

Committee Report

Application No:	DC/18/01012/BPIP
Case Officer	Joanne Munton
Date Application Valid	5 October 2018
Applicant	Gateshead Council
Site:	Former Chase Park Depot Off Rectory Lane Whickham
Ward:	Dunston Hill And Whickham East
Proposal:	Permission In Principle for residential development of between 1 and 6 dwellings.
Recommendation:	GRANT
Application Type	Permission in Principle

1.0 The Application:

This application was deferred at the meeting of the Planning and Development Committee on 9 January 2019 to allow the Committee to visit the site. Members visited the site on 24 January 2019.

1.1 BACKGROUND

Permission in Principle and Technical Details Consent Route

1.2 The Permission in Principle (PIP) consent route is an alternative way of obtaining planning permission which separates the consideration of matters of principle for proposed development from the technical details of the development. The PIP route has 2 stages: the first stage, or 'permission in principle' stage, establishes whether a site is suitable in-principle for residential development, and the second 'technical details consent' (TDC) stage is when the detailed development proposals are assessed.

1.3 The combination of a PIP and a subsequent TDC means that the site has an implementable planning permission.

1.4 PIP does not consider the details of a particular scheme and simply establishes the principle of residential-led development on a site and the number of dwellings that the site can accommodate (in a similar way to an outline planning application).

1.5 The scope of PIP is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the PIP stage. Other matters should be considered at the TDC stage. Once PIP is granted these issues cannot be re-considered at TDC stage.

1.6 No planning conditions or planning obligations can be attached to a PIP. However, LPAs can inform applicants about what they expect to see at the TDC stage, where conditions can be imposed.

1.7 Additionally, it should be noted that if a PIP is granted, a TDC application could still be refused if it is unacceptable.

Type of PIP application

- 1.8 LPAs can grant PIP to a site upon receipt of a valid application (from an external applicant), or by entering a site in Part 2 of its brownfield land register, which would trigger a grant of permission in principle for that land.
- 1.9 This application seeks to include the site in Part 2 of the Brownfield Land Register as land allocated for residential development.
- 1.10 A Brownfield Land Register is made up of two parts. Part 1 of a Brownfield Land Register is a list of sites that an LPA consider to be appropriate for residential or residential-led development.
- 1.11 If a site is included on the Brownfield Land Register, the Town and Country Planning (Permission in Principle) Order 2017 (15th April 2017) allows an "in principle" permission to be granted on sites, and would form Part 2 of the register. This means that a site would be granted PIP for residential or residential-led development subject to the number and scale of development that the Council considers to be appropriate.
- 1.12 Where PIP is granted through allocation on the Brownfield Land Register, the default duration of that permission is 5 years. Applications for TDC must be determined within the 5 year or amended period.
- 1.13 **DESCRIPTION OF SITE**
The site is to the north of Chase Park and Wickham and was used as a council depot and store for the park, as well as an adult day care centre. The existing structures on site are a former maintenance depot and store (including storage land to the south west of the site), a former adult day centre (at the northern part of the site) and an old stable block. The buildings are vacant and in poor condition.
- 1.14 There is an existing access point at the western end of the site via Rectory Lane, and this also serves as a pedestrian link to the park further south.
- 1.15 The site is within Wickham Conservation Area and within Chase Park Locally Listed Park and Garden.
- 1.16 The site is already included on Part 1 of the Brownfield Land Register and is also proposed to be allocated for residential development in the Making Spaces for Growing Places (MSGP) Local Plan Document.
- 1.17 **DESCRIPTION OF APPLICATION**
This application seeks to include the site in Part 2 of the Brownfield Land Register as land allocated for residential development. If the land is included in Part 2 of the Register it will be granted permission in principle, which establishes the suitability in principle for housing development. The Council consider that the number of dwellings which the land is capable of supporting is between one and six dwellings.

- 1.18 This application is to be considered against location, land use and amount of development only. Neither planning conditions nor planning obligations can be attached to a PIP.
- 1.19 The application is supported by a location plan of the site, a development framework (giving detail of the proposal site, constraints and surrounding area), and indicative layouts for the site, setting out how the number of dwellings could in theory be accommodated.
- 1.20 The submitted development framework indicates the area of proposed residential development and suggests the potential for retention and conversion of the building in the south eastern part of the site.
- 1.21 The framework also indicates that the existing vehicular access via Rectory Lane could be retained, and that there is potential for additional pedestrian access from Front Street to the north east. Additionally, there is reference to rights of access and parking space for a park maintenance vehicle and right of access for pedestrians.
- 1.22 **RELEVANT PLANNING HISTORY**
 1008/93 - Change of use of part of Leisure Services Department depot to day centre, installation of 2 entrance doors and construction of access ramp with canopy above - Granted 03.12.1993

DC/15/00323/FUL - Improvements to Chase Park including works to entrances and replacement of enclosures - Granted 29.05.2015

2.0 Consultation Responses:

Coal Authority	Request consultation at TDC stage and confirmation that a risk assessment should be submitted with a TDC application
Northumbria Water	Advice provided
Tyne And Wear Archaeology Officer	Advice provided

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures in the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- 3.2 Three objections have been received from Councillor Peter Maughan, Councillor Kevin McClurey and Councillor Peter Craig, raising concerns regarding:

- The use of the site, and specifically that this should be used for leisure purposes only;
- The sale of the site.

Additionally, since the application was reported to Planning Committee on 9 January 2019, three objections from residents have been received, raising concerns regarding:

- Use of the land for/by the community;
- Potential for land to be incorporated into the park area;
- Impact on highway safety;
- The sale of the site;
- Established access through the site.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

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

ENV7 Development within Conservation Areas

ENV19 Locally Listed Parks and Gardens

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV23 Building Recording

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

- 5.1 This application is to be considered against location, land use and amount of development.
- 5.2 **LOCATION**
The site is within Whickham Conservation Area (as defined by saved policy ENV7 of the UDP) and within Chase Park Locally Listed Park and Garden (as defined by saved policy ENV19 of the UDP). Additionally, the western edge of the retail centre (as defined by saved policy RCL5 of the UDP and policy CS7 of the CSUCP) is immediately north of the site.
- 5.3 Whickham Front Street has a mix of commercial and residential properties on it, with the latter mainly being set back from the road. In this location on Front Street there are also existing examples of dwellings located on streets/areas behind the main retail centre frontage, for example, at Chase Court, Church Chare and School Lane.
- 5.4 The village core has a quasi-rural character, which is enhanced by Chase Park and the grounds of the former Rectory (now a medical centre) presenting a frontage of tall trees to one side of Front Street through the centre of the village.
- 5.5 Precise details of appearance and layout of the proposed residential development in relation to the character of the location/area would be considered at TDC stage. However, at this stage it is considered that a suitably scaled, designed, laid out and landscaped development could be achieved at the technical details stage which would be acceptable in terms of the impact on the character and appearance of the locality, in accordance with saved policies ENV3, ENV7 and ENV19 of the UDP, and policy CS15 of the CSUCP.
- 5.6 As the site is within Whickham local centre it is well placed for access to a variety of shops and services within walking distance. The area is also well served by public transport and at this stage, the LPA is satisfied that the development would be sustainable in transport terms. It is considered that

suitable details could be provided at TDC stage that would be acceptable in terms of access (including that for park maintenance), highway safety, and have adequate parking provision, in accordance with policy CS13 of the CSUCP.

- 5.7 Additionally, given the site is in the Conservation Area, trees on site would have a level of protection, and the site is also within an area sensitive to bats, so appropriate levels of detail relating to the impacts on trees and ecology should be submitted for consideration at TDC stage. It is considered that schemes/details could be provided at TDC stage that would be acceptable in terms of tree and ecological protection/mitigation, in accordance with saved policies DC1(d), ENV44, ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.8 In terms of archaeology, the site lies within an area of archaeological interest where development could encounter remains. Given the location of the site within the medieval village and the relatively undisturbed nature of the site, evaluation and building recording (of the stable block, as it is the only surviving building associated with Whickham House) would be matters considered at TDC stage. It is considered that schemes/details could be provided at TDC stage that would be acceptable in terms of archaeology, in accordance with saved policies ENV21, ENV22 and ENV23 of the UDP.
- 5.9 The site is within a Coal Authority defined high risk area and a risk assessment would need to be carried out relating to land stability. This would be required at TDC stage. It is considered that the development could be carried out safely without unacceptable risks to land stability, in accordance with saved policy DC1(p) of the UDP and policy CS14 of the CSUCP.
- 5.10 Furthermore, in terms of drainage, it is considered that adequate means of foul and surface water drainage could be provided for the site at the technical details stage where the risk of surface water flooding to the surrounding area would not be increased, and the risk of pollution to the surrounding environment minimised. This would be in accordance with policy CS17 of the CSUCP.
- 5.11 In terms of the location of the site in the north western end of Chase Park, redevelopment of the site would discourage further vandalism in this location and augment the appearance of the currently vacant site. Furthermore, detailed consideration of access to the park would be dealt with at TDC stage and it is considered that a suitable scheme to address this could be achieved at TDC stage.
- 5.12 At this PIP stage, the LPA is satisfied that in terms of its location the site would be appropriate for residential development.
- 5.13 LAND USE
Paragraph 11 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 an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

- 5.14 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.
- 5.15 As above, at this stage the LPA is satisfied that the development, would be sustainable. The additional requirements of policy H4 are addressed elsewhere in this report.
- 5.16 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area being suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms. The scheme proposes between one and six dwellings but the application does not confirm how many bedrooms each would have. The policy requirement is a plan wide target and the submitted indicative layout provides reasonable evidence that the proposal would contribute to this objective. It is considered that an appropriate scheme to contribute to this target could be achieved at TDC stage, in accordance with the relevant parts of these policies.
- 5.17 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." The arrangement/layout of the site is not known at this stage, however it is considered that a scheme providing adequate internal and external space could be achieved at TDC stage, in accordance with this policy.
- 5.18 Similarly, it is considered that a suitable detailed scheme of development could be achieved at the TDC stage that would provide future occupants of the proposed dwellings with an acceptable degree of residential amenity, and would be acceptable in terms of its impact on the residential amenities of neighbouring properties, in accordance with saved policies DC2.
- 5.19 Furthermore, given the proposed sensitive end use of the site, the potential for contaminated land and its treatment would need to be considered. It is

considered that the risks from land contamination to future users of the land and neighbouring properties would be appropriately controlled, and that the development could be carried out safely without unacceptable risks to workers, neighbours, and other receptors, in accordance with saved policies DC1(p) and ENV54 of the UDP and policy CS15 of the CSUCP.

5.20 At this PIP stage, the LPA is satisfied that in terms of land use the site would be appropriate for residential development.

5.21 AMOUNT OF DEVELOPMENT

The application proposes residential development of between one and six dwellings. It is considered that this would be appropriate and that a suitable scale and layout could be achieved at the TDC stage that would be acceptable in terms of the density of development and its impact on the character and appearance of the area, in accordance with saved policies ENV3, ENV7 and ENV19 of the UDP, and policy CS15 of the CSUCP.

5.22 At this PIP stage, the LPA is satisfied that in terms of the amount of development proposed, the site would be appropriate for residential development.

5.23 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 development is located within Charging Zone B, with a levy of £30 per square metre for this type of development.

5.24 OTHER MATTERS

The sale of land is not a planning matter.

6.0 CONCLUSION

6.1 It is considered that a suitable detailed scheme of development could be achieved at the subsequent TDC stage which would be acceptable in terms of its impact on the character and appearance of the area, the residential amenities of existing neighbours and future occupants, access requirements, highway safety and parking, flood risk, heritage assets, and the environment of the surrounding area.

6.2 On consideration of the above, the inclusion of the site in Part 2 of the Brownfield Land Register as land allocated for residential development would be acceptable and it is recommended that Permission in Principle be granted.

6.3 It is also recommended that an informative be attached to the permission advising the developer on matters that would be addressed in the TDC application.

7.0 Recommendation:

That Permission in Principle be GRANTED and the following informative be attached to the permission.

7.1 MATTERS FOR TECHNICAL DETAILS CONSENT APPLICATION

The following wording is recommended to be attached as an informative to advise the developer on matters that would be addressed in the TDC application.

7.2 'Please be advised that the following matters would be addressed in the TDC application (please note this is not necessarily an exhaustive list but guidance on the details considered at TDC stage):

7.3 Appearance

Development should accord with the special architectural and visual qualities and characteristics of the Conservation Area. New buildings should be designed with reference to their surroundings and the design should have regard to the arrangement of plots, plan forms and the bulk, height, colour and design of buildings. Where modern materials are used that they blend in with those used traditionally in the locality. Special regard will be taken of their colour, texture and detailing.

7.4 Ideally the old stable block at the south east of the site, would be retained for conversion. This would help to link the development back to some of the heritage of the area. If the stable block is proposed to be removed, an explanation within an heritage statement should be submitted in the TDC application.

7.5 Highway Safety and Parking

Indicative plans show retention of the existing permeability from a pedestrian and park maintenance point of view, which is welcomed, as it also allows for a certain amount of natural surveillance. Consideration would need to be given to maintaining the access and regarding times when the park is closed.

7.6 Particularly in relation to the pedestrian access to the park, consideration should be given to the existing street lighting arrangement on the access road and its retention and/or improvement.

7.7 Refuse collection would need to be considered. Consideration would need to be given to whether the access road would be a private driveway, whether refuse vehicle(s) would enter the site, and how these would be accommodated for turning etc.

7.8 Council standards for car parking provision for this type of development is between 1 and 2 spaces per property for residents and between 1 space per 3 to 4 properties for visitors.

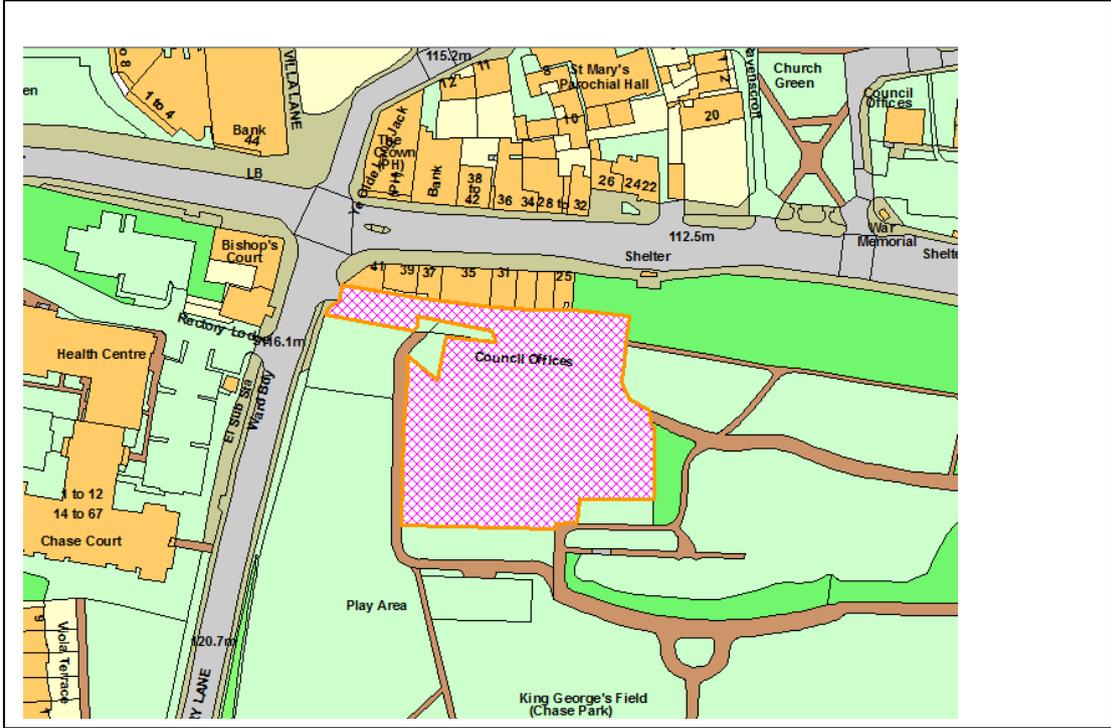
7.9 The final design of the access would be considered at the technical details consent stage. Historically the access provided access to a Council depot and day care centre; these uses would have resulted in a number of vehicular

movements. Given the nature of these uses it is likely that the vehicular movements would have taken place throughout the day and would have included a range of vehicles including large delivery vehicles, flat bed tippers along with small and large vans. The historic use of the access and the potential for the buildings to be put back into more intensive uses would need to be considered when assessing the proposed access details at technical details stage. If any widening of the access road is proposed at the technical details consent stage, any benefits that would flow from this would need to be considered against the potential impacts and in particular the removal of landscaped areas and alterations to the historic feature entrance wall and gateposts.

- 7.10 Consideration should be given to the provision of secure and weatherproof cycle parking for residents and electric car charging.
- 7.11 Ground conditions
The site is within a Coal Authority defined high risk area and a coal mining risk assessment would need to be carried out relating to land stability and submitted with the TDC application.
- 7.12 Given the proposed sensitive end use of the site, the potential for contaminated land and its treatment would need to be considered. A Preliminary Risk Assessment should be submitted with a TDC application.
- 7.13 Trees
The site is in the Conservation Area and as such trees on site would have a level of protection. An Arboricultural Impact Assessment should be submitted with a TDC application.
- 7.14 Ecology
An appropriate level of ecological survey and assessment, including as a minimum an appropriate level of bat survey undertaken by a suitably qualified and experienced ecologist in accordance with the Bat Conservation Trust Bat Surveys Good Practice Guidelines (3rd Edition) should be submitted with a TDC application. Additionally, where impacts on biodiversity are predicted, appropriate mitigation/compensation would be required to be submitted.
- 7.15 Flood Risk
The disposal of foul and surface water would be considered at TDC stage.
- 7.16 Archaeology
The site lies within an area of archaeological interest where development could encounter remains. Given the location of the site within the medieval village and the relatively undisturbed nature of the site, evaluation and building recording (of the stable block, as it is the only surviving building associated with Whickham House) would be matters considered at TDC stage.'

Recommendation:

That permission be GRANTED



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