

Committee Report

Application No:	DC/16/00924/FUL
Applicant	Gleeson Developments Ltd
Date Application Valid	16 September 2016
Site:	Land At Portobello Road Birtley
Ward:	Birtley
Proposal:	Erection of 60 no. 2, 3 and 4 bedroom two-storey dwellings with associated works (resubmission) (additional information received 26/10/16 and 03/01/17 and amended plans/documents received 08/12/16, 22/12/16 and 03/01/17).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is the land to the south of the Kingdom Hall on Portobello Road. The land is in the ownership of Lambton Estates. It is currently in use as a grazing field. There is a fall across the land from west to east, a steep fall from the south to the north at the southern end of the site, and the land is tree lined on the eastern and southern boundaries. The majority of the trees are deciduous.

1.2 To the east of the site lies the A1(M) Motorway, to the south lies the elevated Western Highway that crosses above the A1(M) Motorway, to the north lies the Kingdom Hall and to the west is Portobello Road. A large matrix sign on a substantial metal column is located at the eastern edge of the trees to the northerly end of the site.

1.3 The immediate area to the west of Portobello Road is residential in nature; however, to the north is the industrial area of Portobello Industrial Estate accessed from Portobello Road.

1.4 The application has been submitted by Gleeson Developments Ltd.

1.5 DESCRIPTION OF THE PROPOSAL

This application is a resubmission of application DC/15/00804/FUL that was refused by Planning and Development Committee on 25th April 2016. There were ten reasons for refusal; residential amenity, flood risk and SuDS , affordable housing, unacceptable shared drive near junction, urban design, ecology, no ground levels provided, harm to existing trees, inadequate landscape scheme, and impact on local highway network. As before, the application is for full planning permission.

1.6 The current application, like the previous refusal, is seeking planning permission for 60 dwellings. The proposal is for 14 x 2 bed, 39 x 3 bed and 7 x 4 bed roomed dwellings, and a toddler play area.

1.7 The application is accompanied by the following documents:

Affordable Housing Statement
Air Quality Assessment
Archaeology Assessment
Coal Mining Risk Assessment
Construction Management Plan
Cycle Storage Statement
Design and Access Statement
Drainage Assessment
Ecological Appraisal (preliminary)
Economic Impact Assessment
Flood Risk Assessment
Ground Investigation Reports
Noise Assessment
Planning Statement
Secure by Design
Sustainability Statement
Statement of Community Involvement
Transport Assessment
Travel Plan

1.8 **PLANNING HISTORY**

01436/87 Residential development on 1.82 HA of land (Outline application for Trustees of Lambton Estates) Refused 15.09.1987 Dismissed at appeal 10.10.1988. The appeal was dismissed solely on the grounds that there was not an appropriate mitigation scheme proposed to address road traffic noise. There were no other reasons either for refusal of the planning application, or that were considered at appeal stage.

DC/15/00804/FUL Erection of 60 x two-storey dwellings with associated works (additional information received 22/09/15, 25/09/15, 26/11/15, 02/12/15, 07/12/15, 15/12/15, and 15/04/16 and 08/03/16 and amended 26/11/15, 02/12/15, 18/02/16, 22/02/16, 06/04/16, 07/04/16 and 18/04/16). Refused 25th April 2016. Appeal lodged.

2.0 Consultation Responses:

Coal Authority

The Coal Authority has no objection to the scheme however requires a Planning Condition to secure the submission of a proposed mine shaft remediation scheme for approval. This could include the details of foundations of a specialist design to afford the stability of the dwellings in the event of any future collapse of the shaft.

Highways England	No objections to the scheme
Tyne And Wear Archaeology Officer	A desk-based assessment and subsequent archaeological trenching has revealed that the site contains no archaeological features. No further work is necessary with regard to this scheme.

3.0 Representations:

- 3.1 Neighbour letters were sent dated 26th September 2016 giving a response date of 17th October 2016.
- 3.2 The application was also publicised in The Journal on 5th October 2016.
- 3.3 Site notices were posted on 21st October 2016.
- 3.4 29 representations, two from the same resident, have been received. The concerns relate to:

Principle of proposal

- Birtley has various housing developments that have failed to sell there is no need for further housing;
- Why is this not proposed at Elisabethville?;
- If housing is needed there are other better places to build - leave the green belt;
- Why reapply when there were so many reasons for refusal?

Traffic

- Number of accidents with vehicles crashing through barrier on Washington slip road and off loaded goods onto the site where properties are proposed;
- Increase in traffic; Industrial Estate not yet fully occupied - worse traffic to come;
- Entrance is in a dangerous location on a blind corner on an incline bus stops and HGV traffic from the industrial estate; At the location of the site Portobello Road speed limit is 40MPH it is a busy road and drivers exceed speed limit;
- Inadequate parking;
- Most households have two cars per dwelling that would be 120 extra cars attempting exit onto Portobello Road;
- Commercial vehicle parking overflows into Vigo estate;
- Layout includes pedestrian accesses these will be used by delivery drivers or dropping off of passengers instead of driving into estate;

- Crossing road dangerous even with reduced speed limit; Should be a controlled crossing;
- No public footpath opposite the entrance to cross safely;
- Proposed zebra crossing just after T junction and close to two bus stops will cause traffic build up;
- Don't want to see speed humps which damage cars;
- Proposed estate road is 5.5m reducing to 4.8m will this cause a problem for emergency vehicles;
- Roads need to be resurfaced;
- Portobello Road has been busy due to construction on the Industrial Estate resulting in noise and dirt and workers will park in front of house;
- Difficulty in accessing Vigo estate;

Flood Risk

- Heavy rain leads to flood water overflowing from the field across the road and downhill across the gardens of Thirlmere. Once constructed residents will pave over gardens to provide parking and that would lead to less soakaway and lead to more flooding of the properties downhill of Portobello Road;
- The larger waste pipes to address flooding will have to join existing pipes and will still have flooding problem;
- Will porous tarmac be used?

Residential Amenity

- Traffic on motorway often at a standstill - cannot open windows now due to car emissions;
- No facilities for families on the development - play area, dog walking area;
- Property is at a lower level than the site and privacy will be affected as bedroom windows are low to road height right opposite entrance;
- Light pollution front windows from car headlights from exit;
- Loss of privacy;
- Disturbance early morning / late evenings;
- Who wants to live next to a motorway noise and is it safe?

Design

- Out of character with street scene;
- Overbearing;
- Overdevelopment;
- Why not build fewer houses with larger gardens to form a barrier between homes and noisy dirty motorway and better quality of life;
- Developer only cares about profit;

Biodiversity

- Loss of Wildlife;

- Loss of trees;
- Shortage of greenery around Birtley area;

Health

- Breast cancer from air pollution;
- Living on a busy road can raise blood pressure;
- Insufficient areas to play in Birtley for children;
- Will not be able to open windows due to dirt and noise;
- Additional Noise;

Other issues

- Schools will become overcrowded;
- New housing is putting strain on GP surgeries;
- Loss of light;
- Loss of quality of life;
- Out of character with conservation area;
- Proposal will attract potential vandals;
- Parking of construction workers on Vigo estate;
- Loss of value;
- Loss of outlook;
- Sense of space;
- Administration of application
- Application should be made available more locally i.e. in the Library or Community Centre - is it to stop protest by just having it at civic centre?
- All locals have not received a letter - why is this?
- Potential committee date - does this depend on how many respond?
- Previous appeal Council said the proposal would result in loss of an open space considered to be environmentally invaluable. Since then building in Birtley has been intensive and there are fewer open spaces left.

3.5 A number of the concerns raised in the letters of representation are not valid planning objections and they are as follows:

- Loss of field;
- Loss of view;
- Loss of light;
- Loss of property value; and
- There is not a housing shortage.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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

DC1E Planting and Screening

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H4 Windfall and Small Housing Sites

H9 Lifetime Homes

H10 Wheelchair Housing

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

CFR28 Toddlers' Play Areas

5.0 Assessment of the Proposal:

5.1 The amended scheme seeks to address the ten reasons for refusal and in summary this has been achieved as follows:

5.2 Reason 1 Residential Amenity

The amended proposal has taken full account of the impact on residential amenity of the surrounding road network in relation to noise and air emission standards. The submitted noise assessment confirms that, with use of certain mitigation measures including uprated glazing and trickle ventilation, and acoustic fencing (CONDITIONS 28, 29, 30 and 31), the relevant noise amenity standards can be achieved both internally and externally. In respect of air quality an amended assessment has been undertaken and the conclusion is that there were no significant issues in respect of air quality and that the scheme would not exceed the relevant standards. As such the noise and air quality concerns that officers had with the previous application, have now been addressed, and subject to appropriate conditions, the applicant has demonstrated that the development would comply with British Standards and that mechanical ventilation is not required thus officers are satisfied that the proposal is acceptable and in accordance with Saved UDP Policies ENV61 and DC2 and CSUCP policy CS14.

5.3 Reason 2 Flood Risk and SuDS

The drainage strategy submitted as part of the application acknowledges that small areas of the site are at risk of surface water flooding. However the Strategy goes on to identify the likely cause of this surface water flooding as being water ponding at a low point on the site in times of heavy rainfall, combined with the lack of a positive discharge point. A much improved SuDS scheme has been submitted that will collect the water that falls on the impermeable areas of the site and discharge the flows off site, thereby significantly reducing the risk of surface water flooding to the development. As such the flood risk from surface flooding is considered to be negligible. Compared to the previously refused scheme much more information is provided in respect of certain elements of the SuDS provision. Thus the applicant has demonstrated that the development follows the drainage hierarchy set out in CSUCP policy CS17.

5.4 Thus subject to conditions recommended to secure final details officers consider the scheme to be acceptable and in accordance with CSUCP policy CS17 (CONDITIONS 13, 14 and 15).

5.5 Reason 3 Affordable Housing

Substantial evidence has been submitted in the form of information from the Land Registry on land values paid for comparable sites and a breakdown of these values to the amount paid per plot. This information demonstrates that the amount paid for the site equates to the other comparable sites and is in fact at the lower end of the amount paid for sites. Officers are satisfied that the Applicant has demonstrated that it would not be viable to provide affordable housing as part of this development.

- 5.6 Reason 4 Unacceptable shared drive near junction
This scheme has been amended in order to move the shared drive entrance to Plots 1 and 2 further away from the new road junction with Portobello Road. As such the entrance is now located 13.17m from the junction. This in conjunction with the proposed traffic calming measures on Portobello Road, outlined in more detail under Reason 10, it is considered that the scheme is now acceptable and in accordance with CSUCP policy CS13 (CONDITION 27).
- 5.7 Reason 5 Urban Design
In seeking to address the previous concerns with regard to design quality a number of changes have been proposed and these include additional planting to Portobello Road to strengthen the development edge and variety in surface treatment has been added through the addition of red coated chippings to be rolled into asphalt to break up large expanses of the same material in the street scene.
- 5.8 Previous officer concerns that paths between dwellings and garages could not accommodate wheelie bins or cycles have been addressed with a 900mm wide slab path now proposed for a number of plots and with “personal doors” at the rear of garages in other plots were a path cannot be achieved. The surface treatment of drives has not been specified and this would require a condition (CONDITIONS 22 and 23).
- 5.9 Given the amendments the proposal is now considered to be acceptable and in accordance with Saved UDP Policy ENV3 and CSUCP policy CS15.
- 5.10 Reason 6 Ecology
The Applicant has proposed to offset the loss of neutral grassland within the development site through off site compensation by means of a financial contribution. An offsite conservation grazing scheme has been identified as compensation and comprises restoration and enhancement of 5.6 hectares of grassland. The applicant has agreed to enter into a S106 legal agreement for the provision of the offsite grassland and officers consider that the proposals are acceptable and this accords fully with national policy NPPF paragraph 118 and local planning policy CSUCP CS18.
- 5.11 Reason 7 No Ground levels provided
As part of this resubmitted application, full information has now been provided in respect of existing and proposed finished ground levels and finished floor levels included in the drainage strategy. This has enabled officers to assess the proposal and it is considered to be acceptable in and in accordance with saved UDP policies DC2 and ENV3 and CSUCP policy CS14, CS17 and CS18.
- 5.12 Reason 8 Harm to existing trees
This revised application has, within the Tree Report, provided further details in respect of mitigation in relation to approaches to the hand dig construction method in respect of construction in root protection areas. Thus subject to a condition securing use of these measures the proposal will not cause damage to the trees and is acceptable and in accordance with Saved UDP policy

ENV44 and the retention of the trees accords with Saved UDP policy ENV3 (CONDITIONS 5 and 6).

5.13 Reason 9 Inadequate landscape scheme

The revised layout has improved upon the previously refused layout and this is in part as a result of the improved landscaping, in particular that to the western boundary with Portobello Road. The areas to be planted have increased in size and the species to be planted have been amended and includes shrub and tree planting lining Portobello Road. The public open space and toddler play area have been increased in size compared with the previous refused scheme and there are additional areas of shrub planting to front gardens of plots 1 to 26 and it is considered that the impact of these amendments provide a much improved landscape scheme in accordance with Saved UDP policy ENV 3 and CSUCP policy CS15. Implementation and maintenance of the landscape scheme can be secured by condition (CONDITIONS 17 and 18).

5.14 Reason 10 Impact on Local Highway Network

The Transport Assessment submitted in support of the application clearly demonstrates that the generated vehicular movements would have an insignificant effect on the operation of the Vigo Lane / Portobello Road junction and that the impacts of the development are certainly not severe. In addition the assessment considered accident records and road safety implications and concluded that there is no reason to believe that the small change in vehicular movements brought about by the development would adversely affect the accident record on the highways in the vicinity. As such it is considered that the proposal connects safely to and mitigates the effects of the development on existing transport networks through traffic calming measures in the form of a raised table, highway markings and a zebra crossing have been proposed that will reduce traffic speeds and assist pedestrians in crossing Portobello Road and is in accordance with CSUCP policy CS13. The traffic calming measures can be secured by condition (CONDITION 27).

5.16 ASSESSMENT

To expand upon the summarised points above; the detailed planning considerations are the principle of the proposed development, open space and play area provision, air quality, noise, flood risk, sustainable drainage, land contamination, coal legacy, affordable housing, archaeology, highway safety, urban design, visual and residential amenity and ecology.

5.17 PRINCIPLE

The application site is white land on the UDP plan. The Council sought to protect this land as Urban Green Space at the time of the Examination in Public of the UDP in 2007. However, the Inspector removed the protection from the plan.

5.18 In the 2013 SHLAA Update the site was categorised as "suitable but not deliverable/developable". This was based on doubts about its viability, based on the effect the proximity of the A1 had on its attractiveness, including noise.

- 5.19 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 gives a number of criteria that need to be assessed.
- 5.20 It is considered that the proposed development would comply with the requirements of (a) and (b) of the policy; it is considered that the proposal would not lead to a significant impact on housing numbers. In regard to criterion (c) the application site has access to regular bus services to shops and services.
- 5.21 In regard to criterion (d), there is no known problem with the capacity of infrastructure for utilities. In regard to criterion (e) it is considered that the size of the development would have the ability to sustain or build the local community.
- 5.22 In regard to criterion (f), it is not considered that there would be significant other potential planning benefits of the development.
- 5.23 The proposal therefore complies with the criteria in saved UDP policy H4.
- 5.24 Further to the above, Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However, in Gateshead this is demonstrated and therefore our policies are considered up to date.
- 5.25 NPPF paragraph 50 states to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- 5.26 Range and choice of housing
The Local Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure. Accordingly, 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). The proposed scheme will provide a mix of two, three and four bedroom homes, with 76% of dwellings providing three or more bedrooms. The proposal therefore appears to accord with the requirements of CS11(1). Criterion 5 of CS11 requires that developments of 15 dwellings or more should provide 15% affordable housing, subject to viability. The tenure proposed is open market only. A more detailed assessment of affordable housing provision is included later in this report.

- 5.27 NPPF paragraph 50 also states that where the LPA has identified that affordable housing is needed, the LPA should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- 5.28 Saved UDP standards relating to Lifetime Homes and Wheelchair Accessible Housing are applicable to housing developments of 1ha or more, or which can accommodate 25 or more dwellings. These requirements should therefore be applied to this proposal. With regard to Lifetime Homes, policy H9 requires a minimum of 10% of dwellings, across all types, to be constructed to 'Lifetime Homes' standards. With regard to Wheelchair-Accessible Housing, policy H10 requires that where sites are suitable for people with disabilities, a minimum of 2% of dwellings should be built, or be capable of adaptation without structural alteration, to Wheelchair Housing Standards.
- 5.29 The small floorspace of the proposed dwellings would prevent them from meeting lifetime or wheelchair homes criteria.
- 5.30 The proposed layout includes 2, 3 and 4 bedroomed dwellings, however, the floorspace of the dwellings is small and although the 3 and 4 bedroomed dwellings should be family homes they would not meet national space standards. The size and design of the dwellings is discussed later in the report.
- 5.31 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". With regard to this requirement, it should be noted that in March 2015 DCLG published nationally prescribed space standards for new housing. The Council would expect that proposals for new residential development will, as a minimum, seek to achieve nationally described space standards, although at the current time the space standards cannot be insisted upon.
- 5.32 In accordance with paragraph 173 of the NPPF, policies H9 (lifetime homes), H10 (wheelchair homes), H13 (open space in housing developments), H15 (play areas in housing developments) and CS11 should not be applied without taking due account of viability. However, if the contributions or other requirements in question are required to make the development acceptable (see paras. 203 to 206 of the NPPF), it may be that the development is unable to proceed unless they are secured.
- 5.33 The principle of the development would be acceptable in terms of windfall housing UDP policy H4. However, the proposal does not meet the requirements of saved UDP policies H9 or H10 in relation to Lifetime Homes or Wheelchair accessible homes.

5.34 AFFORDABLE HOUSING

The Applicant has submitted an Affordable Housing statement including an HCA Viability Appraisal Tool to test the viability of the site. The HCA Viability Appraisal Tool can be used by local authorities or developers. In using this tool the guidance from the HCA suggests that if the appraisal shows a 'surplus then it is viable' and 'if a site shows a deficit the site shows a viability gap'. There is no definition within the guidance of the viability gap.

5.35 Further information was requested to demonstrate the land value of this site was on a par with other land sales in the area.

5.36 The assessment concludes that to include affordable housing on this site would take the land value way below market value. The Viability Appraisal confirms these conclusions.

5.37 In the affordable housing statement, the Applicant has indicated that whilst there is no provision of affordable housing, there is provision of 13 x 2 bed starter homes under the existing general understanding that 'starter homes' relate to smaller and generally cheaper homes available for all.

5.38 However, the developer is not proposing to provide any affordable housing, as defined in the glossary to the NPPG. The Applicant has a company policy to provide low cost housing and to make it available to people from the local community. The Applicant has said in support of their application that they achieve this in a number of ways; through their own shared equity scheme; by not selling to investors; and by building cost effective housing.

5.39 The further information requested from Gleeson Homes in support of their viability appraisal for the Portobello Way planning application has been assessed by a Chartered Surveyor within the Council.

5.40 Land Value and Comparable Information

Gleeson have provided a list of transactions of sales of land that are located close to the subject site. Some of this evidence is historic in particular the sales to Bellway at Chester-le-Street and Persimmon at Northside and therefore can be disregarded as land values that can be achieved. Also, the sale of land to Galliford Try at Mount Ridge, Birtley can also be disregarded as this was part of a joint venture with the Council and is included within a wider bundle of sites to be transferred. Nevertheless, they have submitted evidence demonstrating two sites that achieved prices in excess of the price paid by Gleeson for the subject site.

5.41 Contingency

It is acceptable and considered appropriate for a contingency figure to be included within a development appraisal. Gleeson have clarified the reasons for this inclusion in their e-mail of 14th December 2016 which is considered acceptable and industry standard.

- 5.42 Decontamination
The Applicant has confirmed that this heading relates to a capping layer rather than specific remediation of contaminated land. However, has clarified the reason for this inclusion which is considered acceptable.
- 5.43 In summary in accordance with the Planning Viability protocol (between Property and Development Management) the Chartered Surveyor is satisfied with the inputs that have been put forward by Gleeson Homes in support of their Viability Appraisal.
- 5.44 NPPF paragraph 50 states that affordable housing is required where the LPA has identified that affordable housing is needed, and has set policies for meeting this need on site. CSUCP policy CS11 identifies a requirement for 15% affordable housing in any major residential development.
- 5.45 Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 5.46 Given the above, it is considered that whilst the proposal does not accord with paragraph 50 of the NPPF or policy CS11 of the CSUCP as the proposal does not provide affordable housing in perpetuity it is considered that the Applicant has demonstrated why this cannot be provided and has provided substantive evidence in relation to viability of the scheme.
- 5.47 Given the above it is considered the proposal does not accord with policy CS11 of the CSUCP, however, by virtue of paragraph 173 of the NPPF, non-compliance with CS11 (and H9 and H10) is not a reason for refusal and therefore the proposal is acceptable.
- 5.48 OPEN SPACE
The proposed development site is in the Portobello/Vigo residential neighbourhood. This neighbourhood is identified as deficient in open space provision against the standard set in saved UDP policy CFR20. Policy CFR20 requires in each residential neighbourhood at least three hectares of Local Open Space, in sites of at least 0.01 hectares, should be available per 1,000 residents, such that no resident has to travel more than 330 metres from home to reach one. Where opportunities arise and as resources permit, additional Local Open Space will be provided in those residential neighbourhoods which fall short of this standard, and particularly in Portobello / Vigo, which falls below it by at least one hectare in total. Policy CFR21 requires Neighbourhood Open Spaces of at least two hectares in size should be available so that, as far as possible, no resident has to travel more than 500 metres from home or cross a busy main road to reach one. In parts of the borough where the provision of Neighbourhood Open Spaces is non-existent or inadequate, improvements are required, as opportunities arise and resources permit, by upgrading some

existing open spaces, making new provision within new large housing developments or by bringing other land into use as public open space.

- 5.49 The site is not allocated open space; rather it is a grazing field. However the scheme seeks to provide a useable space as the proposed layout indicates a large toddler play area of 680sq m.
- 5.50 The drawing indicates a total of public open space as 1256.2sq m that includes the toddler play area. This includes 9 areas: of landscaped amenity planted areas.
- 5.51 These include planted areas proposed alongside the pedestrian links from the development to Portobello Road, adjacent to plots 36 and 37, plot 45 and plot 54 and the back of footpath to Portobello Road and a tree lined and shrub bed 2m wide verge is proposed at the back of footpath to Portobello Road and in front of the 2m high wall and acoustic fence to the rear gardens of plots 36, 37, 40, 44, 45 and 53.
- 5.52 These planted amenity areas will soften the development, adding interest to the street scene.
- 5.53 The proposed layout does not result in the loss of public open space and includes amenity planted areas and a centrally located play area. It is considered that this / partially meets the requirements of saved UDP policies CFR20, CFR21, CFR22 and the Applicant has increased the area, quality and amount of amenity planting, the size and central location of the toddler play area that contributes to the sense of open space within the layout. To require revision of the layout of the site to accommodate further on-site provision of open space would render the development unviable.
- 5.54 **PLAY SPACE**
The proposed dwellings would amount to a projected population of 149 people. This would result in the need for 678sq m of toddler play space. An unequipped area of 680.4sq m has been indicated onsite in accordance with saved policy H15 of the UDP.
- 5.55 There are no toddler play spaces currently located within the maximum distance of this site as specified in policy CFR28. The revised layout proposed for this scheme incorporates a toddler play area of around 680.4sq m. Based on the potential number, and size (number of bedrooms) of the proposed new homes within this scheme, this amount of toddler play space would appear to be slightly over the required area of toddler play space (identified in informal guidance within Supplementary Planning Guidance 4: Children's Play Area Standards). This is a reasonably long and narrow site, and as such a single toddler play space, located towards the south of this site would not meet the accessibility standard of policy CFR28, which requires all homes to be within 60m of a toddler play site. However, as proposed it contributes to both play facilities and public open space within the site and is considered to be acceptable and sufficient to meet the accessibility requirements of UDP policy.

- 5.56 There are no junior play areas located within the maximum distance specified by policy CFR29. Informal guidance (in SPG4) indicates that junior play should be provided on-site within schemes of 110 dwellings or more, which suggests that this site may not be able to reasonably accommodate on-site junior play.
- 5.57 There are two teenage recreation facilities, at Lydford Way 5-a-side and Portmeads MUGA, that are located within the maximum distance of this site as specified in policy CFR30. These facilities have combined area of 1,415sq m, which is insufficient to meet the needs of the catchment population of this site.
- 5.58 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.
- 5.59 The Council has already exceeded the five obligation maximum in respect of all three types of play 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 CFR 20, CFR21, CFR22, 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. The provision of an on-site toddler play area, to be maintained by the developer is however to be welcomed as part complying with saved UDP policy H15.
- 5.60 AIR QUALITY
An air quality assessment has been submitted in support of the application.
- 5.61 The Applicant, in the covering letter provided by the Air Quality consultant, indicates that the newly released 2017 Emission Factors have been used for the new updated modelling. Where previously Plots 9 and 10 exceeded the standard of 40ug/m³ (plot 9 at 40.1 ug/m³ and plot 10 at 42.4 ug/m³) utilising the new emission factors brings the projected level to 37.9 ug/m³ at plot 9 and exactly on the maximum level of 40ug.m³ at plot 10. This will mean that the dwellings will be located in an area of poor air quality which is undesirable, however, the new figures indicate that the 40 ug.m³ level will not be breached and this does mean that the reason for refusal in relation to air quality must be omitted.
- 5.62 Although the revised modelling indicates that the projected levels are on and close to the maximum level, there will be peaks when the levels will be higher and there is a concern that the layout would have children playing in a toddler play area where the maximum level could be exceeded.
- 5.63 If permission were to be granted, small diffusion tubes would be required to be attached to downcomers of plots 9 and 10 so that the Council can monitor levels. Should the level exceed 40 ug.m³ then an AQMA would need to be declared and the onus would be upon the Council to resolve and seek to get the air quality to an acceptable level.

- 5.64 Given the above, it is considered that the Air Quality at the site meets acceptable levels within the dwellings and the Air Quality experienced in the proposed gardens and play area would fall below acceptable levels.
- 5.65 Therefore the proposal is considered to be acceptable in terms of residential amenity, health and wellbeing and it is not contrary to the NPPF or CSUCP policy CS14 or Saved UDP policy DC2.
- 5.66 **NOISE**
The application is supported by a Noise Assessment that takes account of the existing noise climate and proposes a number of mitigation measures to the proposed dwellings and boundary treatments. As the site is immediately bound by a significant road network including the A1 to the east, the Western Highway to the south and Portobello Road to the west, road noise is the dominant noise source and the only noise type described in the assessment.
- 5.67 Noise monitoring was carried out at a number of points on the site and this data was subsequently modelled to assess overall noise levels. The noise levels determined at the site would be deemed above World Health Organisation and British Standard levels, as such the assessment recommends a number of mitigation measures to proposed dwellings and boundary treatments to achieve acceptable internal and external noise levels.
- 5.68 **External and Garden Areas**
The assessment recommends the provision of a 2.2m high acoustic fence to the full eastern boundary (nearest to the A1) the northern, the south western corner, western and southern boundaries at 2m in height.
- 5.69 With the proposed acoustic fence in place the external (garden) noise level in boundary properties achieves an average daytime noise level of 55dBA, thus it meets the British Standard, although at the upper level of acceptable external residential noise environment.
- 5.70 **Internal Noise Levels**
The assessment makes a number of recommendations in terms of providing improved glazing and ventilation to ensure noise levels comply with BS 8223 (guidance on sound insulation and noise reduction for buildings) and WHO (guidelines for community noise).
- 5.71 Numerous plots on all sides of the boundary require updated glazing and ventilation. The proposed mitigation measures will result in acceptable internal noise levels. Final details are required in respect of the ventilation to ensure a satisfactory ventilation type, via trickle vents, can be achieved and can be secured by condition. Additionally, although rooms are not proposed in the roofspace of the proposed dwellings the subsequent creation of accommodation in the roofspaces would be affected by noise

5.72 A number of other conditions would be required including:

-Prior to development progressing above damp proof course there should be clarification on the window and ventilation specification for all glazing to ensure the recommended mitigation and internal noise levels are achieved (CONDITIONS 28 and 29);

-The exact location, height and material of the boundary fence should be submitted for consideration prior to development. (CONDITIONS 30 and 31);

-Post-test monitoring at a number of agreed plots to cover both internal and external noise levels, should be agreed and carried out prior to occupation (CONDITIONS 32 and 33);

-Standard working times are recommended to be conditioned given the proximity of neighbouring dwellings and also the scale of the site. A construction Management Plan has been submitted with the application and a condition is recommended to secure adherence to this plan (CONDITIONS 3 and 4).

5.73 Given the above, it is considered that reasonable internal noise levels could be achieved through mechanical ventilation measures. External noise levels in the gardens of the plots backing onto the A1M and the slip road to the south would meet the British Standard of 55dBA, although the towards upper limit of what is acceptable. Thus as the proposal meets British Standards it is considered to be acceptable in terms of residential amenity, health and wellbeing and therefore complies with policy CS14 and the NPPF.

5.74 LAND CONTAMINATION

The property has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not believed to be situated on potentially contaminated land based on previous historic uses. The site has historically been undeveloped agricultural land.

5.75 Based on the information provided with the planning application no planning conditions are recommended in respect of further phase 2 site investigations or for provision of a remediation strategy and remediation verification report.

5.76 However, a condition relating to the potential for unexpected contamination is recommended (CONDITION 8).

5.77 Given the above, the proposal would be acceptable in terms of contaminated land and could, subject to the recommended condition, be in accordance with Saved policy ENV54 and the NPPF.

5.78 COAL LEGACY

Mine shaft

The Coal Mining Risk Assessment report submitted in support of the planning application had not found any evidence of a mineshaft.

The Coal Authority was consulted regarding any mitigation measures required in respect of the recorded mineshaft, (the location of which has which has not been proved on site during investigations).

- 5.79 The Coal Authority has responded to the effect that it has no details which confirm either the precise location of the shaft or whether it has been appropriately treated. The Coal Authority information confirms that the shaft maybe up to 10 metres away from the location of where it is thought to be. Consequently, whilst the mineshaft is not within the site boundary, parts of the application site maybe within influencing distance of it.
- 5.80 Therefore the Coal Authority requires that should planning permission be forthcoming a condition is recommended to secure the submission of a proposed mine shaft remediation scheme for approval. This could include the details of foundations of a specialist design to afford the stability of the dwellings in the event of any future collapse of the shaft (CONDITIONS 9-12).
- 5.81 Given the above, the proposal is considered to be in accordance with the NPPF and the CSUCP subject to the recommended conditions.
- 5.82 **FLOOD RISK AND SUSTAINABLE DRAINAGE**
Flood Risk
In accordance with NPPF paragraph 103, a flood risk assessment (FRA) has been submitted.
- 5.83 Parts of the site are identified at high risk (1 in 30 year event) and medium risk (1 in 100 year event) of surface water flooding based on the Environment Agency's Updated Flood Map for Surface Water. This has been considered in the FRA.
- 5.84 The site is also located within a contributing catchment area providing a source of surface water flooding to the adjoining Critical Drainage Area based on the Strategic Flood Risk Assessment.
- 5.85 The proposed SuDS drainage scheme achieves better than greenfield run off rates therefore the proposal is considered to be acceptable in terms of flood risk.
- 5.86 **SuDS**
The SuDS drainage scheme as proposed is acceptable in principle.
- 5.87 The scheme comprises a tank located under the toddler play and open space area. This drains into oversized pipes that feed into the general drainage system on Portobello Road. The Applicant has demonstrated that the proposed scheme would achieve better than greenfield run off rates. Therefore the scheme is considered to wholly acceptable.
- 5.88 The surface material for driveways is the subject of a condition. If a non-permeable material is to be used then the runoff from the drives would need to either fall towards the road (where it will be picked up by stormwater

planters) or fall into gardens to drain away naturally. This would be for very small volumes of water thus waterlogging of gardens would not be an issue).

- 5.89 The detail of the relationship of the raised table adjacent to the stormwater planter is required as it will require a raised kerb or something similar to protect the planting. A condition is recommended to secure the traffic calming measures and includes the drainage details (CONDITIONS 20 and 21).
- 5.90 A condition is recommended to secure final details of elements of the scheme such as cellular storage and flow control device, the maintenance schedules and plan (CONDITIONS 14 and 15).
- 5.91 Given the above, and subject to the recommended conditions, the proposal is considered to be acceptable and completely in accordance with CSUCP Policy CS17 and the NPPF.
- 5.92 **ARCHAEOLOGY**
The development area is shown as the location of a section of 18th century waggonway which linked the Birtley Common coalfield with staithes on the River Wear west of Cox Green. A Desk Based Assessment and evaluation fieldwork has been submitted in support of the application that assesses the significance and survival of early industrial remains which might be impacted by the development.
- 5.93 Geophysical survey and trial trenching has now been undertaken and the County Archaeologist is satisfied that no further archaeological assessment is required.
- 5.94 Given the above, the proposal is considered to have met the requirements of paragraph 128 of the NPPF and Saved policies ENV21 and ENV22 of the UDP.
- 5.95 **URBAN DESIGN**
Space Standards
Paragraph 174 of the NPPF states that Local planning authorities should set out their policy on local standards in the Local Plan.
- 5.96 The Council is preparing an evidence base but whilst it is at an advanced stage it has not yet been adopted.
- 5.97 All twelve house types proposed appear small in size. The Applicant company policy is to provide new private housing that is suitable for couples and families on the first rung of the housing market. In addition, these are standard house types that the developer Gleeson has used on various sites and that their customers are willing to buy.
- 5.98 The layout as now proposed has been amended in line with officer comments and the developer has shown willingness to address a number of the earlier design concerns. The improvements included in the latest design iteration, are such that the scheme is now at a standard and level of quality that could be recommended for approval.

5.99 Surface Treatments

The in-curtilage car parking as proposed has been amended to avoid numerous large expanses of hard surface. As originally submitted in the refused application the proposed material for drives was loose gravel. Officers raised concerns over this material as it would result in large areas of loose gravel being created, some well in excess of 100sq m. The surface treatment in this application is to be agreed and a condition is recommended to secure the final detail (CONDITIONS 22 and 23). Officers consider that appropriate options for the surfacing of individual driveways to be block paving, a flexible bituminous material or possibly bound gravel.

5.100 Boundary Treatments

The submitted layout design proposes some rear garden boundary fencing, acoustic fencing or walling of 2m in height to Portobello Road, however, in front of these boundary treatments at the back of footpath a verge of shrub and tree planting is proposed that will give the appearance of a tree lined footpath along Portobello Road.

5.101 In addition there are a number of forward facing plots to Portobello Road that have open gardens to Portobello Road. A defensible space in front of the properties has been created through use of a low rail to garden curtilages on plots 60, 54, 45, 37, and 36 to protect residential amenity of the occupants and to prevent pedestrians forming desire lines across private gardens and is considered to be acceptable.

5.102 Boundary fences have been set back from the back of footpath and a planted verge is proposed in front of plots 11, 29, 39, 41, 48, 49, 55, 57, and 58 and is considered to be acceptable.

5.103 1500mm high close board fencing between rear gardens is proposed and is considered to be acceptable.

5.104 Materials

The Applicant has proposed two brick types and these are acceptable.

5.105 Specific design details can be appropriately controlled by the use of planning conditions as recommended (CONDITION 16). The design of the scheme subject to these conditions is considered will be acceptable and will comply with Policy CS15 of the CSUCP, saved UDP Policy ENV3 and the NPPF.

5.106 RESIDENTIAL AMENITY

Proposed Dwellings

As mentioned earlier in this report, the Applicant has demonstrated that there are no concerns with regard to Air Quality or Noise being detrimental to residential amenity.

5.107 Each dwelling has a private rear garden and a small garden area to the front. Most dwellings have a drive and a single detached or integral garage whilst two have a single drive and one has a double garage. The properties have an

adequate and acceptable separation distance from each other. The proposed layout is considered to be acceptable in terms of access for moving wheelie bins to the street on bin collection day, useable external amenity space, quality of materials and public landscaping.

5.108 Although the properties are small they provide an acceptable level of residential amenity for a potential occupant.

5.109 Existing Dwellings

The residential properties located on the opposite side of Portobello Road on Thirlmere are separated from the proposed dwellings by 43m and have the road and an intervening grassed area between. It is acknowledged that the existing dwellings are at a lower level than the ground levels of the application site. The offset distance is substantial and it is not considered that there would be an opportunity to overlook the existing properties resulting in loss of privacy. Furthermore the distances involved could not lead to the proposed dwellings having an overbearing impact upon the existing dwellings and the scale of the proposed dwellings would not be overbearing upon the street scene.

5.110 Given all of the above the proposal is considered to be acceptable in terms of residential amenity, health and well-being and it is not contrary to the NPPF, Saved UDP policy DC2 and policy CS14 of the CSUCP.

5.111 LANDSCAPE

Existing Tree Belt

A tree survey has been submitted in support of the application. The existing hedgerow on the western boundary is to be retained. The tree survey includes a drawing that indicates the root protection zones of the offsite trees on the east and southern boundaries. Tree protection measures are included within the tree survey and where work is necessary within a root protection zone, for example plot 30, mitigation measures are proposed, such as hand digging to avoid damage to the larger roots.

5.112 The tree survey states that no crown lifting of the trees is necessary where the canopy edges overhang the site. Some crown lifting may be necessary to enable construction of the proposed 2.2m high boundary treatment.

5.113 The tree report goes on to state there is an opportunity to mitigate any loss of existing trees by new shrub and tree planting within the landscaping of the proposed development.

5.114 Twenty six trees are proposed to be planted in the verge along the footpath edge of Portobello Road in front of the garden boundary fences. A further 18 trees are proposed bounding the play area and within the streetscene within the layout.

5.115 A new hedge is proposed within the grass verge bounding Portobello Road. The proposed planting within the scheme is turfed front garden areas with shrub planting in the traffic calming deflections to add some interest to the

streetscene. The specification of the landscape scheme is considered to be acceptable.

5.116 Conditions are recommended to secure implementation and maintenance of the Landscape Scheme as submitted (CONDITIONS 17 and 18).

5.117 Public Open Space

The combined public open space and Toddler Play area is a grassed space with some trees and shrub beds in front of the 1.8m hit and miss timber board fencing that bounds the play area.

5.118 All the landscaped areas (including the SuDS) and the toddler play area will be maintained by a Management Company and a condition is recommended to secure the Open Space and SuDS Management Plans and the implementation of the plans. (CONDITIONS 14 and 15).

5.119 Given the above, the landscape scheme as submitted is considered to be acceptable and is not contrary to the NPPF, Saved UDP policies ENV3, DC1e, and ENV44 and CSUCP policy CS18.

5.120 ECOLOGY

The proposed development site measures approximately 1.5 hectares in area and is dominated by semi-improved grassland. This includes areas of semi-improved neutral grassland and seasonally inundated wet grassland, both considered to be of high ecological value (i.e. at least Parish value) and identified as a priority habitat in the Durham Biodiversity Action Plan (i.e. Lowland Meadows and Pasture).

5.121 The site is bound to the east by a former hedgerow and developing woodland. Further woodland planting occurs along the southern boundary. The western boundary comprises post and rail fencing and a length of remnant hedgerow measuring c. 50m in length. The northern boundary comprises a beech hedge.

5.122 Habitats within the site have been assessed as having the potential to support a number of statutorily protected and/or priority species (i.e. BAP species), including foraging bats, breeding birds, hedgehog and butterfly species. (i.e. wall brown, small heath and dingy skipper), although no dedicated species surveys have been undertaken in support of the application.

5.123 The proposed development would result in the comprehensive direct loss of grassland habitats within the site, including semi-improved neutral grassland and seasonally wet grassland of high ecological value, scrub habitats and remnant hedgerow. The proposed development/layout is also likely to result in the increased disturbance of retained habitats immediately out with the proposed development site both during the construction phase and post occupation. This is likely to include increases in noise and light disturbance, the tipping of garden waste and the predation of wildlife by cats.

5.124 In accordance with the requirements of Paragraph 109 of the NPPF that requires the planning system to contribute to and enhance the natural and local

environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient, development should result in no net loss of biodiversity.

- 5.125 In light of this an alternative offset scheme has been identified which has been fully costed and which has a high degree of deliverability. The required sum (£36,400.00) relates solely to the physical works required to create the area of replacement habitat (wet marshy grassland) with all other costs including design, project management and maintenance in perpetuity being met by alternative means.
- 5.126 At approximately 1.3ha the proposed alternative offset is slightly smaller than the area of habitat that will be directly lost as result of the development. However, it is considered that the proposed alternative offset will deliver an overall net gain in biodiversity, and is therefore acceptable in terms of the NPPF, as well as, being consistent with the general approach to biodiversity offsetting set out in the DEFRA metric.
- 5.127 The proposed alternative offset is located at Shibdon Meadow Local Wildlife Site and will be implemented in full and managed in perpetuity on behalf of the Council by Durham Wildlife Trust. The Applicant has agreed to enter into a S106 Legal Agreement to deliver the offset scheme.
- 5.128 Given the above the proposal is considered to be acceptable and compliant with Section 11 of the NPPF, policy CS18 of the CSUCP and Saved UDP policies DC1, ENV44, ENV46 and ENV47.
- 5.129 HIGHWAYS
A Transport Assessment (TA) and Travel Plan (TP) have been submitted in support of the application.
- 5.130 Transport Assessment (TA)
The TA has considered the impact of the proposed development on the Vigo Lane/Portobello Road junction and has indicated a marginal increase in queues and delays. As a sensitivity test the TA has also assumed a worst case scenario of all traffic entering and leaving the development from the south. Even with this scenario the increase in queues and delays is small and certainly far from severe which is the test for refusal under the guidance in the National Planning Policy Framework.
- 5.131 The TA has also proposed a change to the speed limit of Portobello Road in the vicinity of the development from 40mph to 30mph with associated traffic calming features including a zebra crossing to aid pedestrians crossing between the existing bus stops. This proposal has been agreed by officers in principle, subject to detailed design, which would include an Independent Road Safety Audit. The cost of the design, audit, physical works, associated signs, road markings and legal costs would be met by the Developer and secured by condition.

5.132 Travel Plan (TP)

A TP has been submitted to encourage sustainable modes of travel through promotion and its implementation will be secured by condition. Whilst this gives a base to work from, a condition (CONDITION 24) is recommended to secure a Final Travel Plan.

5.133 Layout

The internal layout of the development has been designed as a self-enforcing 20 mph zone through the introduction of a mixture of horizontal and vertical features and change in materials. The final design of these features will need to be submitted and the works including associated signs and road markings and legal costs secured by condition (CONDITION 27).

5.134 Car Parking

The majority of units have a drive and single either integral or detached garage whilst two units have a single drive and one has a drive and double garage. 20 visitor parking bays are provided on-street distributed around the development in accordance with guidance.

5.135 Cycle Parking

The proposed cycle parking provision is not in accordance with the approved minimum cycle parking guidelines in the document Gateshead Cycling Strategy (March 2015).

5.136 The internal dimensions of the proposed garages are substantially less than the required 7m x 3m therefore they would not be considered to satisfy the requirement for long stay cycle parking. The alternative provision proposed in the "Cycle Storage Statement" of "v shaped" stands attached to the rear wall for units without garages is also unacceptable both in terms of the type of stand and the lack of weather protection.

5.137 No short stay cycle parking is proposed.

5.138 Therefore alternative secure and weather resistant cycle storage is required for each dwelling in accordance with Council policy. A condition is recommended to secure details (CONDITIONS 25 and 26).

5.139 Refuse Storage

The Applicant has indicated that access to the majority of the refuse storage areas in the rear gardens is via a door at the rear of the garages as indicated on the layout. The remaining plots have a 900mm wide slab path between the house and the garage.

5.140 The road layout allows refuse vehicles to turn at the designated points without the need for any significant reversing.

5.141 Given the above, and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with CSUCP policy CS13 and the Gateshead Cycling Strategy.

5.142 STATEMENT OF COMMUNITY INVOLVEMENT

In relation to the previous, refused application, a public consultation event was held on 19th November 2015 between 3-6pm at Barley Mow WMC. A Statement of Community Involvement was submitted following the event.

It states that 430 households were leafleted and Ward Councillors received an invitation. The Statement does not indicate how many attended the event.

5.143 28 questionnaires were completed that comprised 5 questions.

Question 1 do you support the development?

Question 2 do you agree properties are affordable?

Question 3 do you agree new homes will improve area?

Question 4 do you want to see social housing? and

Question 5 do you agree two storey traditional housing is appropriate?

5.144 The report concludes that as only 28 questionnaires were completed and that this demonstrates that many residents who did not respond are not concerned or indifferent to the proposal.

5.145 It is not known when the flyers were posted and whether sufficient notice was given to residents of the upcoming event. However, a non-response cannot be taken to be an indication of no interest or no concern. The flyer did not contain an email address or telephone number where comments could be made.

5.146 The report claims that the majority of those who responded agreed that residential development, particularly traditional two storey design was the most appropriate use of the site. However none of the five questions asked "do you think residential development is the most appropriate use of the site?" A breakdown of the actual responses does not reflect the report assertions.

5.147 The report states that the proposals have been amended in response to the comments and the changes include off street parking for at least two cars per dwelling. The report states that existing properties will experience less noise as the new development will provide a buffer.

5.148 The report concludes that the pre application consultation has been comprehensive and of benefit to the Applicant in shaping the proposal and has been undertaken in accordance with the requirements set out in local and national policy. There has been no further public consultation by the developer in relation to this application. The comments received by the Council in relation to the publicity for this application are summarised above.

5.149 OTHER MATTERS

Following refusal of the previous application (DC/15/00804/FUL) the Applicant has had discussions with officers to develop and improve the refused scheme. As a consequence, the shortfalls of the previous scheme have been addressed and officers consider the proposal as submitted is acceptable and can be recommended for approval.

5.150 The Applicant has lodged an appeal against the refused application, which would be withdrawn if the current scheme is approved.

5.151 A number of the concerns raised in the letters of representation are not valid planning objections and they are as follows:

- Loss of grazing field;
- Loss of view;
- Loss of light;
- Loss of property value; and
- There is not a housing shortage.

5.152 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Councils CIL charging schedule and the development is CIL chargeable development as it is housing related however the charge is zero.

6.0 CONCLUSION

6.1 The proposal to locate housing on this site is acceptable in principle. The proposal as submitted is acceptable, complies with the requirements of the NPPF and policies in both the UDP and the CSUCP and can be recommended for approval.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT:

1) The agreement shall include the following obligations:

- Provision of off site habitat at Shibdon Meadows

2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Group Director of Development and Enterprise be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include;

1

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

GH27:L:01H planning layout
GH27:L:03F landscape scheme
GH27:L:04F Boundary treatment
GH27:L:05H Open Space and toddler play area
GH27:L:06 Acoustic Fence and wall details
201/1F dwelling 201

202/1F dwelling 202
302/1G dwelling 302
303/1E dwelling 303
304/1E dwelling 304
307/1B dwelling 307
309/1E dwelling 309
311/1A dwelling 311
401/1G dwelling 401
403/1H dwelling 403
404/1F dwelling 404
SD700 (Rev A) detached garage single
SD701 (Rev A) detached garage double
SD703 Rev B detached garage non-standard double

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 development shall take place, including any works of remediation, other than in complete accordance with the Construction Management Plan dated September 2016 prepared by Chris Dodds. The approved Statement shall be adhered to throughout the construction period.

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with Saved Policies DC1 and DC2 of the Unitary Development Plan and policies CS13 and CS14 of the CSUCP.

4

Notwithstanding the Construction Management Plan as submitted, unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment on the site, shall be

carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0900 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan and CS14 of the CSUCP.

5

Prior to commencement of the development hereby permitted details of the location of tree protection measures to protect the existing hedge / trees to be retained shall be submitted for the written approval of the Local Planning Authority.

The protective fence shall be erected prior to commencement of the development of the site and remain in place until completion of the development and at no time until then shall it be moved or removed.

Reason

To ensure that the existing trees and hedges are protected from damage during the development and are maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1, ENV3 and ENV44 of the Unitary Development Plan and policy CS18 of the CSUCP

6

The development shall be completed in accordance with the details of tree / hedge protection measures approved under Condition 5 and retained in accordance with the approved details thereafter.

Reason

To ensure that the existing trees and hedges are protected from damage during construction and the habitat is maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1, ENV3 and ENV44 of the Unitary Development Plan and policy CS18 of the CSUCP

7

All vegetation clearance works will be undertaken outside the bird breeding season (March to August inclusive). Where this is not possible, a checking survey will be undertaken by a suitably qualified person immediately prior to the commencement of works on site. Where active nests are present these will remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

To avoid/minimise harm to protected/priority species in accordance with the NPPF, Policy CS18 of the CSUCP, and saved policies of the UDP DC1(e) and ENV46.

8

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. An amended risk assessment of the development should then be undertaken, to determine whether remedial works are necessary.

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 CSUCP.

9

In the event that any mineshaft(s) is/are discovered during the development process, a proposed mine shaft remediation scheme shall be submitted to the Local Planning Authority for written approval.

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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

10

The mine shaft remediation scheme approved under condition 9 shall be implemented as soon as is practicable following discovery of the mineshaft and maintained for the life of the development.

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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

11

If during the implementation of the mine shaft remediation scheme approved under condition 9 it is confirmed that there is a need for further remedial works to treat the mine entry/areas of shallow mine workings to ensure the safety and stability of the proposed development, full details

of the remedial works shall be submitted to the Local Planning Authority for written approval.

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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

12

The details of remedial measures approved under condition 11 shall be implemented as soon as practicable on discovery that they are required and maintained for the life of the development.

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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

13

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) MD0981/rep/001 prepared by M Design and the measures detailed within the FRA.

Reason

To reduce the risk of flooding to the proposed development and future occupants and in order to accord with the NPPF and policy CS17 of the CSUCP

14

The development hereby permitted shall not be commenced until a detailed drainage assessment in accordance with the CIRIA SuDS Manual (C753) has been submitted to and approved in writing by the Local Planning Authority. This shall assess the potential for disposing of surface water by means of a sustainable drainage system and shall consider the DEFRA Non-Technical Standards for SuDS. It shall include: detailed designs of the SuDS components, pipes, inlets and outlets; health and safety risk assessment; construction method statement; and maintenance plans.

Where a sustainable drainage scheme is to be provided, the submitted details shall include:

a - information about the design storm period and intensity

- b - the method employed to delay and control the surface water discharged from the site
- c- the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- d - a timetable for its implementation; and
- e- a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker, management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- f - compliance statement demonstrating that the SuDS system will satisfy National (NPPF) and Local (Newcastle Gateshead Core Strategy) policies and the DEFRA Non-Technical standards for SuDS. This shall include a demonstration of compliance with water quality, biodiversity and amenity requirements.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

The details of SuDS measures approved under condition 14 shall be implemented in accordance with the timings for implementation approved under condition 14 and maintained for the life of the development.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The development shall be completed using the materials indicted on drawing GH27:L:01 Revision H
Hanson Leicestershire Russet Mixture
Hanson Kimbolton Red Multi
Plain profile concrete roof tile in grey
White uPVC windows and French doors
Front and Rear doors white composite
Fascias and soffits white
Rainwater goods black

and as described in the Design and Access Statement dated September 2016 and prepared by Chris Dodds 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.

17

The landscaping scheme indicated on drawing GH27:L:03 Rev F shall be implemented in the first available planting season following commencement of the development.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e), ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

18

The landscape scheme approved under condition 17 shall be maintained in full accordance with a Maintenance Strategy to be submitted for the consideration and written approval of the Local planning Authority and maintained in accordance with the approved Maintenance Strategy thereafter.

Reason

To ensure that the landscape of the development becomes well established and is satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1(d) and ENV3 of the Unitary Development Plan and policy CS18 of the CSUCP

19

The fence details approved as indicated on drawing GH27:L:04 Revision F shall be implemented prior to first occupation of the relevant dwelling or use of the relevant section of the dedicated pedestrian links 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.

20

Prior to commencement of construction (except for tree protection measures and site investigations) full details of the features necessary to establish and maintain self-enforcing 20 mph zone within the site shall be submitted for the consideration and written approval of the Local Planning Authority. The proposals should allow for legal orders, signs and road markings.

Reason

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

21

The details approved under condition 20 shall be fully implemented prior to first occupation of the development hereby permitted and retained thereafter

Reason

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

22

Notwithstanding the Drainage Strategy Rev D dated 15th December 2016 prepared by Shaun Tonge Engineering's reference to Aggregate Drives on page 7 and drawing SD712 Rev E "Garage threshold/ gravel drive details" at Appendix F of the Drainage Strategy, development hereby permitted shall not progress above damp proof level, until final details of surface materials, kerb edging materials, colours and finishes to be used, have been submitted for the consideration and subsequent written approval by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

23

The surface materials approved under condition 22 shall be fully implemented prior to first occupation of the relevant part of the development

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

24

No dwellings hereby approved shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The revised Travel Plan shall include:

- Details of the welcome travel pack to be distributed to the residents
- Final objectives, targets and indicators.
- Final detail of measures to achieve the objectives, targets and indicators.
- Final detailed timetable for implementing measures.
- A programme of continuous review of the approved details of the Travel Plan

At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

In the interests of sustainable travel choices for future residents in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan.

25

Prior to the first occupation of any dwelling hereby permitted details of secure and weatherproof cycle storage for each dwelling shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

26

The details approved under condition 25 shall be implemented in full prior to the first occupation of each relevant dwelling

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

27

Prior to first occupation of any dwelling hereby approved final details of the traffic calming measures and the zebra crossing on Portobello Road, indicated on drawing GH27:L:01 Rev H, shall be submitted for the consideration and written approval of the Local Planning Authority and shall be implemented in full and retained thereafter

Reason

In the interests of highway safety and in order to accord with policy CS13 of the CSUCP

28

The glazing and ventilation specification for all plots as proposed in the LA Environmental report GH/PR/003 prepared by Louise M Alderson dated September 2016, shall be implemented in full accordance with the approved details prior to occupation of the relevant dwelling and retained thereafter for the life of the development.

Reason

To ensure the recommended mitigation and internal noise levels are achieved and in order to comply with Saved UDP policy ENV61 and CSUCP policy CS14.

29

Notwithstanding the conclusions of the LA Environmental report GH/PR/003 prepared by Louise M Alderson dated September 2016 prior to development progressing above damp proof course full details the exact location, height and material of the acoustic boundary fence(s) should be submitted for consideration prior to development. The fence details shall demonstrate that it would be effective at reducing road traffic noise by/to 55 dBL_{aeq} within the site as set out at paragraph 6.1 of the report.

Reason

To ensure the recommended mitigation and internal noise levels are achieved and in order to comply with Saved UDP policy ENV61 and CSUCP policy CS14.

30

The acoustic fence details approved under condition 29 shall be implemented in full accordance with the approved details prior to occupation of plots 1, 10 - 36 (inclusive), 37, 40, 44, 45, 53, 54, 60 and retained thereafter for the life of the development

Reason

To ensure the recommended mitigation and internal noise levels are achieved and in order to comply with Saved UDP policy ENV61 and CSUCP policy CS14.

31

Prior to first occupation of dwellings on plots 1, 10 - 36 (inclusive), 37, 40, 44, 45, 53, 54, 60 internal (in habitable rooms) and external (in garden areas) noise levels shall be recorded and assessed in accordance with a post-construction noise assessment methodology that shall first be submitted for consideration and written approval of the Local Planning Authority.

Reason

In the interests of protecting residential amenity and in order to accord with the NPPF, policies DC2 and ENV61 of the Unitary Development Plan and CS14 of the Core Strategy.

32

The post construction noise assessment methodology approved by condition 31 shall be adhered to in full for dwellings on plots 1, 10 - 36 (inclusive), 37, 40, 44, 45, 53, 54, 60. The results of the post construction monitoring shall be submitted to the Local Planning Authority for consideration and written approval.

If the specified noise levels of 55dB(A) Daytime in gardens and 35dB(A) Daytime internal (habitable room) and 30dB(A) night time internal

(habitable room) equivalent continuous noise levels are exceeded, a mitigation scheme to include details of improvement to the noise attenuation or the use of additional acoustic fencing, shall be submitted within one calendar month of the noise level exceedance being recorded for the consideration and written approval of the Local Planning Authority.

Thereafter the approved mitigation scheme shall be implemented within one calendar month of the date of approval.

Reason

In the interests of protecting residential amenity and in order to accord with the NPPF, policies DC2 and ENV61 of the Unitary Development Plan and CS14 of the Core Strategy.

33

Following implementation of the mitigation scheme further post construction monitoring, of those dwellings where the noise levels are exceeded, shall be undertaken in accordance with the details approved under condition 31.

The results of the further post construction monitoring shall be submitted within one calendar month to the Local Planning Authority for consideration and written approval.

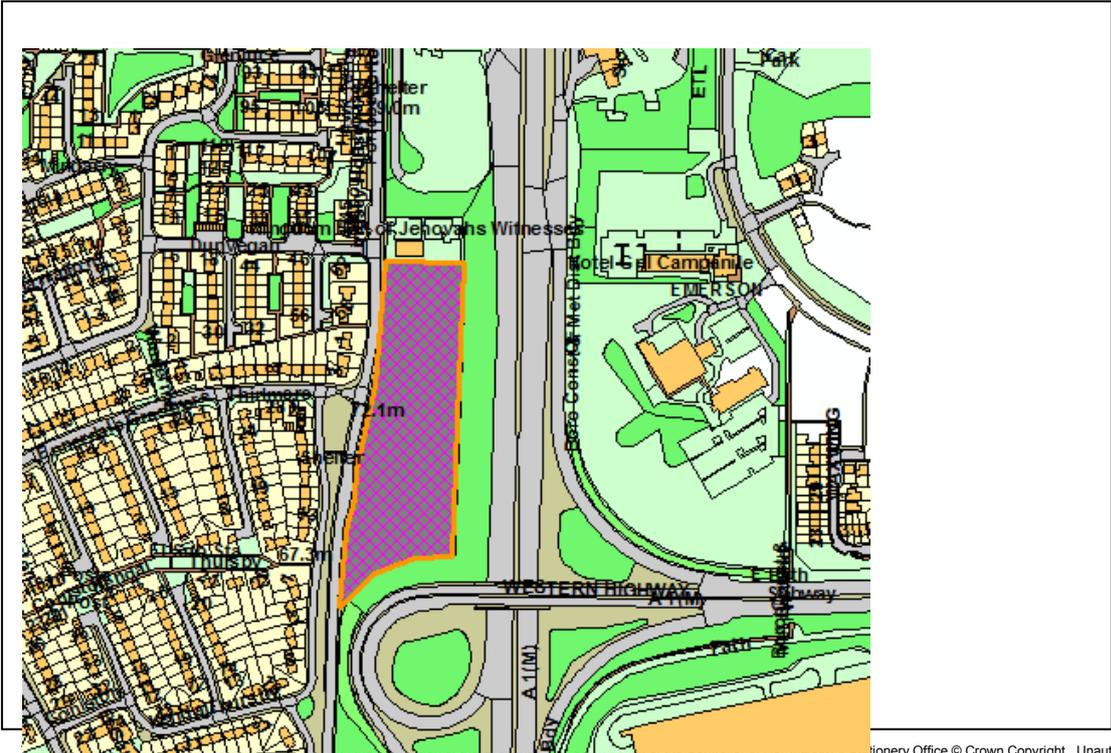
Should the noise levels within the habitable rooms still be found to exceed the specified noise levels a full review of the building fabric for that house and future houses shall be undertaken and a mitigation scheme to include an improved specification and / or replacement for defaulted fabric shall be submitted for the consideration and written approval of the Local Planning Authority within 3 months.

Thereafter the approved details shall be implemented in full.

The relevant plot / house types listed above shall not be occupied until it has been demonstrated that both the internal and external specified noise levels have been achieved for that plot.

Reason

In the interests of protecting residential amenity and in order to accord with the NPPF, policies DC2 and ENV61 of the Unitary Development Plan and CS14 of the Core Strategy.



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