

Committee Report

Application No:	DC/18/00566/FUL
Case Officer	David Morton
Date Application Valid	5 June 2018
Applicant	Karbon Homes
Site:	Land Adj Starling Walk Sunniside Newcastle Upon Tyne
Ward:	Whickham South and Sunniside
Proposal:	Erection of 10 dwellings with associated parking (amended 15/08/18).
Recommendation:	GRANT
Application Type	Full Application

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

The application site is located on Starling Walk, Sunniside. The application site is located to the rear of Sunhill retirement apartments.

1.2 The application was left vacant following the redevelopment of the site (DC/13/00328/FUL). As part of the redevelopment the original sheltered housing building was demolished and Sunhill retirement apartments were constructed. Six terraced bungalows are located to the east of Starling Walk (1012/99). There are residential properties located to the north of the application site (Ravensworth Terrace) and commercial premises are located to the south.

1.3 Land levels across the site are generally flat, with a change in land level to the north of the application site resulting in Sunhill retirement apartments being located at a lower land level.

1.4 DESCRIPTION OF THE PROPOSAL

The application seeks full planning permission for the erection of 10 dwellinghouses and associated works. More specifically, the application proposes the erection of four two-bedroomed dwellings, four three-bedroomed dwellings and two two-bedroomed bungalows. The application proposes that all dwellinghouses face out on to Starling Walk.

1.5 Parking would be located to the front of the properties and gardens would be to the rear. The rear of the properties would back on to the existing apartment communal garden and it is proposed that the existing two metre high fence would be retained.

1.6 It is proposed that the properties would be finished in brick with art stone heads and cills, roofs would be covered with grey tiles and all rainwater goods would be black.

- 1.7 Access would be provided from (the private) Starling Walk off the Gateshead Road A692.
- 1.8 The applicant has indicated the intention for the properties to be erected for social and intermediate tenure.
- 1.9 The application is accompanied by the following documents:
- Design and Access Statement
 - Drainage Assessment
 - Ground Investigation Reports
- 1.10 **PLANNING HISTORY**
The relevant planning history of the site is summarised as follows;
- DC/13/00328/FUL; Planning permission granted for 'Variation of condition 1 of DC/12/00648/FUL to allow revision of tenure of some of apartments, minor amendment to stepped gable between 2 and 2.5 storey, omission of render and brick proposed.' Date; 31 May 2013.
 - DC/12/00648/FUL; Planning permission granted for 'Demolition of existing buildings and erection of twenty-eight x two- bed apartments in two storey block with associated facilities and landscaping (amended 31/07/12 and 01/08/12).' Date; 20 August 2012.

2.0 Consultation Responses:

None

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. A total of six individual letters, a letter from a Ward Councillor (Councillor Jonathan Wallace) and a petition of 18 signatures have been received in objection to the proposal.
- 3.2 The issues raised by the Ward Councillor are summarised as follows;
- The application site and wider areas has been identified for housing for elderly occupiers, the application undermines this;
 - The majority of the housing is out of character with Starling Walk; and
 - There will be a loss of privacy for the occupiers of Sun Hill given the type of housing proposed and changes in land levels;
- 3.3 The issues raised by local residents are summarised as follows;
- Assurances were offered which stated that the site would not be redeveloped;
 - The potential loss of green spaces has affected house sales and property value;
 - The proposal would cause overlooking;
 - There is no requirement for 'old people's housing';
 - The proposal represents urban sprawl;

- The proposal should be for a smaller number of bungalows and not houses;
- The proposed development would be over-bearing on existing residents; and
- The proposal does not provide adequate parking levels which would impact on the A692.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1J Substrata Drainage-Water Quality

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Development on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H5 Housing Choice

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The detailed planning considerations are the principle of the proposed development, flood risk, sustainable drainage, land contamination, highway safety, design, visual and residential amenity, open space and play area provision and CIL.
- 5.2 **PRINCIPLE**
As the application site is not specifically allocated for housing in the UDP, proposals for housing need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.
- 5.3 The site forms a windfall site. The NPPF states that "*... housing applications should be considered in the context of the presumption in favour of sustainable development.*"
- 5.4 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.5 Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application proposes the erection of four family homes and accommodation for elderly residents. It is considered that the proposed mix provides a good range and choice of accommodation in accordance with policy CS11 of the CSUCP and saved UDP policy H5.
- 5.6 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, providing an acceptable level of internal and external space for existing and proposed properties.
- 5.7 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 policy H4 of the UDP, policies CS10 and CS11 of the CSUCP as well as the NPPF.
- 5.8 **DESIGN ISSUES**
Overall, it is considered that the site provides a good quality design response to the constraints of the site.
- 5.9 The development looks outwards on two sides demonstrating an effort to engage positively with the surrounding area. A traditional approach to the design and materials has been adopted by the applicant, it is considered this is appropriate in the context of the site and the wider area.

- 5.10 Consideration has been given to the form and location of boundary treatments and a range of solutions have been offered, some incorporating soft landscaping.
- 5.11 Final details of materials and boundary treatments to be used across the site should be submitted to and approved in writing by the Local Planning Authority (Conditions 4 and 5) to ensure their acceptability.
- 5.12 It is considered that the proposed development 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.
- 5.13 **RESIDENTIAL AMENITY ISSUES**
Given the distances between the adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.
- 5.14 Officers consider that the construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details regarding 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).
- 5.15 Officers are of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses would be acceptable. 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.
- 5.16 **TRANSPORT ISSUES**
The development will increase traffic movements in the area and to the site. The additional traffic movements associated with development would only add limited numbers to the existing highway network (including during the peak periods). The level of increase is acceptable and can be accommodated on the existing network.
- 5.17 The layout of the scheme is acceptable in highway terms utilising the existing highway layout. The application does not include provision for a pedestrian link to the existing footpath network, however it is considered this requirement could be secured via planning conditions (Conditions 7 and 8).
- 5.18 The application proposes the provision of 10 resident parking spaces and three visitor spaces. The level of provision is appropriate given the nature and location of the development proposed.

- 5.19 Cycle parking would be provided within a storage shed within the curtilage of the dwellings. The provision of the cycle storage could be secured through an appropriate planning condition (Condition 9).
- 5.20 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. These measures can be secured through an appropriately worded planning condition (Condition 10).
- 5.21 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.
- 5.22 FLOOD RISK/DRAINAGE
A drainage assessment has been submitted and it has been demonstrated that a greenfield runoff rate is achievable. The scheme comprises permeable paving on driveways and geo-cellular storage with a hydro-brake. Given the small scale of the site and the risk, the proposed approach is proportionate.
- 5.23 It is accepted, that the proposed drainage system offers a workable solution to dealing with the drainage associated with the site. However, officers consider additional information is required and should be secured by conditions. It is considered necessary to condition the following:
- a detailed drainage scheme including detailed drainage drawings, electronic model, adoption arrangements and health and safety assessment in accordance with the Council's SuDS Guidelines (Conditions 11 and 12);
 - SuDS and landscape management plans to be agreed and implemented for lifetime of development (Conditions 13 and 14) and;
 - construction management plan to be agreed and implemented for lifetime of development (Conditions 15 and 16).
- 5.24 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.
- 5.25 LAND CONTAMINATION
Given the sensitive end use a Contaminated Land Risk Assessment has been submitted in support of the application. The submitted report concludes that no remedial measures are required and officers agree with this conclusion. However, it is considered necessary to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (conditions 17).
- 5.26 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.

5.27 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. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

5.28 PLAY SPACE

Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.

5.29 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. Therefore, whilst the proposal is considered to be unacceptable in terms of on-site open space and play space provision and does not accord with saved UDP policies CFR28, CFR29 and CFR30, it is also not possible to require any contribution for either play or open space provision in this case, based on the above assessment.

5.30 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.

5.31 OTHER ISSUES

The issues of house sales and property value (as raised by objectors) are not material planning considerations, as such these matters are not afforded weight in the formulation of the recommendation.

5.32 It is considered that all material planning considerations raised by objectors have been considered fully within the main body of the report.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, including the comments made by local residents, it is considered that the proposed development is acceptable subject to the planning conditions below and therefore accords with the aims and objectives of both national and local planning policies. It is therefore recommended that planning permission be granted.

7.0 Recommendation:

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

1

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

01 - Location Plan

07_L - Proposed Site Layout - Option F

HT_200_1_E - B1 - 2B3P Bungalow - M4(1)

HT_200_2_D - T2 - 2B4P House - M4(1)

HT_200_3_A - T3 - 3B5P House - M4(1)

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

Reason

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

2

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

Reason

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

3

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

Reason

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

4

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

Reason

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

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

Prior to commencement of the development hereby approved the final details of a pedestrian link between the application site and the existing footpath/highway network (including timetable for implementation) 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.

8

The details of the crossing location approved under condition 7 shall be implemented in full accordance with the approved details in accordance with the approved timetable.

Reason

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

9

The cycle parking facilities associated with each individual property (shown on approved plan 07_L - Proposed Site Layout - Option F) 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.

10

At the point of first 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.

11

No development shall take place until the final details of the drainage scheme has been submitted and approved in writing by the LPA. The scheme shall include detailed drainage drawings, electronic model, adoption arrangements, timetable for implementation and health and safety assessment in accordance with the Council's SuDS Guidelines

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.

12

The final drainage scheme shall be carried out in full accordance with the details approved under condition 11 (including timings for implementation).

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.

13

No work in relation to any proposed drainage features shall take place until a long-term management plan for the drainage scheme approved under condition 11 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.

14

The drainage scheme approved under condition 11 shall be managed in full accordance with the management plan approved under condition 13 for the lifetime of the development.

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.

15

No work in relation to any proposed drainage features shall take place until a construction management plan for the drainage scheme approved under condition 11 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.

16

The drainage scheme approved under condition 11 shall be constructed in full accordance with the construction management plan approved under condition 15.

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.

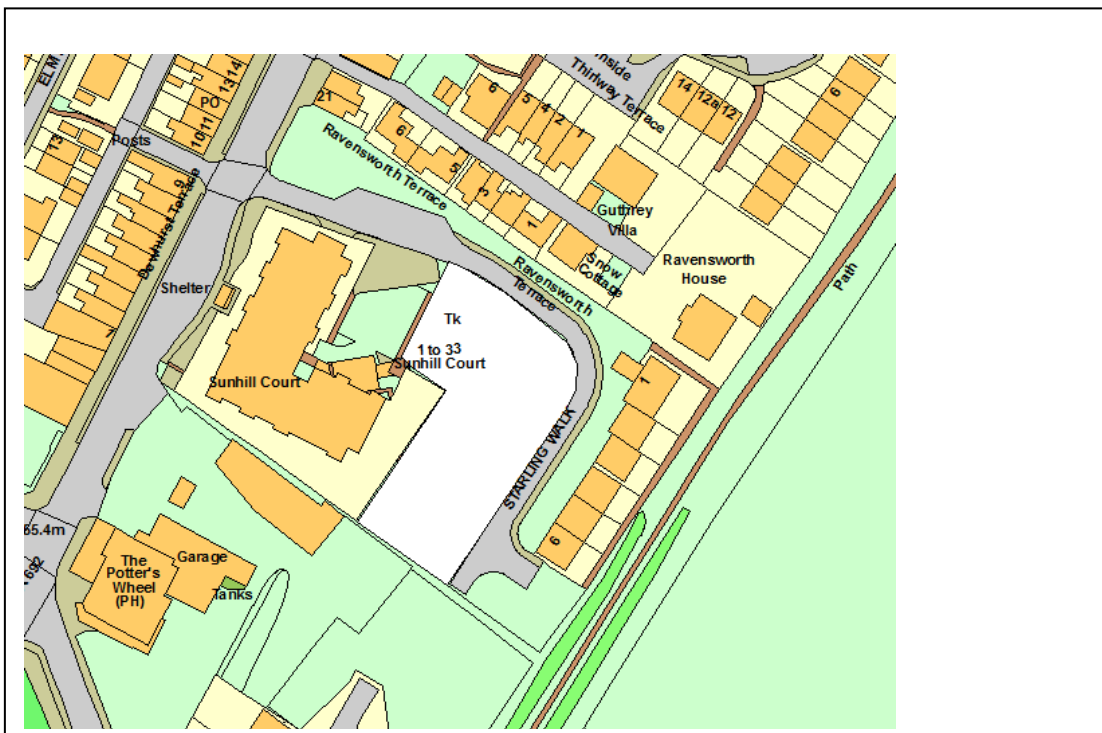
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In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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



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