part of the site facing north, and six units in Block C located at the eastern part of the site facing west.

1.4 All dwellings are proposed to have four bedrooms each, with the fourth in the roofspace. The end dwellings on each block are proposed to have dormer windows in the front roof slope, with the exception of the northernmost unit in Block A.

1.5 The dwellings are proposed to be constructed of Forterra 'Farmstead Antique' brick with smooth buff artstone cills and heads and black sandtoft 'Rivius' roof tiles with contrasting terracotta ridges and hips.

1.6 Vehicle and pedestrian access to the site is proposed via Garth Farm Road to the north west. A landscaped 'island' is proposed in the middle of the site with the access road surrounding this and five 'grass honeycomb' visitor parking bays are proposed at the northern part of the site.

1.7 In addition to the application plans, the following documents have been submitted in support of the application:

- Design and Access Statement (including site layout assessment)
- Drainage Assessment
- Viability Assessment
- Coal Mining Risk Assessment
- Ecology Statement
- Tree Survey

1.8 RELEVANT PLANNING HISTORY

There is no relevant planning history for this site.

Bus Depot site:

DC/14/01082/FUL - Proposed erection of 27 dwellings (Use Class C3) (additional info rec'd 24/10/14, 02/02/15 and 16/02/15) (amended 10/11/14, 04/02/15 and 2/3/15) - Granted 11.03.2015

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer Conditions recommended.

Northumbrian Water Condition recommended.

Northumbria Police No objections.

Coal Authority Condition recommended.

3.0 Representations:

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

3.2 No representations were received.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

H5 Housing Choice

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

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

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are the principle of the development, visual amenity, residential amenity, highway safety and parking, flood risk, archaeology, ground conditions, trees, and open space and play.

5.2 PRINCIPLE
Paragraph 14 of the NPPF states that:

'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:
-approving development proposals that accord with the development plan without delay, and
-where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or
-specific policies in this Framework indicate development should be restricted.'

- 5.3 Policy CS10 of the Core Strategy and Urban Core Plan (CSUCP) states that Provision of approximately 30,000 new homes (excluding purpose built student accommodation) will be built over the period April 2010 to March 2030 (on average 1,500 per annum).
- 5.4 The site would be considered as a housing windfall site under policy H4 of the Unitary Development Plan (UDP). This area is not considered to be situated in an isolated location and it is considered that the location of the proposal is sustainable. It therefore complies with policy H4.
- 5.5 Housing Choice
Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area being suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms. The scheme proposes fifteen dwellings with four bedrooms each so this requirement is satisfied.
- 5.6 Policy CS11(4) of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents." It is considered that the proposal provides appropriate space internally and externally.
- 5.7 Affordable Housing
Policy CS11(5) requires that 15% affordable homes should be provided on all developments of fifteen or more dwellings subject to development viability. The proposal is for fifteen dwellings and therefore this requirement applies. Based on the proposed number of dwellings, three dwellings would be required to be affordable homes.
- 5.8 However, the applicant has submitted a Viability Assessment to demonstrate that the proposal would be unable to meet this policy requirement and still remain viable. Officers are satisfied that the inputs in the submitted development appraisal are reasonable and therefore, in accordance with policy CS11(5), no affordable housing units are to be provided.
- 5.9 Therefore, it is considered that the principle of the development is acceptable and the proposal does not conflict with saved policies H4 and H5 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.

5.10 VISUAL AMENITY/DESIGN

The application proposes the erection of fifteen two storey dwellings with gardens and parking. These would be positioned in three terraced blocks, facing inwards onto a landscaped 'island' in the middle of the site (with the access road surrounding this).

5.11 The site is widely visible from the public domain. It is considered that the proposed layout would create a strong building form and would make a good use of the site. It is considered that the proposed layout would make a positive contribution to the established character and identity of the area and would respond positively to local distinctiveness.

5.12 Windows are proposed on the street-facing gable end of Block A, which would bring more architectural interest to this feature, as well as providing future occupiers of this dwelling with more light and more opportunity for surveillance.

5.13 The application proposes boundary treatment as 2m high close boarded fencing to the rear of properties and 1m high brick walls and entrance piers where the site meets Garth Farm Road. This is considered to be appropriate in terms of design and consistent with the approved scheme (DC/14/01082/FUL) on the northern side of Garth Farm Road.

5.14 It is considered that the proposed layout and materials overall are appropriate and would respect the character of the locality. It is recommended that condition 3 be imposed, requiring that the scheme is implemented in accordance with the materials proposed. Further, it is recommended that conditions 4-6 are imposed to ensure that appropriate landscaping is implemented on site.

5.15 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.

5.16 HIGHWAY SAFETY AND PARKING

It is considered that submitted plans show an appropriate visibility splay at the junction with Garth Farm Road. Additionally, the scheme proposes driveways for each dwelling, with units 6 and 7 provided with potential additional space for a second car further south east. Additionally, four visitor car parking spaces are proposed at the northern part of the site. It is considered that the proposal would provide an adequate resident and visitor parking.

5.17 Secure and weatherproof cycle parking will be provided in the form of sheds in the rear gardens. Residents occupying the middle terrace blocks would need to take cycles through the house to access the sheds, however, access could be gained via the rear boundary treatment at a later date, without requiring any further planning permission. Notwithstanding this, it is considered that the proposal is acceptable in terms of cycle provision in its current form.

5.18 Proposed plans show each plot to have its own enclosed bin cupboard at the front, which would be suitable for two wheeled bins, and therefore there is easy

access to wheel the bins to the pavement for collection. Autotrack drawings have been provided to demonstrate that a refuse vehicle would be able to turn within the curtilage of the site and enter Garth Farm Road in a forward gear.

5.19 Therefore, it is considered that the proposal would not have an unacceptable impact on highway safety and parking and would comply with the aims and requirements of policy CS13 of the CSUCP.

5.20 RESIDENTIAL AMENITY

The site is bounded by car parks to the west and green space to the south and east, with Garth Farm Road to the north. The nearest residential dwellings to the site would be on Garth Farm Road to the north west. Given the orientation and that no windows are proposed on the gable end of the northernmost dwelling of Block C, it is considered that the proposal would not have an unacceptable impact on the residential amenity of existing residential neighbours.

5.21 Furthermore, it is considered that the proposed dwellings would provide adequate space internally and externally, and would not have result in an unacceptable amount of noise or lack of privacy or light for future occupiers.

5.22 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.

5.23 FLOOD RISK

As the application proposed fifteen dwellings, a drainage assessment has been submitted in support of the application.

5.24 The NPPG advises that when considering major development, sustainable drainage systems (SuDS) should be provided unless demonstrated to be inappropriate. The applicant has proposed that permeable surfacing is used on the, parking bays, road and paths within the site.

5.25 The applicant has provided a written understanding that the proposed SuDS would not be adopted by Gateshead Council and have indicated where the features would be maintained by a private management company.

5.26 It is considered that the drainage assessment is acceptable in principle but it is recommended that conditions 7-8 be imposed requiring further details and confirmation to be submitted to the LPA for consideration, in consultation with Northumbrian Water and the Lead Local Flood Authority.

5.27 Therefore, it is considered that the proposal would comply with the aims and requirements of policy CS17 of the CSUCP and the NPPF.

5.28 ARCHAEOLOGY

The proposal site is within Winlaton medieval village and on the site of Hallgarth Hall. Despite the potential impact that the erection of Hallgarth Social Club would have had on any surviving archaeology, it is recommended that

conditions 9-12 be imposed requiring further investigation works, including two excavation trenches and reports of the results.

5.29 Therefore it is considered that the proposal would comply with the aims and requirements of saved policies ENV21 and ENV22 of the UDP and policy CS15 of the CSUCP.

5.30 GROUND CONDITIONS

The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and has been assessed as being located on potentially contaminated land from previous development, and surrounding potentially contaminative historic site uses.

5.31 An adequate preliminary risk assessment has not been submitted with the application and therefore, it is recommended that conditions 13, 14 and 17 are imposed, requiring the submission of a preliminary risk assessment, and where required, phase II site investigations and detailed risk assessment, measures for remediation and monitoring and verification reports. Additionally, conditions 15-18 are recommended to be imposed requiring action in the event of undesirable material being observed/encountered and provision of a minimum of 1.15m of 'proven' clean 'uncontaminated' soil cover in any new proposed landscaping areas.

5.32 Furthermore, the site is within a Coal Authority defined development high risk area and a coal mining risk assessment has been submitted with the application. The report concludes that the risk to surface stability affecting the site as a result of former shallow coal mining activity is low, but recommends that a watching brief is maintained during site strip/construction for any unusual features. The Coal Authority agree with the submitted report and it is recommended that condition 19 be imposed requiring the development to be implemented in accordance with the submitted report.

5.33 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

5.34 TREES

There are mature trees in close proximity to the site, particularly to the south east, serving public spaces. It is recommended that Conditions 20-21 are imposed requiring the submission and implementation of a tree protection plan and, where required, a method statement if works would be within the tree protection zone.

5.35 Therefore, it is considered that the proposal would not have an unacceptable impact on trees in the area and would comply with the aims and requirements of policy ENV44 of the UDP and policy CS18 of the CSUCP.

5.36 OPEN SPACE/PLAY

Saved UDP Policies CFR20, CFR28, CFR29 and CFR30, relating to the provision of play facilities and open space are considered to apply to the current application.

- 5.37 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project.
- 5.38 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space and therefore can now only require s106 contributions. The LPA therefore cannot seek any further obligations in respect of these matters.
- 5.39 While it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it would be unreasonable to require any contribution for either play or open space provision in this case, based on the above assessment.
- 5.40 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**
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 retail or housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and in terms of visual amenity, residential amenity, highway safety and parking, flood risk, archaeology, ground conditions, trees, and open space and play, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.
- 6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s):

1

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

1604 Location Plan (rec 02.08.2016)

1601 CL(0-)01 Existing Site Layout (rec 02.08.2016)

1601 CL(0-)02e Proposed Site Layout (rec 19.12.2016)

1601 CL(52)01 Existing Site Layout: drainage (rec 02.08.2016)

1601 CL(2-)04b Block A Elevations (rec 19.12.2016)
1601 CL(2-)01b Block A Ground Floor Plan (rec 19.12.2016)
1601 CL(2-)02b Block A First Floor Plan (rec 19.12.2016)
1601 CL(2-)03a Block A Loft Floor Plan (rec 02.08.2016)
1601 CL(27)01 Block A Roof Plan (rec 02.08.2016)

1601 CL(2-)08a Block B Elevations (rec 02.08.2016)
1601 CL(2-)05a Block B Ground Floor Plan (rec 02.08.2016)
1601 CL(2-)06a Block B First Floor Plan (rec 02.08.2016)
1601 CL(2-)07a Block B Loft Floor Plan (rec 02.08.2016)
1601 CL(27)01 Block B Roof Plan (rec 02.08.2016)

1601 CL(2-)12a Block C Elevations (rec 02.08.2016)
1601 CL(27)09a Block C Ground Floor Plan (rec 02.08.2016)
1601 CL(2-)10a Block C First Floor Plan (rec 02.08.2016)
1601 CL(2-)11a Block C Loft Floor Plan (rec 02.08.2016)
1601 CL(27)03 Block C Roof Plan (rec 02.08.2016)

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 development hereby permitted shall be constructed entirely of the materials detailed and shown on the application form received 02.08.2016 and on plan number 1601 CL(0-)02e.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality 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

No houses hereby approved shall be occupied 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 the use of locally native trees and shrubs beneficial to wildlife (ie. pollen/nectar producing, berry bearing) and details all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area, to provide replacement/improved opportunities for wildlife and in accordance with saved policies ENV3 and ENV47 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan.

5

All hard and soft landscaping works shall be completed in full accordance with the approved landscaping scheme approved under condition 4 during the first planting season (October to March) following approval of the scheme unless otherwise is approved in writing by the Local Planning Authority. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

To ensure that the landscaping scheme is completed within a reasonable time scale in the interests of the visual amenity of the area to provide replacement/improved opportunities for wildlife and in accordance with saved policies ENV3 and ENV47 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan.

6

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

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity and ecological value of the site and in accordance with policies ENV3 and ENV47 of the Unitary Development Plan.

7

Prior to the commencement of any development an updated Drainage Assessment including the following details has been submitted to and approved in writing by the Local Planning Authority, in consultation with Northumbrian Water and the Lead Local Flood Authority.

- a) Consideration of relocating the proposed oversized pipes to communal areas (including detail of the potential impact on foundations);
- b) Clear indication as to whether the water storage volumes beneath the private driveways is/ is not included within the total site water storage volume and further detail showing sub catchment areas and how these feed into the drainage system;
- c) Detail of the outlets from private driveways, private and public footpaths, and public vehicular areas and how these connect into the surface water network, and confirmation that water volumes from the permeable surfaced areas have been included in the drainage modelling.
- d) Detailed drawings of all drainage elements including connection to NWL sewer and construction details of permeable paving, inlets and outlets, flow controls;
- e) Drainage maintenance plan and schedule;
- f) Confirmation of long term management arrangements for the drainage system, including, where required, details of measures to ensure access to the system for the lifetime of the development;
- g) Confirmation of all necessary consents for off-site drainage works;
- h) A copy of the electronic drainage model including attached cad base plan and model network (for auditing purposes);
- i) The construction method statement;
- j) A detailed scheme for the disposal of foul and surface water from the development.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

8

The details approved under Condition 7 shall be implemented before any of the dwellings are occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

9

No groundworks or development hereby approved shall commence until a programme of archaeological fieldwork has been submitted to and approved in writing by the Local Planning Authority.

The programme shall include evaluation and, where appropriate, mitigation excavation, and shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with saved policies ENV21 and ENV22 of the Unitary Development Plan and the National Planning Policy Framework.

10

The details approved under Condition 9 shall be implemented before the groundworks or development commence and in accordance with the approved details.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with saved policies ENV21 and ENV22 of the Unitary Development Plan and the National Planning Policy Framework.

11

No dwellings hereby approved shall be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 9 has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with saved policies ENV21 and ENV22 of

the Unitary Development Plan and the National Planning Policy Framework.

12

Where required, the dwellings hereby approved shall not be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority, prior to submission to the editor of the journal.

Reason

The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with saved policy ENV21 of the Unitary Development Plan and the National Planning Policy Framework.

13

No development hereby approved shall commence 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. Where required, the Assessment shall include measures 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.

14

The remediation and monitoring measures approved under condition 13 shall be implemented before the development progresses above the damp proof course 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.

15

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.

16

The amended remediation and monitoring measures approved under condition 15 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.

17

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.

18

A minimum of 1.15 metres of uncontaminated clean cover is required in all garden areas. Prior to each house being occupied a verification report that demonstrates the effectiveness of the clean cover within that property must be submitted to and approved in writing by the Local Planning Authority.

Reason

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

19

The development hereby approved shall be carried out in accordance with the recommendations of the Coal Mining Risk Assessment by Groundshire (October 2016).

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.

20

No development, groundworks or any works (including, soil moving or any operations involving the use of motorised vehicles or construction machinery) in connection with the development hereby approved shall not commence until a tree protection plan (considering all trees within 15m of the site boundary) and, where works will be within the identified protection zone, a construction method statement (including timescales), have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance saved policy ENV44 of the Unitary Development Plan,

policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

21

No development, groundworks or any works (including, soil moving or any operations involving the use of motorised vehicles or construction machinery) in connection with the development hereby approved shall commence until the tree protection plan, approved under condition 20, has been implemented in accordance with the approved details and made available for site inspection by Gateshead Council's Arboricultural Officer.

The scheme shall be retained as such in accordance with the approved details until final completion of the development.

There shall be no access, storage, ground disturbance or contamination within the protected areas unless otherwise approved in writing by the Local Planning Authority.

Reason

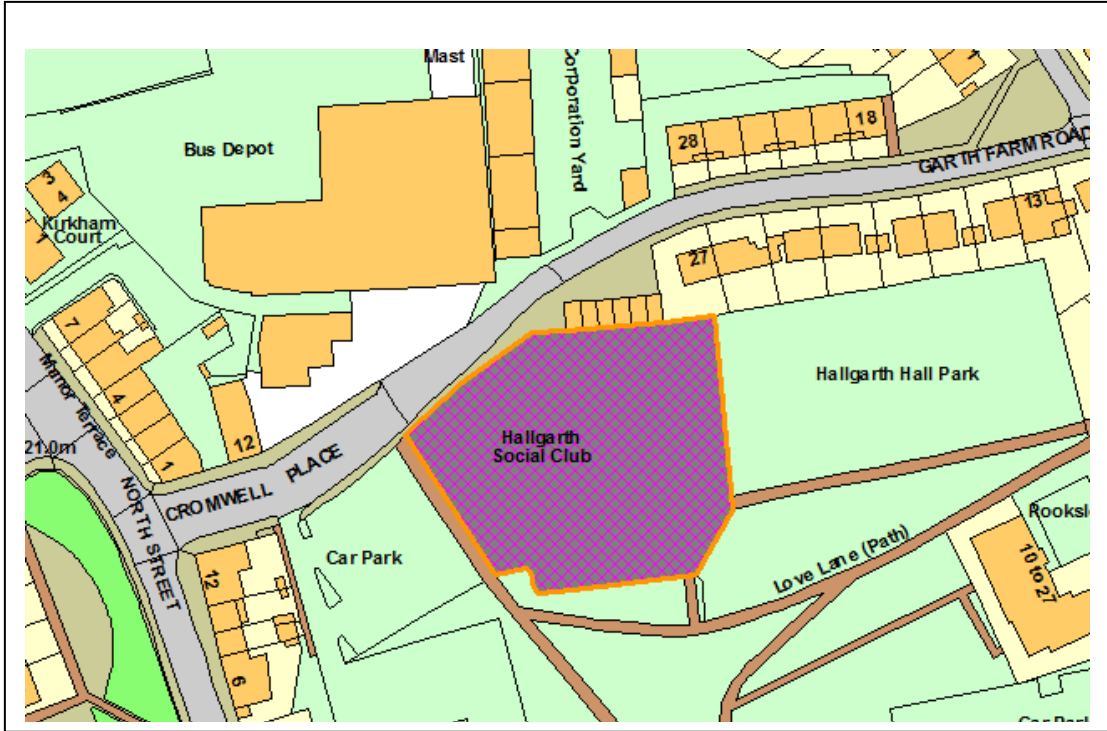
To ensure the satisfactory protection of trees, shrubs and hedges in accordance saved policy ENV44 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

22

The construction method statement approved under condition 20 shall be implemented in accordance with the approved timescales and retained as such in accordance with the approved details until final completion of the development.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance saved policy ENV44 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

This page is intentionally left blank

Committee Report

Application No:	DC/16/00924/FUL
Applicant	Gleeson Developments Ltd
Date Application Valid	16 September 2016
Site:	Land At Portobello Road Birtley
Ward:	Birtley
Proposal:	Erection of 60 no. 2, 3 and 4 bedroom two-storey dwellings with associated works (resubmission) (additional information received 26/10/16 and 03/01/17 and amended plans/documents received 08/12/16, 22/12/16 and 03/01/17).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

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

The application site is the land to the south of the Kingdom Hall on Portobello Road. The land is in the ownership of Lambton Estates. It is currently in use as a grazing field. There is a fall across the land from west to east, a steep fall from the south to the north at the southern end of the site, and the land is tree lined on the eastern and southern boundaries. The majority of the trees are deciduous.

1.2 To the east of the site lies the A1(M) Motorway, to the south lies the elevated Western Highway that crosses above the A1(M) Motorway, to the north lies the Kingdom Hall and to the west is Portobello Road. A large matrix sign on a substantial metal column is located at the eastern edge of the trees to the northerly end of the site.

1.3 The immediate area to the west of Portobello Road is residential in nature; however, to the north is the industrial area of Portobello Industrial Estate accessed from Portobello Road.

1.4 The application has been submitted by Gleeson Developments Ltd.

1.5 DESCRIPTION OF THE PROPOSAL

This application is a resubmission of application DC/15/00804/FUL that was refused by Planning and Development Committee on 25th April 2016. There were ten reasons for refusal; residential amenity, flood risk and SuDS , affordable housing, unacceptable shared drive near junction, urban design, ecology, no ground levels provided, harm to existing trees, inadequate landscape scheme, and impact on local highway network. As before, the application is for full planning permission.

1.6 The current application, like the previous refusal, is seeking planning permission for 60 dwellings. The proposal is for 14 x 2 bed, 39 x 3 bed and 7 x 4 bed roomed dwellings, and a toddler play area.

1.7 The application is accompanied by the following documents:

Affordable Housing Statement
Air Quality Assessment
Archaeology Assessment
Coal Mining Risk Assessment
Construction Management Plan
Cycle Storage Statement
Design and Access Statement
Drainage Assessment
Ecological Appraisal (preliminary)
Economic Impact Assessment
Flood Risk Assessment
Ground Investigation Reports
Noise Assessment
Planning Statement
Secure by Design
Sustainability Statement
Statement of Community Involvement
Transport Assessment
Travel Plan

1.8 **PLANNING HISTORY**

01436/87 Residential development on 1.82 HA of land (Outline application for Trustees of Lambton Estates) Refused 15.09.1987 Dismissed at appeal 10.10.1988. The appeal was dismissed solely on the grounds that there was not an appropriate mitigation scheme proposed to address road traffic noise. There were no other reasons either for refusal of the planning application, or that were considered at appeal stage.

DC/15/00804/FUL Erection of 60 x two-storey dwellings with associated works (additional information received 22/09/15, 25/09/15, 26/11/15, 02/12/15, 07/12/15, 15/12/15, and 15/04/16 and 08/03/16 and amended 26/11/15, 02/12/15, 18/02/16, 22/02/16, 06/04/16, 07/04/16 and 18/04/16). Refused 25th April 2016. Appeal lodged.

2.0 Consultation Responses:

Coal Authority

The Coal Authority has no objection to the scheme however requires a Planning Condition to secure the submission of a proposed mine shaft remediation scheme for approval. This could include the details of foundations of a specialist design to afford the stability of the dwellings in the event of any future collapse of the shaft.

Highways England	No objections to the scheme
Tyne And Wear Archaeology Officer	A desk-based assessment and subsequent archaeological trenching has revealed that the site contains no archaeological features. No further work is necessary with regard to this scheme.

3.0 Representations:

- 3.1 Neighbour letters were sent dated 26th September 2016 giving a response date of 17th October 2016.
- 3.2 The application was also publicised in The Journal on 5th October 2016.
- 3.3 Site notices were posted on 21st October 2016.
- 3.4 29 representations, two from the same resident, have been received. The concerns relate to:

Principle of proposal

- Birtley has various housing developments that have failed to sell there is no need for further housing;
- Why is this not proposed at Elisabethville?;
- If housing is needed there are other better places to build - leave the green belt;
- Why reapply when there were so many reasons for refusal?

Traffic

- Number of accidents with vehicles crashing through barrier on Washington slip road and off loaded goods onto the site where properties are proposed;
- Increase in traffic; Industrial Estate not yet fully occupied - worse traffic to come;
- Entrance is in a dangerous location on a blind corner on an incline bus stops and HGV traffic from the industrial estate; At the location of the site Portobello Road speed limit is 40MPH it is a busy road and drivers exceed speed limit;
- Inadequate parking;
- Most households have two cars per dwelling that would be 120 extra cars attempting exit onto Portobello Road;
- Commercial vehicle parking overflows into Vigo estate;
- Layout includes pedestrian accesses these will be used by delivery drivers or dropping off of passengers instead of driving into estate;

- Crossing road dangerous even with reduced speed limit; Should be a controlled crossing;
- No public footpath opposite the entrance to cross safely;
- Proposed zebra crossing just after T junction and close to two bus stops will cause traffic build up;
- Don't want to see speed humps which damage cars;
- Proposed estate road is 5.5m reducing to 4.8m will this cause a problem for emergency vehicles;
- Roads need to be resurfaced;
- Portobello Road has been busy due to construction on the Industrial Estate resulting in noise and dirt and workers will park in front of house;
- Difficulty in accessing Vigo estate;

Flood Risk

- Heavy rain leads to flood water overflowing from the field across the road and downhill across the gardens of Thirlmere. Once constructed residents will pave over gardens to provide parking and that would lead to less soakaway and lead to more flooding of the properties downhill of Portobello Road;
- The larger waste pipes to address flooding will have to join existing pipes and will still have flooding problem;
- Will porous tarmac be used?

Residential Amenity

- Traffic on motorway often at a standstill - cannot open windows now due to car emissions;
- No facilities for families on the development - play area, dog walking area;
- Property is at a lower level than the site and privacy will be affected as bedroom windows are low to road height right opposite entrance;
- Light pollution front windows from car headlights from exit;
- Loss of privacy;
- Disturbance early morning / late evenings;
- Who wants to live next to a motorway noise and is it safe?

Design

- Out of character with street scene;
- Overbearing;
- Overdevelopment;
- Why not build fewer houses with larger gardens to form a barrier between homes and noisy dirty motorway and better quality of life;
- Developer only cares about profit;

Biodiversity

- Loss of Wildlife;

- Loss of trees;
- Shortage of greenery around Birtley area;

Health

- Breast cancer from air pollution;
- Living on a busy road can raise blood pressure;
- Insufficient areas to play in Birtley for children;
- Will not be able to open windows due to dirt and noise;
- Additional Noise;

Other issues

- Schools will become overcrowded;
- New housing is putting strain on GP surgeries;
- Loss of light;
- Loss of quality of life;
- Out of character with conservation area;
- Proposal will attract potential vandals;
- Parking of construction workers on Vigo estate;
- Loss of value;
- Loss of outlook;
- Sense of space;
- Administration of application
- Application should be made available more locally i.e. in the Library or Community Centre - is it to stop protest by just having it at civic centre?
- All locals have not received a letter - why is this?
- Potential committee date - does this depend on how many respond?
- Previous appeal Council said the proposal would result in loss of an open space considered to be environmentally invaluable. Since then building in Birtley has been intensive and there are fewer open spaces left.

3.5 A number of the concerns raised in the letters of representation are not valid planning objections and they are as follows:

- Loss of field;
- Loss of view;
- Loss of light;
- Loss of property value; and
- There is not a housing shortage.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

DC1E Planting and Screening

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H4 Windfall and Small Housing Sites

H9 Lifetime Homes

H10 Wheelchair Housing

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

CFR28 Toddlers' Play Areas

5.0 Assessment of the Proposal:

5.1 The amended scheme seeks to address the ten reasons for refusal and in summary this has been achieved as follows:

5.2 Reason 1 Residential Amenity

The amended proposal has taken full account of the impact on residential amenity of the surrounding road network in relation to noise and air emission standards. The submitted noise assessment confirms that, with use of certain mitigation measures including uprated glazing and trickle ventilation, and acoustic fencing (CONDITIONS 28, 29, 30 and 31), the relevant noise amenity standards can be achieved both internally and externally. In respect of air quality an amended assessment has been undertaken and the conclusion is that there were no significant issues in respect of air quality and that the scheme would not exceed the relevant standards. As such the noise and air quality concerns that officers had with the previous application, have now been addressed, and subject to appropriate conditions, the applicant has demonstrated that the development would comply with British Standards and that mechanical ventilation is not required thus officers are satisfied that the proposal is acceptable and in accordance with Saved UDP Policies ENV61 and DC2 and CSUCP policy CS14.

5.3 Reason 2 Flood Risk and SuDS

The drainage strategy submitted as part of the application acknowledges that small areas of the site are at risk of surface water flooding. However the Strategy goes on to identify the likely cause of this surface water flooding as being water ponding at a low point on the site in times of heavy rainfall, combined with the lack of a positive discharge point. A much improved SuDS scheme has been submitted that will collect the water that falls on the impermeable areas of the site and discharge the flows off site, thereby significantly reducing the risk of surface water flooding to the development. As such the flood risk from surface flooding is considered to be negligible. Compared to the previously refused scheme much more information is provided in respect of certain elements of the SuDS provision. Thus the applicant has demonstrated that the development follows the drainage hierarchy set out in CSUCP policy CS17.

5.4 Thus subject to conditions recommended to secure final details officers consider the scheme to be acceptable and in accordance with CSUCP policy CS17 (CONDITIONS 13, 14 and 15).

5.5 Reason 3 Affordable Housing

Substantial evidence has been submitted in the form of information from the Land Registry on land values paid for comparable sites and a breakdown of these values to the amount paid per plot. This information demonstrates that the amount paid for the site equates to the other comparable sites and is in fact at the lower end of the amount paid for sites. Officers are satisfied that the Applicant has demonstrated that it would not be viable to provide affordable housing as part of this development.

- 5.6 Reason 4 Unacceptable shared drive near junction
This scheme has been amended in order to move the shared drive entrance to Plots 1 and 2 further away from the new road junction with Portobello Road. As such the entrance is now located 13.17m from the junction. This in conjunction with the proposed traffic calming measures on Portobello Road, outlined in more detail under Reason 10, it is considered that the scheme is now acceptable and in accordance with CSUCP policy CS13 (CONDITION 27).
- 5.7 Reason 5 Urban Design
In seeking to address the previous concerns with regard to design quality a number of changes have been proposed and these include additional planting to Portobello Road to strengthen the development edge and variety in surface treatment has been added through the addition of red coated chippings to be rolled into asphalt to break up large expanses of the same material in the street scene.
- 5.8 Previous officer concerns that paths between dwellings and garages could not accommodate wheelie bins or cycles have been addressed with a 900mm wide slab path now proposed for a number of plots and with “personal doors” at the rear of garages in other plots were a path cannot be achieved. The surface treatment of drives has not been specified and this would require a condition (CONDITIONS 22 and 23).
- 5.9 Given the amendments the proposal is now considered to be acceptable and in accordance with Saved UDP Policy ENV3 and CSUCP policy CS15.
- 5.10 Reason 6 Ecology
The Applicant has proposed to offset the loss of neutral grassland within the development site through off site compensation by means of a financial contribution. An offsite conservation grazing scheme has been identified as compensation and comprises restoration and enhancement of 5.6 hectares of grassland. The applicant has agreed to enter into a S106 legal agreement for the provision of the offsite grassland and officers consider that the proposals are acceptable and this accords fully with national policy NPPF paragraph 118 and local planning policy CSUCP CS18.
- 5.11 Reason 7 No Ground levels provided
As part of this resubmitted application, full information has now been provided in respect of existing and proposed finished ground levels and finished floor levels included in the drainage strategy. This has enabled officers to assess the proposal and it is considered to be acceptable in and in accordance with saved UDP policies DC2 and ENV3 and CSUCP policy CS14, CS17 and CS18.
- 5.12 Reason 8 Harm to existing trees
This revised application has, within the Tree Report, provided further details in respect of mitigation in relation to approaches to the hand dig construction method in respect of construction in root protection areas. Thus subject to a condition securing use of these measures the proposal will not cause damage to the trees and is acceptable and in accordance with Saved UDP policy

ENV44 and the retention of the trees accords with Saved UDP policy ENV3 (CONDITIONS 5 and 6).

5.13 Reason 9 Inadequate landscape scheme

The revised layout has improved upon the previously refused layout and this is in part as a result of the improved landscaping, in particular that to the western boundary with Portobello Road. The areas to be planted have increased in size and the species to be planted have been amended and includes shrub and tree planting lining Portobello Road. The public open space and toddler play area have been increased in size compared with the previous refused scheme and there are additional areas of shrub planting to front gardens of plots 1 to 26 and it is considered that the impact of these amendments provide a much improved landscape scheme in accordance with Saved UDP policy ENV 3 and CSUCP policy CS15. Implementation and maintenance of the landscape scheme can be secured by condition (CONDITIONS 17 and 18).

5.14 Reason 10 Impact on Local Highway Network

The Transport Assessment submitted in support of the application clearly demonstrates that the generated vehicular movements would have an insignificant effect on the operation of the Vigo Lane / Portobello Road junction and that the impacts of the development are certainly not severe. In addition the assessment considered accident records and road safety implications and concluded that there is no reason to believe that the small change in vehicular movements brought about by the development would adversely affect the accident record on the highways in the vicinity. As such it is considered that the proposal connects safely to and mitigates the effects of the development on existing transport networks through traffic calming measures in the form of a raised table, highway markings and a zebra crossing have been proposed that will reduce traffic speeds and assist pedestrians in crossing Portobello Road and is in accordance with CSUCP policy CS13. The traffic calming measures can be secured by condition (CONDITION 27).

5.16 ASSESSMENT

To expand upon the summarised points above; the detailed planning considerations are the principle of the proposed development, open space and play area provision, air quality, noise, flood risk, sustainable drainage, land contamination, coal legacy, affordable housing, archaeology, highway safety, urban design, visual and residential amenity and ecology.

5.17 PRINCIPLE

The application site is white land on the UDP plan. The Council sought to protect this land as Urban Green Space at the time of the Examination in Public of the UDP in 2007. However, the Inspector removed the protection from the plan.

5.18 In the 2013 SHLAA Update the site was categorised as "suitable but not deliverable/developable". This was based on doubts about its viability, based on the effect the proximity of the A1 had on its attractiveness, including noise.

- 5.19 As the application site is not specifically allocated for housing in the UDP, proposals for housing need to be considered in terms of windfall housing, under policy H4 of the UDP. Policy H4 gives a number of criteria that need to be assessed.
- 5.20 It is considered that the proposed development would comply with the requirements of (a) and (b) of the policy; it is considered that the proposal would not lead to a significant impact on housing numbers. In regard to criterion (c) the application site has access to regular bus services to shops and services.
- 5.21 In regard to criterion (d), there is no known problem with the capacity of infrastructure for utilities. In regard to criterion (e) it is considered that the size of the development would have the ability to sustain or build the local community.
- 5.22 In regard to criterion (f), it is not considered that there would be significant other potential planning benefits of the development.
- 5.23 The proposal therefore complies with the criteria in saved UDP policy H4.
- 5.24 Further to the above, Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However, in Gateshead this is demonstrated and therefore our policies are considered up to date.
- 5.25 NPPF paragraph 50 states to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- 5.26 Range and choice of housing
The Local Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure. Accordingly, CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The proposed scheme will provide a mix of two, three and four bedroom homes, with 76% of dwellings providing three or more bedrooms. The proposal therefore appears to accord with the requirements of CS11(1). Criterion 5 of CS11 requires that developments of 15 dwellings or more should provide 15% affordable housing, subject to viability. The tenure proposed is open market only. A more detailed assessment of affordable housing provision is included later in this report.

- 5.27 NPPF paragraph 50 also states that where the LPA has identified that affordable housing is needed, the LPA should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- 5.28 Saved UDP standards relating to Lifetime Homes and Wheelchair Accessible Housing are applicable to housing developments of 1ha or more, or which can accommodate 25 or more dwellings. These requirements should therefore be applied to this proposal. With regard to Lifetime Homes, policy H9 requires a minimum of 10% of dwellings, across all types, to be constructed to 'Lifetime Homes' standards. With regard to Wheelchair-Accessible Housing, policy H10 requires that where sites are suitable for people with disabilities, a minimum of 2% of dwellings should be built, or be capable of adaptation without structural alteration, to Wheelchair Housing Standards.
- 5.29 The small floorspace of the proposed dwellings would prevent them from meeting lifetime or wheelchair homes criteria.
- 5.30 The proposed layout includes 2, 3 and 4 bedroomed dwellings, however, the floorspace of the dwellings is small and although the 3 and 4 bedroomed dwellings should be family homes they would not meet national space standards. The size and design of the dwellings is discussed later in the report.
- 5.31 Residential space standards
Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". With regard to this requirement, it should be noted that in March 2015 DCLG published nationally prescribed space standards for new housing. The Council would expect that proposals for new residential development will, as a minimum, seek to achieve nationally described space standards, although at the current time the space standards cannot be insisted upon.
- 5.32 In accordance with paragraph 173 of the NPPF, policies H9 (lifetime homes), H10 (wheelchair homes), H13 (open space in housing developments), H15 (play areas in housing developments) and CS11 should not be applied without taking due account of viability. However, if the contributions or other requirements in question are required to make the development acceptable (see paras. 203 to 206 of the NPPF), it may be that the development is unable to proceed unless they are secured.
- 5.33 The principle of the development would be acceptable in terms of windfall housing UDP policy H4. However, the proposal does not meet the requirements of saved UDP policies H9 or H10 in relation to Lifetime Homes or Wheelchair accessible homes.

5.34 AFFORDABLE HOUSING

The Applicant has submitted an Affordable Housing statement including an HCA Viability Appraisal Tool to test the viability of the site. The HCA Viability Appraisal Tool can be used by local authorities or developers. In using this tool the guidance from the HCA suggests that if the appraisal shows a 'surplus then it is viable' and 'if a site shows a deficit the site shows a viability gap'. There is no definition within the guidance of the viability gap.

5.35 Further information was requested to demonstrate the land value of this site was on a par with other land sales in the area.

5.36 The assessment concludes that to include affordable housing on this site would take the land value way below market value. The Viability Appraisal confirms these conclusions.

5.37 In the affordable housing statement, the Applicant has indicated that whilst there is no provision of affordable housing, there is provision of 13 x 2 bed starter homes under the existing general understanding that 'starter homes' relate to smaller and generally cheaper homes available for all.

5.38 However, the developer is not proposing to provide any affordable housing, as defined in the glossary to the NPPG. The Applicant has a company policy to provide low cost housing and to make it available to people from the local community. The Applicant has said in support of their application that they achieve this in a number of ways; through their own shared equity scheme; by not selling to investors; and by building cost effective housing.

5.39 The further information requested from Gleeson Homes in support of their viability appraisal for the Portobello Way planning application has been assessed by a Chartered Surveyor within the Council.

5.40 Land Value and Comparable Information

Gleeson have provided a list of transactions of sales of land that are located close to the subject site. Some of this evidence is historic in particular the sales to Bellway at Chester-le-Street and Persimmon at Northside and therefore can be disregarded as land values that can be achieved. Also, the sale of land to Galliford Try at Mount Ridge, Birtley can also be disregarded as this was part of a joint venture with the Council and is included within a wider bundle of sites to be transferred. Nevertheless, they have submitted evidence demonstrating two sites that achieved prices in excess of the price paid by Gleeson for the subject site.

5.41 Contingency

It is acceptable and considered appropriate for a contingency figure to be included within a development appraisal. Gleeson have clarified the reasons for this inclusion in their e-mail of 14th December 2016 which is considered acceptable and industry standard.

- 5.42 Decontamination
The Applicant has confirmed that this heading relates to a capping layer rather than specific remediation of contaminated land. However, has clarified the reason for this inclusion which is considered acceptable.
- 5.43 In summary in accordance with the Planning Viability protocol (between Property and Development Management) the Chartered Surveyor is satisfied with the inputs that have been put forward by Gleeson Homes in support of their Viability Appraisal.
- 5.44 NPPF paragraph 50 states that affordable housing is required where the LPA has identified that affordable housing is needed, and has set policies for meeting this need on site. CSUCP policy CS11 identifies a requirement for 15% affordable housing in any major residential development.
- 5.45 Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 5.46 Given the above, it is considered that whilst the proposal does not accord with paragraph 50 of the NPPF or policy CS11 of the CSUCP as the proposal does not provide affordable housing in perpetuity it is considered that the Applicant has demonstrated why this cannot be provided and has provided substantive evidence in relation to viability of the scheme.
- 5.47 Given the above it is considered the proposal does not accord with policy CS11 of the CSUCP, however, by virtue of paragraph 173 of the NPPF, non-compliance with CS11 (and H9 and H10) is not a reason for refusal and therefore the proposal is acceptable.
- 5.48 OPEN SPACE
The proposed development site is in the Portobello/Vigo residential neighbourhood. This neighbourhood is identified as deficient in open space provision against the standard set in saved UDP policy CFR20. Policy CFR20 requires in each residential neighbourhood at least three hectares of Local Open Space, in sites of at least 0.01 hectares, should be available per 1,000 residents, such that no resident has to travel more than 330 metres from home to reach one. Where opportunities arise and as resources permit, additional Local Open Space will be provided in those residential neighbourhoods which fall short of this standard, and particularly in Portobello / Vigo, which falls below it by at least one hectare in total. Policy CFR21 requires Neighbourhood Open Spaces of at least two hectares in size should be available so that, as far as possible, no resident has to travel more than 500 metres from home or cross a busy main road to reach one. In parts of the borough where the provision of Neighbourhood Open Spaces is non-existent or inadequate, improvements are required, as opportunities arise and resources permit, by upgrading some

existing open spaces, making new provision within new large housing developments or by bringing other land into use as public open space.

- 5.49 The site is not allocated open space; rather it is a grazing field. However the scheme seeks to provide a useable space as the proposed layout indicates a large toddler play area of 680sq m.
- 5.50 The drawing indicates a total of public open space as 1256.2sq m that includes the toddler play area. This includes 9 areas: of landscaped amenity planted areas.
- 5.51 These include planted areas proposed alongside the pedestrian links from the development to Portobello Road, adjacent to plots 36 and 37, plot 45 and plot 54 and the back of footpath to Portobello Road and a tree lined and shrub bed 2m wide verge is proposed at the back of footpath to Portobello Road and in front of the 2m high wall and acoustic fence to the rear gardens of plots 36, 37, 40, 44, 45 and 53.
- 5.52 These planted amenity areas will soften the development, adding interest to the street scene.
- 5.53 The proposed layout does not result in the loss of public open space and includes amenity planted areas and a centrally located play area. It is considered that this / partially meets the requirements of saved UDP policies CFR20, CFR21, CFR22 and the Applicant has increased the area, quality and amount of amenity planting, the size and central location of the toddler play area that contributes to the sense of open space within the layout. To require revision of the layout of the site to accommodate further on-site provision of open space would render the development unviable.
- 5.54 **PLAY SPACE**
The proposed dwellings would amount to a projected population of 149 people. This would result in the need for 678sq m of toddler play space. An unequipped area of 680.4sq m has been indicated onsite in accordance with saved policy H15 of the UDP.
- 5.55 There are no toddler play spaces currently located within the maximum distance of this site as specified in policy CFR28. The revised layout proposed for this scheme incorporates a toddler play area of around 680.4sq m. Based on the potential number, and size (number of bedrooms) of the proposed new homes within this scheme, this amount of toddler play space would appear to be slightly over the required area of toddler play space (identified in informal guidance within Supplementary Planning Guidance 4: Children's Play Area Standards). This is a reasonably long and narrow site, and as such a single toddler play space, located towards the south of this site would not meet the accessibility standard of policy CFR28, which requires all homes to be within 60m of a toddler play site. However, as proposed it contributes to both play facilities and public open space within the site and is considered to be acceptable and sufficient to meet the accessibility requirements of UDP policy.

- 5.56 There are no junior play areas located within the maximum distance specified by policy CFR29. Informal guidance (in SPG4) indicates that junior play should be provided on-site within schemes of 110 dwellings or more, which suggests that this site may not be able to reasonably accommodate on-site junior play.
- 5.57 There are two teenage recreation facilities, at Lydford Way 5-a-side and Portmeads MUGA, that are located within the maximum distance of this site as specified in policy CFR30. These facilities have combined area of 1,415sq m, which is insufficient to meet the needs of the catchment population of this site.
- 5.58 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.
- 5.59 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Therefore, whilst the proposal is considered to be unacceptable in terms of on-site open space and play space provision and does not accord with saved UDP policies CFR 20, CFR21, CFR22, CFR28, CFR29 and CFR30, it is also not possible to require any contribution for either play or open space provision in this case, based on the above assessment. The provision of an on-site toddler play area, to be maintained by the developer is however to be welcomed as part complying with saved UDP policy H15.
- 5.60 AIR QUALITY
An air quality assessment has been submitted in support of the application.
- 5.61 The Applicant, in the covering letter provided by the Air Quality consultant, indicates that the newly released 2017 Emission Factors have been used for the new updated modelling. Where previously Plots 9 and 10 exceeded the standard of 40ug/m³ (plot 9 at 40.1 ug/m³ and plot 10 at 42.4 ug/m³) utilising the new emission factors brings the projected level to 37.9 ug/m³ at plot 9 and exactly on the maximum level of 40ug.m³ at plot 10. This will mean that the dwellings will be located in an area of poor air quality which is undesirable, however, the new figures indicate that the 40 ug.m³ level will not be breached and this does mean that the reason for refusal in relation to air quality must be omitted.
- 5.62 Although the revised modelling indicates that the projected levels are on and close to the maximum level, there will be peaks when the levels will be higher and there is a concern that the layout would have children playing in a toddler play area where the maximum level could be exceeded.
- 5.63 If permission were to be granted, small diffusion tubes would be required to be attached to downcomers of plots 9 and 10 so that the Council can monitor levels. Should the level exceed 40 ug.m³ then an AQMA would need to be declared and the onus would be upon the Council to resolve and seek to get the air quality to an acceptable level.

- 5.64 Given the above, it is considered that the Air Quality at the site meets acceptable levels within the dwellings and the Air Quality experienced in the proposed gardens and play area would fall below acceptable levels.
- 5.65 Therefore the proposal is considered to be acceptable in terms of residential amenity, health and wellbeing and it is not contrary to the NPPF or CSUCP policy CS14 or Saved UDP policy DC2.
- 5.66 **NOISE**
The application is supported by a Noise Assessment that takes account of the existing noise climate and proposes a number of mitigation measures to the proposed dwellings and boundary treatments. As the site is immediately bound by a significant road network including the A1 to the east, the Western Highway to the south and Portobello Road to the west, road noise is the dominant noise source and the only noise type described in the assessment.
- 5.67 Noise monitoring was carried out at a number of points on the site and this data was subsequently modelled to assess overall noise levels. The noise levels determined at the site would be deemed above World Health Organisation and British Standard levels, as such the assessment recommends a number of mitigation measures to proposed dwellings and boundary treatments to achieve acceptable internal and external noise levels.
- 5.68 **External and Garden Areas**
The assessment recommends the provision of a 2.2m high acoustic fence to the full eastern boundary (nearest to the A1) the northern, the south western corner, western and southern boundaries at 2m in height.
- 5.69 With the proposed acoustic fence in place the external (garden) noise level in boundary properties achieves an average daytime noise level of 55dBA, thus it meets the British Standard, although at the upper level of acceptable external residential noise environment.
- 5.70 **Internal Noise Levels**
The assessment makes a number of recommendations in terms of providing improved glazing and ventilation to ensure noise levels comply with BS 8223 (guidance on sound insulation and noise reduction for buildings) and WHO (guidelines for community noise).
- 5.71 Numerous plots on all sides of the boundary require updated glazing and ventilation. The proposed mitigation measures will result in acceptable internal noise levels. Final details are required in respect of the ventilation to ensure a satisfactory ventilation type, via trickle vents, can be achieved and can be secured by condition. Additionally, although rooms are not proposed in the roofspace of the proposed dwellings the subsequent creation of accommodation in the roofspaces would be affected by noise

5.72 A number of other conditions would be required including:

-Prior to development progressing above damp proof course there should be clarification on the window and ventilation specification for all glazing to ensure the recommended mitigation and internal noise levels are achieved (CONDITIONS 28 and 29);

-The exact location, height and material of the boundary fence should be submitted for consideration prior to development. (CONDITIONS 30 and 31);

-Post-test monitoring at a number of agreed plots to cover both internal and external noise levels, should be agreed and carried out prior to occupation (CONDITIONS 32 and 33);

-Standard working times are recommended to be conditioned given the proximity of neighbouring dwellings and also the scale of the site. A construction Management Plan has been submitted with the application and a condition is recommended to secure adherence to this plan (CONDITIONS 3 and 4).

5.73 Given the above, it is considered that reasonable internal noise levels could be achieved through mechanical ventilation measures. External noise levels in the gardens of the plots backing onto the A1M and the slip road to the south would meet the British Standard of 55dBA, although the towards upper limit of what is acceptable. Thus as the proposal meets British Standards it is considered to be acceptable in terms of residential amenity, health and wellbeing and therefore complies with policy CS14 and the NPPF.

5.74 LAND CONTAMINATION

The property has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not believed to be situated on potentially contaminated land based on previous historic uses. The site has historically been undeveloped agricultural land.

5.75 Based on the information provided with the planning application no planning conditions are recommended in respect of further phase 2 site investigations or for provision of a remediation strategy and remediation verification report.

5.76 However, a condition relating to the potential for unexpected contamination is recommended (CONDITION 8).

5.77 Given the above, the proposal would be acceptable in terms of contaminated land and could, subject to the recommended condition, be in accordance with Saved policy ENV54 and the NPPF.

5.78 COAL LEGACY

Mine shaft

The Coal Mining Risk Assessment report submitted in support of the planning application had not found any evidence of a mineshaft.

The Coal Authority was consulted regarding any mitigation measures required in respect of the recorded mineshaft, (the location of which has which has not been proved on site during investigations).

- 5.79 The Coal Authority has responded to the effect that it has no details which confirm either the precise location of the shaft or whether it has been appropriately treated. The Coal Authority information confirms that the shaft maybe up to 10 metres away from the location of where it is thought to be. Consequently, whilst the mineshaft is not within the site boundary, parts of the application site maybe within influencing distance of it.
- 5.80 Therefore the Coal Authority requires that should planning permission be forthcoming a condition is recommended to secure the submission of a proposed mine shaft remediation scheme for approval. This could include the details of foundations of a specialist design to afford the stability of the dwellings in the event of any future collapse of the shaft (CONDITIONS 9-12).
- 5.81 Given the above, the proposal is considered to be in accordance with the NPPF and the CSUCP subject to the recommended conditions.
- 5.82 FLOOD RISK AND SUSTAINABLE DRAINAGE
Flood Risk
In accordance with NPPF paragraph 103, a flood risk assessment (FRA) has been submitted.
- 5.83 Parts of the site are identified at high risk (1 in 30 year event) and medium risk (1 in 100 year event) of surface water flooding based on the Environment Agency's Updated Flood Map for Surface Water. This has been considered in the FRA.
- 5.84 The site is also located within a contributing catchment area providing a source of surface water flooding to the adjoining Critical Drainage Area based on the Strategic Flood Risk Assessment.
- 5.85 The proposed SuDS drainage scheme achieves better than greenfield run off rates therefore the proposal is considered to be acceptable in terms of flood risk.
- 5.86 SuDS
The SuDS drainage scheme as proposed is acceptable in principle.
- 5.87 The scheme comprises a tank located under the toddler play and open space area. This drains into oversized pipes that feed into the general drainage system on Portobello Road. The Applicant has demonstrated that the proposed scheme would achieve better than greenfield run off rates. Therefore the scheme is considered to wholly acceptable.
- 5.88 The surface material for driveways is the subject of a condition. If a non-permeable material is to be used then the runoff from the drives would need to either fall towards the road (where it will be picked up by stormwater

planters) or fall into gardens to drain away naturally. This would be for very small volumes of water thus waterlogging of gardens would not be an issue).

- 5.89 The detail of the relationship of the raised table adjacent to the stormwater planter is required as it will require a raised kerb or something similar to protect the planting. A condition is recommended to secure the traffic calming measures and includes the drainage details (CONDITIONS 20 and 21).
- 5.90 A condition is recommended to secure final details of elements of the scheme such as cellular storage and flow control device, the maintenance schedules and plan (CONDITIONS 14 and 15).
- 5.91 Given the above, and subject to the recommended conditions, the proposal is considered to be acceptable and completely in accordance with CSUCP Policy CS17 and the NPPF.
- 5.92 **ARCHAEOLOGY**
The development area is shown as the location of a section of 18th century waggonway which linked the Birtley Common coalfield with staithes on the River Wear west of Cox Green. A Desk Based Assessment and evaluation fieldwork has been submitted in support of the application that assesses the significance and survival of early industrial remains which might be impacted by the development.
- 5.93 Geophysical survey and trial trenching has now been undertaken and the County Archaeologist is satisfied that no further archaeological assessment is required.
- 5.94 Given the above, the proposal is considered to have met the requirements of paragraph 128 of the NPPF and Saved polices ENV21 and ENV22 of the UDP.
- 5.95 **URBAN DESIGN**
Space Standards
Paragraph 174 of the NPPF states that Local planning authorities should set out their policy on local standards in the Local Plan.
- 5.96 The Council is preparing an evidence base but whilst it is at an advanced stage it has not yet been adopted.
- 5.97 All twelve house types proposed appear small in size. The Applicant company policy is to provide new private housing that is suitable for couples and families on the first rung of the housing market. In addition, these are standard house types that the developer Gleeson has used on various sites and that their customers are willing to buy.
- 5.98 The layout as now proposed has been amended in line with officer comments and the developer has shown willingness to address a number of the earlier design concerns. The improvements included in the latest design iteration, are such that the scheme is now at a standard and level of quality that could be recommended for approval.

5.99 Surface Treatments

The in-curtilage car parking as proposed has been amended to avoid numerous large expanses of hard surface. As originally submitted in the refused application the proposed material for drives was loose gravel. Officers raised concerns over this material as it would result in large areas of loose gravel being created, some well in excess of 100sq m. The surface treatment in this application is to be agreed and a condition is recommended to secure the final detail (CONDITIONS 22 and 23). Officers consider that appropriate options for the surfacing of individual driveways to be block paving, a flexible bituminous material or possibly bound gravel.

5.100 Boundary Treatments

The submitted layout design proposes some rear garden boundary fencing, acoustic fencing or walling of 2m in height to Portobello Road, however, in front of these boundary treatments at the back of footpath a verge of shrub and tree planting is proposed that will give the appearance of a tree lined footpath along Portobello Road.

5.101 In addition there are a number of forward facing plots to Portobello Road that have open gardens to Portobello Road. A defensible space in front of the properties has been created through use of a low rail to garden curtilages on plots 60, 54, 45, 37, and 36 to protect residential amenity of the occupants and to prevent pedestrians forming desire lines across private gardens and is considered to be acceptable.

5.102 Boundary fences have been set back from the back of footpath and a planted verge is proposed in front of plots 11, 29, 39, 41, 48, 49, 55, 57, and 58 and is considered to be acceptable.

5.103 1500mm high close board fencing between rear gardens is proposed and is considered to be acceptable.

5.104 Materials

The Applicant has proposed two brick types and these are acceptable.

5.105 Specific design details can be appropriately controlled by the use of planning conditions as recommended (CONDITION 16). The design of the scheme subject to these conditions is considered will be acceptable and will comply with Policy CS15 of the CSUCP, saved UDP Policy ENV3 and the NPPF.

5.106 RESIDENTIAL AMENITY

Proposed Dwellings

As mentioned earlier in this report, the Applicant has demonstrated that there are no concerns with regard to Air Quality or Noise being detrimental to residential amenity.

5.107 Each dwelling has a private rear garden and a small garden area to the front. Most dwellings have a drive and a single detached or integral garage whilst two have a single drive and one has a double garage. The properties have an

adequate and acceptable separation distance from each other. The proposed layout is considered to be acceptable in terms of access for moving wheelie bins to the street on bin collection day, useable external amenity space, quality of materials and public landscaping.

5.108 Although the properties are small they provide an acceptable level of residential amenity for a potential occupant.

5.109 Existing Dwellings

The residential properties located on the opposite side of Portobello Road on Thirlmere are separated from the proposed dwellings by 43m and have the road and an intervening grassed area between. It is acknowledged that the existing dwellings are at a lower level than the ground levels of the application site. The offset distance is substantial and it is not considered that there would be an opportunity to overlook the existing properties resulting in loss of privacy. Furthermore the distances involved could not lead to the proposed dwellings having an overbearing impact upon the existing dwellings and the scale of the proposed dwellings would not be overbearing upon the street scene.

5.110 Given all of the above the proposal is considered to be acceptable in terms of residential amenity, health and well-being and it is not contrary to the NPPF, Saved UDP policy DC2 and policy CS14 of the CSUCP.

5.111 LANDSCAPE

Existing Tree Belt

A tree survey has been submitted in support of the application. The existing hedgerow on the western boundary is to be retained. The tree survey includes a drawing that indicates the root protection zones of the offsite trees on the east and southern boundaries. Tree protection measures are included within the tree survey and where work is necessary within a root protection zone, for example plot 30, mitigation measures are proposed, such as hand digging to avoid damage to the larger roots.

5.112 The tree survey states that no crown lifting of the trees is necessary where the canopy edges overhang the site. Some crown lifting may be necessary to enable construction of the proposed 2.2m high boundary treatment.

5.113 The tree report goes on to state there is an opportunity to mitigate any loss of existing trees by new shrub and tree planting within the landscaping of the proposed development.

5.114 Twenty six trees are proposed to be planted in the verge along the footpath edge of Portobello Road in front of the garden boundary fences. A further 18 trees are proposed bounding the play area and within the streetscene within the layout.

5.115 A new hedge is proposed within the grass verge bounding Portobello Road. The proposed planting within the scheme is turfed front garden areas with shrub planting in the traffic calming deflections to add some interest to the

streetscene. The specification of the landscape scheme is considered to be acceptable.

5.116 Conditions are recommended to secure implementation and maintenance of the Landscape Scheme as submitted (CONDITIONS 17 and 18).

5.117 Public Open Space

The combined public open space and Toddler Play area is a grassed space with some trees and shrub beds in front of the 1.8m hit and miss timber board fencing that bounds the play area.

5.118 All the landscaped areas (including the SuDS) and the toddler play area will be maintained by a Management Company and a condition is recommended to secure the Open Space and SuDS Management Plans and the implementation of the plans. (CONDITIONS 14 and 15).

5.119 Given the above, the landscape scheme as submitted is considered to be acceptable and is not contrary to the NPPF, Saved UDP policies ENV3, DC1e, and ENV44 and CSUCP policy CS18.

5.120 ECOLOGY

The proposed development site measures approximately 1.5 hectares in area and is dominated by semi-improved grassland. This includes areas of semi-improved neutral grassland and seasonally inundated wet grassland, both considered to be of high ecological value (i.e. at least Parish value) and identified as a priority habitat in the Durham Biodiversity Action Plan (i.e. Lowland Meadows and Pasture).

5.121 The site is bound to the east by a former hedgerow and developing woodland. Further woodland planting occurs along the southern boundary. The western boundary comprises post and rail fencing and a length of remnant hedgerow measuring c. 50m in length. The northern boundary comprises a beech hedge.

5.122 Habitats within the site have been assessed as having the potential to support a number of statutorily protected and/or priority species (i.e. BAP species), including foraging bats, breeding birds, hedgehog and butterfly species. (i.e. wall brown, small heath and dingy skipper), although no dedicated species surveys have been undertaken in support of the application.

5.123 The proposed development would result in the comprehensive direct loss of grassland habitats within the site, including semi-improved neutral grassland and seasonally wet grassland of high ecological value, scrub habitats and remnant hedgerow. The proposed development/layout is also likely to result in the increased disturbance of retained habitats immediately out with the proposed development site both during the construction phase and post occupation. This is likely to include increases in noise and light disturbance, the tipping of garden waste and the predation of wildlife by cats.

5.124 In accordance with the requirements of Paragraph 109 of the NPPF that requires the planning system to contribute to and enhance the natural and local

environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient, development should result in no net loss of biodiversity.

- 5.125 In light of this an alternative offset scheme has been identified which has been fully costed and which has a high degree of deliverability. The required sum (£36,400.00) relates solely to the physical works required to create the area of replacement habitat (wet marshy grassland) with all other costs including design, project management and maintenance in perpetuity being met by alternative means.
- 5.126 At approximately 1.3ha the proposed alternative offset is slightly smaller than the area of habitat that will be directly lost as result of the development. However, it is considered that the proposed alternative offset will deliver an overall net gain in biodiversity, and is therefore acceptable in terms of the NPPF, as well as, being consistent with the general approach to biodiversity offsetting set out in the DEFRA metric.
- 5.127 The proposed alternative offset is located at Shibdon Meadow Local Wildlife Site and will be implemented in full and managed in perpetuity on behalf of the Council by Durham Wildlife Trust. The Applicant has agreed to enter into a S106 Legal Agreement to deliver the offset scheme.
- 5.128 Given the above the proposal is considered to be acceptable and compliant with Section 11 of the NPPF, policy CS18 of the CSUCP and Saved UDP policies DC1, ENV44, ENV46 and ENV47.
- 5.129 HIGHWAYS
A Transport Assessment (TA) and Travel Plan (TP) have been submitted in support of the application.
- 5.130 Transport Assessment (TA)
The TA has considered the impact of the proposed development on the Vigo Lane/Portobello Road junction and has indicated a marginal increase in queues and delays. As a sensitivity test the TA has also assumed a worst case scenario of all traffic entering and leaving the development from the south. Even with this scenario the increase in queues and delays is small and certainly far from severe which is the test for refusal under the guidance in the National Planning Policy Framework.
- 5.131 The TA has also proposed a change to the speed limit of Portobello Road in the vicinity of the development from 40mph to 30mph with associated traffic calming features including a zebra crossing to aid pedestrians crossing between the existing bus stops. This proposal has been agreed by officers in principle, subject to detailed design, which would include an Independent Road Safety Audit. The cost of the design, audit, physical works, associated signs, road markings and legal costs would be met by the Developer and secured by condition.

5.132 Travel Plan (TP)

A TP has been submitted to encourage sustainable modes of travel through promotion and its implementation will be secured by condition. Whilst this gives a base to work from, a condition (CONDITION 24) is recommended to secure a Final Travel Plan.

5.133 Layout

The internal layout of the development has been designed as a self-enforcing 20 mph zone through the introduction of a mixture of horizontal and vertical features and change in materials. The final design of these features will need to be submitted and the works including associated signs and road markings and legal costs secured by condition (CONDITION 27).

5.134 Car Parking

The majority of units have a drive and single either integral or detached garage whilst two units have a single drive and one has a drive and double garage. 20 visitor parking bays are provided on-street distributed around the development in accordance with guidance.

5.135 Cycle Parking

The proposed cycle parking provision is not in accordance with the approved minimum cycle parking guidelines in the document Gateshead Cycling Strategy (March 2015).

5.136 The internal dimensions of the proposed garages are substantially less than the required 7m x 3m therefore they would not be considered to satisfy the requirement for long stay cycle parking. The alternative provision proposed in the "Cycle Storage Statement" of "v shaped" stands attached to the rear wall for units without garages is also unacceptable both in terms of the type of stand and the lack of weather protection.

5.137 No short stay cycle parking is proposed.

5.138 Therefore alternative secure and weather resistant cycle storage is required for each dwelling in accordance with Council policy. A condition is recommended to secure details (CONDITIONS 25 and 26).

5.139 Refuse Storage

The Applicant has indicated that access to the majority of the refuse storage areas in the rear gardens is via a door at the rear of the garages as indicated on the layout. The remaining plots have a 900mm wide slab path between the house and the garage.

5.140 The road layout allows refuse vehicles to turn at the designated points without the need for any significant reversing.

5.141 Given the above, and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with CSUCP policy CS13 and the Gateshead Cycling Strategy.

5.142 STATEMENT OF COMMUNITY INVOLVEMENT

In relation to the previous, refused application, a public consultation event was held on 19th November 2015 between 3-6pm at Barley Mow WMC. A Statement of Community Involvement was submitted following the event.

It states that 430 households were leafleted and Ward Councillors received an invitation. The Statement does not indicate how many attended the event.

5.143 28 questionnaires were completed that comprised 5 questions.

Question 1 do you support the development?

Question 2 do you agree properties are affordable?

Question 3 do you agree new homes will improve area?

Question 4 do you want to see social housing? and

Question 5 do you agree two storey traditional housing is appropriate?

5.144 The report concludes that as only 28 questionnaires were completed and that this demonstrates that many residents who did not respond are not concerned or indifferent to the proposal.

5.145 It is not known when the flyers were posted and whether sufficient notice was given to residents of the upcoming event. However, a non-response cannot be taken to be an indication of no interest or no concern. The flyer did not contain an email address or telephone number where comments could be made.

5.146 The report claims that the majority of those who responded agreed that residential development, particularly traditional two storey design was the most appropriate use of the site. However none of the five questions asked "do you think residential development is the most appropriate use of the site?" A breakdown of the actual responses does not reflect the report assertions.

5.147 The report states that the proposals have been amended in response to the comments and the changes include off street parking for at least two cars per dwelling. The report states that existing properties will experience less noise as the new development will provide a buffer.

5.148 The report concludes that the pre application consultation has been comprehensive and of benefit to the Applicant in shaping the proposal and has been undertaken in accordance with the requirements set out in local and national policy. There has been no further public consultation by the developer in relation to this application. The comments received by the Council in relation to the publicity for this application are summarised above.

5.149 OTHER MATTERS

Following refusal of the previous application (DC/15/00804/FUL) the Applicant has had discussions with officers to develop and improve the refused scheme. As a consequence, the shortfalls of the previous scheme have been addressed and officers consider the proposal as submitted is acceptable and can be recommended for approval.

5.150 The Applicant has lodged an appeal against the refused application, which would be withdrawn if the current scheme is approved.

5.151 A number of the concerns raised in the letters of representation are not valid planning objections and they are as follows:

- Loss of grazing field;
- Loss of view;
- Loss of light;
- Loss of property value; and
- There is not a housing shortage.

5.152 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Councils CIL charging schedule and the development is CIL chargeable development as it is housing related however the charge is zero.

6.0 CONCLUSION

6.1 The proposal to locate housing on this site is acceptable in principle. The proposal as submitted is acceptable, complies with the requirements of the NPPF and policies in both the UDP and the CSUCP and can be recommended for approval.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT:

1) The agreement shall include the following obligations:

- Provision of off site habitat at Shibdon Meadows

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

3) That the Group Director of Development and Enterprise be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include;

1

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

GH27:L:01H planning layout
GH27:L:03F landscape scheme
GH27:L:04F Boundary treatment
GH27:L:05H Open Space and toddler play area
GH27:L:06 Acoustic Fence and wall details
201/1F dwelling 201

202/1F dwelling 202
302/1G dwelling 302
303/1E dwelling 303
304/1E dwelling 304
307/1B dwelling 307
309/1E dwelling 309
311/1A dwelling 311
401/1G dwelling 401
403/1H dwelling 403
404/1F dwelling 404
SD700 (Rev A) detached garage single
SD701 (Rev A) detached garage double
SD703 Rev B detached garage non-standard double

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

Reason

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

2

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

Reason

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

3

No development shall take place, including any works of remediation, other than in complete accordance with the Construction Management Plan dated September 2016 prepared by Chris Dodds. The approved Statement shall be adhered to throughout the construction period.

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with Saved Policies DC1 and DC2 of the Unitary Development Plan and policies CS13 and CS14 of the CSUCP.

4

Notwithstanding the Construction Management Plan as submitted, unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment on the site, shall be

carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0900 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan and CS14 of the CSUCP.

5

Prior to commencement of the development hereby permitted details of the location of tree protection measures to protect the existing hedge / trees to be retained shall be submitted for the written approval of the Local Planning Authority.

The protective fence shall be erected prior to commencement of the development of the site and remain in place until completion of the development and at no time until then shall it be moved or removed.

Reason

To ensure that the existing trees and hedges are protected from damage during the development and are maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1, ENV3 and ENV44 of the Unitary Development Plan and policy CS18 of the CSUCP

6

The development shall be completed in accordance with the details of tree / hedge protection measures approved under Condition 5 and retained in accordance with the approved details thereafter.

Reason

To ensure that the existing trees and hedges are protected from damage during construction and the habitat is maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1, ENV3 and ENV44 of the Unitary Development Plan and policy CS18 of the CSUCP

7

All vegetation clearance works will be undertaken outside the bird breeding season (March to August inclusive). Where this is not possible, a checking survey will be undertaken by a suitably qualified person immediately prior to the commencement of works on site. Where active nests are present these will remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

To avoid/minimise harm to protected/priority species in accordance with the NPPF, Policy CS18 of the CSUCP, and saved policies of the UDP DC1(e) and ENV46.

8

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

Reason

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

9

In the event that any mineshaft(s) is/are discovered during the development process, a proposed mine shaft remediation scheme shall be submitted to the Local Planning Authority for written approval.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

10

The mine shaft remediation scheme approved under condition 9 shall be implemented as soon as is practicable following discovery of the mineshaft and maintained for the life of the development.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

11

If during the implementation of the mine shaft remediation scheme approved under condition 9 it is confirmed that there is a need for further remedial works to treat the mine entry/areas of shallow mine workings to ensure the safety and stability of the proposed development, full details

of the remedial works shall be submitted to the Local Planning Authority for written approval.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

12

The details of remedial measures approved under condition 11 shall be implemented as soon as practicable on discovery that they are required and maintained for the life of the development.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

13

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) MD0981/rep/001 prepared by M Design and the measures detailed within the FRA.

Reason

To reduce the risk of flooding to the proposed development and future occupants and in order to accord with the NPPF and policy CS17 of the CSUCP

14

The development hereby permitted shall not be commenced until a detailed drainage assessment in accordance with the CIRIA SuDS Manual (C753) has been submitted to and approved in writing by the Local Planning Authority. This shall assess the potential for disposing of surface water by means of a sustainable drainage system and shall consider the DEFRA Non-Technical Standards for SuDS. It shall include: detailed designs of the SuDS components, pipes, inlets and outlets; health and safety risk assessment; construction method statement; and maintenance plans.

Where a sustainable drainage scheme is to be provided, the submitted details shall include:

a - information about the design storm period and intensity

- b - the method employed to delay and control the surface water discharged from the site
- c- the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- d - a timetable for its implementation; and
- e- a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker, management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- f - compliance statement demonstrating that the SuDS system will satisfy National (NPPF) and Local (Newcastle Gateshead Core Strategy) policies and the DEFRA Non-Technical standards for SuDS. This shall include a demonstration of compliance with water quality, biodiversity and amenity requirements.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

The details of SuDS measures approved under condition 14 shall be implemented in accordance with the timings for implementation approved under condition 14 and maintained for the life of the development.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The development shall be completed using the materials indicted on drawing GH27:L:01 Revision H
Hanson Leicestershire Russet Mixture
Hanson Kimbolton Red Multi
Plain profile concrete roof tile in grey
White uPVC windows and French doors
Front and Rear doors white composite
Fascias and soffits white
Rainwater goods black

and as described in the Design and Access Statement dated September 2016 and prepared by Chris Dodds 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.

17

The landscaping scheme indicated on drawing GH27:L:03 Rev F shall be implemented in the first available planting season following commencement of the development.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e), ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

18

The landscape scheme approved under condition 17 shall be maintained in full accordance with a Maintenance Strategy to be submitted for the consideration and written approval of the Local planning Authority and maintained in accordance with the approved Maintenance Strategy thereafter.

Reason

To ensure that the landscape of the development becomes well established and is satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1(d) and ENV3 of the Unitary Development Plan and policy CS18 of the CSUCP

19

The fence details approved as indicated on drawing GH27:L:04 Revision F shall be implemented prior to first occupation of the relevant dwelling or use of the relevant section of the dedicated pedestrian links 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.

20

Prior to commencement of construction (except for tree protection measures and site investigations) full details of the features necessary to establish and maintain self-enforcing 20 mph zone within the site shall be submitted for the consideration and written approval of the Local Planning Authority. The proposals should allow for legal orders, signs and road markings.

Reason

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

21

The details approved under condition 20 shall be fully implemented prior to first occupation of the development hereby permitted and retained thereafter

Reason

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

22

Notwithstanding the Drainage Strategy Rev D dated 15th December 2016 prepared by Shaun Tonge Engineering's reference to Aggregate Drives on page 7 and drawing SD712 Rev E "Garage threshold/ gravel drive details" at Appendix F of the Drainage Strategy, development hereby permitted shall not progress above damp proof level, until final details of surface materials, kerb edging materials, colours and finishes to be used, have been submitted for the consideration and subsequent written approval by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

23

The surface materials approved under condition 22 shall be fully implemented prior to first occupation of the relevant part of the development

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

24

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

- Details of the welcome travel pack to be distributed to the residents
- Final objectives, targets and indicators.
- Final detail of measures to achieve the objectives, targets and indicators.
- Final detailed timetable for implementing measures.
- A programme of continuous review of the approved details of the Travel Plan

At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

In the interests of sustainable travel choices for future residents in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan.

25

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

Reason

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

26

The details approved under condition 25 shall be implemented in full prior to the first occupation of each relevant dwelling

Reason

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

27

Prior to first occupation of any dwelling hereby approved final details of the traffic calming measures and the zebra crossing on Portobello Road, indicated on drawing GH27:L:01 Rev H, shall be submitted for the consideration and written approval of the Local Planning Authority and shall be implemented in full and retained thereafter

Reason

In the interests of highway safety and in order to accord with policy CS13 of the CSUCP

28

The glazing and ventilation specification for all plots as proposed in the LA Environmental report GH/PR/003 prepared by Louise M Alderson dated September 2016, shall be implemented in full accordance with the approved details prior to occupation of the relevant dwelling and retained thereafter for the life of the development.

Reason

To ensure the recommended mitigation and internal noise levels are achieved and in order to comply with Saved UDP policy ENV61 and CSUCP policy CS14.

29

Notwithstanding the conclusions of the LA Environmental report GH/PR/003 prepared by Louise M Alderson dated September 2016 prior to development progressing above damp proof course full details the exact location, height and material of the acoustic boundary fence(s) should be submitted for consideration prior to development. The fence details shall demonstrate that it would be effective at reducing road traffic noise by/to 55 dBL_{aeq} within the site as set out at paragraph 6.1 of the report.

Reason

To ensure the recommended mitigation and internal noise levels are achieved and in order to comply with Saved UDP policy ENV61 and CSUCP policy CS14.

30

The acoustic fence details approved under condition 29 shall be implemented in full accordance with the approved details prior to occupation of plots 1, 10 - 36 (inclusive), 37, 40, 44, 45, 53, 54, 60 and retained thereafter for the life of the development

Reason

To ensure the recommended mitigation and internal noise levels are achieved and in order to comply with Saved UDP policy ENV61 and CSUCP policy CS14.

31

Prior to first occupation of dwellings on plots 1, 10 - 36 (inclusive), 37, 40, 44, 45, 53, 54, 60 internal (in habitable rooms) and external (in garden areas) noise levels shall be recorded and assessed in accordance with a post-construction noise assessment methodology that shall first be submitted for consideration and written approval of the Local Planning Authority.

Reason

In the interests of protecting residential amenity and in order to accord with the NPPF, policies DC2 and ENV61 of the Unitary Development Plan and CS14 of the Core Strategy.

32

The post construction noise assessment methodology approved by condition 31 shall be adhered to in full for dwellings on plots 1, 10 - 36 (inclusive), 37, 40, 44, 45, 53, 54, 60. The results of the post construction monitoring shall be submitted to the Local Planning Authority for consideration and written approval.

If the specified noise levels of 55dB(A) Daytime in gardens and 35dB(A) Daytime internal (habitable room) and 30dB(A) night time internal

(habitable room) equivalent continuous noise levels are exceeded, a mitigation scheme to include details of improvement to the noise attenuation or the use of additional acoustic fencing, shall be submitted within one calendar month of the noise level exceedance being recorded for the consideration and written approval of the Local Planning Authority.

Thereafter the approved mitigation scheme shall be implemented within one calendar month of the date of approval.

Reason

In the interests of protecting residential amenity and in order to accord with the NPPF, policies DC2 and ENV61 of the Unitary Development Plan and CS14 of the Core Strategy.

33

Following implementation of the mitigation scheme further post construction monitoring, of those dwellings where the noise levels are exceeded, shall be undertaken in accordance with the details approved under condition 31.

The results of the further post construction monitoring shall be submitted within one calendar month to the Local Planning Authority for consideration and written approval.

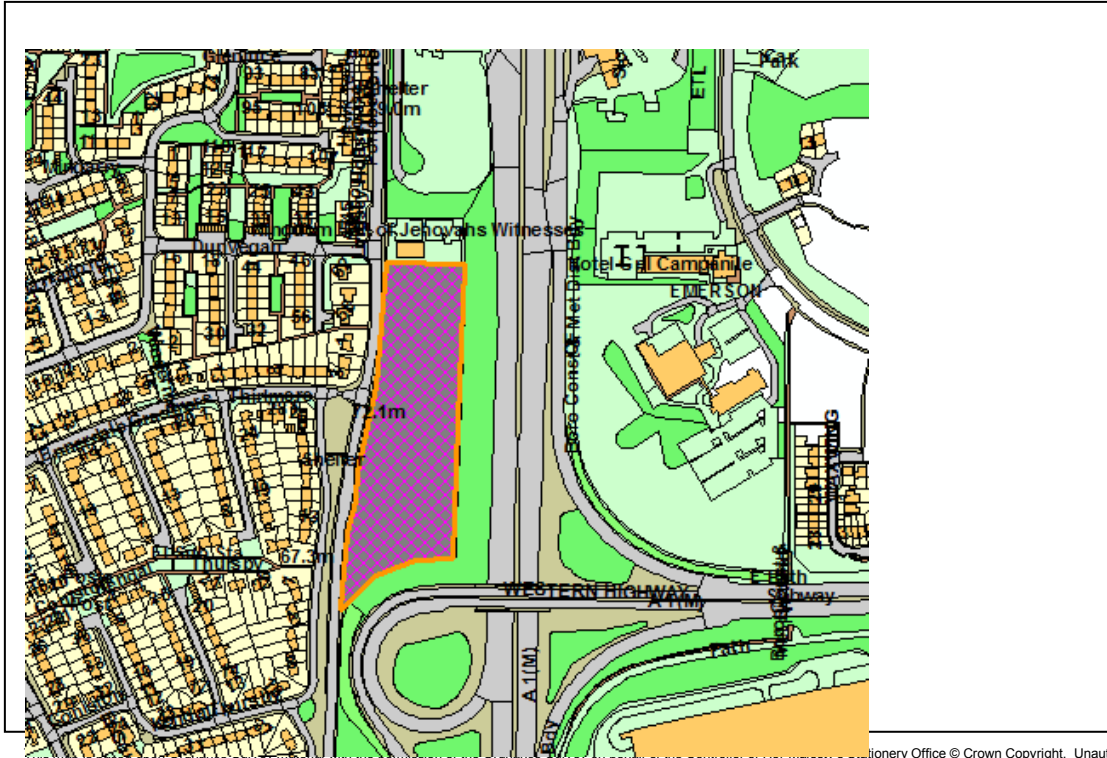
Should the noise levels within the habitable rooms still be found to exceed the specified noise levels a full review of the building fabric for that house and future houses shall be undertaken and a mitigation scheme to include an improved specification and / or replacement for defaulted fabric shall be submitted for the consideration and written approval of the Local Planning Authority within 3 months.

Thereafter the approved details shall be implemented in full.

The relevant plot / house types listed above shall not be occupied until it has been demonstrated that both the internal and external specified noise levels have been achieved for that plot.

Reason

In the interests of protecting residential amenity and in order to accord with the NPPF, policies DC2 and ENV61 of the Unitary Development Plan and CS14 of the Core Strategy.



reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X. Stationery Office © Crown Copyright. Unauthorised

This page is intentionally left blank

Committee Report

Application No:	DC/16/00944/FUL
Case Officer	Graham Stephenson
Date Application Valid	19 September 2016
Applicant	Gateshead Health NHS Trust
Site:	Mossheaps Recreation Ground Moss Bank Gateshead
Ward:	High Fell
Proposal:	Retention of Park and Ride Facility at Mossheaps, Gateshead until 30 November 2019
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:**1.1 BACKGROUND**

The application was deferred at the Planning and Development Committee of 4th January 2017 so the applicant could provide more details as to how the issue of hospital staff parking on the residential streets surrounding The Queen Elizabeth Hospital (QEH) can be addressed. The application is therefore to be considered at the Planning and Development Committee on 25th January 2017. This report in paragraphs 5.11-5.14 addresses additional matters which were raised during the debate on 4th January 2017.

1.2 DESCRIPTION OF THE APPLICATION SITE

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

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

1.4 Planning permission was granted on the 01.10.2012 (DC/12/00832/FUL) for the Change of use of open space to a temporary 383 space park and ride facility (for Queen Elizabeth Hospital (QEH) staff) with ancillary works including soil storage, external lighting, site cabin and boundary treatment with public parking on evenings and weekends in connection with use of pitches. This also included the laying of asphalt, the erection of crash barriers and the formation

of an access on to Old Durham Road. Temporary Planning Permission was granted until the 30 September 2015 to compensate for car parking spaces lost during construction of the Emergency Care Centre (ECC), at the QEH site. This permission was extended to the 30 September 2016 through application DC/14/01027/FUL.

- 1.5 The area of Mossheaps as a whole is 10.6ha and the application site has an area of 1.22ha i.e. approximately 11% of the overall. None of the application site overlaps any of the playing pitches.
- 1.6 DESCRIPTION OF THE APPLICATION
This application proposes an extension to the 2014 application to use the Mossheaps Park and Ride, approved under application DC/14/01027/FUL until the 30th November 2019.
- 1.7 This is to allow the QEH to continue with their proposal to provide additional on site car parking. The first part of this process is the creation of an additional 527 parking spaces on the Hospital site which has been approved under application DC/14/01050/FUL. The intention was to have all the parking available on site by the 30 September 2016, to help alleviate the issue of hospital staff parking in surrounding streets. However this has not been possible due to financial constraints, hence the application to extend the planning permission for the temporary car park.
- 1.8 The following documents have been submitted in support of the application:

Travel Plan
Planning Statement

1.9 PLANNING HISTORY

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

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

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

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

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

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

2.0 Consultation Responses:

Sport England – No objections to a temporary permission

3.0 Representations:

3.1 Neighbour notifications, press and site notices were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. No representations have been made.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1C Landform, landscape and after-use

DC1J Substrata Drainage-Water Quality

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

CFR23 Protecting and Imp Existing Open Space

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

- 5.1 The main planning issues in this case are considered to be the principle of development and the impact on access and parking as well as amenity.
- 5.2 **PRINCIPLE**
The principle of using this area of Mossheaps as a temporary Park and Ride car park, for staff at the Queen Elizabeth Hospital (QEH) has established through the approval of two previous applications DC/12/00832/FUL and DC/14/01027/FUL.
- 5.3 As part of those applications it was considered the development was not contrary to policy CFR20 of the Unitary Development Plan (UDP), as there was not a shortfall of open space in this locality. In addition it was demonstrated that in accordance with policy CFR23 of the UDP, the area of open space was of the lowest quality and in accordance with policies CFR21 and CFR22 the distance residents would have to travel to recreational land did not increase. This remains the case.
- 5.4 Sport England has been consulted on this proposal to extend the time period and again have not raised any objection subject to the site being returned to a playing field. This can be conditioned (CONDITION 5 AND 6).
- 5.5 Therefore whilst this application would extend the loss of playing field until the 30th November 2019, the availability of other open space within the neighbourhood and the assessment of the quality of these spaces, indicates that there is no policy objection to the principle of this development.
- 5.6 The extension of time will also allow the QEH more time to implement the wider parking strategy for the hospital.
- 5.7 On this basis it is considered that the development does not conflict with the aims and objectives of the relevant paragraphs in the National Planning Policy Framework (NPPF), policies CS14 and CS18 of the Core Strategy and Urban Core Plan (CSUCP) and policies CFR20, CFR21, CFR22 and CFR23.
- 5.8 As a result it is considered the retention of the car park is in principle acceptable, subject to all other material planning considerations being satisfied.
- 5.9 **ACCESS AND PARKING**
As part of the previous application, an explanation for the number of parking spaces proposed for the Park & Ride car park was provided and this has been supplemented with a Travel Plan for this application.

- 5.10 As highlighted the QEH are in the process of implementing the planning permission for 527 additional parking spaces (DC/14/01050/FUL). As part of this development there will be a focus on strengthening parking enforcement within the hospital site and a greater emphasis on promoting alternate forms of transport.
- 5.11 However although an initial 120 spaces are nearing completion, it has not been possible to implement all the additional parking by the 30th September 2016. Therefore extending the use of the car park at Moss Heaps until the 30th November 2019 would allow a parking strategy for the Hospital site to be fully implemented with the intention being that the Park and Ride at Mossheaps will no longer be required.
- 5.12 However in the meantime despite the applicant stating that the number of people travelling to the hospital site by car has reduced the demand for car parking at the QEH continues to increase and there are still issues with staff parking in surrounding residential streets. As such it is recommended the Travel Plan which covers the Hospital site and associated car parks is updated to demonstrate how the applicant is committed to tackling this problem. This can be conditioned (CONDITIONS 3 AND 4) and Ward Members would be involved in the discharge of condition process.
- 5.13 The measures suggested by the Applicant to date include:
- Persuading more people to travel to work using the most sustainable methods, especially cycling.
 - To increase the use of the 9 pool cars which are available primarily to Electronics, Logistics, Security, Estates and Finance staff, but can be used on an ad hoc basis by other staff if available;
 - New staff shuttle bus services have been introduced which travel between Bensham and the QEH ten times a day, QEH and South Tyneside Hospital 6 times per day and QEH to Sunderland Hospital 7 times per day;
 - A new strategy to be where Bensham Hospital Staff are no longer allowed to park at the QEH;
 - A new fence has been installed at Kane Gardens which makes it significantly more difficult for staff to park in this area and walk to the QEH;
 - A new staff exclusion zone, which would not allow staff living within a certain radius of the hospital to park at the site.
 - The QEH have asked patients and visitors to use the Park and Ride, free of charge, in order to reduce the inclination to park in residential streets. Please note although described in previous applications as a staff car park there are no restrictions in place that would prevent patients and visitors from using the park and ride facility.

- 5.14 However it is noted that these measures are quite general and focus primarily on how vehicle trips to the site can be reduced. As such the updated Travel Plan will be required to elaborate on these measures.
- 5.15 Notwithstanding this it is considered by officers that there continues to be a reasonable justification for the parking proposed, as well as the extension to the time period.
- 5.16 With regards to access into the park and ride site, this was also assessed as part of the previous application and found to be acceptable. The safety of the access will continue to be monitored and spot checks during the schools busiest times have been carried out by officers from the Transport and Highways Department. During these checks no significant issues were observed.
- 5.17 Therefore it is considered the extension of time will not lead to any increased parking issues and it is hoped it will enable the QE Hospital, in the long term, to deal more robustly with the issue of hospital staff and visitors parking in surrounding residential streets.
- 5.18 The proposal is subsequently considered to satisfy the aims and objectives of the NPPF as well as policy CS13 of the CSUCP.
- 5.19 AMENITY
The car park is generally open for Park and Ride to the Hospital between the hours of 7am and 7pm, Monday to Friday with peak activity primarily being between 7am - 9.30am and 4pm - 6.30pm. Outside of these times there is much reduced activity at the site. From a residential amenity point of view, these peak times are at the times when there is already greater activity in the general area and the more sensitive times of early morning, late night and weekends are avoided entirely. The car park is available for use by users of the football pitches in the evenings and weekends, but this would normally only be for the duration of matches, not into the hours of darkness (as the pitches are not illuminated) and does not appear to result in additional people using the pitches. This was considered acceptable as part of the previous application and has not resulted in any issues whilst the car park has been operational.
- 5.20 The scheme includes nine, five metre high lighting columns within the car park. The position of the lighting columns and the directional nature of the illumination means that upward lighting is minimal and the sideways spread of illumination is within the car park, or a small distance around. A condition was attached to the previous applications restricting the use of the lights to between 7am and 7pm and this can be carried over should this application be approved (CONDITION 7). It is not considered necessary to allow the lights to be used for longer periods, as the only use beyond 7pm would be by people using the pitches, who would not be able to play in any event, if light levels after 7pm were too low.

- 5.21 The impact on residential properties from vehicles leaving the park and ride was addressed as part of the previous applications and was found to be acceptable.
- 5.22 However due to the general proximity of residential properties, it is considered appropriate to impose a condition relating to construction hours for when the area is being returned back to a playing field (CONDITION 8).
- 5.23 The impact on the visual amenity of the area was considered acceptable as part of the previous applications and a further extension would not have a significantly greater impact.
- 5.24 Therefore subject to the use of the conditions referred to above, it is considered the application is in accordance with the requirements of the NPPF, policies CS14 and CS15 of the CSUCP and UDP policies DC2 and ENV3.
- 5.25 CIL
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.
- 5.26 OTHER MATTERS
The Environment Agency have previously advised that oil interceptors are provided but the construction work was all carried out under application DC/12/00785/FUL and it is understood the required surface drainage measures have already been implemented. The bollards to prevent vehicles from getting onto the playing pitches shall be retained and this can be conditioned (CONDITION 9).

6.0 CONCLUSION

- 6.1 Taking into account all relevant planning issues, it is considered the application should be approved subject to conditions as allowing the car park to be in operation until the 30th November 2019, does not conflict with the aims and objectives of national and local planning policy.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s):

1

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

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

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

Reason

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

2

The permission hereby granted shall be until the 30 November 2019 and on the expiration of this period, the use and all associated structures hereby approved shall cease/be removed and the site returned to the condition in accordance with the requirements and timescale for restoration in condition 5.

Reason

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

3

Within 3 months of planning permission being granted an updated Travel Plan for the Queen Elizabeth Hospital and its wider parking strategy shall be submitted to the Local Planning Authority for approval. The updated Travel Plan shall identify measures to improve the use of the Park and Ride Facility whilst at the same time reducing car usage and increased the use of public transport, walking and cycling. Timescales for implementation as well as a programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan shall also be included.

Reason

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

4

The updated Travel Plan shall be implemented in accordance with the timescales approved under condition 4.

Reason

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

5

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

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

Reason

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

6

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

Reason

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

7

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

Reason

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

8

Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with reverting the site back to a playing field, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

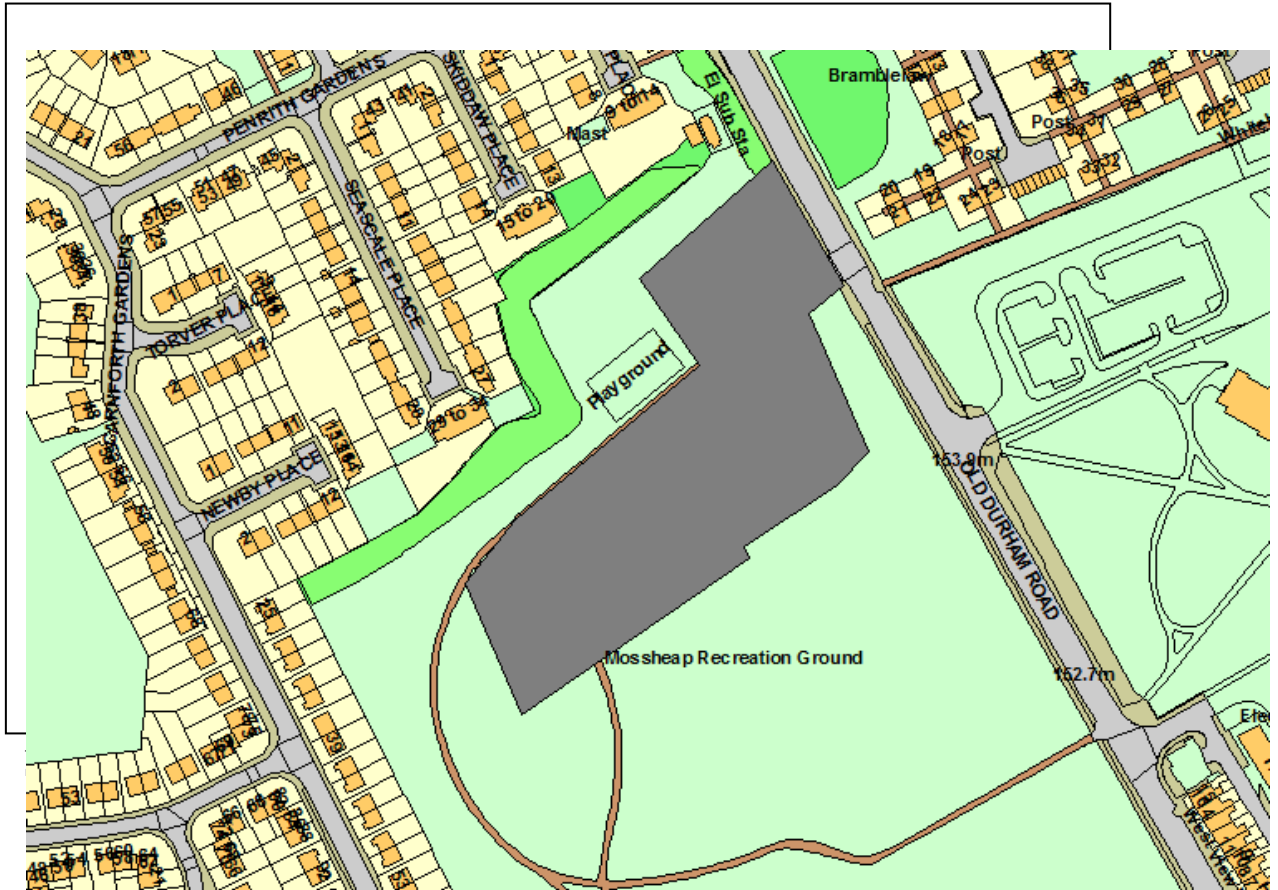
To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan.

9

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

Reason

In the interests of effective use of the site and visual amenity in accordance with Policy ENV3 of the Unitary Development Plan



Committee Report

Application No:	DC/16/01180/FUL
Case Officer	Joanne Munton
Date Application Valid	18 November 2016
Applicant	Mr Chris Lawrence
Site:	Ravenside Bungalow Stocksfield NE43 7SX
Ward:	Chopwell and Rowlands Gill
Proposal:	Erection of general purpose agricultural barn (amended 15/12/16 and additional information received 13/01/17).
Recommendation:	Grant Permission
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The site is located in Ravenside, Stocksfield, close to the boundary with Northumberland County Council. The planning application relates to land north east of residential dwellings Ravenside Bungalow, North House, Ravenside Farm and Stable House, all of which are in Northumberland. The land east of these properties is in the Gateshead Borough.

1.2 The site is located in the Green Belt and in a Wildlife Corridor.

1.3 The site is accessed via a lane running north east to south west between Lead Road in the north and Lead Lane to the south.

1.4 The land generally inclines from south to north.

1.5 There is an existing agricultural building south west of the application site and the residential dwellings.

1.6 DESCRIPTION OF APPLICATION

The application is for an agricultural barn, 28m long, 13m wide and 6.3m high to the ridge (4.6m to the eaves).

1.7 The applicant has indicated on the application form that the building would be for agricultural use including the storage of farming equipment.

1.8 The proposed building would be constructed of concrete panels and timber Yorkshire boarding, with corrugated fibre cement and clear plastic roof panels.

1.9 The applicant has provided additional information in support of their application and given a response to the objections received.

1.10 RELEVANT PLANNING HISTORY

DC/06/01629/FUL - Removal of agricultural occupancy condition on permission GD/463/77/DM - Granted 23.11.2006

DC/07/01417/DPA - DETERMINATION OF PRIOR APPROVAL:
Erection of agricultural building for storage purposes - Prior Approval required and approved 01.10.2007

DC/08/00825/DPA - DETERMINATION OF PRIOR APPROVAL:
Erection of agricultural building for storage purposes - Prior Approval required and approved 07.07.2008

DC/16/00995/AGR - DETERMINATION OF PRIOR APPROVAL OF AGRICULTURAL OR FORESTRY DEVELOPMENT: Erection of steel portal frame barn - Refused (not permitted development) 17.10.2016

2.0 Consultation Responses:

None

3.0 Representations:

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

Seven objections have been received from residents and the following issues have been raised :

- Loss of light;
- Impact on access to light for horticultural area;
- Loss of privacy;
- Additional noise and potential for disturbance on a morning and evening;
- Potential increase in vermin and smells;
- The barn having an overbearing impact and being overdevelopment;
- Impact on visual amenity;
- Impact on Green Belt;
- Impact on Wildlife Corridor;
- Increase in traffic;
- Potential impact on neighbour rights to access septic tank;
- Potential impact on nearby aerodrome;
- Question the necessity of the additional barn;
- Negative relationships with neighbours;

- Potential for a precedent for further development near to boundaries with neighbours;
- The barn would be difficult for the applicant to access;
- Alternative locations suggested;
- Loss of views.

One resident has requested to speak.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV51 Wildlife Corridors

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are the appropriateness of the development in the Green Belt, amenity, highway safety and parking and ecology.

5.2 GREEN BELT

The site is located in the Green Belt. Paragraph 80 of the NPPF sets out the five purposes of the Green Belt:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.3 Policy CS19 of the CSUCP reflects the above.

5.4 Paragraph 89 of the NPPF states that:

- 5.5 'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are [amongst others]:
- buildings for agriculture and forestry.'
- 5.6 It is considered that the proposal to erect an agricultural barn falls within the above exception and therefore would not be inappropriate development within the Green Belt. As such, it is considered that the proposal would comply with the aims and requirements of policy CS19 of the CSCUP and the NPPF.
- 5.7 **RESIDENTIAL AMENITY**
The proposed building would be located north east of residential neighbours at Ravenside Farm, North House and Stable House, and would be a minimum of 38.5m away from the nearest dwelling, Stable House.
- 5.8 Given the orientation and the proposed distance from these neighbours, it is considered that the proposal would not result in an unacceptable loss of light or privacy, or an overbearing impact.
- 5.9 Additionally, given the existing agricultural use of the land, it is considered that the proposed additional building would not result in an unacceptable increase in noise, vermin or smell.
- 5.10 Finally, residents at North House have commented that the proposal would have a negative impact on light availability to the land that they use for growing vegetables and flowers (some of which are exhibited). The land in question is north west of the proposal site and contains polytunnels/greenhouses. Whilst it is accepted that there is potential for loss of light to this area of land, it is considered that this would not be an unacceptable impact that would warrant refusal of the application.
- 5.11 Therefore, it is considered that the proposal would not conflict with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.12 **VISUAL AMENITY**
There are no public rights of way within the immediate vicinity, but the site is visible from the road. This area is generally rural and agricultural in nature and it is considered that the proposed design and materials are typical of agricultural buildings and the proposed building would appear appropriate within the wider context.
- 5.13 Furthermore, it is considered that the proposed building would be a typical size for an agricultural barn and would not constitute overdevelopment on the site.
- 5.14 It is considered that the proposal would respond positively to local distinctiveness and character and that it would not conflict with the

aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.

5.15 HIGHWAY SAFETY AND PARKING

The proposal is for an agricultural barn that would serve the existing agricultural use and it is considered that the proposal would not result in an unacceptable increase in traffic. It is considered that the proposal would not have an unacceptable impact on the publicly adopted highway or parking in the area. Therefore it is considered that the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.

5.16 ECOLOGY

The application site is agriculturally improved grassland and it is considered that the proposal would not have an unacceptable impact on the Wildlife Corridor. Therefore, it is considered that the proposal would comply with the aims and requirements of saved policy ENV51 of the UDP and policy CS18 of the CSUCP.

5.17 OTHER MATTERS

The potential impact on neighbours' right to access their septic tank, potential loss of views, the necessity of the proposed barn, neighbour disputes, and the difficulty of access to the barn on the private land are not considered to be material planning considerations.

5.18 Additionally, whilst alternative locations for the proposal are suggested by objectors, the application must be determined on the basis of the information submitted and the planning merits evaluated accordingly.

5.19 Objectors have also raised concerns that if this application is approved, there is potential for a precedent for further development near to boundaries with neighbours. In response to this, each application is considered on its merits and if further planning applications are submitted for additional buildings, the existing buildings and any extant permissions would be taken into account.

5.20 Finally, concerns have been raised by residents of the impact of the proposed building on flights from the nearby aerodrome (Northumbria Gliding Club), which is approximately 2km to the north of the site. The Club have been consulted and no comments have been received. In any event, it is considered that the proposed overall height of the building would not have an unacceptable impact on the activity of the aerodrome, particularly given the existing structures in the surrounding area.

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.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in terms of Green Belt, residential amenity, visual amenity, highway safety and parking, ecology, and all other matters arising, and would comply with the aims and objectives of the NPPF and the relevant policies of the UDP and the CSUCP.

6.2 It is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

That permission be Granted subject to the following conditions(s):

1

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

Ravenside Location Plan 1:2500 October 2016 (received 15.12.2016);

Ravenside Site Plan 1:500 October 2016(received 15.12.2016);
Elevations 1:100 (received 07.11.2016)

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.

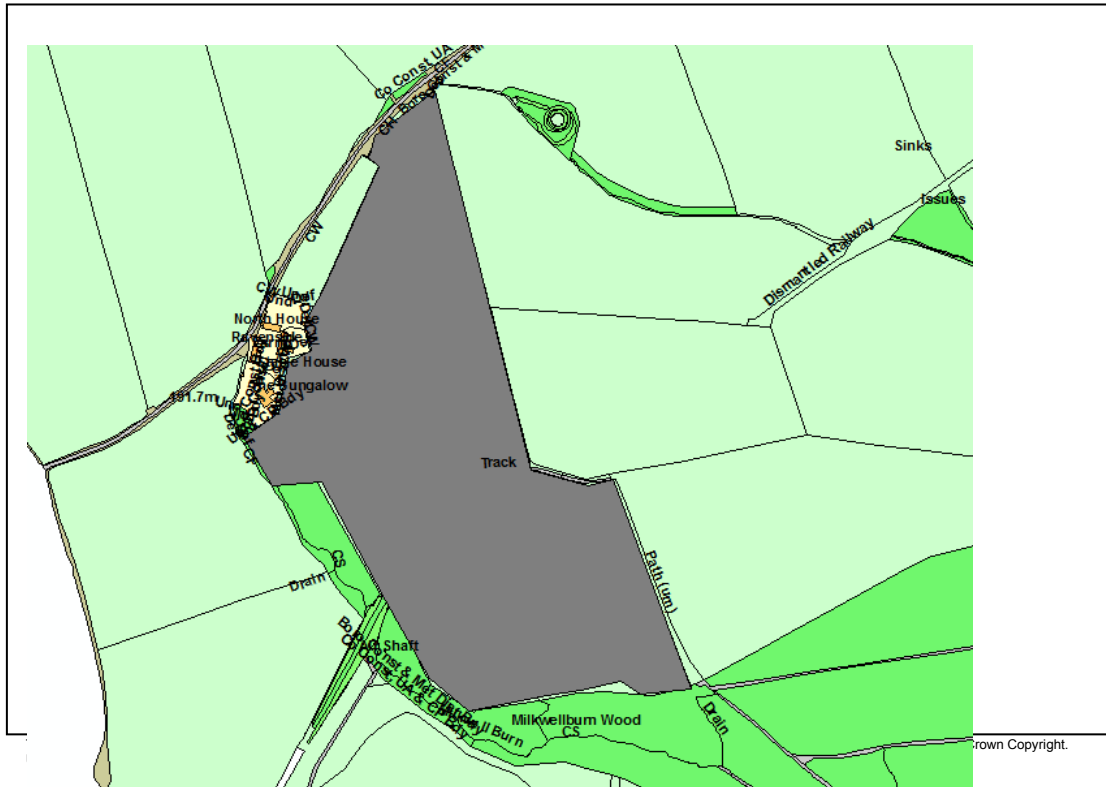
Reason

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 development hereby permitted shall be constructed entirely of the materials detailed on the application form received 07.11.2016.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality 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.



This page is intentionally left blank

Committee Report

Application No:	DC/16/01185/FUL
Case Officer	Owain Curtis
Date Application Valid	14 November 2016
Applicant	Mr Joghinder Singh
Site:	Windyridge 6 Holburn Crescent Ryton Central Ryton NE40 3DH
Ward:	Ryton Crookhill And Stella
Proposal:	VARIATION OF CONDITION 2 (opening hours) imposed by Appeal Decision APP/H4505/A/09/2111204 to extend operating hours from 08:00 - 20:00 Monday to Saturday and 16:00 - 20:00 on Sundays and public holidays to 08:00 - 21:30 Monday to Saturday and 16:00 to 21:30 on Sundays and public holidays
Recommendation:	Refuse Permission
Application Type	Full Application

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

1.2 The application site is an existing ground floor unit. The unit was formerly an off licence / newsagents however planning permission was granted for use of the premises as a hot food takeaway in 2009. The takeaway operated for approximately 18 months before it closed down in 2013.

1.3 The front of the premises is accessed via a small cul-de-sac off Holburn Lane with the rear accessed off Holburn Crescent. There is hard standing to the front of the property, which provides some level of off-street parking.

1.4 There are residential properties either side of the application site; the dwelling to the west of the application property (no.5) is attached to the application property via a garage and glazed porch area. The character of the area is predominantly residential, although the Runhead Public House is located within the vicinity, approximately 90 metres to the west.

1.5 DESCRIPTION OF THE APPLICATION

1.6 This applicant seeks the variation of condition 2 (opening hours) imposed by appeal decision APP/H4505/A/09/2111204 which reads:

1.7 *The use shall not take place other than between the hours of 08.00 - 20.00 Mondays – Saturdays and 16.00 - 20.00 on Sundays and Public Holidays.*

1.8 This application proposes to vary the hours of opening of the business to 08.00 – 21:30 Monday – Saturdays and 16.00 – 21:30 on Sundays and Public Holidays i.e. one and a half hours longer, later into the night on all days of the week.

1.9 PLANNING HISTORY

1.10 Ref No: DC/11/00004/NMA Status: GRANT Proposal: Proposed non-material amendment to DC/09/00836/FUL to allow for additional extract grills, changes to proposed shop front and rear elevation. Decision Date: 18.01.2011

1.11 Ref No: DC/09/00836/FUL Status: REFUSE Proposal: Proposed variation/removal of Conditions 2,3,4,5,7 and 8 of planning application DC/09/00411/COU. Variation of Condition 2 (Hours of Operation) to restrict operation of the premises between 0800 and 2300, Monday to Saturday and between 1600 and 2200 on Sundays and Public Holidays (formerly restricted to between 1130 and 1330 and between 1800 and 2000, Monday to Saturday and closed on Sundays and Public Holidays), variation of Condition 7 (Hours of delivery) to restrict deliveries or refuse collections made to/from the application site between the hours of 2200 and 0600 seven days a week (formerly restricted between 2000 and 0800). Removal of Condition 3 (Noise Mitigation), Condition 4 (Customer bin provision), Condition 5 (Refuse storage) and Condition 8 (Parking area). Decision Date: 13.08.2009 Appeal Status: PARTIALLY ALLOWED

1.12 Ref No: DC/09/00411/COU Status: GRANT Proposal: Change of use of ground floor premises (un-used Use Class A1 off-licence/shop) to hot food take-away (Use Class A5) and elevational alterations. Decision Date: 07.07.2009

1.13 Ref No: DC/08/01567/COU Status: REFUSE Proposal: Change of use of ground floor premises (un-used Use Class A1 off-licence/shop) to hot food take-away (Use Class A5) and elevational alterations (resubmission DC/08/01271/COU). Decision Date: 02.12.2008 Appeal Status: DISMISSED

1.14 Ref No: DC/08/01271/COU Status: WITHDRAWN Proposal: Change of use from off licence (use class A1) to hot food take-away (use class A5). Decision Date: 11.09.2008

2.0 Consultation Responses:

None.

3.0 Representations:

3.1 This application is referred to the Planning and Development Committee as ward Councillor Liz Twist formally objects to the proposal.

3.2 91 neighbour notification letters were posted to properties in the surrounding area in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015.

3.3 A total of 4 objections have been received raising the following issues:

- There would be a loss of residential amenity because of increased traffic.
- There is no evidence the extension of hours would not adversely affect residential amenity.
- The new hours would be a nuisance.
- Operating in the evening would increase disruption to a peaceful cul-de-sac which is occupied by retired residents.
- There is very little car parking in front of the shop.
- The shop has tried before and did not succeed.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS14 Wellbeing and Health

DC2 Residential Amenity

ENV61 New Noise-Generating Developments

Hot Food Takeaway Supplementary Planning Document

5.0 Assessment of the Proposal:

5.1 The main planning considerations are: whether the opening hours condition is necessary and reasonable, in the interests of living conditions of neighbouring occupiers, with particular reference to noise and disturbance and the impact on the proposal on the health and wellbeing of the local population.

5.2 RESIDENTIAL AMENITY

5.3 The existing opening hours of the business were last assessed by the Planning Inspectorate under appeal reference APP/H4505/A/09/2111204 on 18 November 2009. The Inspector concluded that:

5.4 *...given the close relationship of the appeal property to the neighbouring dwellings, I consider that some control over trading hours is necessary to protect local residents from undue disturbance associated with the comings and goings of customers. In particular I am concerned that, because the shop sits on a spur from Holburn Crescent, there would be a considerable level of engine noise from vehicles manoeuvring as they turned around in order to leave the parking area in front of the shop. The neighbouring bungalows to the*

west have relatively short front gardens and would be close to the area where vehicles were turning. In my judgement, vehicle noise would become unacceptably intrusive at quieter times, especially later in the evening, when background noise levels such as from other traffic passing along Holburn Lane would be lower.

It seems to me that the time of 20.00 in the existing condition strikes a fair balance between allowing the business to flourish whilst at the same time allowing nearby residents to quietly enjoy their own homes for a reasonable part of the evening.

Owing to the residential character of the street, the need for vehicles to turn and the position of the nearest dwellings, I consider it necessary to restrict opening hours in the later evening and the early part of the day on Sundays and Public Holidays in order to protect the living conditions of nearby residents, in accordance with UDP policies DC2 and RCL6."

- 5.5 Since this appeal decision a new suite of planning policies have been adopted nationally and locally.
- 5.6 The National Planning Policy Framework (Para. 123) states that planning decisions should "avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development" and that decisions should "mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions." It gives guidance to local authorities on the use of their planning powers to minimise the adverse impact of noise and outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which will generate noise.
- 5.7 The NPPF also states that one of the 12 core planning principles is that decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 5.8 The Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP) policy CS14 states that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity and wider public safety from noise inter alia.
- 5.9 As a reflection of the national planning policies and specific guidance for noise generating development, saved UDP policy ENV61 states that new noise generating development will not be permitted if it causes an unacceptable increase in noise levels. Policy DC2 of the UDP is also saved and allows development where it would not cause undue disturbance to nearby residents or conflict with other adjoining uses.
- 5.10 The residents of the surrounding properties are entitled to a reasonable degree of peace and quiet in their homes, particularly in the evening when they can expect to be relaxing. Customers of the hot food takeaway would

likely park in the bays in front of the takeaway and along the road directly in front of the properties on Holburn Crescent into the evening. The cars would then need to reverse and manoeuvre round the cul-de-sac to exit. Officers consider that the comings and goings of vehicles and pedestrians, slamming of car doors and revving of engines to manoeuvre outside of the takeaway in the evening would cause unacceptable harm to the residents' living conditions.

- 5.11 Whilst the applicant contends in their planning statement that two prominent roads are in front of the neighbouring houses, and therefore the area is not completely quiet in the evening, by its nature the comings and goings of pedestrians and cars parking and manoeuvring in the small cul-de-sac immediately in front of the properties would have a greater impact on residential amenity than noise from cars simply passing on Holburn Lane or the B6317.
- 5.12 The harm identified is compounded by the fact the takeaway is in such close proximity to, and attached to, residential properties within the small cul-de-sac, and that these properties have small front gardens therefore the coming and going of customers would take place very close to the front windows of the properties. It is considered that the existing closing time of 20.00 imposed by Appeal Decision APP/H4505/A/09/2111204 is appropriate to prevent this harm and should not be varied. To do so would be contrary to the NPPF, policy CS14 of the CSCUP and DC2 of the UDP.
- 5.13 The applicant states that other takeaways in the area are open later – including Fishnets at 22.00 and The Golden Fry at 21.30. Be that as it may, this does not justify a proposal which is considered to add noise and disturbance to an otherwise quiet area in the evening to the detriment of the living conditions of surrounding residents.
- 5.14 It is also put forward that the Runhead Public House some 90 metres away creates “a lot of local noise well past 8pm and late into the night”. Officers consider that the public house is seen in a different context to the hot food takeaway which lies within the small cul-de-sac immediately adjacent the residential properties. The patrons of the public house do not result in frequent comings and goings immediately in front of any residential property nor do drivers who visit the pub have to reverse or manoeuvre within the tight cul-de-sac thus any harm to residential amenity is not considered to be comparable to that which would be created by extended hours of the hot food takeaway.
- 5.15 HEALTH AND WELLBEING
- 5.16 One of the 12 core planning principles outlined at paragraph 17 of the NPPF is that the planning system should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

- 5.17 Furthermore, section 7 of the NPPF stresses the role of the planning system in promoting healthy communities. Specifically, paragraph 69 advises that the planning system can play an important role in creating healthy, inclusive communities.
- 5.18 In response to this national policy agenda, policy CS14 of the CSUCP aims to ensure that the wellbeing and health of communities is maintained and improved by controlling the location of, and access to, unhealthy eating outlets.
- 5.19 The Council, in its role as Local Planning Authority, recognises that one of the ways in which planning can have the greatest impact on health, and in particular obesity levels, is to restrict access to hot food takeaways. To this end the Council's Hot Food Takeaway Supplementary Planning Document (SPD) is one component in the wider Council Health and Wellbeing.
- 5.20 Planning consideration 2 of the SPD states that wards where there are high levels of obesity, defined as more than 10% of the year six pupils, are not appropriate locations for A5 uses. In this case the application site is located in the Ryton, Crookhill and Stella Ward which has a year 6 obesity level of 23%. This is significantly higher than the SPD limit and therefore is not an appropriate location to increase access to an unhealthy eating outlet.
- 5.21 SPD planning consideration 12 states that applications for A5 uses will be required to include a health impact assessment as part of their application. Where an unacceptable adverse impact on health is established, permission should not be granted. No such assessment has been submitted as part of the application but given the shop operated as a fish and chip shop it is likely that the standard food types on sale would be deep fried fish and chips, kebabs, pizzas, burgers, etc. it is therefore considered that it could not be argued that the food offer would support a healthy lifestyle - no Health Impact Assessment having been submitted to provide evidence to the contrary.
- 5.22 In this case the application proposes to vary the opening times of the existing A5 premises, which is currently restricted by a planning condition. If approved, this would result in an increase of opening times and subsequently increased access to an unhealthy eating establishment contrary to policy CS14 of the CSUCP and not satisfying the criteria set out in the Hot Food Takeaway SPD, nor would the proposal comply with the relevant policies of the NPPF.
- 5.23 In this regard the proposal to vary the planning condition is considered to be unacceptable as it does not comply with the relevant policy framework and would likely result in demonstrable harm to the health and wellbeing of the residents of Gateshead through greater access to unhealthy food.
- 5.24 OTHER ISSUES
- 5.25 It is acknowledged that the re-opening of the hot food takeaway would have a moderate benefit to the local economy. The applicant proffers that the

opening hours condition is too restrictive and this was the primary cause for the shop's closure in 2013. The applicant believes 17.30 – 20.30 is peak trading time which meant the business lost out in the last half hour because it was shut by then and that at 21.30 the streets remain active, residents are awake and business is fizzling out from 20:30 onwards.

- 5.26 No accompanying evidence has been submitted to verify that but for the imposition of the opening hours condition, the business would still be open nor that the condition has prevented the business from being sold on. In any event it is considered that the modest economic benefit would not outweigh the need to provide a good standard of amenity for nearby residents, this being a fundamental aim of the planning system, or the harm arising from increased access to unhealthy eating outlets.
- 5.27 The applicant further contends that the existing condition imposed by the Inspector is in breach of Circular 11/95: Use of Conditions in Planning Permission.
- 5.28 Circular 11/95 was superseded by the National Planning Practice Guidance in 2012 which reflects paragraph 206 of the NPPF which states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. In this instance the opening hours condition was and is considered necessary on the grounds that the hot food takeaway operating outside of the hours specified by the condition would have an unreasonable impact on the amenity of adjoining neighbours and prevent increased access to unhealthy eating outlets.
- 5.29 The NPPF, policy CS14 of the CSUCP and DC2 of the UDP aim to protect residential amenity of neighbouring properties for existing and future users and CS14 also seeks to prevent increased access to unhealthy eating outlets. It is considered the condition enabled the change of use to a hot food takeaway to be acceptable in planning terms and the condition, without modification, meets the six tests for conditions set out in paragraph 206 of the NPPF.
- 5.30 The applicant has also submitted news articles relating to British bed times in their planning statement. These articles are not directly related to the development and are therefore afforded limited weight.
- 5.31 COMMUNITY INFRASTRUCTURE LEVY
- 5.32 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.

6.0 CONCLUSION

- 6.1 The proposed variation of the permitted opening hours is considered to be unacceptable following full consideration of national and local policies, the findings of the Planning Inspector who dealt with the previous appeal (including conditions), submissions of third parties, submission by the applicant on the present application and all other material planning considerations the development.
- 6.2 The opening hours condition was originally imposed to mitigate the harm which would otherwise be caused to the residents of the neighbouring properties. Since then the Council has adopted the CSUCP and the Hot Food Takeaway Supplementary Planning Document. Controlling the access to unhealthy eating outlets is a fundamental principle and it is considered that the extension of trading hours is contrary to this. Officers consider that extending the opening hours until 21.30 7 days a week would be contrary to the NPPF, policy CS14 of the CSUCP, DC2 of the UDP and the Hot Food Takeaway Supplementary Planning Document (2015)

7.0 Recommendation:

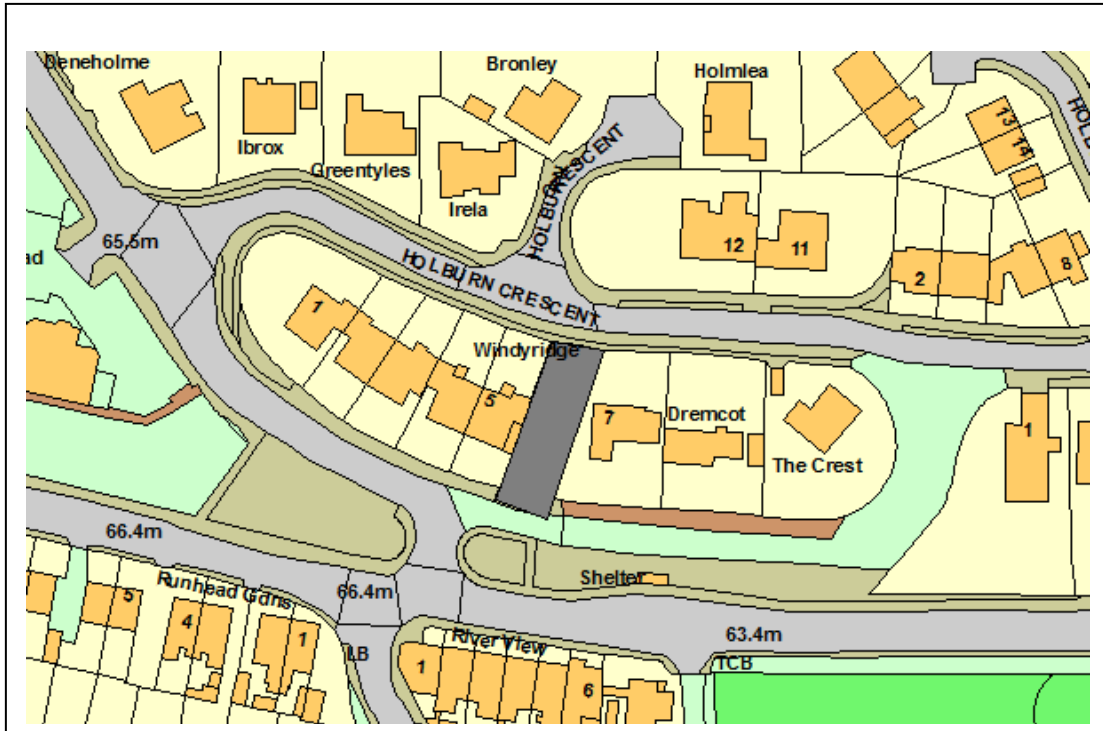
That permission be REFUSED for the following reason(s):

1

The proposed opening hours would have an unacceptable adverse impact on the residential amenity of the occupiers of nearby properties by virtue of the comings and goings of customers generating additional noise, disturbance and traffic manoeuvres. The proposal would therefore be contrary to the aims and objectives of the National Planning Policy Framework (2012), policy CS14 of the NewcastleGateshead Core Strategy and Urban Core Plan (2015) and DC2 of the Unitary Development Plan (saved 2012).

2

The proposed variation of condition would result in extended opening times that would subsequently lead to increased access to an unhealthy eating outlet. The proposal does not satisfy the criteria set out in the Hot Food Takeaway Supplementary Planning Document as the application site is located in an area where the obesity level is much higher than the defined target. Therefore it is considered that the proposal would not support, maintain or improve the health and wellbeing of the local community and as such is contrary to paragraphs 7, 17 and 69 of the National Planning Policy Framework (2012), policy CS14 of the NewcastleGateshead Core Strategy and Urban Core Plan (2015), the Hot Food Takeaway Supplementary Planning Document (2015) and the guidance contained within the National Planning Practice Guidance.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

This page is intentionally left blank

REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 25 JANUARY 2017:

PART TWO: THE FOLLOWING APPLICATIONS, DETERMINED SINCE THE LAST COMMITTEE MEETING IN ACCORDANCE WITH THE POWERS DELEGATED UNDER PART 3, SCHEDULE 2 (DELEGATIONS TO MANAGERS) OF THE COUNCIL CONSTITUTION, ARE LISTED FOR INFORMATION ONLY.

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/13/01171/FUL	CERTIFICATE OF LAWFULNESS FOR EXISTING USE: Siting and use of mobile home and curtilage for residential purposes. (Dimensions of the mobile home being 6.665m deep, 10.240m wide and height from ground level to eaves 2.2m and to ridge 3.1m). (Location of the mobile home and size and extent of its curtilage as shown on Gerry Dodd 'OS Based Location Plan' Drawing number 2013/20/2 revision A, received 08.12.2016). (Description amended 21.12.2016).	Leafield, Kyo Lane,	Granted;	Crawcrook And Greenside
DC/15/01041/OUT	Outline planning permission (all matters reserved) for residential development of up to 142 houses (additional info recd 21/1/16, 03/03/16 and 19/05/16 and amended plans/documents received 19/05/16, 10/10/16 and 18/10/16).	Land East Of, Collingdon Road,	Granted;	Winlaton And High Spen

DC/15/01098/FUL	Erection of 187 dwellings with associated estate roads, external infrastructure and landscaping and re-alignment of a section of Crawcrook Lane and the provision of a parking layby to the front of Kingsley Terrace (additional information/amended 15/04/16, 23/06/16 and 27/06/16).	Land East Of Crawcrook Lane, Crawcrook,	Granted;	Crawcrook And Greenside
DC/15/01206/FUL	Erection of a foodstore (use class A1) and associated works including parking and landscaping (revised plans and additional information received 13/06/16, 16/06/16, 05/08/16, 09/08/16 and 17/08/16).	Shirt Factory , Shields Road,	Granted;	Pelaw And Heworth
DC/16/00921/HHA	2 storey side extension to form utility, wc and garage, together with front extension to form additional living space and lobby.	12 The Ridge, Ryton Central,	Granted;	Ryton Crookhill And Stella
DC/16/01026/COU	Change of use from homeopathy clinic (use class D1) to tattoo and piercing studio (sui generis)(retrospective)	Imperial Business Centre, 1 Imperial Buildings,	Granted;	Birtley
DC/16/01027/FUL	Extension on west elevation of industrial unit	Former Astley Signs Z273 , Dukesway,	Granted;	Lamesley

DC/16/01081/LBC	LISTED BUILDING CONSENT:Display of plaque on front elevation of the building (amended plan and additional information received 23/11/16).	The Bank Bar Bistro, 516 Durham Road,	Granted;	Low Fell
DC/16/01129/FUL	Shop front extension (resubmission)	Hadrian House, Front Street,	Granted;	Lamesley
DC/16/01133/HHA	Rear single storey extension (amended 19/12/16)	13 St Cuthberts Park, Marley Hill,	Granted;	Whickham South And Sunnyside
DC/16/01137/FUL	Conversion of commercial premises to create four dwellings	L G Coffee Bar The Gallery , Church Chare,	Granted;	Dunston Hill And Whickham East
DC/16/01138/LBC	Proposed conversion of commercial premises to create four dwellings	L G Coffee Bar The Gallery , Church Chare,	Granted;	Dunston Hill And Whickham East
DC/16/01141/ADV	Display of one fascia and one projecting sign, both internally illuminated and reading "mangobean" on front elevation of retail unit with window vinyls applied to glass (amended 19/12/2016).	Trinity Square, (Unit G134),	Temporary permission granted;	Bridges
DC/16/01153/FUL	Erection of one shed and two greenhouses	Rear Of 6 -7 Mill Road, Chopwell,	Granted;	Chopwell And Rowlands Gill

DC/16/01151/OUT	Outline application (all matters reserved excluding access) for mixed use retail/leisure development comprising of a discount foodstore (1936 sqm GFA), DIY bulky goods store (4755 sqm GFA), bulky goods unit (632 sqm GFA), pub/restaurant (600 sqm GFA) and a drive-thru restaurant (230 sqm GFA) (resubmission) (additional information received 15/11/16 and 30/11/16 and amended 30/11/16).	Chainbridge Industrial Estate, Blaydon,	Granted;	Blaydon
DC/16/01152/FUL	Rear and side extensions to the north east corner of the existing factory	TYNESIDE SAFETY GLASS CO LTD, 1139 Kingsway North,	Granted;	Lobley Hill And Bensham
DC/16/01158/HHA	Two storey (basement and ground floor level) extensions to rear (as amended by plans received 28.11.16)	170 Rectory Road, Bensham,	Granted;	Saltwell
DC/16/01161/FUL	Erection of two storey extension to existing teaching building to provide four new classrooms with external walkway link from first floor level of extension to existing external walkway.	The Cedars School , Ivy Lane,	Granted;	Chowdene

DC/16/01162/FUL	Erection of three bedroom house with associated off street parking.	30A Broom Lane, Whickham,	Refused;	Dunston Hill And Whickham East
DC/16/01217/HHA	Single storey side extension	Chentwood, 137 Windy Nook Road,	Granted;	Windy Nook And Whitehills
DC/16/01195/HHA	Single storey extension and garden room to rear	14 Heath Close, Gateshead,	Granted;	Lobley Hill And Bensham
DC/16/01191/FUL	Erection of MOT testing building	Former Transport And Cleansing Workshops, Abbotsford Road,	Granted;	Felling
DC/16/01179/HHA	Erection of two storey and single storey side extension	22 Wasdale Crescent, Winlaton,	Granted;	Winlaton And High Spen
DC/16/01260/HHA	Single storey rear extension (amended plans received 22.12.2016).	7 East View, Ryton,	Granted;	Crawcrook And Greenside
DC/16/01186/TPO	Works to 1 Oak tree in the garden of 15 Hawthorn Close, Whickham.	15 Hawthorn Close, Whickham,	Granted;	Whickham South And Sunnside
DC/16/01205/FUL	Demolition of existing offshoot followed by construction of two bedroom house with linking car port	Bankside, Derwent Avenue,	Granted;	Chopwell And Rowlands Gill
DC/16/01209/HHA	Single storey rear extension (amended 09.01.2017)	15 Fellmere Avenue, Felling,	Granted;	Pelaw And Heworth

DC/16/01242/HHA	Single storey side and rear extension	12 Grange Walk, Whickham,	Granted;	Whickham South And Sunnside
DC/16/01213/LBC	Installation of seven stand -mounted interpretation panels at various locations around Dunston Staithes, two on the Staithes, the remainder in the surrounding landscape	Dunston Staithes, Gateshead,	Granted;	Dunston And Teams
DC/16/01206/FUL	VARIATION OF CONDITION 1 (approved plans) of DC/15/00861/FUL to allow alteration to garage location.	Holmside, Stirling Lane,	Granted;	Chopwell And Rowlands Gill
DC/16/01220/TPO	Routine tree maintenance works at Wylam Manor, Wylam.	Castle Hill House, Crawcrook,	Granted;	Crawcrook And Greenside
DC/16/01223/TPO	Tree works to Sycamore tree at Denholme, Smailes Lane.	Denholme, Smailes Lane,	Granted;	Chopwell And Rowlands Gill
DC/16/01284/HHA	Two storey side extension (amended 02.12.16)	141 Sherburn Way, Felling,	Granted;	Wardley And Leam Lane
DC/16/01219/ADV	Display of various illuminated and non-illuminated roundels, lettering, directional and fascia signs	Starbucks, Unit 5,	Temporary permission granted;	Whickham North

DC/16/01221/ADV	Display of various illuminated and non-illuminated fascia signs, replacement signs on existing roadside totem structures, plus additional information and marketing boards, all advertising Argos and Lloyds Pharmacy	Sainsbury's , Eleventh Avenue,	Temporary permission granted;	Lamesley
DC/16/01248/HHA	Proposed pitched roof to porch	9 The Orchard, Wickham,	Granted;	Dunston Hill And Wickham East
DC/16/01226/CPL	Certificate of Proposed Lawfulness for erection of single storey rear extension	11 Monkridge Gardens, Dunston Hill,	Granted;	Dunston Hill And Wickham East
DC/16/01227/FUL	Erection of a temporary storage building.	Integrated Packaging Ltd Z357 , Dukesway,	Granted;	Lamesley
DC/16/01229/HHA	Proposed single storey side/rear extension	54 Broadbank, Felling,	Granted;	Pelaw And Heworth
DC/16/01234/ADV	Display of (non-illuminated) vinyl lettering reading, 'Gateshead Energy Company'	Gateshead Energy Centre, Quarryfield Road,	Temporary permission granted;	Bridges
DC/16/01235/HHA	Bedroom over garage	4 Wansbeck Close, Sunnyside,	Granted;	Wickham South And Sunnyside

DC/16/01236/HHA	Single storey rear extension	Hillcrest, 3 Buttermere Avenue,	Granted;	Dunston Hill And Whickham East
DC/16/01257/HHA	Extend sun room to rear	Brackenber, 1 Millfield Road,	Granted;	Dunston Hill And Whickham East
DC/16/01294/AGR	Erection of building (25 x 36m) for storage of livestock and agricultural machinery	Land South Of Pawston Birks Farm House, Pawston Road,	Refused;	Winlaton And High Spenn
DC/16/01280/HHA	Single storey rear extension with part roof terrace over, render and clad finish to front elevation	9 Millfield Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/16/01285/AGR	Erection of prefabricated steel framed building with metal cladding to roof and walls	Greenhead Farm , Greenhead Road,	Refused;	Chopwell And Rowlands Gill



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
25 January 2017**

TITLE OF REPORT: Enforcement Action

**REPORT OF: Paul Dowling, Strategic Director, Communities and
Environment**

Purpose of the Report

1. To advise the Committee of the progress of enforcement action previously authorised by the Committee.

Background

2. The properties, which are the subject of enforcement action and their current status, are set out in Appendix 2.

Recommendations

3. It is recommended that the Committee note the report.

Contact: John Bradley extension 3905

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

8. WARD IMPLICATIONS

Bridges, Blaydon, Pelaw & Heworth, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	N	N	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the land owner to reach a satisfactory conclusion no sustained improvement was secured. Therefore an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect. A visit to obtain quotes is being arranged in order to look at the costs of carrying out work in default.	
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	N	N	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During the course of investigations it was established that a building had been erected without	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>consent.</p> <p>The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building. No appeal has been received and the notice has taken effect.</p> <p>The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future</p>	
3.	Land at Litchfield Lane, Winlaton Gateshead	Winlaton and High Spen	Unsightly Land	25 September 2013	25 September 2013	N	N	31 October 2013	31 December 2013	<p>Complaints have been received regarding the condition of the land which has planning permission for a residential development that has not yet commenced. Despite attempts to resolve the matter amicably a notice has now been issued requiring a scheme of remedial works within a specified timescale. The majority of the steps required by notice were complied with following the issue of Summons'.</p>	
			Unsightly Land	21 st September	21 st September	N	N	21 st October 2015	16 th December	<p>A planning application is expected to be submitted soon.</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
				2015 3 January 2017	r 2015 4 January 2017			8 February 2017	2015 8 April 2017, 8 May 2017 and 8 June 2017	However, a further Section 215 notice has been served requiring a hoarding to be erected around the site. Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing. A further notice has now been issued requiring the site to be tidied and a hoarding erected.	
4.	40 Whitemere Gardens Wardley	Wardley and Leam Lane	Unauthorised Change of Use of residential land	4 th April 2014	4 th April 2014	N	N	10 th May 2014	10 th July 2014	The notice has been served as the land in question is being used as a mixed use of dwelling house and vehicle repair and servicing, storage of vehicles and vehicle repair parts and equipment and vehicle recovery. Officers have been monitoring the property and are now gathering evidence to pursue a prosecution against a breach of the Enforcement Notice.	
5.	21 Saltwell View	Saltwell	Unauthorised alteration to property	16 July 2014	16 July 2014	N		20 August 2014	13 September 2016	The unauthorised installation of UPVC windows without consent, -fronting the highway in an area subject to a Direction under Article 4 of the Town and Country Planning (General Permitted	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>Development) Order 1995. Contrary to contrary to Policy ENV7 of the Unitary Development Plan.</p> <p>Enforcement Notice has been served which requires the replacement of the windows with white painted timber sliding sash windows identical to the windows which were in place when the Article 4 Direction was applied</p> <p>Decision issued, notice upheld as varied. Notice to be complied with by the 13th September 2016</p> <p>A planning application has been received to retain an amended version of the windows.</p>	
6.	14 Gunn Street	Dunston Hill and Whickham East	Unightly property	8 th Aug 2014	9 th Aug 2014	N		8 th Sept 2014	7 th Nov 2014	<p>Complaints have been received regarding an unsightly property. Despite attempts to resolve the matter amicably no substantive improvement was made in the condition of the property. A notice has been served requiring the owner to carry out works to remedy the condition.</p> <p>The notice has not been complied with.</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>An initial prosecution case went to Court on 15th January 2015. The District Judge granted an absolute discharge and advised the Council would need to take further action in 3 months in the event of further non-compliance.</p> <p>In the absence of compliance a second Court date has been was for the 10th September when the Owner received a £200 fine with £200 costs and £25 victim surcharge.</p> <p>The notice has still not been complied with.</p> <p>A revised quotation for the work following a detailed survey has been received and is being considered</p>	
7.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One)	Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development.	
	(Known as South West Farm Site Two)	Swalwell	Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
	(Known as South West Farm Site Three)	Swalwell	storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste. Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency. The associated legal action is to be heard at Newcastle Crown Court in May 2017	
8.	Site of former Stella South Power Station, Stella Riverside	Ryton, Crookhill and Stella	Failure to comply with a condition attached to the planning permission in relation to play areas	18 January 2016	18 January 2016	Y	N	18 January 2016	14 March 2016 (stage 1) 9 May 2016 (stage 2)	Complaints have been received that a condition attached to the planning application for the site has not been complied with in respect of the provision of play equipment. Despite protracted negotiation the work to comply with the condition had not commenced on site. As such a notice was served requiring compliance within a specified timescale. Work is well underway on site to comply with the notice following the notice of intended	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										prosecution.	
9.	The Former Metz Experience,	Dunston and Teams	Unsightly Building	29 th February 2016	29 th February 2016	N	N	3 rd April 2016	21 st August 2016	<p>The building, which was extensively fire damaged some time ago has continued to deteriorate.</p> <p>Despite attempt to secure an improvement in its condition voluntarily no progress has been made.</p> <p>Therefore a notice has been issued requiring the building to be repaired or demolished within a specified timescale.</p> <p>Work to demolish the building has been completed. The site is being monitored to ensure that a hoarding is erected around the site.</p>	
10.											

This page is intentionally left blank



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
25 January 2017

TITLE OF REPORT: Planning Appeals

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

Purpose of the Report

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

New Appeals

2. There have been no new appeals lodged since the last committee.

Appeal Decisions

3. There has been one appeal decision received since the last Committee:

DC/15/00894/OUT – Chainbridge Industrial Estate, Blaydon
Outline application (all matters reserved excluding access) for mixed use retail/leisure development comprising of a discount foodstore (1936 sqm GFA), DIY bulky goods store (4755 sqm GFA), bulky goods unit (632 sqm GFA), pub/restaurant (600 sqm GFA) and a drive-thru restaurant (230 sqm GFA) (additional info received 20/11/15 and amended 23/02/16).

This was a committee decision refused on 29 July 2016.

Appeal withdrawn on 5 January 2017.

Details of the decision can be found in **Appendix 2**

Appeal Costs

4. There have been no appeal cost decisions.

Outstanding Appeals

5. Details of outstanding appeals can be found in **Appendix 3**.

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:

The right of an individual to a fair trial; and
The right to peaceful enjoyment of property

As far as the first issue is concerned the planning appeal regime is outside of the Council's control being administered by the First Secretary of State. The Committee will have addressed the second issue as part of the development control process.

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning
Inspectorate

3/O
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 03034441832
Customer Services:
0303 444 5000

Email:
stella.perrett@pins.gsi.gov.uk

www.gov.uk/planning-inspectorate

LPA Contact
Civic Centre
Regent Street
Gateshead
Tyne & Wear
NE8 1HH

Your Ref: DC/15/00894/OUT
Our Ref: APP/H4505/W/16/3162520

05 January 2017

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by UK Land Investments Ltd
Site Address: Blaydon Industrial Park, Blaydon, Gateshead, NE21 5ST

I enclose for your information a copy of a letter received withdrawing the above appeal(s).

I confirm no further action will be taken.

Yours sincerely,

Stella Perrett
Stella Perrett

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/15/01157/FUL	The Old Vicarage Birtley Lane Birtley	Erection of a 1 x 5 bedroom detached dwelling, a detached double garage, and demolition of existing garage to allow creation of a reconfigured access (amended 30/12/15).	Written	Awaiting decision
DC/15/00894/OUT	Chainbridge Industrial Estate Blaydon	Outline application (all matters reserved excluding access) for mixed use retail/leisure development comprising of a discount foodstore (1936 sqm GFA), DIY bulky goods store (4755 sqm GFA), bulky goods unit (632 sqm GFA), pub/restaurant (600 sqm GFA) and a drive-thru restaurant (230 sqm GFA) (additional info received 20/11/15 and amended 23/02/16).		Appeal withdrawn

TITLE OF REPORT: **Planning Obligations**

REPORT OF: Paul Dowling, Strategic Director, Communities and
Environment

Purpose of the Report

1. To advise the Committee of the completion of Planning Obligations which have previously been authorised.

Background

2. To comply with the report of the District Auditor “Probity in Planning” it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.

3. Since the last Committee meeting there have been **two** new planning obligations:

DC/13/00195/OUT – Affordable Housing, Access to Employment and Management Plan for Wildlife

Dunston Hill Hospital, Gateshead

Outline application for demolition of the existing Dunston Hill Hospital and redevelopment of 35 dwellings (use class C3) with associated access, parking and landscaping (amended 29/04/13 and 14/06/13 and additional info received 30/04/13 and 20/06/13).

DC/15/01041/OUT – Affordable Housing and Pupil Place Contribution

Land East Of Collingdon Road, Rowlands Gill

Outline planning permission (all matters reserved) for residential development of up to 142 houses (additional info recd 21/1/16, 03/03/16 and 19/05/16 and amended plans/documents received 19/05/16, 10/10/16 and 18/10/16).

4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 25 January 2017.

Recommendations

6. It is recommended that the Committee note the report.
-

Contact: Emma Lucas Ext: 3747

1. FINANCIAL IMPLICATIONS

Some Section 106 Agreements require a financial payment when a certain trigger is reached and there is a duty on the Council to utilise the financial payments for the purposes stated and within the timescale stated in the agreement.

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Monitoring: Various wards

9. BACKGROUND INFORMATION

The completed Planning Obligations