

Committee Report

Application No:	DC/17/00158/FUL
Case Officer	Joanne Munton
Date Application Valid	15 February 2017
Applicant	Mr P Cooper
Site:	Land NE Of Maiden Hill Farm Woodside Lane Ryton NE40 4SN
Ward:	Crawcrook And Greenside
Proposal:	Erection of low energy detached house (additional information received 03/04/17 and 30/05/17 and amended 30/05/17).
Recommendation:	GRANT
Application Type	Full Application

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

The site lies towards the southern end of Woodside between Woodside Lane to the north west and Gingler Lane to the south east. Between the two roads, to the south west is a collection of buildings that make up Maiden Hill Farm and garden areas, and to the north east is a row of houses known as Meadow View. To the north across Woodside Lane is a brick terrace and to the east across Gingler Lane are two detached houses.

1.2 The site is vacant grassland and appears to have been rough grazing land previously. There are trees on site and along the north west and south east boundaries. The site slopes down from north west to south east and flattens out at the bottom into a depression before sloping up again.

1.3 The site is accessed via an existing access road between Maiden Hill Farm and Woodside Lane.

1.4 The site is in the Green Belt.

1.5 DESCRIPTION OF APPLICATION

The proposal is for a single storey low-energy dwelling with four bedrooms and car parking. The proposed dwelling would be carbon negative over a year and to achieve this would use renewable energy in combination with battery technology.

1.6 The energy generation would bring together four main technologies:

- Building fabric insulated to Passivhaus standards for heat loss and airtightness. At this level a 'central' heating system may not be necessary

- Mechanical ventilation heat recovery system following on from the airtightness achieved by Passivhaus fabric standards
 - A ground source heat pump would provide heating and hot water
 - Photovoltaic energy would be generated on site and spare energy would be stored in a battery.
- 1.7 Any further energy required would be through the mains, but this is only anticipated to be used in winter months.
 - 1.8 The design of the dwelling is led by the landscape. An L shaped cut would be made into the hillside, the meadow lifted and the wedge shape aperture left would be glazed. An inclined plane would dip down to form a sheltered private courtyard, greenhouse and underground garage to the rear.
 - 1.9 The only construction materials visible would be glass, stone in gabions, timber and stainless steel trim.
 - 1.10 Walls are proposed to be gabions filled with locally sourced stone. Where the gabions would retain the landscape the base and the top of the gabions would be planted with native climbing plants.
 - 1.11 The main roof would be an intensive green roof constructed from soil excavated during the construction of the building. The roof would be planted with species native to the area.
 - 1.12 The roof to the greenhouse would be covered with the photovoltaics necessary to make the house carbon neutral. They would allow light through so that the space would function as a greenhouse.
 - 1.13 All windows would be triple glazed and opening panels would be insulated timber faced. Steel columns are proposed to support the weight of the green roof and allowing the glazed elevations to remain uncluttered.
 - 1.14 Hard landscaping is proposed to be permeable. Vehicle access to the site is proposed to be at the north western part of the site, from the existing access road that leads to Woodside Lane.
 - 1.15 Internally, the dwelling would have four bedrooms (two in each 'limb'), a kitchen/dining area, a living room and a snug area by the entrance. Each bedroom would have an ensuite and one of the bedrooms in the western 'limb' is marked as a potential study.
 - 1.16 Landscaping proposals have been submitted with the application, which show tree planting on the north/north eastern and southern boundaries, a woodland area at the northern part of the site, an edible woodland garden at the north western part of the site, a pond and marsh/wetland area further south east on the site and more informal flowering grassland in the centre of the site.

1.17 RELEVANT PLANNING HISTORY
There is no relevant planning history.

2.0 Consultation Responses:

Northumbria Water	Advice provided
Tyne And Wear Archaeology Officer	Conditions suggested
Coal Authority	Conditions suggested

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 One letter of objection has been received from a local resident:

- Development in the Green Belt;
- Proposal out of character with the area;
- Loss of views and outlook;
- Impact on privacy;
- Dust, dirt and noise during construction period;
- Impact on local wildlife.

3.3 Two letters of support have been received from local residents:

- Enhance the visual amenity of the area;
- Beneficial asset to the area in terms of visual and eco-friendly appeal;
- Proposal is forward thinking yet sympathetically designed.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1C Landform, landscape and after-use

DC1D Protected Species

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

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR3 General Locations for New Schools

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

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 principle of the proposal, Green Belt, rural policy, visual amenity, residential amenity, highway safety and parking, ecology, flood risk, archaeology and ground conditions.
- 5.2 **HOUSING POLICY**
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 CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.
- 5.4 The site would be considered as a housing windfall site under policy H4 of the UDP. The site is 0.6 miles from the centre of the nearby village of Greenside, which is approximately 2 minutes by car, 14 minutes on foot, or 6 minutes by bike. Additionally, Woodside Lane is on the 10A bus route, which runs between Blackhall Mill and Newcastle city centre, and also stops at Ryton, Crawcrook, Blaydon and the Metro Centre. It is considered that the location of the proposal is sustainable. The additional requirements of policy H4 are addressed later in the report.
- 5.5 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 is suitable for and attractive to families, with a minimum target of 16,000 new homes across the plan area to have three or more bedrooms. The scheme proposes one dwelling with four bedrooms 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." With regard to this requirement, specific policy regarding this issue is expected to be contained within the emerging 'Making Spaces for Growing Places' document. However, notwithstanding this policy position, it is considered that the proposal provides appropriate space internally and externally.
- 5.7 Therefore, it is considered that the proposal does not conflict with saved policies H4 (subject to the assessment of the additional requirements below) and H5 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.
- 5.8 GREEN BELT
The site is in the Green Belt.
- 5.9 NPPF paragraph 79 states that:

'the essential characteristics of Green Belts are their openness and their permanence.'

5.10 NPPF paragraph 80 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.'

5.11 Policy CS19 of the CSUCP reflects the above.

5.12 NPPF paragraph 87 states that:

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

5.13 Additionally, NPPF paragraph 89 states that:

'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.'

5.14 Although paragraph 89 also sets out exceptions to this, the proposed dwelling would not fall within any of the exceptions in paragraph 89, nor any of the forms of development that are not inappropriate in the Green Belt in paragraph 90.

5.15 Therefore, as stated above and in NPPF paragraph 87, in order for the proposed dwelling to be acceptable in Green Belt terms, very special circumstances must exist. In accordance with NPPF paragraph 88, very special circumstances:

'will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

5.16 The proposed existence of a building where none currently exists would have an adverse effect on openness and the use of the land for residential purposes would result in the potential for domestic paraphernalia (e.g. children's play equipment, washing lines), which cannot be controlled by through planning and would also harm the openness of the area.

5.17 However it is considered that the openness in views through the site would not be reduced by a significant degree due to the part-subterranean nature of the design and the proposed sensitive, less obtrusive construction materials that would be in view. The driveway would descend into an underground garage, which would also reduce the impact on the openness of the Green Belt as vehicles associated with the site would be viewed less easily from outside the

site. The garage would also provide cycle parking, which negates the need for separate built form for cycle parking provision on site. Access to the site is proposed to be via an existing access road (to Maiden Hill Farm) onto Woodside Lane. This is considered to lessen the potential impact on the openness of the Green Belt than the harm that would be caused by introducing a new access road specifically for this dwelling, which would include new hardstanding, formal boundary treatment and a break in the established boundaries along Woodside Lane/Gingler Lane.

- 5.18 Additionally, to a limited extent, the proposal would risk undermining the following purposes of the Green Belt: to assist in safeguarding the countryside from encroachment and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.19 Therefore, the harm to the Green Belt is identified as definitional harm through inappropriate development and, actual harm to the openness and purposes of the Green Belt.
- 5.20 The Supporting Statement submitted with this application proposes 7 very special circumstances, namely:
1. The enhancement of a neglected piece of land;
 2. The Passivhaus nature of the dwelling and the limited amount of Passivhaus certified buildings in the north east (and therefore responding to its climate);
 3. The dynamic site specific design;
 4. The proposed use of battery technology and potential working with Nissan;
 5. The evolving nature of the scheme;
 6. Sustainable and locally sourced materials;
 7. Stewardship and the intention to cause minimal impact in the long term.
- 5.21 These points are addressed below:

1

The proposal would make use of land that is currently vacant and aims to enhance biodiversity and the appearance of the site, but the land could also be taken advantage of/enhanced in ways that would potentially have less impact on the Green Belt (e.g. grazing horses, fruit growing).

2, 6 and 7

The dwelling is designed to be sustainable and meet Passivhaus standards in terms of building fabric. The information submitted with the application states that the building is designed to be carbon negative over a year. This surpasses policy requirements and, although carbon neutral or negative buildings are increasing in numbers, they are not common and remain sufficiently rare in the UK that particularly the carbon neutral credentials of the proposal could constitute very special circumstances.

3

The design has been to the regional RIBA Design Review Panel, who offer expert, constructive, impartial advice to developers, planning authorities, and regional agencies on the architectural, landscape and urban design aspects and on sustainability impacts, of master plans and development proposals, with a view to achieving high design quality in the built environment in the region.

The proposed building is designed in response to the particular characteristics of the site and has an intrinsic connection with the site. It is considered the proposed dwelling could not be located at any available site in the borough and that the design is very clearly site-specific and would respond to the site as a whole.

4 and 5

It is noted that the battery technology referred to has recently passed from Nissan to another company. However, it is accepted that the heart of the applicant's point remains unchanged; technology by nature is always in a state of progression and it is accepted that the point the applicant makes cannot be taken to be limited to Nissan's work. The holistic approach including Passivhaus standard fabric and use of solar panels to charge a battery and the retention of that energy to be used at a later time, whilst very sustainable and innovative, is not truly ground-breaking.

- 5.22 Additionally, whilst weight is given to the potential for the battery/holistic approach to be upgraded as the technology advances, it is not possible to impose a condition requiring that this occurs, or indeed that the dwelling must be self-sufficient for a minimum number of days a year, as this would not be practical to enforce.
- 5.23 However, a building that simply meets Passivhaus standards is limited in its design by those very standards, the proposal in this application would succeed in providing exceptional design whilst being carbon negative over a year, seemingly without compromise.
- 5.24 It is considered that the quality, site-specific and innovative design of the dwelling, its carbon negative and biodiversity credentials would form very special circumstances. It is considered that the benefits of these very special circumstances would outweigh the harm to the Green Belt, and any other harm,
- 5.25 It is recommended that condition 4 be imposed removing relevant permitted development rights from the site, to control potential future built form on site.
- 5.26 Therefore, the proposal would comply with the aims and requirements of policy CS19 and the NPPF.
- 5.27 **RURAL POLICY/DESIGN**
One of the Core Planning Principles at NPPF paragraph 17 is that planning should:

'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

5.28 Further, NPPF paragraph 63 requires that:

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'

5.29 Additionally, local policy CS15 of the CSUCP states that:

'Development will contribute to good place-making through the delivery of high quality and sustainable design, and the conservation and enhancement of the historic environment. This will be achieved by:

1. Development being required to:
 - i. Respond positively to local distinctiveness and character,
 - ii. Create safe and inclusive environments,
 - iii. Ensure connectivity, accessibility and legibility,
 - iv. Respect and enhance significant views and the setting of heritage assets,
 - v. Respond to the unique character and importance of the River Tyne, its tributaries and its setting,
 - vi. Respond positively to opportunities to introduce public art, and
 - vii. Respond to local design and conservation guidance.'

5.30 In relation to rural policy, NPPF paragraph 55 makes clear the need to avoid new isolated homes in the countryside, unless there are special circumstances:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as [amongst others]:

The exceptional quality or innovative nature of the design of the dwelling. Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.'

5.31 The NPPF does not provide a definition of an 'isolated home' and although the site in question is near to the centres at Greenside, Crawcrook and Ryton, Woodside itself is not considered to be a village in its own right, more a fragmented settlement. This is in accordance with the opinion that the proposal

would not be deemed to fall within the exception "limited infilling in villages" in relation to development in the Green Belt, set out in NPPF paragraph 89.

5.32 Therefore, it is considered that NPPF paragraph 55 would apply in this instance and are addressed below.

a) *Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas:*

5.33 The proposed design demonstrates a unique quality and distinctiveness, not just within its physical built form, but also through its design philosophy. The proposal would deliver a building of minimal intervention, providing a solution that would respond sensitively to context and local character, and one that would have minimal impact on its setting in a visual, physical and environmental capacity.

5.34 Being mindful of this, and the rural setting within the Green Belt in which it sits, it is considered that the proposed approach is appropriate. It has produced a concept that would be very fitting for this particular site, taking inspiration from other solutions that have had to deal with similar constraints in similar scenarios.

5.35 The concept of cutting into the green slope of this site and 'peeling back' the earth/landscape, lifting it enough to form a green roof and a glazed elevation that 'peeks out' of the hillside, would exploit the topography of the site by taking advantage of the views and maximizing the efficiencies gained by responding positively to local micro-climate, and taking account of both the summer and winter sun-paths. It also would achieve what is considered to be a high quality bespoke design solution, specific to this site, which would have minimal intrusion on its setting.

5.36 The submitted detail indicates that the proposed dwelling would be carbon negative over a year and would adopt a holistic approach which would deliver quality design and sustainability together. Construction materials similarly are proposed to be sustainable. The development would be one of the most sustainable developments built in Gateshead.

5.37 The design concept is strong and demonstrates sustainability through its 'fabric first' approach, delivering high energy efficiency through sustainable materials and construction methods; the inclusion of productive (kitchen) gardens; the formation of multiple ecological habitats to encourage biodiversity, including marshlands/wetlands and native species planting; and the inclusion of SuDS and rainwater harvesting to manage surface water and site drainage in a positive and naturalistic manner.

5.38 In terms of the project's educational value in helping to raise standards of design more generally in rural areas, it is considered that although the site would not necessarily be hidden from view, advances in technology makes proximity less important. It is considered that with modern technology such as 360 degrees web visualisations and the like, the need to actually visit to derive

educational value is reduced. Similarly, educational value need not accrue only if a building is visible, parts of this building would not be visible to passers-by, but could be made accessible in a virtual way.

- 5.39 Therefore, the proposed scheme would be truly outstanding and innovative, helping to raise standards of design more generally in rural areas, and would satisfy the first point.

b) Reflect the highest standards in architecture

- 5.40 A very good understanding of the site's constraints has been achieved through extensive analysis work and site appraisals and this has provided a strong foundation to allow the design to develop appropriately. The applicant has considered all aspects of design in working up the proposals for this site, for example: working with the topography of the site to exploit its potential; adopting a 'minimal visual impact' approach through its 'peeling back the landscape' concept and its simplistic, uncluttered architectural detailing; and considering the local microclimate to inform the location and orientation of the dwelling, as well as considering views both into and out of the site whilst maintaining appropriate levels of privacy.

- 5.41 The design has also been to the regional RIBA Design Review Panel where it was supported by panel members, indicating that the designers had a fitting concept and approach to the site. They considered that the innovation and excellence in this case is very much in the design detailing of the dwelling, which the panel stressed must be kept elegant and simple. It is considered that this has been successfully delivered in the proposed scheme.

- 5.42 The proposal would reflect the highest standards in architecture and would therefore satisfy the second point.

c) Significantly enhance its immediate setting

- 5.43 The site is a piece of land between Woodside Lane and Gingler Lane and generally slopes down to the south. There are dwellings at Maiden Hill Farm to the west, terraced properties to the north of Woodside Lane and a small collection of dwellings to the east, off Gingler Lane. Therefore, the site (and thus the immediate setting) is visible from the public domain and from nearby properties.

- 5.44 The subject of this sentence in paragraph 55 is the design, which for the purposes of according weight as to its quality includes the landscaping and site layout, which are designed to be altered up to the site boundaries. Any new dwelling placed in an empty field in a rural location is likely to have some adverse effect on the appearance and tranquil character of that rural area, and were that field to be Green Belt land, openness would be reduced.

- 5.45 However, the impact on the openness of the Green Belt is somewhat mitigated by the location, which is not in wholly open countryside, but broadly within the dispersed settlement of Ryton Woodside.

- 5.46 In addition, given that there are dwellings to the north, east and west of the site, and that the land itself is vacant (and described in the Design and Access Statement as "neglected"), it is considered that the proposed scheme would visually enhance the immediate setting of the site.
- 5.47 The proposed dwelling would grow out of the site and would be simple and elegant. The exposed glazing would be very close to the grass and external features of the site and there is potential for the glass to allow some reflection of the proposed planting and landscaping improvements. The land surrounding the dwelling would be planted to achieve woodland and wild meadow, and views of the site would be enhanced, particularly from Gingle Lane, as the variety of species on site would be increased and whilst this has been designed, would have an organic and less manicured appearance.
- 5.48 Additionally, although landscaping and site layout are important indicators, the enhancement does not all need to be publicly visible. It is considered that the landscape scheme would enhance biodiversity and lifts the ecological value across the wider site.
- 5.49 The proposal would significantly enhance its immediate setting and would satisfy the third point.

d) *Be sensitive to the defining characteristics of the local area*

- 5.50 Policy CS18 2 (ii) of the CSUCP also indicates that distinctive landscape character will be protected and enhanced.
- 5.51 The defining characteristics of the local area are defined by the Council's Landscape Character Assessment for Woodside Village to be:
- A simple yet interrupted ribbon development with a broken pattern that is considered not to be overly remote;
 - An open, spreading/dispersed area that is perceived to be pleasant, safe, bland yet busy;
 - Clear field boundaries, planting along the roadside and tree clusters;
 - A mix of traditional and modern existing residential properties of varied styles, conditions and quality, with a prevalent angular 3D form;
 - Muted colours with slate, stone and brick as dominant materials;
- 5.52 The Landscape Character Assessment for this area also recommends that field boundaries, planting and trees in Woodside are conserved and considers that limited infill development would be suitable.
- 5.53 The dwellings at Maiden Hill Farm to the west are constructed of stone and appear to be conversions from farm buildings. The terrace to the north and small terrace to the east are typical brick built early 20th Century properties and there are two bungalows to the east of Gingle Lane that appear more modern, are brick built, stone and rendered and have little resemblance to each other.

- 5.54 Therefore, the mix of property style, materials and characters is evident even in the properties nearest to the site.
- 5.55 Additionally, being Green Belt land, one of the defining characteristics of the local area is its openness, an essential characteristic of the Green Belt as stated in the NPPF.
- 5.56 As in the assessment above, it is considered that the openness in views through the site would not be reduced by a significant degree due to the part-subterranean nature of the design and the proposed sensitive, less obtrusive construction materials that would be in view. The driveway would descend into an underground garage, which would also reduce the impact on the openness of the Green Belt as vehicles and cycles associated with the site would be viewed less easily from outside the site.
- 5.57 Access to the site is proposed to be via an existing access road (to Maiden Hill Farm) onto Woodside Lane. This is considered to lessen the potential impact on the openness of the Green Belt than the harm that would be caused by introducing a new access road specifically for this dwelling, which would include new hardstanding, formal boundary treatment and a break in the established boundaries along Woodside Lane/Gingler Lane.
- 5.58 The harm to the openness of the Green Belt would also be somewhat mitigated by the location of the site, which is not in wholly open countryside, but broadly within the dispersed settlement of Ryton Woodside.
- 5.59 Furthermore, the proposal is a site specific design, and it is considered that the concept proposal successfully addresses many of the site's physical constraints, turning some of these to its advantage. It is considered that there is a strong connection between the design of the building and the nature of the site and the surroundings and that the proposed dwelling does not have an appearance of being imposed on the site. The dwelling appears to grow out of the site and therefore it is considered that the proposal is designed to impact on the openness of the Green Belt and the other defining characteristics of the area as little as possible.
- 5.60 Therefore, it is considered that the proposal demonstrates a level of design quality and commitment to good design, whilst also succeeding in being sensitive to the defining characteristics of the local area. The proposal would satisfy the fourth point
- 5.61 It is considered that the scheme would be truly outstanding and innovative, helping to raise standards of design more generally in rural areas, particularly in terms of the design detailing and the simple and elegant approach. The proposal would reflect the highest standards in architecture and significantly enhance its immediate setting whilst remaining sensitive to the defining characteristics of the local area, including the openness of the Green Belt.

- 5.62 It is considered that the proposal would meet the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and paragraph 55 of the NPPF.
- 5.63 **HIGHWAYS AND PARKING**
The proposal would provide adequate vehicle parking provision and the garage would also provide cycle parking. The driveway would have an acceptable gradient.
- 5.64 The existing access road does not allow for two way traffic; however, the road serves dwellings at Maiden Hill Farm and it is considered that an additional dwelling would not exacerbate the issue to an unacceptable level.
- 5.65 Therefore, it is considered that the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.66 **RESIDENTIAL AMENITY**
The proposal would be approximately 36m from the nearest dwelling at Maiden Hill Farm to the south west, 51m and 72m from detached properties to the east across Gingle Lane, 52m from properties at Meadow View to the north east and 31m from properties on Delhi Crescent to the north west across Woodside Lane.
- 5.67 Given the size, location and orientation of the proposed dwelling it is considered that the proposal would not result in an unacceptable loss of outlook, loss of privacy, loss of light or overshadowing, and therefore would not have an unacceptable impact on residential amenity of neighbours in the surrounding area.
- 5.68 It is recommended that condition 22 be imposed restricting the hours of construction to ensure that the proposal would not result in an unacceptable level of noise/disturbance.
- 5.69 Additionally, it is considered that the future occupiers of the proposed dwelling would experience a suitable level of amenity.
- 5.70 Therefore, the proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.71 **FLOOD RISK**
The southern part of the site is at a risk of surface water flooding based upon the Environment Agency's Updated Flood Map for Surface Water during 1 in 30 year, 1 in 100 year and 1 in 1000 year storm events.
- 5.72 The applicant has submitted a Flood Risk Assessment in support of the application.
- 5.73 The surface water flood risk to the south east corner of the site is relatively minor, with predicted depths of less than 300mm in events of 1 in 30 year or less, and in 1 in 100 to 1 in 30 year events. The proposed landscape scheme

comprising pond, wetland area and further basin area would provide more than adequate water storage volume to attenuate the surface water flooding in the high rainfall events. The proposed permeable surfaces and green roof would also slow runoff and the site topography will direct runoff toward the pond area, with no risk of increasing flood risk off site. The scheme is therefore acceptable from a drainage and flood risk point of view and would provide more flood risk management features than the minimum required by policy.

- 5.74 It is recommended that conditions 19, 20 and 21 be imposed requiring the development to be implemented in accordance with the Flood Risk Assessment and requiring final details of the disposal of foul and surface water to be submitted to the LPA for consideration.
- 5.75 Therefore, the proposal would comply with the aims and requirements of policy CS17 of the CSUCP.
- 5.76 **ECOLOGY**
The application has been supported by an ecological survey, assessment and mitigation report.
- 5.77 The proposed development site is dominated by an area of species poor semi-improved grassland which is considered to be of low ecological value. A belt of planted native broadleaved woodland occurs along the northern boundary of the site. To the southwestern boundary is a native hedgerow. Two ash trees of high ecological value occur along the southeast boundary of the site. The above features are to be retained as part of the development.
- 5.78 The proposed development incorporates the creation of a mosaic of semi-natural habitats including native woodland and scrub planting, wetland and species rich grassland and hedgerows. Overall the proposed development is likely to deliver a net gain in biodiversity.
- 5.79 It is recommended that conditions 14, 15 and 16 be imposed to protect badgers/badger setts during the construction period and restricting fish in the pond(s) in the interest of the pond/wetland features providing an appropriate level of biodiversity value, including potentially supporting breeding amphibians.
- 5.80 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policies DC1(d), ENV44, ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.81 **LANDSCAPING**
A landscaping scheme, planting plan and management plan have been submitted with the application. This exceeds the usual requirements for minor planning proposals and it is considered that the scheme would be appropriate and would enhance the existing site.
- 5.82 It is recommended that condition 17 be imposed requiring the implementation of the scheme and ensuring its ongoing management.

5.83 Therefore, the proposal would comply with the aims and requirements of saved policies DC1(c) and ENV44 of the UDP and policy CS18 of the CSUCP.

5.84 GROUND CONDITIONS

The site is within the Coal Authority defined Development High Risk Area. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report, and it is recommended that conditions 9, 10 and 13 be imposed requiring site investigation and remediation where required.

5.85 The applicant has also submitted a Phase 1 Contaminated Land Assessment (given the proposed sensitive end use) and it is recommended that conditions 11, 12 and 13 be imposed requiring the remediation where necessary.

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

5.87 ARCHAEOLOGY

The proposals include substantial excavation to create a dwelling sunken into the landscape, underground parking and ponds within the grounds.

5.88 The proposed dwelling site is likely to have remained in agricultural use since the medieval period. It is recommended that conditions 5-8 are imposed requiring archaeological evaluation to ascertain the nature and survival of any archaeological deposits or features on the site.

5.89 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.

5.90 OPEN SPACE/PLAY

The NPPG (Paragraph: 031 Reference ID: 23b-031-20160519) is clear that tariff style contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

5.91 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 is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.

5.92 OTHER MATTERS

Dust and dirt created during the construction period are not material planning considerations.

5.93 Loss of views is not a material planning consideration.

5.94 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the

Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The site is within residential CIL Zone A, with a charge of £60 per square metre.

6.0 CONCLUSION

- 6.1 The proposal would result in harm to the Green Belt by definition through being inappropriate development and to the openness and purposes of the Green Belt. It is considered that the quality, site-specific and innovative design of the dwelling and its carbon negative and biodiversity credentials, would form very special circumstances, the significant benefits of which would outweigh this harm to the Green Belt, and any other harm,
- 6.2 It is considered that the scheme would be truly outstanding and innovative, helping to raise standards of design more generally in rural areas, particularly in terms of the design detailing and the simple and elegant approach. The proposal would reflect the highest standards in architecture and significantly enhance its immediate setting whilst remaining sensitive to the defining characteristics of the local area, including the openness of the Green Belt.
- 6.3 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and in terms of Green Belt, rural policy, visual amenity, residential amenity, highway safety and parking, ecology, flood risk, archaeology and ground conditions, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.
- 6.4 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

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

1

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

Location Plan received 15.02.2017
578/12/D - Ground Floor Plan
578/13/B - Roof Plan
578/16 - Sections AA-DD
578/23 - North and West Elevations
585/01 - Existing Site Plan
585/02 - Site Topographical Survey
585/3 - Existing Sections AA, BB, CC, DD
585/11/D - Roof Plan
585/14 - Site Plan (including levels)
585/15 - Site Plan
585/20 - Site Elevations

585/21 - Site Sections AA, BB, CC, DD
585/22 - Site Sections EE, FF, GG
585/24 - South and East Elevations
585/31 - North and West Elevations
585/50 - Details Section of Each Roof/Wall Condition

110.03 - Landscape Masterplan
110.04 - Planting Plan
110.05 - Wetland
110.06 - Landscape Management Plan
110.07/A - Tree Protection Plan

Design and Access Statement 'Maiden Hill: Zero Carbon House: Ryton Woodside' by Newton Architects

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 in section 6.0 of the Design and Access Statement 'Maiden Hill: Zero Carbon House: Ryton Woodside' by Newton Architects.

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

Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Part 1 and Class A of Part 2 of Schedule 2 to Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification) the permitted development rights of the development are removed.

Reason

To ensure the development would not have an unacceptable impact on the Green Belt and would be sensitive to the defining characteristics of the local area in accordance with saved policy ENV3 of the Unitary Development Plan, policies CS15 and CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

5

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.

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.

6

The details approved under Condition 5 shall be implemented before the groundworks or development (other than those required for the archaeological fieldwork) 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.

7

The dwelling hereby approved shall not be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 6 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.

8

Where required, the dwelling 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.

9

The development hereby approved shall not commence until a report of intrusive site investigations in relation to coal mining legacy including the results of any gas monitoring and where required, measures and timescales for remediation, monitoring, and verification reports has been submitted to 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.

10

The remediation and monitoring measures approved under condition 9 shall be implemented in full accordance with the approved timescales and the approved details.

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.

11

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.

12

The remediation and monitoring measures approved under condition 11 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.

13

Where remediation is required (under conditions 9-12), 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.

14

No development hereby approved shall commence until a report of a badger checking survey, undertaken on site by a suitably qualified and experienced ecologist, including mitigation measures where required, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To avoid harm to badgers in accordance with saved policy DC1(d) of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

15

The dwelling hereby approved shall not be occupied until a management scheme for the pond and wetland features hereby approved (and detailed on plan 110.03) setting out measures to monitor the features and ensure they are not stocked with fish and are maintained as fish free for the life of the development, including timescales, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the pond/wetland features provide an appropriate level of biodiversity value, including potentially supporting breeding amphibians, in accordance with saved policy DC1(d) of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

16

The details approved under Condition 15 shall be implemented before the new dwelling is occupied and retained in accordance with the approved details and timescales for the lifetime of the development.

Reason

To ensure the pond/wetland features provide an appropriate level of biodiversity value, including potentially supporting breeding amphibians, in accordance with saved policy DC1(d) of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

17

The Landscape Management Plan as detailed on plan 110.06 shall be implemented in accordance with the approved details and timescales for the lifetime of the development.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with saved policies DC1(c), ENV3, ENV44, ENV46 and ENV47 of the Unitary Development Plan, policies CS15 and CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

18

No works (or groundworks) associated with the development hereby approved shall commence until the Tree Protection Plan shown on plan 110.07 rev A has been implemented in accordance with the approved details. The protective measures shall be retained on site during all works associated with the development hereby approved.

Reason

To avoid harm to trees and hedgerows in accordance with saved policies DC1(c), ENV44 and ENV47 of the Unitary Development Plan, policies CS15 and CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

19

The sustainable drainage features hereby approved shall be implemented in accordance with the approved details before the dwelling is occupied, retained as such in accordance with the approved details for the lifetime of the development, and maintained in accordance with the measures in section 5.0 of the Phase 1 Flood Risk Assessment (Valley Environmental Consulting Ltd, December 2016) for the lifetime of the development.

Reason

To help to raise standards of design more generally in rural areas and to prevent the increased risk of flooding in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

20

The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority the Lead Local Flood Authority.

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

21

The details approved under Condition 20 shall be implemented before the new dwelling is occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

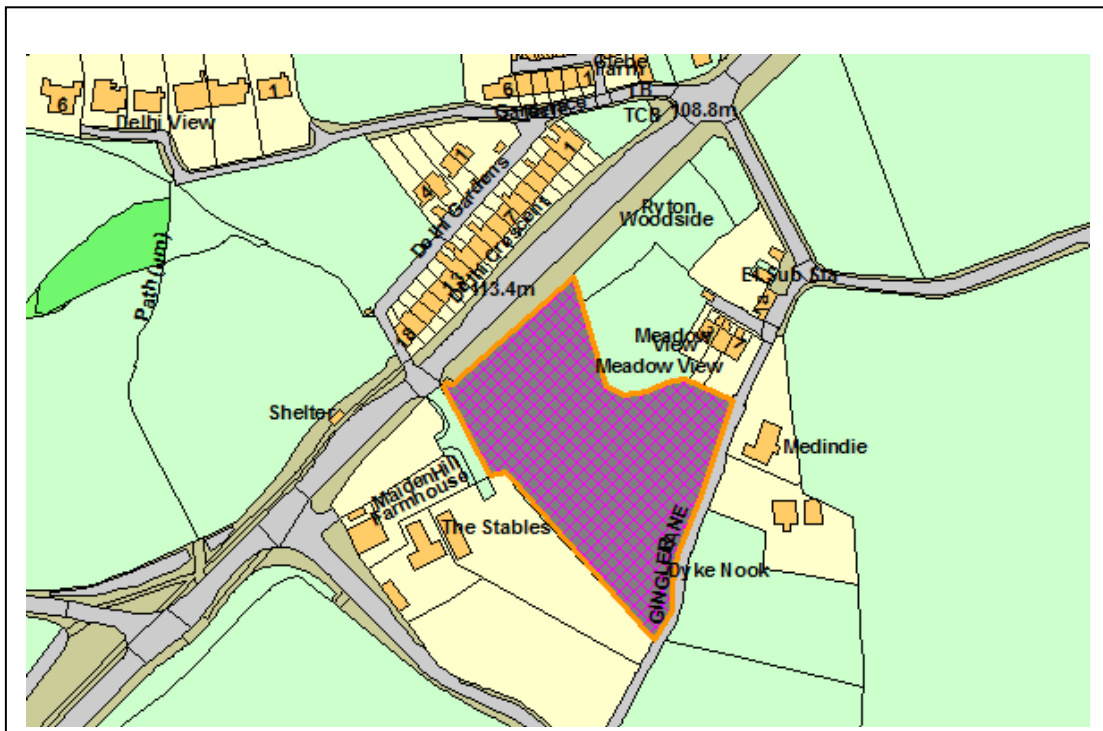
To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

22

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

Reason

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



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