

Committee Report

Application No:	DC/19/00310/BPIP
Case Officer	Rebecca Adams
Date Application Valid	4 April 2019
Applicant	Gateshead Council
Site:	Park Depot Felling Park Holly Hill NE10 9DF
Ward:	Felling
Proposal:	Permission in principle for between 4 and 10 dwellings (amended 16/05/19).
Recommendation:	GRANT
Application Type	Permission in Principle

1.0 The Application:

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 for housing-led development which separates the consideration of matters of principle for proposed development from those of the technical details of the development.
- 1.3 The PIP route has two stages: the first stage (or 'Permission in Principle' stage) establishes whether a site is suitable in-principle for residential development. The second stage (known as the 'Technical Details Consent') (TDC) is when the detailed development proposals are assessed.
- 1.4 The combination of a PIP and a subsequent TDC means that the site has an implementable planning permission.
- 1.5 PIP does not consider the details of a particular scheme; this 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).
- 1.6 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.
- 1.7 No planning conditions or planning obligations can be attached to a PIP. The Local Planning Authority (LPA) can however inform applicants about what they expect to see at the TDC stage, at which conditions can be imposed.

- 1.8 It should additionally be noted that if a PIP is granted, a TDC application could still be refused if it is unacceptable.

Type of PIP application

- 1.9 The LPA 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.
- 1.10 This application seeks to include the site in Part 2 of the Brownfield Land Register as land allocated for residential development.
- 1.11 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.
- 1.12 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, forming 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.
- 1.13 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.
- 1.14 DESCRIPTION OF THE SITE
The site is the former Council depot situated to the north western corner of Felling Park located south of Sunderland Road to the east of dwellings along St John's Place.
- 1.15 The site totals 0.24 hectares and was used as a depot for storage and maintenance in connection with the park, later being used by the Council for general equipment storage and maintenance before falling vacant. The existing structures on the site comprise a single storey garage block and storage containers with areas of hardstanding. A small number of coniferous trees/bushes are located to the southern boundary of the site.
- 1.16 The site is accessible from St John's Place to the west, which also serves as a vehicular access into Felling Park.
- 1.17 It is understood that the site and some of the buildings are currently used by the 'Friends of Felling Park and Town Centre' group in association with park maintenance activities.
- 1.18 The site itself is not designated however is adjacent to Felling Park Locally Listed Park and Garden and Grade II listed former Gateshead District Housing Offices. The site is also located within the vicinity of the Grade II listed Church

of St Patrick and Presbytery of The Church of St Patrick and The Green Mandolin Public House and Holly House (Locally Listed).

1.19 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.

1.20 DESCRIPTION OF THE APPLICATION

The 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 four and ten dwellings.

1.21 This application is to be considered in respect of location, land use and amount of development only. Planning conditions or planning obligations cannot be attached to a PIP.

1.22 The application is supported by a location plan of the site; an application form; a covering letter; and a development framework. The development framework provides an indicative site layout setting out how the number of dwellings could in theory be accommodated alongside details of the proposal site, surrounding area and relevant constraints.

1.23 The development framework indicates the area of proposed residential development, shown as two rectangular blocks positioned to the north east and south east parts of the site, together with areas suggested as private gardens and public green spaces which could also accommodate vehicular parking. The framework further indicates that vehicular parking may be accommodated on street for some units on the site.

1.24 The framework indicates that the existing vehicular access into Felling Park from St John's Place (to the west) would be utilised as a shared access into both the proposed development and the park. The information submitted suggests that arrangements would be required to secure the park without preventing access for residents, and that the access point may also require widening.

1.25 The red line site boundary has been amended during the course of the application in order to include the section of vehicular access from St John's Place to the entrance of the former depot. Re-consultations have not however been undertaken as this amendment does not prejudice those who have already made representations on the application, as the amended site boundary reflects the proposed indicative site layout and access arrangements stipulated within the development framework.

1.26 RELEVANT PLANNING HISTORY

- 1.27 819/91 - Construction of car park and pedestrian access to Felling police station (amended 13/8/91) - Granted 02.09.1991

2.0 Consultation Responses:

Coal Authority	Request consultation at TDC stage and confirmation that a Coal Mining Risk Assessment should be submitted with a TDC application
Environment Agency	No comments to make

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 One petition has been received with 165 signatories. The petition states 'Friends of Felling Park and Town Centre petition to alter Gateshead Council's proposal to seek "Permission in Principle" to develop old Council Deport within Felling Park'; some pages of the petition document additionally state 'If you agree that Gateshead Council should reconsider their original proposal please sign our petition'.
- 3.3 97 letters of representation have been received in objection to the application, raising the following matters:
- The development would be detrimental to the work of park volunteers (The Friends of Felling Park & Town Centre) by taking away the space they need for the management of the park and equipment storage
 - The site and buildings should be given to the Friends of Felling Park & Town Centre
 - The Council should consider granting Permission in Principle for the Friends of Felling Park and Town Centre to use the site
 - The development of the site would result in the loss of a local community facility
 - The development would not be in the interests of Felling Park
 - The development would result in the loss of the park
 - Green spaces should be protected to help the environment
 - Loss of children's play space
 - Impacts upon park wildlife
 - Loss of public parkland to create access
 - Impacts upon highway safety
 - Access and parking issues
 - Increase in traffic
 - Site access would be detrimental to amenity of adjacent property (1 St John's Place)
 - Disturbance in early mornings/late evenings

- The loss of green space would result in increased air pollution
- Health concerns
- The site and buildings are historically associated with the maintenance of the park and should remain as such
- Impact upon amenity of nearby residential uses (including privacy and light levels), in particular St John's Place
- Development would have an overbearing impact upon properties on St John's Place
- Increase in noise
- Loss of view from properties on St John's Place
- Development would be out of keeping with the area/streetscene
- Development would be detrimental to the amenity value and character of the park
- Loss of trees
- Out of character with Conservation Area
- Alternative sites would be more appropriate and should be considered
- The development is unnecessary
- Overdevelopment of the site
- The site is inadequate for the proposed development
- The development may encourage children to the area resulting in increased anti-social behaviour/vandalism
- The park belongs to the people of Felling and should not be sold
- Land covenants

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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

ENV11 Listed Buildings(saved UDP policy ENV11)

ENV19 Locally Listed Parks and Gardens

ENV27 Greening the Urban Area

ENV46 The Durham Biodiversity Action Plan

ENV44 Woodland, Trees and Hedgerows

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

CFR23 Protecting and Imp Existing Open Space

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 The application is to be considered against the matters of location, land use and amount of development.

5.2 LOCATION

The site is located adjacent to Felling Park Locally Listed Park and Garden (as defined by saved UDP policy ENV19) with a number of Grade II listed (saved UDP policy ENV11) and locally listed buildings within the vicinity. The north eastern boundary of Felling district centre (as defined by saved UDP policy RCL5 and policy CS7 of the CSUCP) is additionally located some 20m south of the site at its closest point.

5.3 The area surrounding the site is of a mixed commercial and residential character, with dwellings immediately adjacent along St John's Place to the west, in addition to the park which borders the site to the south and east.

5.4 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. At this stage it is however considered that a suitably scaled, designed, laid out and landscaped development could be achieved at 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, ENV11 and ENV19 of the UDP, and policy CS15 of the CSUCP.

- 5.5 Given its proximity to Felling district centre the site is well placed for access to a range of shops and services within walking distance. The area is also 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 respect of access (including suitable provision for access to allow park maintenance), highway safety and parking provision, in accordance with policy CS13 of the CSUCP.
- 5.6 The site is within an area with previously recorded bat activity and close to areas of suitable bat foraging habitat. The buildings on site also have some potential to supporting roosting bats and the site has some potential to support breeding bird species. Appropriate levels of detail relating to the impacts of the development upon ecology should therefore be submitted for consideration at TDC stage. It is considered that schemes/details could be provided at TDC stage that would be acceptable in respect of ecological protection and mitigation, in accordance with saved policies DC1(d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.7 The site is within a Coal Authority defined high risk area; a risk assessment would therefore need to be carried out relating to land stability which 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.
- 5.8 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.
- 5.9 At this PIP stage, the LPA is satisfied that the site would be appropriate for residential development in terms of its location.

5.10 LAND USE

Paragraphs 10-11 of the NPPF state that:

'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. For decision-taking 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

- 5.11 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.

- 5.12 As above, at this stage the LPA is satisfied that the development would be sustainable.

- 5.13 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 four and ten 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.

- 5.14 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 final layout of the site is not known at this stage; it is however considered that a scheme providing adequate internal and external space could be achieved at TDC stage in accordance with this policy.

- 5.15 It is considered that a suitable detailed scheme of development could be achieved at TDC stage that would provide future occupants of the proposed dwellings with an acceptable degree of residential amenity, and that would be acceptable in terms of its impact on the residential amenity of neighbouring properties, particularly those on St John's Place, in accordance with saved policies DC2.

- 5.16 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.

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

- 5.18 AMOUNT OF DEVELOPMENT

The application proposes residential development of between four and ten 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, ENV11 and ENV19 of the UDP and policy CS15 of the CSUCP.

- 5.19 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.
- 5.20 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 not CIL chargeable development as it is housing related development located within Charging Zone B which has a levy of £0 per square metre for this type of development.
- 5.21 OTHER MATTERS
A number of representations have raised matters relating to impacts upon design and visual amenity and the character, appearance and amenity of the surrounding area; impacts upon residential amenity; ecology; trees; and access, parking and highway safety. This application seeks to establish the acceptability in principle of residential development on this site only; these additional matters would be assessed in full at TDC stage.
- 5.22 The current use of the site by the Friends of Felling Park and Town Centre is acknowledged. This does not however preclude the submission and determination of this application for Permission in Principle or render the application unacceptable.
- 5.23 The application relates to the acceptability in principle of residential development on the former Council depot site and does not propose the construction of new residential development within Felling Park. Full details of any alterations required to widen the existing vehicular access which may result in the loss of land from the park would be required to be submitted for full assessment at TDC stage.
- 5.24 Permission in Principle relates to housing-led development on a site. The Council is therefore unable to consider granting Permission in Principle for the Friends of Felling Park and Town Centre to use the site. This does not however preclude applications for alternative uses of the site from coming forward.
- 5.25 Issues raised in respect of existing and potential anti-social behaviour, land covenants and loss of view as a result of the development are not material planning considerations.
- 5.26 A number of representations have raised objections in relation to the impact of the development upon the Conservation Area. The application site does not

however fall within a Conservation Area, with the closest Conservation Area (Crow Hall) located some 300m to the south east of the site.

- 5.27 It is considered that all other matters raised in representations have been addressed within the body of the report.

6.0 CONCLUSION

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, highway safety and parking, flood risk, and the environment of the surrounding area.

- 6.1 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 therefore recommended that Permission in Principle be granted.

- 6.2 It is further 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

The proposed development should be designed to have regard for the surroundings of the site and should respond positively to local character and distinctiveness in respect of site layout and design of buildings.

- 7.4 The design of new buildings and the overall site layout should take into account constraints including privacy distances, views into and out of the site and access and movement. The scheme should consider a range of house types and unit numbers, providing adequate space for highway infrastructure and outdoor amenity areas.

7.5 Highway Safety and Parking

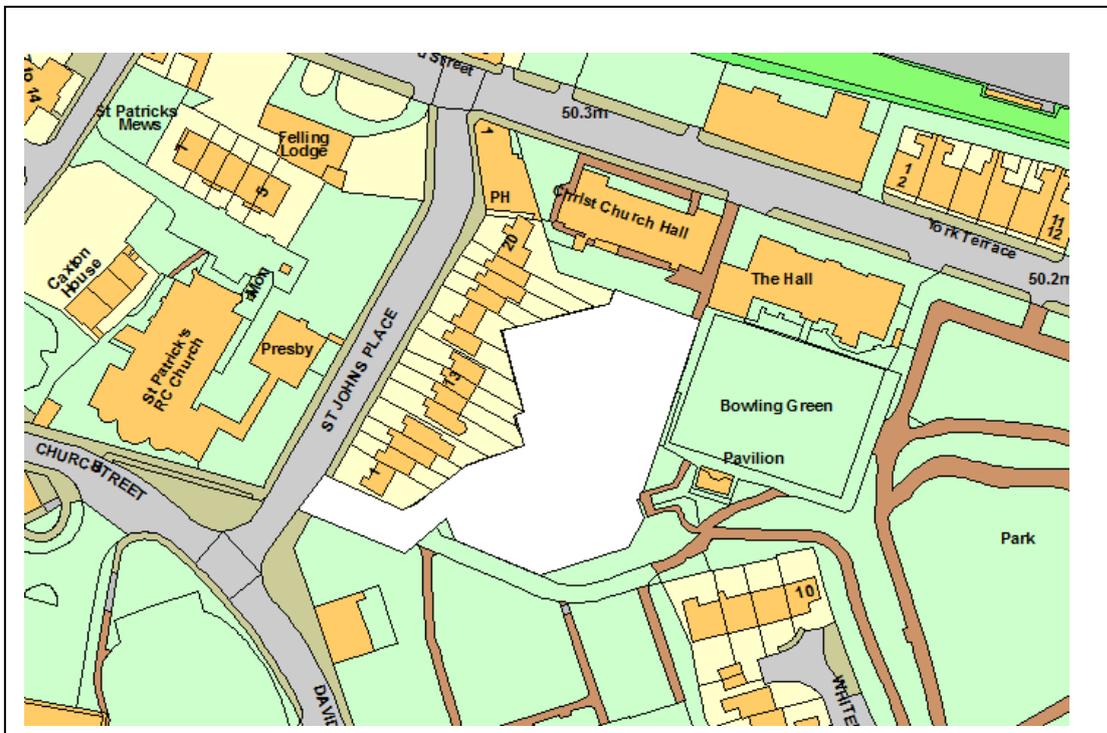
The site is accessed from an unadopted private drive. The maximum number of properties currently permitted off a private drive is five.

- 7.6 Should the site be considered suitable for more than five properties the access road and internal road would be required to have a width of 5.5m with a footway of 1.8m wide to at least one side. It is likely that the access road would need to be widened to achieve this. Confirmation would therefore be required as to the availability and ownership of this land. The access road could remain private or could be brought up to an adoptable standard including the provision of street lighting through a section 38 agreement.
- 7.7 The widening of the access would require changes to the access radii and metal fencing along St John's Place. The application will be required to demonstrate that a 2.4m x 43m visibility splay can be achieved to the right and a view of the nearside lane up to the junction with Church Street to the left can be achieved when exiting the site.
- 7.8 The applicant would be required to fund the relocation of the existing access gate on St John's Place which is currently used as maintenance access to the park. Dropped kerbs and tactile paving should also be installed across the access, which would require an agreement for works on the highway.
- 7.9 The development should be designed to a 20mph design speed with consideration given to geometry and the inclusion of features to maintain speeds at this level.
- 7.10 A travel plan will be required for the development however a Transport Statement or Assessment would not be required on the basis that the number of dwellings would be below 50.
- 7.11 A turning facility would be required to enable refuse and delivery vehicles to turn and egress in a forward direction.
- 7.12 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.
- 7.13 Cycle parking should be provided at a minimum of 1 space per dwelling, which should be secure, lockable and weatherproof.
- 7.14 Ground conditions
The site is within a Coal Authority defined high risk area. A Coal Mining Risk Assessment would therefore be required to be carried out in respect of the coal mining legacy risks present on the site (which should also inform the remedial works necessary to address any land stability issues) and submitted with the TDC application.
- 7.15 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 therefore be submitted with a TDC application.
- 7.16 Ecology

The site is not located within (either wholly or partially) a designated nature conservation site of designated Wildlife Corridor however provides some limited potential for protected and priority species. An appropriate level of ecological survey and assessment should be submitted with a TDC application to inform the development and to allow appropriate mitigation, compensation and enhancement measures to avoid impacts on protected and priority species and deliver net gain for biodiversity.

7.17 Flood Risk

The disposal of foul and surface water would be considered at TDC stage'.



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