

Committee Report

Application No:	DC/17/00259/FUL
Case Officer	Owain Curtis
Date Application Valid	10 March 2017
Applicant	Gateshead Council
Site:	Derwent View Winlaton
Ward:	Winlaton And High Spen
Proposal:	Erection of assisted living accommodation (4 units) and associated development on former garage site (additional information received 19/05/17 and amended 10/05/17, 19/05/17 and 31/05/17).
Recommendation:	GRANT
Application Type	Full Application

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

1.2 The application site is an area of land which lies to the rear of properties on Derwent View and Gibside View in Winlaton. Previously, there were 8 garages on the site however the site has now been cleared. Access into the site is gained from Derwent View and consists of a single track in a gap between two houses. The site itself is mostly level although the properties on Gibside View are at a higher land level than the application site. Surrounding properties are semi-detached and are all of a similar style and age.

1.3 DESCRIPTION OF THE APPLICATION

1.4 The application seeks planning permission for the erection of a block of 4 flats. The flats are intended to be assisted living accommodation and would allow people with disabilities or social care needs to live independently with support staff available if needed. The original proposal was for 5 flats however during the consideration of the application this has been reduced to 4 and the scale of the proposed building has been significantly reduced.

1.5 In terms of how the accommodation would operate the applicant states that it is anticipated that support staff are likely to come and go during the day and it is likely that some tenants will have minimal support needs and may not require daily visits but have one or two weekly visits.

1.6 Physically, the building would be a total of 9m in height to the roof ridge and the eaves would be 5.2m above ground level. The building has

been designed to appear as similar as possible to the surrounding semi-detached houses with a pitched roof and side facing gables. The external materials would be red brick, render and grey roof tiles. The application also proposes the erection of a 2m high boundary fence to fully enclose the application site.

1.7 A total of 5 parking spaces would be provided for the flats and the access road would provide a passing place on the junction with Derwent View.

1.8 PLANNING HISTORY

1.9 No relevant history.

2.0 Consultation Responses:

The Coal Authority – No objection

Northumbrian Water – No objection

3.0 Representations:

3.1 This application is referred to the Planning and Development Committee for determination upon the request of ward Councillor Charlton. Councillor Charlton neither supports nor objects to the application.

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

3.3 43 neighbouring properties have been notified of the application and subsequent amendments. A total of 7 objections have been received raising the following issues:

- The proposal will cause overlooking and a loss of privacy
- Parking will become an issue as there aren't enough spaces
- There is wildlife on the site – rabbits and bats
- Noise levels will rise
- The site is too small for the building
- Residents who are affected do not want or need 5 one bedroom flats
- Loss of trees
- The development may be used for other purposes
- Noise and disruption during the construction
- The narrow road leading to the site will mean the emergency services will not be able to attend
- Residents have not been consulted

3.4 Following receipt of amended plans neighbours were re-consulted. No representations have been received relating to the amended scheme.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

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 residential development on the site, the effect on the living conditions of the future occupiers and the occupiers of surrounding properties, the impact on the character and appearance of the area, whether there would be any unacceptable highway safety issues and any other relevant planning considerations.

5.2 PRINCIPLE OF RESIDENTIAL DEVELOPMENT

5.3 Paragraph 49 of the NPPF states that all "housing applications should be considered in the context of the presumption in favour of sustainable development". Paragraph 50 goes on to state that to create sustainable, inclusive and mixed communities councils should plan for

a mix of housing based on, amongst other things, the needs of different groups in the community such as people with disabilities.

- 5.4 Policy CS11 of the Core Strategy and Urban Core Plan seeks to provide a range and choice of new housing across the borough. The proposal relates to specialist supported accommodation to satisfy an identified need and the flats would have a positive impact on the supply of housing in Gateshead. This is in accordance with the NPPF and policy CS11 of the Core Strategy.
- 5.5 Further, this site would be considered as a housing windfall site under saved policy H4 of the Gateshead Unitary Development Plan. The site is not situated in an isolated location and it is considered that the location of the proposal within an existing residential area is sustainable. The proposal therefore complies with saved policy H4.
- 5.6 Overall the principle of residential development on this site can be supported subject to all other material planning considerations being satisfied.
- 5.7 RESIDENTIAL AMENITY
- 5.8 The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.9 Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.
- 5.10 Representations have been received which raise residential amenity as a concern – particularly with regard to overlooking and loss of privacy.
- 5.11 Since the initial submission of the application the development has been amended to reduce the number of flats from 5 to 4 to reduce the impact on the occupiers of surrounding properties. As the plot is surrounded by residential properties to all sides, the site is highly constrained. The applicant's solution is to use obscure glazed windows at first floor level.
- 5.12 The northern elevation of the proposed flats would face onto the rear elevations and gardens of the properties to the north of the site on Derwent View. The five windows on the first floor of the northern elevation of the flats would serve a bedroom, bathroom and living / dining / kitchen space. The windows would be obscure glazed at eye level with one pane of clear glazing on each window below the eaves of the building – excluding the bathroom window. At the closest point, the side of the proposed building would be approximately 15.2m from

the rear of number 41 Derwent View. The separation distance for other properties would be greater at 20.5m.

- 5.13 The southern elevation of the building would face onto the rear elevations and gardens of the properties on Gibside View to the south of the application site. On this elevation there would be six windows at first floor level serving a storage cupboard, bedroom, bathroom and living / dining / kitchen space. As with the northern elevation, the windows would be obscure glazed at eye level with panes of clear glazing below the eaves of the building. At its closest point, the proposed building would be 13m from the main rear elevation of 26 Gibside View.
- 5.14 On this issue, officers are of the view that the obscure glazing on these elevations would prevent any undue loss of privacy to the residents of surrounding properties on Derwent View and Gibside View as it would prevent direct overlooking from window to window. In addition, the siting of the building means the windows on the proposed building would be at an oblique angle and offset from the surrounding properties which reduces the impact of the development further.
- 5.15 On the east elevation the first floor windows would not be obscure glazed. The windows on this elevation would serve the living / dining / kitchen space of 2 first floor flats. The nearest property to this elevation is number 31 Derwent View which has a side elevation facing into the site and a window at first floor level. Due to the angle of the proposed building and the distance from the boundary, the separation distance between the flats and 31 Derwent View would be adequate (approximately 17m at its closest and 21.5m at its furthest). Officers consider that the occupiers of number 31 Derwent View would not suffer undue loss of privacy in their home. It is also considered that because of the oblique angle between the proposed flats and number 33 Derwent View to the north east of the site, the occupiers of this property would not experience a level of overlooking which would be detrimental to their living conditions.
- 5.16 Due to the large separation distance and siting of the proposed building, it is not considered there would be any adverse impact on the privacy the residents on the western boundary of the site currently enjoy.
- 5.17 At ground floor level, officers do not consider the proposal would cause unacceptable overlooking to surrounding residential properties as the application proposes the erection of a 2m high boundary fence which would enclose the application site. The applicant has submitted a site section showing the relationship between the proposed building and number 26 Gibside View which is most likely to be affected at ground floor level owing to the land levels and previous extensions. Officers are satisfied that the proposed boundary fence would prevent any

overlooking which could have a detrimental impact on the occupiers of number 26.

- 5.18 Turning to overshadowing, the building would be sited north of Gibside View and there is an adequate separation distance between properties to the east and west of the application site to ensure no unacceptable overshadowing would occur. The properties which would be the most susceptible would be those on Derwent View to the north of the application site. Due to the distance from the boundary of the site, land levels and scale of the proposal, it is considered the proposed building would not unreasonably darken the garden areas of surrounding properties nor would it cause a material loss of light into any habitable rooms in surrounding properties.
- 5.19 Several objections have stated that the proposed building would be overbearing. It is considered that the scale of the proposal on the site and land levels would prevent the development from leading to an overbearing visual impact resulting in oppressive living conditions seen from the neighbours' gardens.
- 5.20 Overall, officers consider the proposed development would not result in material harm to the living conditions of the occupiers of surrounding residential properties on account of overlooking, overshadowing or the proposal being over dominant.
- 5.21 Turning to the living conditions of the future residents of the flats, the proposal has been designed in order to overcome privacy concerns with regard to neighbouring occupants. As a result of this, as discussed above, many of the windows on the first floor would be obscure glazed. Two flats are proposed on the first floor. Windows serving the living / dining / kitchen area would be obscure glazed at eye level on the northern and southern elevations. Whilst this is somewhat unusual in primary living accommodation, fully clear glazed windows would serve these rooms on the eastern elevation therefore it is considered the windows would afford the future occupants an acceptable outlook.
- 5.22 Obscure glazing is also proposed in the bedrooms of the two first floor flats. As with the living area, although views to the north and south will be prevented, the occupants would have an acceptable outlook to the west through clear glazed windows.
- 5.23 All windows on the ground floor, excluding bathroom windows, would be clear glazed. As the 2m high fence would prevent direct window-to-window overlooking from surrounding properties the development would be acceptable.
- 5.24 Lastly, the internal space standards and provision of outdoor amenity space are considered to be sufficient for the proposed use.

- 5.25 Overall, officers conclude that as there would be no material harm to existing and future occupiers the development accords with the NPPF, policy CS14 of the Core Strategy and DC2 of the UDP which seek to protect living conditions.
- 5.26 VISUAL AMENITY
- 5.27 Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Local policies CS15 of the Core Strategy and ENV3 of the UDP reflect this.
- 5.28 The siting of the proposed building means it would not be a highly visible addition to the area from any public vantage point. The section plan submitted in support of the application shows the height of the building is comparable to the surrounding two-storey semi-detached properties therefore the building would not appear as an overbearing addition.
- 5.29 In terms of external appearance, the main finishing materials would be red brick with accents of render and the building would have a pitched, tiled roof.
- 5.30 Officers consider the development would respond positively to local distinctiveness and its scale, massing and design would integrate within the local area. The proposal is therefore in accordance with policy CS15 of the Core Strategy and saved policy ENV3 of the UDP.
- 5.31 HIGHWAY SAFETY AND PARKING
- 5.32 Paragraph 32 of the NPPF is clear that applications should only be refused on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.33 Several objections raise the issue of parking and state that the level of parking provision is inadequate and the narrow access road will cause safety issues and inhibit the emergency services.
- 5.34 The scheme has been amended to reduce the number of flats to 4 whilst the number of parking spaces has been increased from 3 to 5. It is considered the scheme now provides adequate parking provision for the number of flats proposed.
- 5.35 The applicant has included a tracking diagram for the largest vehicle which would enter the site which is an ambulance. This demonstrates an ambulance and cars can enter the site, turn and leave in a forward gear onto Derwent View. This arrangement is considered to be acceptable as no long-distance reversing would be required. With

regard to bin wagons, these would not enter the site itself. The refuse arrangement would be that the bins would be moved from the communal bin store on collection day to the kerb on Derwent View.

- 5.36 Access into the site is gained from the 3.3m wide road from Derwent View. In order to improve highway safety, the plans have been amended so the access road is 5.5m in width at the junction with Derwent View before reducing to 3.3m
- 5.37 It is considered the development would have no adverse impact on highway safety or on parking in the area and is therefore in accordance with the NPPF and policy CS13 of the Core Strategy.
- 5.38 CONTAMINATED LAND
- 5.39 The site has been assessed and inspected under the Council's Contaminated Land strategy and has not been classified as "contaminated land". However, the site is situated on 'potentially contaminated land' based on its previous historic uses as a garages site. Contamination may exist in any made ground imported as a development platform or from the sites usage as garages.
- 5.40 It is therefore appropriate to condition the submission of a Remediation Statement, and Remediation Verification Reports following the completion of any remediation, if necessary (conditions 7 to 9). An additional condition is also required that if unexpected contamination is found during the build, an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted.(conditions 10 and 11).
- 5.41 PLAY AND OPEN SPACE
- 5.42 Saved UDP policies CFR20, CFR28, CFR29 and CFR30 relating to the provision of play and open space are considered to apply to the current application for the creation of new residential development.
- 5.43 The overriding national policy direction is that no tariff based S106 contributions can be required where the development relates to less than ten dwellings. Therefore, 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 other material planning considerations outweigh the UDP policies.
- 5.44 COMMUNITY INFRASTRUCTURE LEVY
- 5.45 On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone C, with a levy of £0

per square metre for this type of development. Therefore, this proposal would not be charged.

5.46 OTHER ISSUES

- 5.47 Representations were received which state there is wildlife on the site including rabbits and bats and the proposal would result in the loss of trees. The scheme has been assessed by the council's Ecologist in terms of the impact of the development on protected species and ecology. It was concluded that "the site is considered to be of very low ecological value. Habitats within the site are limited to small areas of coarse grassland/ruderal vegetation, several small self-seeded sycamore and birch saplings and a very short length of hedge/shrub planting towards the eastern boundary/neighbouring property". The proposed development would therefore be acceptable from an ecological point of view.
- 5.48 Noise levels have also been highlighted as an issue by surrounding residents – particularly noise during the construction and noise from the future residents. To prevent the construction of the building having an unacceptable adverse impact on surrounding residents, the hours of construction are conditioned (condition 4). Regarding noise from the future occupants, there is no evidence that the occupants of the proposed flats would create more noise than a dwellinghouse therefore officers consider this to be acceptable.
- 5.49 It has also been raised as an issue that the development may be used for other purposes to that which has been applied for. The proposed flats would be use class C3 and a further planning application would be required if, in the future, the use was to be changed from living accommodation.
- 5.50 An objection states that residents who are affected do not want or need the one bedroom flats. Officers recognise the local opposition to the proposal but conclude that this does not warrant the refusal of the application as it has been found that the proposal would be acceptable in planning terms based on an assessment of the material considerations.
- 5.51 Lastly, it is alleged that residents have not been consulted on the scheme. As part of the formal planning application, residents have been consulted twice through the neighbour notification process. The council has therefore satisfied its statutory duty to advertise the planning application.

6.0 CONCLUSION

- 6.1 Taking all the material planning considerations into account including the objections raised, it is recommended that planning permission be granted. Given the relevant conditions suggested to be imposed, it is

considered the proposal accords with relevant national and local planning policies.

7.0 Recommendation:

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

1

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.

2

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

AL(20)100 Rev A dated 17.05.2017

AL(20)101 Rev A dated 17.05.2017

AL(20)102 Rev A dated 17.05.2017

AL(90)102 Rev B dated 31.05.2017

AL(00)100 Rev A dated 19.05.2017

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.

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number AL(00)100 Rev A dated 17.05.2017

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

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

Reason

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

5

Before the first occupation of the building hereby permitted, windows indicated on plan AL(20)101 Rev A annotated with "OG" shall be permanently obscure to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

Before the first occupation of the building hereby permitted, the 2m high close-boarded perimeter fence shown on plan AL(90)102 Rev B dated 31.05.2017 shall be installed on site and shall be permanently retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

Prior to commencement of the development hereby permitted, a detailed remediation scheme (based on the recommendations of the Atkins intrusive site investigation and Phase 2 Risk Assessment Report dated April 2017) to bring the site to a

condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved by the Local Planning Authority.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. NB The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in all soft landscape and garden areas.

Reason

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

8

The details of remediation measures approved under condition 7 shall be implemented prior to commencement of the development hereby permitted 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 the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

9

Prior to first occupation of the development hereby permitted and following completion of the remediation measures approved under condition 8, a verification report that demonstrates the effectiveness of the remediation carried out 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 the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

10

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 and a timetable for implementation 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.

11

Where required, the amended remediation and monitoring measures approved under condition 10 shall be implemented in accordance with the approved details and timetable for implementation 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

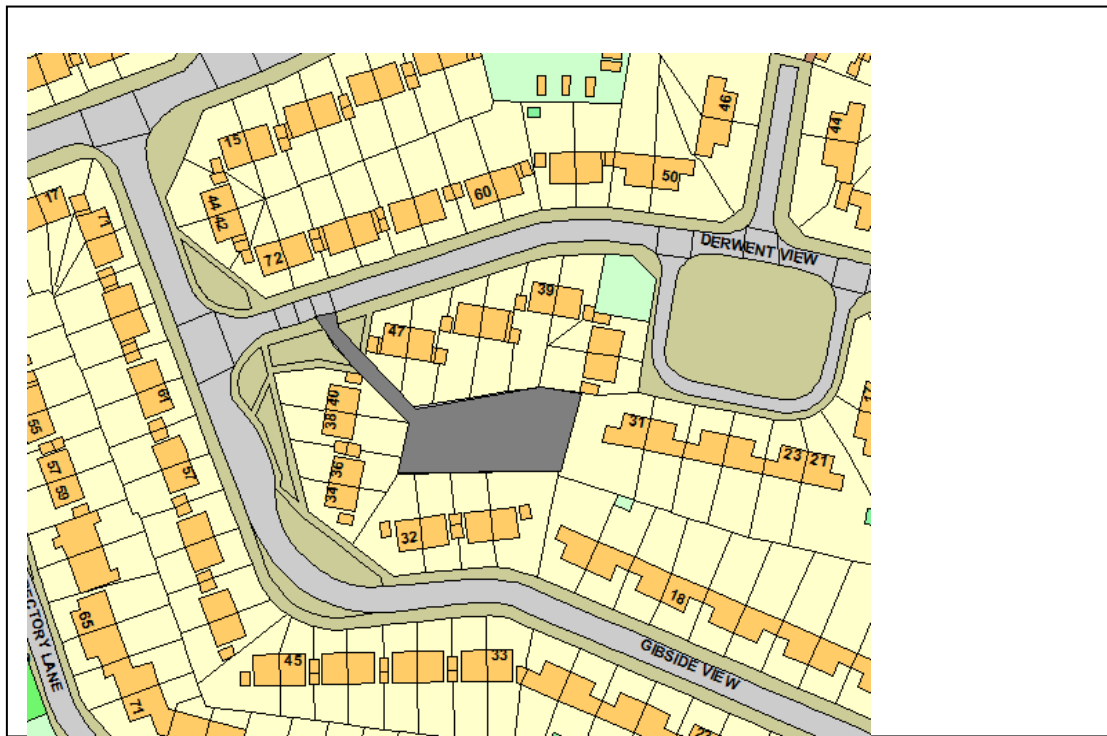
and Urban Core Plan and the National Planning Policy Framework.

12

Where additional remediation is required (under conditions 10 and 11), 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 there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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