

**Committee Report**

<b>Application No:</b>	<b>DC/17/00946/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>23 August 2017</b>
<b>Applicant</b>	<b>Gateshead Regeneration Partnership</b>
<b>Site:</b>	<b>Former Rowlands Gill Infant And Nursery School Sherburn Green Rowlands Gill NE39 1QS</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Proposal:</b>	<b>Proposed erection of 23 dwellings with associated garages, parking, boundary details and landscaping (amended and additional information received 03/11/17, 29/11/17 and 15/12/17).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

- 1.1 This application was deferred at the meeting of the Planning and Development Committee on 06 December 2017 to allow the Committee to visit the site. Members visited the site on 21 December 2017.
- 1.2 Following the consideration of the application by Planning and Development Committee the applicant has submitted amended plans to the Council. The amended plans propose the reduction in the width of the external stair between plots 22 and 23; this amendment allows an increase in the separation distances between plot 23 and 27 and 29 Sherburn Park Drive to 14.61 metres and 13.24 metres respectively.
- 1.3 **DESCRIPTION OF THE SITE**  
The application relates to the former infant school and the associated land located on Sherburn Green, Rowlands Gill. The site sits within an established residential area, enclosed on three sides by housing located on Sherburn Green, Sherburn Park Drive and Dominies Crescent. The site is approximately 0.71 hectares in size and has two vehicular access points, the original school access off Sherburn Green and roadside access off Sherburn Park Drive.
- 1.4 Land levels within the site slope from north to south. The northern part of the site severely sloping down from Sherburn Park Drive, the lower portion is gently sloping on what was the site of the former school building.
- 1.5 The brown field site has been undeveloped since the closure and demolition of the former school. The existing site boundary to the existing housing is a mixture of trees, hedges and fencing.

- 1.6 The application site is allocated in the Local Plan as a housing site.
- 1.7 **DESCRIPTION OF THE PROPOSAL**  
The application seeks consent for the erection of 23 dwellinghouses and associated works. The development would be split into two 'plateaus' with a retaining structure running east to west across the site.
- 1.8 The application proposes the erection of 14 three-bedroom properties and nine four-bedroom properties. The application proposes a development with a density of 32.3 units per hectare.
- 1.9 The application proposes nine split-level dwellings (two-storey to the front and three-storey to the rear) on the upper portion of the site off Sherburn Park drive. The lower portion of the site is accessed via Sherburn Green and proposes 14 dwellings of a more traditional two-storey nature; this portion of the development proposes a number of shared surfaces and private drives. Given the change in land levels there is no connection between those properties accessed via Sherburn Park Drive and those accessed via Sherburn Green.
- 1.10 The proposed materials to be used are traditional in nature with a contemporary element; this is delivered in the use of a mixture of two colour types of brick and grey coloured windows, soffits and fascias together with black rainwater goods. Roofs will be pitched and it is proposed they be finished in grey tiles. It is proposed that external doors would be timber.
- 1.11 The application proposes a number of areas of landscaping within the application site, although a number of trees are to be removed. In addition, the application proposes the formation of a pedestrian link to the south of the site linking it to the wider area.
- 1.12 It is proposed that the development be brought forward by Gateshead Regeneration Partnership (GRP) - a joint venture initiative between Galliford Try, Gateshead Council and Home Group to deliver homes on sites that would previously have been very difficult to deliver in terms of site constraints and viability issues.
- 1.13 The application is accompanied by the following documents:
- Affordable Housing Statement
  - Drainage Assessment
  - Ecological Appraisal
  - Flood Risk Assessment
  - Ground Investigation Reports
  - Planning/Design and Access Statement
  - Statement of Community Involvement
  - Transport Assessment
  - Code for Sustainable Home Preliminary Assessment.
- 1.14 **PLANNING HISTORY**  
The site has no relevant planning history.

## **2.0 Consultation Responses:**

Tyne and Wear Archaeology	There are no archaeological requirements relating to this application.
Go-Ahead Group Plc	No response.
The Coal Authority	No objection, subject to conditions.
Northumbria Police	No response.

## **3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. 36 individual objections (2 from Ward Councillors (Councillor Dave Bradford and Councillor Michael McNestry) and 34 from neighbouring residents), a petition of 232 signatures and two letters of support have been received.

3.2 The Councillor objections are summarised as follows:

- Three storey houses are not in keeping with the estate.
- Traffic has not been taken into account.
- No indication if drainage infrastructure studies have taken place.
- The dwellings on Sherburn Park Drive would create an overbearing impact and out of character brick wall giving the appearance of over-development.
- The proposal will lead to further impact on the junction with the A694.

3.3 The petition of 232 signatures is summarised as follows:

- The split level properties are not in keeping with the area.
- The density of the development is not in keeping with the area.
- The level of parking associated with the development is not adequate.

3.4 The individual objections are summarised as follows:

- The proposed dwellings on Sherburn Park Drive would block the views of existing residents.
- The proposed houses on Sherburn Park Drive are going to be social housing.
- The location of the properties on Sherburn Park Drive would lead to an increase in noise and air pollution.
- The development would result in additional road congestion.

- Issues were raised in regard to the neighbour notification process.
- The development would not allow for adequate car parking.
- The design of the proposed development is out of character with the streetscene and its overbearing.
- The drainage within the area is overcapacity and the development will worsen the situation.
- The development does not match the 1970s and 80s architecture and would be an eyesore.
- A single drive for a seven person dwelling is inadequate.
- The development would make leaving the estate by car more difficult.
- A pedestrian access to the south of the site is not being included as part of the development.
- Two trucks would not be able to pass each other within the estate roads.
- The street lights and traffic movements would be harmful to elderly residents.
- The development should supply bungalows and not 'townhouses'.
- 23 dwellinghouses is too many for the site.
- When properties were bought in the area it was understood that only nine dwellings would be built on the site.
- The construction of the proposal has not been considered e.g. access, portacabins and parking.
- The development would impact on medical services.
- The proposed bin store is ineffective.
- The proposal would lead to a loss of property value.
- Due process has not been applied correctly.
- There are not any plans for the proposed construction phase.
- The proposal would be located close to the rear of 27 Sherburn Park Drive and would lead to a loss of light, overshadowing and a loss of privacy.
- The density of development on the site is not the same as the rest of the estate and is too high.
- The proposal would have a negative impact on the health and wellbeing of residents.
- The development would impact on the ability of farm equipment to be moved via the A694.
- The existing schools within the area would not be able to cope with additional pupils.
- The proposal would result in noise during the construction phase.
- The development would prevent children playing in the streets.
- The emergency services will not be able to access the estate during the construction period.
- The development does not allow for play provision.
- The difference in roof heights is not marginal as suggested by the applicant.
- The development would have an unacceptable impact in regard to loss of sunlight and daylight on 27 and 29 Sherburn Park Drive and;
- No sunlight/daylight assessment has been submitted as part of the application and;

- Separation distances between the above properties are less than 13 metres.

3.5 The letters of support are summarised as follows:

- The development would not lead to any increase in traffic compared to the former school.
- The site is unsightly and the proposal would fit into the existing estate.
- The proposal would offer an opportunity for young people to get on the housing ladder.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

H3 Sites for New Housing

H5 Housing Choice

H9 Lifetime Homes

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

H10 Wheelchair Housing

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

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

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

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

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment:**

5.1 The detailed planning considerations are the principle of the proposed development, open space and play area provision, flood risk, drainage, land contamination, affordable housing, highway safety, visual and residential amenity, contamination, land stability, CIL and ecology.

### 5.2 PRINCIPLE

#### 5.3 Allocation

The majority of the application site is allocated for housing under saved UDP Policy H3. The NPPF states that "... *housing applications should be considered in the context of the presumption in favour of sustainable development*" and that proposals which accord with the development plans should be approved "*without delay*".

5.4 Policy H3 suggests a capacity of 20 units for the site within the supporting text; this figure is not defined as a maximum housing level within the policy. The application area is larger than that of the policy H3 housing allocation as it extends beyond the allocation to the south. The application proposes a density of 32.3 units per hectare; this complies with saved UDP Policy H12 which states '*residential development should be at a density of between 30 and 50 dwellings per hectare net.*'

5.5 Therefore, subject to satisfying other material considerations, the principle of erecting 23 housing on the site would be acceptable.

#### 5.6 Family Homes

CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three

or more bedrooms). Saved UDP policy H5 also seeks to improve the choice of housing in Gateshead.

5.7 The proposed development would provide 100% family homes. Therefore, the proposal is in accordance with CSUCP policy CS11(1) and saved UDP policy H5, contributing to the requirement for the totality of development across the plan area to provide 60% family housing.

#### 5.8 Affordable Housing

Policy CS11 requires that where there is evidence of a need for affordable housing, the Council will seek the provision of a proportion of affordable housing on all housing developments on sites of 0.5 hectares or more in size or with the potential for the development of 15 or more dwellings.

5.9 In the case of the GRP redevelopment, it has been agreed that the total of affordable housing to be provided will be calculated holistically with reference to the total provided across the GRP portfolio in order to satisfy Core Strategy policy CS11. The applicant has indicated that;

*"Schemes at Avon Street, Saltwell Trilogy I and Birtley have already yielded 69no. homes for affordable rent/shared ownership so far. Birtley Phase II will continue to produce affordable homes in the coming months and years. Our site yet to commence at Kelvin Grove will deliver six homes for Home Group in 2018/19 and a greater number on Hyde Park later in the projected programme."*

5.10 Therefore, while the application site is located within a ward which has a lower than average social housing stock and no affordable units are to be delivered directly as part of this scheme, it is considered that the GRP schemes, as a whole, respond positively to policy CS11 and provides a range of schemes which will exceed a total of 25% affordable homes.

#### 5.11 Residential space standards

Policy CS11(4) requires that new residential development provides *"adequate space inside and outside of the home to meet the needs of residents"*. It is considered based upon the submitted information that the application meets the above requirements as all dwellings on site would exceed the Government's nationally described space standards.

#### 5.12 Suitable accommodation for the elderly

Policy CS11(2 and 3) relates to increasing the choice of suitable accommodation for the elderly population and encourages the provision of lifetime and wheelchair homes. In response to CS11 the development provides for homes which have been designed to the criteria of Lifetime Homes.

5.13 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5 and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.

#### 5.14 DESIGN ISSUES

The NPPF encourages design quality and sets the scene for building a strong and competitive economy. Good design is identified specifically as being important in establishing a strong sense of place. New development should optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. The NPPF states that new development should respond to local character and history, reflecting the identity of local surroundings.

- 5.15 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.16 The NPPF requires that development should '*make a positive contribution to local character and distinctiveness*' (paragraphs 126 and 131). This is reinforced by paragraphs 58, 60, 61 and 64. These require development to respond to local character by promoting or reinforcing local distinctiveness, reflect the identity of local surroundings and materials and promote good architecture and appropriate landscaping. Development of poor design which fails to respond to opportunities for improving the character and quality of an area should be refused.
- 5.17 It is considered that the layout, scale and access points of the proposed development are appropriate in the context of the wider area. Further, it is considered that the contemporary architectural style of the proposed dwellings is considered to be of good design quality and will achieve a positive impact on local character.
- 5.18 The development looks outwards to the north demonstrating an effort to engage positively with the surrounding areas while interacting positively with the assets surrounding the site, including the wider footpath network, open space and amenities.
- 5.19 The design demonstrates a hierarchical approach to highway layout and uses a range of surface materials to assist in creating a more visually rich and interesting public realm, and rightly aimed more towards pedestrian users.
- 5.20 Consideration has been given to the form and location of boundary treatments and a range of solutions has been offered, some incorporating soft landscaping, to deliver an intelligent and flexible approach to this important issue.
- 5.21 The use of the materials and boundary treatments submitted by the applicant are considered appropriate. The use of these materials and boundary treatment can be secured on site though the imposition of conditions (Conditions 4 and 5).
- 5.22 A number of residents have raised issues regarding the proposed split-level properties. While it is accepted that these properties would sit higher than those properties on Sherburn Park Drive (by between 3.68 metres (in the case of 29



Sherburn Park Drive) and 2 metres (in the case of 52 Sherburn Park Drive)) it is considered that the proposal offers an appropriate design response to the context of the area. While important for the development to respect the wider area, it is also important for the development to have its own character and not simply duplicate previous development within the area; it is considered that the development strikes an appropriate balance between creating its own identity and fitting in with the wider estate.

5.23 It is considered that the proposed development has successfully demonstrated that it has achieved a high standard of design that will contribute positively to the site and its surrounding context. It is acceptable from a design point of view and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.

#### 5.24 RESIDENTIAL AMENITY ISSUES

##### 5.25 Existing Residents

The dwellings proposed on Sherburn Park Drive would be located a minimum of 21 metres from the front elevation of those properties located to the north of Sherburn Park Drive (44 - 58 (even)). While these properties have a ridge height slightly less than the proposed dwellings (by approximately 1.9 metre) it is considered that the separation distance is adequate to ensure that no unacceptable overlooking could take place and would ensure that no unacceptable loss of light, overshadowing or visual intrusion would occur.

5.26 The neighbouring property of 25 Sherburn Park Drive would have a gable-to-gable arrangement with plot 15 (a split level property). Taking into consideration this arrangement and the fact only a single non-habitable room window would be located above lower-ground floor level it is considered that residential amenity impact would be minimal.

5.27 The rear elevation of number 27 Sherburn Park Drive (to the west) would be located a minimum of 14.61 metres from the side elevation of plot 23 and 29 Sherburn Park Drive would be located a minimum of 13.24 metres from the side elevation of plot 23. While it is acceptable some level of impact would occur on numbers 27 and 29, it is considered this separation distance combined with proposed window arrangements would be adequate to ensure that no unacceptable loss of privacy, loss of light, overshadowing or visual intrusion would occur.

5.28 In response to issues raised in regard to sunlight/daylight impact the developer has submitted a 'Sun Path and Shading Report'. In the view of Officers, the assessment demonstrates that the proposed development would have limited impact on the amenity of 27 and 29 Sherburn Park Drive and that further assessment in regard to this matter is not necessary.

5.29 The properties located adjacent to the properties on the lower (southern) part of the site (14 and 15 Sherburn Green) would have a gable to gable relationship with plots 1 and 14; as such it is considered that the proposal would not allow

for any unacceptable loss of privacy, loss of light, overshadowing or visual intrusion.

5.30 It is considered the separation distances and offset relationships with properties on Dominies Close would be such that there would be no unacceptable loss of amenity.

5.31 The construction works associated with the development have the potential to impact on the living conditions of adjacent neighbours. To mitigate any such impacts, it is recommended that conditions be imposed that would require the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 5 and 6).

5.32 Future Residents

It is considered that the internal separation distances within the site strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. The internal layout is considered to be acceptable, would not cause any significant harm to the living conditions of the future occupiers of the proposed houses in terms of loss of light, overshadowing or visual intrusion.

5.33 Subject to the conditions set out above, officers consider that the proposed development would not harm the living conditions of adjacent residential properties and the occupiers of the proposed houses. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.

5.34 TRANSPORT ISSUES

5.35 Access

Those properties located on Sherburn Park Drive will be accessed to the front (north) straight onto Sherburn Park Drive, this would mirror the arrangement of existing properties on Sherburn Park Drive and this is considered to be entirely appropriate.

5.36 The application proposes that the remainder of the properties would be accessed via the re-opened former entrance to the school. This arrangement is acceptable subject to the removal of the existing school road markings (Condition 9).

5.37 In addition to the proposed shared site access (via Sherburn Green) a pedestrian accesses are proposed to the southern (lower) part of the site east connecting to Sherburn Green and one to the south which connects to the existing footpath network. An extension of the footpath to the front of the substation to the east of plot 14 is required to provide a continuous footway; the final detail of this can be conditioned (Condition 8 and 9).

5.38 Layout

The layout of the scheme is considered to be acceptable in highways terms offering a legible layout. The use of low kerb heights provides for continuity between the existing road layout and the application site. However, the proposed final hard landscaping scheme would need to be submitted to an approved in writing by the LPA (Conditions 10 and 11).

5.39 Traffic Generation

The site is located within an established residential area and lies close to the A694, which is well served by buses. There are however few amenities within walking distance and Rowlands Gill local centre is almost a mile away, which may encourage car trips.

5.40 Paragraph 32 of the NPPF states:

*“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

5.41 Whilst concerns have been submitted by local residents over the transport impacts of the development officers do not consider this to be severe based on the size, location and nature of the development. It is considered that the numbers of vehicular movements generated could not be seen as significant in highway terms. Whilst additional movements would occur meaning it may be more difficult to exit onto the A694 from Sherburn Park (at certain times of day) this is an existing situation which the proposed development could not be expected to improve due to its limited scale and impact and the former use of the site as a school. Significant alterations such as junction signalisation or road widening would not be proportionate and there are no issues around visibility for vehicles emerging from the junction.

5.42 It is, however, considered reasonable and proportionate that the re-marking of white lining on the junction between Sherburn Park and the A694 be undertaken as part of the development. It is considered that this would encourage drivers to utilise the right turn pocket, which assists in maintaining flow on the A694 and alleviate any limited increase in vehicle movements caused as a result of the development, this requirement can be conditioned (Condition 12).

5.43 Car Parking Provision

The Council's Transport Technical Appendices (Transport Appendices) sets out the levels of car parking for new residential developments. This states that new housing development should provide a minimum of 1 space per house and a maximum of 2 spaces per house for residents on or off street. Visitor parking should also be provided on street at a ratio of a minimum of 1 space per 4 houses and a maximum of 1 space per 3 houses. Garages are counted as 0.5 of a space in the overall car parking provision.

5.44 The layout provides a total of 42.5 car parking spaces, comprising of 38.5 spaces off street resident parking spaces and 4 on street visitor car parking spaces. The level of parking provided for residents is considered to be appropriate falling between the minimum and maximum levels set out in the Transport Appendices.

- 5.45 It is considered the a level of existing offstreet parking could be utilised by those properties on Sherburn Park Drive, further some of the proposed residents parking could be utilised by visitors given the levels are higher than the minimum levels set out in the Transport Appendices.
- 5.46 On the basis of the above, it is therefore considered that sufficient car parking spaces have been provided as part of this development.
- 5.47 **Cycle Parking Provision**  
Cycle parking will either be provided within a storage shed or a garage associated with each dwelling. The provision of the cycle storage will be secured through an appropriate planning condition (Condition 13).
- 5.48 **Bin Storage/Collection**  
Each property has sufficient space within their rear gardens to store refuse bins with space to wheel the bins to the street for bin collection day. The proposed road layout within the site allows sufficient space for a bin collection lorry to collect the bins and turn around within the site.
- 5.49 **Travel Plan Measures**  
To help promote sustainable travel choices it is considered that each house should be provided with a travel welcome pack that should include bus timetables along with information on the walking and cycling options available in the area. Council officers consider that this issue can be covered by a planning condition (Condition 14).
- 5.50 It is therefore considered that subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.
- 5.51 **TREES/LANDSCAPING**  
A Tree Survey and Arboricultural Impact Assessment have been submitted as part of this planning application. The report indicated that a total of 49 individual trees are to be removed (38 of those removals are necessitated by the development the remainder being removed due to poor health/growing limitations) along with the removal of four groups of trees. The report identifies that the loss of the specimens will only be significant at site level. Officers agree with this conclusion.
- 5.52 It is proposed that the 13 remaining trees within and abutting the application site would be protected through the use of the protective fencing, to this end a tree protection plan has been submitted as part of the application. The installation of the protective fencing and the display of the tree protection plan on site could be secured through planning conditions (Conditions 15 and 16).
- 5.53 The loss of the trees would need to be compensated for through the provision of appropriate landscaping on the site. The applicant has provided an indicative landscape plan, however a fully detailed scheme (including a schedule of

maintenance) could be secured through planning conditions (Conditions 17, 18 and 19).

5.54 Subject to these tree/landscaping related planning conditions, it is considered that the proposed development is acceptable in terms of impact on the existing trees and accords with the aims and objectives of the NPPF, saved policies ENV44 of the Council's UDP and policy CS18 of the CSUCP.

#### 5.55 ECOLOGY ISSUES

In considering the above application in regard to ecological impact regard is offered to the NPPF, Policy CS18 of the CSUCP and saved UDP Policies DC1, ENV46 and ENV47.

5.56 Paragraph 118 of the NPPF sets out the ecology 'mitigation hierarchy' as follows;

- Avoidance – can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts?
- Mitigation – where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations?
- Compensation – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity?

5.57 The proposed development would lead to the loss of;

- 0.18ha of non-DBAP semi-natural woodland;
- 0.12ha of ephemeral/short perennial grassland and;
- 0.2ha of semi-improved grassland, etc.

5.58 Based on the nature of the development and the size of the site it is considered not possible to avoid biodiversity harm. It is considered that the proposal would have a harmful impact on the biodiversity and ecology of the area, without any compensation or mitigation measures.

5.59 The applicant has sought to mitigate for the proposed loss of habitat through the production of a Planting Strategy and Planting Plans, this plan comprises:

- The creation of an area of 'wildflower grassland';
- The creation of three discreet sections of 'native hedgerow' and;
- The provision of 5no. Schwegler 1SP house sparrow terrace nest boxes.

5.60 It is considered by officers that the proposed mitigation is not adequate to conclude that the proposal would have no net loss of biodiversity as the areas offered in compensation are inadequate. Furthermore the potential biodiversity value and functionality of those measures proposed may be limited owing to their scale, ecological connectivity and levels of disturbance to which they could be subject.

- 5.61 Based on the above, it is considered it that the proposal would fail to comply with the aims and objectives of the NPPF, saved policies DC1(d), ENV46 and ENV47 of the Council's UDP and policy CS18 of the Council's CSUCP.
- 5.62 **FLOOD RISK/DRAINAGE**  
A Flood Risk Assessment (FRA) which includes a drainage strategy has been submitted as part of this planning application.
- 5.63 The application site is situated within Flood Zone 1 (a flood risk area at lowest risk of flooding). The Gateshead Strategic Flood Risk Assessment (SFRA) records historic surface water flooding immediately to the northwest of the site. The SFRA also shows the potential for flooding in a 1:100 rainfall event along the line of the existing storm sewer to the south west of the site, plus some potential ponding in front of proposed plots 3 & 4 and 5 & 6. Further, the Environment Agency Flood Risk from Surface Water Mapping and the Council's Strategic Flood Risk Assessment both show that a flow route passes through the application site.
- 5.64 The application proposes the installation of appropriate drainage, the existing flow routes are accommodated within the design for the layout of the scheme and site levels deal with issues of groundwater, sewer flooding and overland flow respectively.
- 5.65 In accordance with the NPPF and Policy CS17 of the CSUCP, surface water should be managed following the drainage hierarchy as set out, control and minimise surface water runoff, discharging in order of priority to:
- i. Infiltration based Sustainable Drainage Systems
  - ii. A watercourse
  - iii. A surface water sewer
  - iv. A combined sewer.
- 5.66 The applicant has assessed the potential for infiltration and discharge to watercourse; it has been concluded that owing to site circumstance neither option is possible. The applicant therefore intends to discharge to the public sewer. In addition, the applicant has design appropriate levels of water attenuation and water quality treatments into the proposed drainage system.
- 5.67 It is, however, considered necessary to condition the provision of a Construction Method Statement and a Management Plan for the drainage works (Conditions 20, 21, 22 and 23).
- 5.68 Subject to these planning conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.
- 5.69 **LAND CONTAMINATION**  
The site is considered to be situated on potentially contaminated land based on previous historic uses. A Contaminated Land Risk Assessment and

Remediation Strategy have been submitted in support of the application. Further to the submitted report, it is considered that the contamination on site can be dealt with through the imposition of conditions requiring the submission of an appropriate remediation strategy and subsequent verification report (Conditions 24, 25 and 26).

- 5.70 Further, it is considered necessary to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (Conditions 27 and 28).
- 5.71 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.72 **LAND STABILITY**  
The application site falls within the defined Development High Risk Area and therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. As a result, the applicant has submitted a Coal Mining Risk Assessment, which has been assessed by the Coal Authority.
- 5.73 The Coal Authority is satisfied with the broad conclusions of the report, informed by the site investigation works; however it is considered necessary to condition that an intrusive investigation is undertaken to identify any potential remedial works required. Subject to appropriate conditions (Conditions 29 and 30), The Coal Authority does not object to the proposed application.
- 5.74 The development is, therefore, considered to comply with policy CS15 of the CSUCP and saved policy ENV54 of the UDP.
- 5.75 **OPEN SPACE**  
The site is located within a residential neighbourhood that is not deficient in open space provision. Further, the proposed layout includes the provision of amenity space within the application site and provides pedestrian links to the wider area. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.
- 5.76 **PLAY SPACE**  
It is considered that the proposed amenity/open space within the application site provides for an acceptable level of toddler play space for future residents in accordance with Policy CFR28. In regard to junior and teenage play provision it is considered that the delivery on site is unachievable; policies CFR28 and CFR29 suggest that developments should contribute towards offsite provision.
- 5.77 However, pooling restrictions were introduced by the Community Infrastructure Levy (CIL) 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.

5.78 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Whilst it cannot be concluded that the proposal would accord with saved UDP policies CFR28, CFR29 and CFR30, it is not possible to require any contribution for either play or open space provision in this case, due to the CIL Regulations considered above.

#### 5.79 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.

#### 5.80 OTHER ISSUES

A number of objections have been raised by objectors, the issues of design (including the introduction of split-level dwellings), highway impact, drainage infrastructure, density, residential amenity, bin storage and play provision have considered within the main body of this report.

5.81 The proposed tenure of the development (all private market), loss of view and property value are not material planning considerations and therefore have not been afforded weight in the assessment of the application.

5.82 The remaining issues raised are considered below;

- Neighbour notification process; the planning application process has been conducted in full accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015 and the Council's Notifying the Public document.
- Air and noise pollution; given the scale of the development it is considered that the development (as a result of vehicle movements) would be unlikely to result in any significant increase in noise and/or air pollution.
- General construction impact and impact on health/wellbeing; conditions are proposed requiring the applicant to provide a construction methodology including details of hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access location(s). Further, the applicant has indicated their intention to lease land from the Council for the use of parking for site operatives; although this cannot be secured through the permission.
- New streetlights; the introduction of streetlights is considered to have a minimal impact on amenity given they would create a similar amount of light as existing streetlights.
- Medical services and schools; given the scale of the proposed development it is unlikely to result in any significant impact on medical or school service. This is borne out in the fact the site is allocated for housing.



## **6.0 CONCLUSION**

- 6.1 It is considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the Local Plan. The development would also have economic benefits from construction jobs and the bringing back into use a currently vacant site.
- 6.2 It is the view of officers that the benefits of the proposed development, namely the provision of 23 family properties (which exceed the Government's internal space standards and achieve wheelchair and lifetime homes standards), the economic benefits delivered by such a development, the re-development of an (allocated) brown field site which has been derelict following the demolition of the school and improvements to pedestrian connections to the wider area, would outweigh the harm to biodiversity/ecology.
- 6.3 The site is allocated in the Local Plan for residential development and therefore the principle of housing development on the site is clearly acceptable. Taking all other relevant issues into account, including the comments made by local residents, it is considered that the proposed development is acceptable; the proposal (subject to conditions) is considered to accord with the aims and objectives of both national and local planning policies.
- 6.4 Given the above, it is recommended that planning permission be granted subject to the planning conditions set out below.

## **7.0 Recommendation:**

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

1

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

QD1053-300-01 Location Plan 1\_1000 (A4)

QD1053-301-01 Existing Site Plan 1\_500 (A2)

QD1053-160-01 Construction Site Layout Rev B (A0)

QD1053-103-01 - Rev A - Garage Working Drawing (A1)

Sold-Secure-2014-Approved-Catalogue

Wall Mounted 2 Bike Bicycle rack

QD1053-101-02 House Type BL Construction Sheet 1 (A1)

QD1053-100-02 House Type DI Construction Sheet 1 (A1)

QD1053-102-02 House Type JK Construction Sheet 1 (A0)

QD1053-316-01 Roof Layout

ENE 8 SHEDS - autopa secure fixing tech sheet

QD1053-337-01 Shed Details 1\_20 (A2)

QD1053-308-01 Existing Site Sections (A0)

QD1053-319-01 Proposed Site Sections (A0)

QD1053-345-01 Vehicle Tracking Layout

QD1053-344-01 Critical Distances Plan Rev A  
QD1053-353-01 Parking Provision Plan  
QD1053-162-01 Construction Enclosures Layout Rev C (A0)  
QD1053-162-02 Enclosure Details Rev A (A1)  
QD1053-349-01 POS LAYOUT  
Rowlands Gill Infant School Topo 1-250 on A1  
QD1053-161-01 Construction Materials Layout Rev B (A0)  
L-1532-DOC-001 Landscape Strategy Re02  
Galliford Sherburn Grn AIA1\_1: Tree Assessment  
Rowlands Gill DS BFL12  
Drainage Layout QD1053-04-02-D and External Levels QD1053-04-01-D  
QD1053-00-05 Flow Path (1)  
QD1053-00-04 suds matrix (1)  
QD Coal Mining Assessment  
QD1053 Flood Risk  
5149685 - Former Infant Sch Redev\_Rowlands Gill\_Rev 01\_incl  
Appendices: GI Report  
Final SI Report - Dec 2010  
QD1053 Remediation Strategy Report Rev B  
Bin Stores 18 10 17 A1 Sheet  
Materials Palette for House Types 15 09 17  
NWL email confirming downstream defender  
QD1053 SW 01 11 17: Micro Drainage calculations  
QD1053-08-01 Adoptable Drainage Details Rev A  
QD1053-08-02- Hydrobrake Detail Rev B  
QD1053-08-03 Typical Downstream Defender GA  
QD1053-08-04 Private Attenuation Typical Details Rev B  
Road & Sewer Sections QD1053-05-01-B  
QD1053-EX1-02 Site Sections at plot 23 (A2)  
QD Sun Path Report 29 11 17

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 plan numbers QD1053-161-01 Construction Materials Layout Rev A (A0) and Materials Palette for House Types 15 09 17. Unless otherwise approved in writing by the Local Planning Authority.

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

All boundary treatments hereby permitted shall be constructed entirely in accordance with details shown on plan numbers QD1053-162-01 Construction Enclosures Layout Rev B (A0) (A0) and QD1053-162-02 Enclosure Details Rev A (A1). Unless otherwise approved in writing by the Local Planning Authority.

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.

5

Prior to the commencement of the development hereby approved, a construction control plan including the hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access locations shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

6

The construction control plan approved under condition 5 shall be implemented and complied with in full during all stages of construction, until completion.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

7

The school keep clear markings on the Sherburn Green access to the site shall be fully removed prior to the occupation of the any unit hereby permitted.

Reason

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

8

Prior to commencement of the development hereby approved details of a footpath extension to the northern footway (adjacent to the substation on Sherburn Green) shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

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

9

The footway extension details approved under condition 8 shall be implemented in full accordance with the approved details prior to first occupation of any unit hereby permitted

Reason

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

10

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

Reason

To safeguard the visual amenities of the area 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.

11

All hard landscaping shall be completed in full accordance with the details approved under Condition 10 (including timescales for implementation), 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.

12

Prior to the occupation of any unit hereby approved the re-marking of white lining on the junction between Sherburn Park and the A694 shall be completed in full.

Reason

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

13

The cycle parking facilities associated with each individual property (shown on approved plan QD1053-160-01 Construction Site Layout Rev B (A0), Wall Mounted 2 Bike Bicycle rack and QD1053-337-01 Shed Details 1\_20 (A2)) shall implemented in full accordance with the submitted details prior to first occupation of each respective unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

Reason

In order to ensure adequate provision for cyclists and in accordance with policy CS13 of the Core Strategy and Urban Core Plan.

14

At the point of occupation of any unit hereby approved, a Travel Plan, or 'Welcome Pack' shall be provided to the occupants of each dwelling, to encourage the use of alternative modes of travel to the site other than by private vehicle. This must include local cycle maps, bus stop locations, bus timetables and maps showing pedestrian routes to local amenities.

Reason

To encourage sustainable travel to and from the development in accordance with the NPPF and CSUCP policy CS13.

15

No development shall commence on site until the tree protection measures contained within Galliford Sherburn Grn AIA1\_1: Tree Assessment have been installed in the locations identified. The approved scheme shall remain in situ until completion of the development.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the National Planning Policy Framework, policy CS18

of the CSUCP and saved policy ENV44 of the Unitary Development Plan.

16

The approved tree protection plan (contained within Galliford Sherburn Grn AIA1\_1: Tree Assessment) shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked daily with a record of the daily checks being kept on file in the site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the LPA being obtained all construction operations should stop until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason

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

17

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

Reason

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

18

The landscaping details approved under Condition 17 shall be implemented in accordance with the timings approved under Condition 17.

Reason

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

19

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 17.

Reason

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

20

No work in relation to any proposed drainage features shall take place until a construction management plan for the approved drainage scheme has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

21

The approved drainage scheme shall be constructed in full accordance with the construction management plan approved under condition 20.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

22

No unit hereby approved shall be occupied until a maintenance plan for the approved drainage scheme has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

23

The approved drainage scheme shall be maintained in full accordance with the maintenance plan approved under condition 22.

#### Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

#### 24

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

#### Reason

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

#### 25

The details of remediation measures approved under condition 26 shall be implemented in accordance with the timescale approved under condition 24 and shall be maintained for the life of the development.

#### Reason

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

#### 26

Following completion of the remediation measures approved under condition 24 a verification report that demonstrates the effectiveness of



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

#### Reason

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

#### 27

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. A risk assessment of the development should then be undertaken, to determine whether remedial works are necessary. The risk assessment (including a remediation strategy and timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority.

#### Reason

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

#### 28

Any remediation works deemed to necessary by the LPA following testing (as part of Condition 29) shall be carried out in full within in the timescales approved under Condition 27.

#### Reason

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

#### 29

Prior to the commencement of the development hereby approved intrusive site investigation works shall be undertaken in order to establish coal mining legacy issues on site. The findings of the intrusive site investigations works in relation to coal mining legacy issues along with details of any remedial works (and timescales) required shall be submitted and approved by the LPA prior to the commencement of the development hereby approved.

Reason

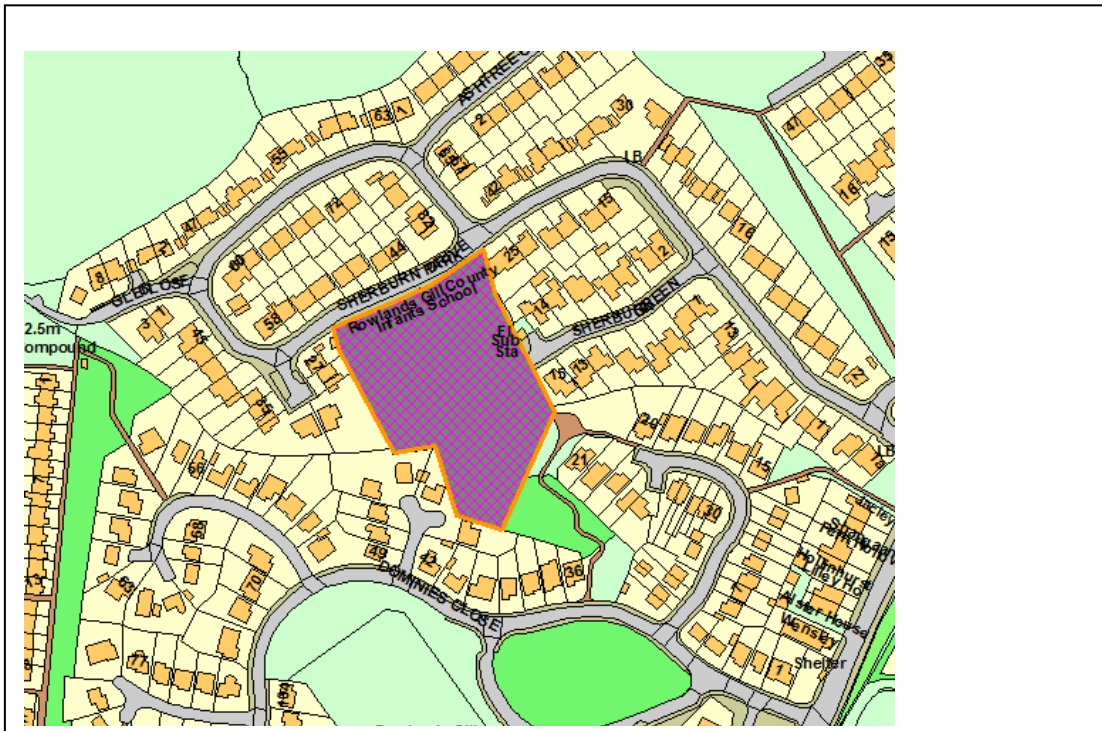
To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1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

30

Any remedial works identified under Condition 29 shall be implemented in accordance with the timescale set out in the approved findings.

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 the NPPF and Policy DC1 of the Unitary Development Plan.



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