

**Committee Report**

<b>Application No:</b>	<b>DC/16/00320/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>15 April 2016</b>
<b>Applicant</b>	<b>Bellway Homes Ltd (North East)</b>
<b>Site:</b>	<b>Land To The South Of Cushy Cow Lane Ryton Tyne &amp; Wear</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Full planning application for 350 dwellings including associated access, infrastructure and open space.</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

Ryton is located within the west of the borough of Gateshead, approximately 12km from both Gateshead centre and Newcastle city centre.

1.2 The application site lies to the south of Ryton village, extends across approximately 16.7 hectares and is currently used for agricultural purposes. The site has a prominent position over Ryton owing to its high level with long range views over the village centre and surrounding fields.

1.3 The application site is currently divided into four connected crop fields, intersected with mature and recently planted hedgerows with two of these hedgerows marking public rights of way. A number of public rights of way cross the site on a north-south axis, linking Ryton to open land to the south.

1.4 The site is surrounded by existing residential development to the north, and the A695 to the south. Open rural space continues to the south of the A695. The topography of the site slopes down to the north-west.

1.5 The site was formerly located within the Green Belt but now forms part of a housing allocation under the adopted Core Strategy and Urban Core Plan (CSUCP) for up to 550 homes (policy GV6).

**1.6 DESCRIPTION OF APPLICATION**

The planning application seeks full planning permission for the development of 350 dwellings including associated access, infrastructure and landscaping on land to the south of Cushy Cow Lane, Ryton.

1.7 The application proposes that the primary access point into the site would be taken from Cushy Cow Lane with a secondary access point also taken via Cushy Cow Lane (further to the west).

- 1.8 The dwellings would be two storeys in height. The development proposes that 174 of the dwellings would be detached, 149 semi-detached and 27 terraced; 172 dwellings would have four bedrooms, 130 would have three bedrooms and 48 would have two bedrooms.
- 1.9 In terms of pedestrian access, as well as the main entrances to the site on Cushy Cow Lane, there would be a further nine pedestrian access points into the site - two accesses would be taken from the south, one from the east and the remainder taken from the north.
- 1.10 The main areas of open space would be located in the southern and central areas of the site. The main SuDS areas would be located to the east and west of the application site.
- 1.11 The applicant held two public consultation drop-in events prior to the submission of the application.
- 1.12 The following information has been submitted with the application:
- Affordable Housing Statement
  - Arboricultural Impact Assessment
  - Archaeological Desk Based Assessment
  - Archaeological Geophysical Survey
  - Design and access statement
  - Draft S106 heads of terms
  - Flood Risk Assessment
  - Foul sewerage, surface water drainage & utilities assessment
  - Ground investigation survey, including coal mining risk assessment
  - Noise impact assessment
  - Statement of Community Involvement
  - Sustainability Statement
  - Transport Statement
  - Travel Plan

1.13 **PLANNING HISTORY**

There are no historic planning applications of relevance to the current application. However the Site forms part of the larger housing allocation (Ryton Village Growth Site) which was designated (policy GV6) upon the adoption of the Core Strategy and Urban Plan for Gateshead and Newcastle upon Tyne.

**2.0 Consultation Responses:**

Coal Authority	No objection subject to appropriate conditions.
Highways England	No objection.
Natural England	Natural England's standing advice applies.

Tyne And Wear Archaeology Officer No objection.

Tyne And Wear Fire And Rescue Service No objection.

Nexus No objection.

### **3.0 Representations:**

3.1 In excess of 3500 properties in the surrounding area have been consulted about the application.

3.2 In addition, a number of site notices were erected on the site and in its vicinity on 15 April 2016.

3.3 An objection has been received from a Ward Councillor for the area - Councillor Liz Twist. The issues raised are summarised below:

- Failure to submit a masterplan and phasing proposal for the whole of the Ryton Village Growth site;
- The application does not comply with the requirements of policy GV6 - Ryton;
- The application would have an adverse impact on residents in Stargate and on Cushycow Lane in regard traffic (both construction and residents), impact on health and education facilities;
- The loss/stopping up of existing well used footpaths.

3.4 Four letters of objection have been received from parties with interest in the GV6 housing allocation. These letters are summarised as follows:

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- Policy GV6 states that the development of Ryton for 550 homes must take place in accordance with an approved masterplan;
- The submitted masterplan only cover part of the GV6 allocation;
- A masterplan covering all of the allocation has not been agreed at this point;
- Without a said masterplan the phasing plan requirement of policy GV6 cannot be delivered;
- The application covers the central and eastern parts of the application but 350 homes is 64% of the 550 homes proposed, this is contrary to the inspectors recommendations and;
- The development has failed to demonstrate how the infrastructure and strategic infrastructure required for the site will be delivered on a phased basis.

3.5 In addition, 66 letters of objection have been received. The issues raised by members of the public are set out below:

#### Policy issues

- The development has not been submitted alongside a masterplan for the whole GV6 allocation.

- It is confirmed by all other landowners that a masterplan has not been agreed by all parties.
- The area does not need more houses.
- There is no commitment to building the through road across the site.
- There is no phasing plan.
- The development represents a departure from policy GV6 of the CSUCP.

#### Transport issues

- The development would lead to an impact on already busy roads.
- The development would be inappropriate for cyclists.
- There is insufficient capacity on the A695 for the houses proposed.
- It would appear that the Stargate Lane widening plan wouldn't provide both parking and two-way access.
- There are further junctions where traffic assessments are required.
- The development does not allow for an adequate level of parking within the development.
- The development would result in traffic running using Western Way or Hexham Old Road as a result of the through road not being constructed.
- The development would result in an additional 350-700 cars on the highway.
- It is possible that highway works proposed may not take place when required and this should be secured through condition if approved.
- The development does not allow for adequate access/egress into/out of the site.

#### Green Belt issues

- The area to be developed is Green Belt which is in place to prevent urban sprawl.

#### Local infrastructure issues

- The services within the area e.g. shops, doctors, dentists and schools cannot accommodate the additional requirements.
- The proposed development would lead to an impact on BT infrastructure.
- The development does not adequately deal with footpaths and rights of way across the site.

#### Flooding and drainage issues

- The proposed SUDs pond could overflow.
- Who manages the SUDs prior to adoption?
- The proposal would lead to flooding on Grange Lane.

#### Residential amenity issues

- The additional traffic using Cushy Cow Lane would cause a significant impact on amenity.

#### Consultation issues

- The notification does not include all rights of way to be diverted/stopped up.

#### Other issues

- The proposed development demonstrates a poor understanding of public realm and the layout is inappropriate.
- There are more appropriate sites across Gateshead for the erection of houses.
- The area has already had 10 years of disruption owing to landfill within the area.
- The developer should plant trees and greenery around the site while the development is undertaken.
- The proposal represents an over-development of the site.
- The development would result in mental health issues for residents.
- There is no assurance that the developer will carry out the work (if approved).
- The proposal would set a precedent.
- The LPA should send members of the public a list of proposed planning conditions.
- The LPA must assure the public that the development will be enforced, if approved.
- The development should target first time buyers and not social tenure.
- The development does not need an equipped play area, a more natural play space would be better.
- The public open space should be constructed early and should not be left to planning condition.
- The development should be reviewed by Design North East.
- A landscape audit must take place following the completion of the development.
- The development would result in a significant amount of mud and debris on the highway; this would need to be dealt with.
- The LPA have not managed landfill companies within the area which has resulted in air pollution.
- The removal of hedging would have an impact on birds.

1 letter of support has been received to the application. The issues raised are as follows:

- Site is ideally situated for infill development.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS4 Spatial Strategy - Rural/Village Area

CS5 Employment-Economic Growth Priorities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GV6 Ryton

DEL1 Infrastructure/Developer Contributions

DC1C Landform, landscape and after-use

T1 Transport req for New Developments

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV52 Creation of New Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H12 Housing Density

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment:**

### **5.1 PRINCIPLE OF DEVELOPMENT AND MASTERPLAN**

Policy CS1 of the CSUCP sets out the spatial strategy for sustainable growth. Given population and economic growth there is a need to plan for 30,000 homes within Gateshead and Newcastle up to 2030. To plan for this growth has meant allocating land for new housing development in villages including Ryton.

5.2 Policy CS10 sets out a gross provision of 11,000 new homes in Gateshead to contribute to the 30,000 total up to 2030.

5.3 The application site forms part of a wider site allocated in the CSUCP, under policies CS4 and GV6 for up to 550 homes. No part of the site is located in the Green Belt.

5.4 Policy GV6 also requires that development of the whole designated site takes place in accordance with an approved masterplan and phasing plan. This follows on from policy CS4 which requires the approved masterplans to; demonstrate a comprehensive, phased and coordinated approach to site development, setting out how necessary infrastructure, and the strategic infrastructure identified for the site in the Infrastructure Delivery Plan will be delivered on a phased basis; and approved development phasing plans setting out build rates and triggers for infrastructure, and demonstrating how each phase of the development is sustainable and deliverable.

- 5.5 Within the applicants Planning Statement (paragraph 5.7 - 5.8), they state;  
*"The allocation for Ryton involves a number of different land ownerships however this application relates only the land within the allocation which is in the control of the applicant. Mindful of the GV6 requirement for 'development to take place in accordance with an approved masterplan and phasing plan', the applicant has prepared a masterplan and delivery framework for the whole allocation. This outlines how the applicant's proposal addresses the policy aims and how development of the applicant's site can be achieved without prejudice to the future delivery of the wider masterplan or future planning applications in respect of the other land ownerships.*
- The masterplan has been prepared in conjunction with Taylor Wimpey, who control the majority of the remaining land within the allocation."*
- 5.6 A masterplan document has subsequently been prepared and submitted in support of the planning application. The masterplan document includes land outside of the application site. As such there is no mechanism for the LPA to approve the masterplan. Further, it has been indicated (through objection to the proposal) that this masterplan has not been agreed between all landowners with an interest in the allocation.
- 5.7 On the basis of the above, it is considered that the applicant has failed to provide a deliverable masterplan (i.e. with all landowner buy-in) and has failed to demonstrate how the *'... proposal addresses the policy aims and how development of the applicant's site can be achieved without prejudice to the future delivery of the wider masterplan or future planning applications in respect of the other land ownerships'* as suggested by the submitted Planning Statement.
- 5.8 The supporting text to Policy CS4 (paragraph 8.10) is very clear as to what is required, stating;  
*"... Given the potential impact that the new development will have on the existing villages in terms of their infrastructure, facilities and services it is important that it is masterplanned. Village Growth Area sites, as a defined in Section 5 of the Plan are required to be masterplanned together where they adjoin each other regardless of ownership. Phasing plans will be required which set out the triggers for the provision of necessary infrastructure and legal agreements will need to be put in place to secure delivery. Masterplans will be prepared by the landowner/developer(s) in consultation with each Council and must be approved as part of the planning application process. The masterplanning and the development requirements of these sites are set out in polices in the Sub Areas and Ste Specific policies in Section 5 of the Plan."*
- 5.9 To date, no appropriate phasing plan has been submitted in support of the application and the applicant has not demonstrated how the masterplan or the delivery of infrastructure could be secured through the current application. Officers consider that the application as submitted fails to demonstrate a phased and coordinated approach to development in line with policies CS4 and



GV6 of the CSUCP as it does not comply with the fundamental requirement to provide (for approval) a masterplan and phasing plan which sets out the triggers for the provision of necessary infrastructure. There is no mechanism by which legal agreements will be able to be put in place to secure delivery across the GV6 allocation. The application is therefore contrary to Policies CS4 and GV6.

#### 5.10 AFFORDABLE HOUSING

Policy CS11 of the CSUCP requires the provision of 15% affordable homes on all developments of 15 or more dwellings subject to development viability.

5.11 The application proposes 15% affordable homes (53 units). Of these homes, 34 are to be allocated for affordable rent and 19 for intermediate tenure. Officers consider that this allocation is acceptable and subject to a Section 106 Agreement to ensure that these properties are kept affordable in perpetuity, it is considered that the application would be in accordance with policy CS11 of the CSUCP.

#### 5.12 OTHER HOUSING POLICIES

##### 5.13 Housing type and density

The proposed development includes 302 houses (out of a total of 350) which incorporate 3 or more bedrooms. In addition all dwellings include private garden areas. It is therefore considered that the development would meet the requirements of policies CS11 and GV2 of the CSUCP in providing a majority of family housing and would make an important contribution to the aim of a minimum of 16,000 new homes having 3 or more bedrooms. In addition, the type of housing would vary between detached, semi-detached and terraced and would be suitable for a wide range of groups in accordance with saved policy H5 of the UDP.

5.14 The density of the development would equate to approximately 25.3 houses per hectare. Whilst this would be slightly below the 30-50 dwellings per hectare target within saved policy H12 of the UDP, this policy also sets out that densities below 30 dwellings per hectare may be permitted where higher densities would have an unacceptably detrimental impact on the amenity and character of an area. In this case it is considered that the density of the development would assimilate well with the adjoining neighbourhoods and that a higher density development would be harmful to the character of the area. However, the application site cannot be considered in isolation and must be considered within the context of the wider GV6 allocation and the maximum housing numbers set out in policy GV6 of the CSUCP.

5.15 The Inspector within their report on the CSUCP stated that;

*"... there may be benefit from a slightly higher number houses on the western part of the site and slightly fewer in the central and eastern parts than is shown in the development framework. Ultimately this is a matter for the masterplanning of the site."*

5.16 Based on the proposed housing numbers, it would appear that the western part of the application site would in fact be developed to a lower density than central

and eastern areas (owing to the 550 dwelling cap set out in policy GV6). Given no masterplan document has been submitted in support of the application it hasn't been demonstrated that the density of development proposed is appropriate in the context of the wider GV6 allocation i.e. it has not been identified that the application site is capable of accommodating the level of development proposed while still achieving all requirements of policy GV6.

5.17 House size

Policy CS11 of the CSUCP requires that new residential development provides adequate space inside and outside of the home to meet the needs of residents. A Ministerial Statement made in March 2015 sets out that the optional new national housing technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPF and NPPG. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy. It is considered that all houses would have generous garden sizes in order to provide satisfactory outdoor private amenity space. In regard to internal space size, it is considered that the house types would provide good levels of internal space.

5.18 The development would provide good levels of internal and external space in accordance with policy CS11.

5.19 Wheelchair and lifetime homes

Policy CS11 of the CSUCP sets out the need to encourage provision of lifetime homes and wheelchair accessible homes. This differs from saved policies H9 and H10 of the UDP which require the provision of a minimum 10% dwellings constructed to Lifetime Homes standards and a minimum of 2% of dwellings to be built, or be capable of adaption without structural alteration to Wheelchair Housing Standards.

5.20 The NPPG sets out that where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements.

5.21 Local plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.

5.22 In regard to wheelchair and lifetime homes, officers consider that there are a number of proposed units which would potentially meet the requirements of lifetime and wheelchair homes with an element of internal adaption and subject to a condition requiring the final details and implementation could be imposed in this regard, the application would be in accordance with policy CS11 of the CSUCP and saved policies H9 and H10 of the UDP.

### 5.23 TREES AND HEDGEROWS

Tree cover within the site is minimal with all tree cover being located around the periphery of the site within hedgerows or small groups at the edges of fields.

5.24 An arboricultural assessment was submitted with the application. The assessment sets out that two groups of trees would be removed and two other groups will be partially removed, further the application shows several new access roads bisecting the field boundary hedges, and the loss of a section of hedgerow to allow access.

5.25 The report sets out that the trees set out above are of low and/or moderate value and that the loss of these trees not have a significant impact on the wider landscape of the area and that compensatory tree planting would be undertaken across the site that will provide new tree cover that is better integrated into the new layout. Officers agree with the submitted arboricultural assessment in regard to the loss of trees.

5.26 The hedgerow sections that are to be removed have been assessed as having a low amenity value owing to their sparse and disjointed nature. The development will allow for significant positive management of the remaining hedgerow to the benefit of the site and the wider area. Therefore whilst there would be a short term negative impact, in the medium to long term there would be a positive impact.

5.27 The replacement hedge planting and "gapping up" can be secured by planning conditions. Further planning conditions are also required to secure the hedgerow protection measures for the duration of construction works. Subject to these conditions, the proposed development would not have an adverse impact on amenity in relation to hedgerows.

5.28 The proposed development would provide numerous opportunities for increased tree planting on the site within areas of open space. A landscaping strategy has been submitted with the application and shows the approximate location of tree planting and species. Subject to a condition for a final version of the strategy, and the tree protection measures outlined in the report to be adopted for the duration of construction works it is considered that in terms of trees, the proposed development would have a positive impact.

5.29 Given the above, it is considered that the application would be in accordance with policy CS18 of the CSUCP and saved policy ENV44 of the UDP.

### 5.30 IMPACT ON THE LANDSCAPE

The site predominantly comprises a plateau area which is slightly elevated above the adjacent residential estates in Ryton immediately to the north. The land falls away gently from the A695 corridor to the north, although the landform is more undulating to the west of the site where the slope steepens towards a low point in the north-west. From the site the built form of Ryton restricts views of the Tyne Valley in the north to the upper extents only. In recognition of the site's landscape value, an initial landscape assessment was carried out to support the allocation of the site for residential development. This assessment

considered that the development of the site for housing would not have an unacceptable impact on the surrounding landscape.

- 5.31 In support of the application a landscape and visual appraisal has been produced. The assessment assesses the impact of the proposed development in addition to assessing the cumulative impacts of '*... forthcoming residential applications in the nearby area.*' This cumulative impact takes into account (amongst others) the land on which Taylor Wimpy retain an option i.e. most of the remaining GV6 allocation. The assessment is based on the assumption that '*... the development proposed would be similar to that illustrated within the Ryton Development Framework, Gateshead Borough Council.*'
- 5.32 In conclusion, the report states that;  
*"The most noticeable change to the character of the site will result from the introduction of proposed residential units which will introduce new elements to the site itself."*
- 5.33 This conclusion is reflective of The Inspector's view in assessing the CSUCP in which he stated;  
*"The development would adversely affect the local landscape by building on higher ground on the edge of the settlement..."*
- 5.34 However, elaborating on the above the Inspector went on to state that '*... through substantial buffer planting along the southern edge of the site would lessen the impact [of the development on the landscape].*'
- 5.35 These views/requirements are reflected within policy GV6 of the CSUCP which requires;  
*"Mitigation of the impact of the development on landscape, biodiversity and ecology connectivity including the provision of a substantial landscape/ecological buffer along the southern and western boundaries of the site..."*
- 5.36 The proposed development and submitted landscape assessment fails to make reference to the substantial landscape buffer, which is required by the GV6(1) policy. The development proposes additional woodland, woodland edge and hedgerow tree planting to the southern boundary of the site to '*reinforce the existing vegetation on southern edge of development*'. However, this planting is all within the land owned by the applicant.
- 5.37 However, the retention and positive management of this landscape buffer, which falls outwith the application site, cannot be secured through the current planning application as the area falls outside of the applicant's control. Therefore, any reliance on this area for landscape screening (as required by the policy) is inappropriate and misguided.
- 5.38 Given the above, it is considered that the proposed development has been laid out so to try and assimilate well to its landscape. However this is based upon the reliance of an area of landscaping to the south of the site which falls outside of the control of the applicant. As such, it cannot be concluded that the development does not result in an unacceptable impact given the development

does provide 'a substantial landscape/ecological buffer' along the southern and western boundaries of the site and as such cannot be considered to comply with the requirements of Policy GV6 of the CSUCP.

#### 5.39 OPEN SPACE AND LANDSCAPING WITHIN THE SITE

In regard to open space and landscaping within the site as discussed above, a large area of open space and landscaping along with SuDS features would be created in the northern and eastern parts of the site. This would have a number of benefits including providing attractive green space for residents and being suitable for recreation. In addition, there are a number of other green spaces provided within the site. Whilst these areas would have limited recreational value given their size, they would still provide attractive landscaped areas.

5.40 The site is located in a neighbourhood that is deficient in open space and therefore there would be a requirement to provide open space on site. The development proposes a total of approximately 2.89 ha of open space and as stated above, this would be located in different areas within the site. The level of open space reaches the levels set out in saved policies H13 and CFR20 of the UDP (2.88 ha). In addition, the quality of open space on the site would provide excellent access to green space and recreation in accordance with policy CS14 of the CSUCP.

5.41 Therefore, given the compliance with saved policies H13 and CFR20 of the UDP, it is considered that an acceptable provision of open space would be made on site in terms of its quantity, quality and location.

#### 5.42 DRAINAGE AND FLOOD RISK

A flood risk and drainage assessment has been submitted with the application. In accordance with policy CS17 of the CSUCP, the assessment has covered all sources of flooding and has had regard to the Council's Strategic Flood Risk Assessment (SFRA).

5.43 The development has had regard to the sequential approach by locating the SuDS attenuation features (basins/ponds) at the low points of the site. The layout also accommodates the modified overland flows through a series of swales reflecting Policy GV6:11/13 of the Core Strategy.

5.44 However, in the absence of a masterplan and conceptual drainage assessment for the whole GV6 allocation it is not possible to fully assess how the external overland flows, particularly from the west of the application site which would impact on the proposal and whether the flow paths have been sufficiently accommodated in the layout to comply with Policy GV6. The topographic surveys, catchments and falls diagram have only been submitted for the application site and not the whole GV6 allocation.

#### 5.45 FLOOD RISK

The flood risk assessment (FRA) has assessed flood risk from all sources of flooding (fluvial/tidal, groundwater, sewer, overland flow and artificial sources). The FRA concluded that the site is at low risk of flooding from all sources except from overland flows which was considered to be medium/high risk.

- 5.46 The FRA considers a range of mitigation measures which will be considered at the detail design stage to reduce the flood risk to low risk.
- 5.47 DRAINAGE  
A sustainable drainage system has been incorporated in the development in the form of ponds/detention basins, swales, water gardens, underground storage and potentially an infiltration basin.
- 5.48 Policy GV6(11) requires '*A positive response to the potential to manage flood risk in the Grange Drive, Constable Close/Turner Close and Woodside Road areas by incorporating overland flows from A695 and integrating additional SuDS storage*'. The drainage strategy has regard to Policy GV6(11) as it will improve the flood management of the surrounding area as the overland flows currently pass freely across arable fields towards Grange Drive (which is outwith the site) and the drainage strategy will divert overland flows into SuDS to ensure betterment for Grange Drive.
- 5.49 Based on the above, it is considered that subject to conditions based upon flood risk and drainage and a planning obligation pertaining to management, the drainage scheme proposed is acceptable. However, the information submitted fails to take account of the requirements of Policy GV6; to fully assess how the external overland flows, particularly from the west of the application site would impact on the proposal and whether the flow paths have been sufficiently accommodated in the layout. This issue is born out of the fact that the application has not been adequately master-planned as required by policies CS4 and GV6 of the CSUCP and the proposal does not therefore comply with these policies.
- 5.50 IMPACT ON BIODIVERSITY  
The proposed development site is located within 1km of several designated Local Wildlife Sites (LWS) including Stargate Ponds & Bewes Hill LWS (C. 450m), Path Head Quarry (c. 400m), Crookhill Pasture LWS (c. 550m) and The Folly LWS (c. 900m). Sections of the adjacent A695 Blaydon to Crawcrook By-Pass are currently being considered as a candidate for LWS.
- 5.56 The proposed development site is dominated by four large arable fields separated and bound by hedgerows. Within and adjacent to the site are smaller areas of mixed plantation woodland, scrub, semi-improved grassland and wetland.
- 5.57 The application is supported by a number of ecological studies. Overall the site is considered to be of low ecological value, being dominated by arable land. However, these studies do not give appropriate consideration to the value of site for particular species/species groups, for example, farmland birds.
- 5.58 The survey work undertaken by the applicant has confirmed that the site supports the following species: bats, badger, amphibians, breeding and non-breeding birds. Habitats within and immediately adjacent to the site are also considered to provide potential opportunities for brown hare and hedgehog (UKBAP & DBAP priority species).

5.59 Predicted impacts associated with the proposed development include:

- Loss, fragmentation and disturbance of arable, hedgerow (UK & DBAP priority habitat), scrub and grassland habitats as a result of site clearance and construction works.
- Damage to retained/newly created habitats/features during the site clearance and construction phases of the development, including the potential spread of an invasive species listed on Schedule 9 of the Wildlife & Countryside Act 1981 (i.e. cotoneaster sp.).
- The risk of harm to protected/priority species (e.g. badger, breeding birds, common toad and hedgehog) during the site clearance and constructions phases of the development.
- Loss, fragmentation and disturbance of habitats/features which support protected/priority species including badger, breeding and non-breeding birds, bats and terrestrial amphibians including common toad resulting from the site clearance and construction works.
- Disturbance of retained/newly created habitats/features post occupation through increased noise, light and recreational pressure resulting in the disturbance, displacement and loss of protected/priority species. Increased access/recreational pressure also has the potential to adversely impact on nearby designated sites (e.g. Stargate Ponds and Bewes Hills LWS).
- Increased mortality of protected/priority species resulting from increased vehicle movements post occupation of the development.
- Increased predation of wildlife (particularly birds) by pet (principally cats).

5.60 A range of broad mitigation and compensatory measures have been proposed to minimise/reduce the above impacts to an ecologically acceptable level. These include:

- The retention (where possible) of existing hedgerows and woodland and the protection of such features during the construction phase of the development.
- The enhancement of retained hedgerows through 'gapping up' and the establishment of new hedgerows along those boundaries where they are currently absent.
- The undertaking of site/vegetation clearance and constructions works in accordance with an ecological method statement(s) to avoid/minimise the risk of harm to individual species including badger, birds, bats, small mammals (e.g. hedgehog) and amphibians (terrestrial).
- The removal of invasive species (i.e. cotoneaster) in accordance with a method statement to avoid its spread.
- The creation of new/additional wetland habitat in the form of SuDS features (i.e. swales, detention basins and attenuation ponds) and associated terrestrial habitats to benefit a range of species including amphibians.

- The avoidance of intrusive light spill into areas of retained/newly created habitat through the sensitive design/siting of lighting within the scheme.
- The provision of potential nesting/roosting features for certain bird and bat species within the fabric of a percentage of the new buildings to be constructed on site.
- The use of locally native tree and shrub planting as part of the landscaping proposals to including nectar-rich and berry bearing species beneficial to wildlife.
- The sensitive management of retained/newly created habitats within the site to maintain and enhance their biodiversity value.

- 5.61 In spite of the above listed mitigation measures, it is considered by officers that the development will result in a residual impact on biodiversity, and in particular farmland birds (i.e. skylark, yellowhammer, linnet, tree sparrow, kestrel, etc.).
- 5.62 In response to this there is a reference in the mitigation section of the Ecological Impact Assessment report to a *"Financial contribution to designated sites in the local area, secured through a s.106 agreement, to fund management and maintenance."* In the Breeding Bird Survey there is statement which reads *"The creation of or contribution towards the creation of offsite habitats of value to a range of wildlife including farmland birds."*
- 5.63 However, the submission does not provide any detail in relation to the provision of off-site ecological mitigation/compensatory works in terms of location, form, value, long-term management and delivery mechanism. Furthermore the mitigation hierarchy enshrined in the NPPF and set out in BS 42020:2013 Biodiversity - Code of practice for planning and development requires that opportunities to provide onsite mitigation and compensation (including the creation of replacement/new habitats) be sought/exhausted before considering offsite measures. The identified landscape/ecological buffer along the southern and western boundaries of the site referred to in policy GV6 provides considerable opportunity to address, at least in part, the impacts of the proposed development on biodiversity, including farmland birds. No measures have been proposed in relation to the identified landscape/ecological buffer, therefore the application has failed to comply with both the policy as set out in the CSUCP and the mitigation hierarchy enshrined in the NPPF.
- 5.64 The application is also deficient in that the ecological information submitted, particularly in terms of breeding birds, only relates to that part of the site which is the subject of the current planning application, and not the entire allocation. As such it is not possible to determine the ecological value of the allocation as whole and/or determine what if any cumulative impacts are likely to occur as part of a piecemeal approach to the development of the site. Furthermore this thwarts any possibility of applying a holistic approach to the provision of ecological mitigation, compensation and enhancement measures.
- 5.65 Much of the mitigation measures referred to in the various ecological reports have not been carried through a mitigation scheme. Whilst some of these



appear to have been realised on the proposed Landscape Strategy drawing 916\_01, this is not universally the case.

- 5.66 In summary the application is likely to have a significant adverse impact on biodiversity including protected species, priority habitats and species, and ecological connectivity, for which adequate, detailed mitigation/compensation has not been provided. The information submitted in support of the application is also considered to be inadequate.
- 5.67 As a result the application fails to comply with the principles of the NPPF and the following local planning policies GV6, CS18, DC1(d), ENV44, ENV46, ENV47 and ENV49.
- 5.68 DESIGN AND LAYOUT  
Planning policy at a National and Local Level place a great emphasis on design. At a national level the NPPF advises (paragraph 56) that, *"Good design is a key aspect of sustainable development, is indivisible from good planning."* Paragraph 64 of the NPPF advises that, *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*
- 5.69 Access into the site would be provided via two new junctions off Cushy Cow Lane. From this point, the primary internal road would generally run east to west, with secondary and tertiary streets feeding off this.
- 5.70 Officers are of the view that the scheme's design is inappropriate; the main issues are a result of the scheme looking to achieve a certain quota of development, rather than delivering a fit-for-purpose design solution that; (a) responds positively to the opportunities and challenges presented by the site; (b) that seeks to deliver a comprehensive scheme for the entire GV6 site; and (c) that meets all the policy requirements fully. This approach has resulted in poor urban grain. The proposed layout inherently leads to poor pedestrian permeability and an illegible environment. It has also resulted in a traditional 30mph design speed layout, which in turn has required 'bolt-on' traffic calming measures to meet the 20mph requirement. The Government's 'Manual for Streets' (MfS) specifically requires that designers should aim to create streets that control vehicle speeds naturally rather than having to rely on unsympathetic traffic-calming measures.
- 5.71 The purpose of MfS was to completely refocus the "place function" for residential areas - MfS specifically states that in terms of user priority in residential environments pedestrians come top; followed by cyclists; public transport users; service/emergency vehicles; and lastly, all other traffic. Officers are of the view that this proposed scheme's layout addresses the user priority's just mentioned in reverse order. The urban structure described above is considered to be of poor design that is "dispersed and car-dependant", and is exemplified as such in MfS.
- 5.72 In addition to these fundamental design issues there are also numerous other more detail design issues which give concern to officers. Briefly these issues are as follows:

- Poor response in terms of orientation and elevational design of key dwellings and plots (e.g. corner turners and design features of properties that act as way-finders/vista terminators etc.);
- Inappropriate boundary treatment types and a lack of associated landscaping (particularly on unavoidable side/rear garden boundaries that front onto public realm - and the proposed use of 900mm high post & rail timber fencing);
- Remote location of some garages and;
- General lack of recreational open space and pedestrian routes (e.g. - to allow for 'play-on-the-way' / 'trim-trails' / dog walking etc. – all which ties in with issues of poor pedestrian permeability).

5.73 In addition to the above, the development does little to demonstrate how the proposed would integrate with the wider GV6 allocation. This is born out in the fact the highways associated with the development do not extend fully to the boundaries of the application site.

5.74 Given the above, it is considered that the design and layout of the development is inappropriate to its context and would fail to comply with the NPPF, policies GV6 and CS15 of the CSUCP and saved policy ENV3 of the UDP.

#### 5.75 TRANSPORT AND HIGHWAYS

##### 5.76 General

As previously stated, the application is considered to be non-compliant with policy GV6 of the CSUCP in that a masterplan and phasing plan for the whole of GV6 has not been provided. This causes issues in highway terms as the layout cannot be viewed in context and is artificially constrained, further it is considered that the proposed has the potential to prejudice the layout of the whole site.

5.77 The southeast corner of GV6 is landlocked (given the highway does not extend to the site boundary) and as such a 'ransom strip' has been created. The submitted document *Land at Cushy Cow Lane, Ryton, Gateshead Transport Assessment* dated April 2016 ("the TA") states at paragraph 8.2 that "it is envisaged that there would be 45 homes proposed" in this part of GV6. However it is unclear how this would be achieved and whether a more efficient or suitable layout could be achieved by designing the site as a whole.

5.78 Whilst the detailed layout indicates the position of the required link road up to the site boundary there are no details to show that it is achievable and the impact on the layout on the remainder of the site.

5.79 Further, there is no delivery mechanism for securing the link road or indication as to when it would be provided, again weighing against the proposal in regard to its non-compliance with policies CS4 and GV6 of the CSUCP.

5.80 The proposed partial development of the site would also raise issues during construction. Paragraph 7.30 of the TA refers to discussions with the Council regarding a temporary site access directly onto the A695 to avoid the need for

lorries using Cushy Cow Lane/Stargate. Concerns regarding this approach have been expressed to the developer and at this stage no formal agreement on such an approach has been secured between the developer and the Council either as Planning or Highway Authority.

#### 5.81 Access

The two proposed accesses onto Cushy Cow Lane do not meet the Council's junction spacing standards. They are approximately 85m apart rather than 90m and the eastern access is approximately 25m from the junction opposite (Croft Close) rather than 40m. In this instance, it is considered that the proximity of the two accesses Cushy Cow Lane would not lead to a significant impact on highway safety.

#### 5.82 Layout

It is considered broadly that the internal layout is acceptable in highway terms, however the site needs to be designed as a self-enforcing 20mph zone although a number of features are proposed more would be required to make the development acceptable, this could be secured via a planning condition.

#### 5.83 Transport Assessment

It is considered that the TA submitted in support of the application is deficient/flawed for the following reasons:

- The TA does not consider the whole of GV6 in context but as two adjacent sites with no interaction between them which is considered as a flawed approach.
- Paragraph 1.7 of the TA states that the "main purposes of this TA are to review the accessibility of the site" however only part of the GV6 site is considered.
- Some of the walking distances to schools and other facilities in section 4 and Figure 6 of the TA have been underestimated.
- Whilst Figure 7 identifies a number of barriers to a number of walking routes, i.e. lack of drop crossings, no improvements are proposed beyond the immediate vicinity of the Cushy Cow frontage.
- The TA states at a number of paragraphs that the methodology, extent, timing of surveys, and other factors has been agreed with officers however no details are provided and there has been no formal Scoping Report agreed prior to the TA being undertaken.
- No assessment or adjustment has been carried out on the traffic surveys undertaken on 7th July 2015 however according to webtag guidance this is not considered a neutral month.
- The TA states at paragraph 7.4 that a "WYG representative attended site in AM Peak on Friday 24th May to observe existing operating conditions at the assessed junctions" however it is assumed this was actually Friday 22nd May 2015. If this is correct then according to webtag guidance this is also not considered a neutral period being the Friday before a Bank Holiday.
- Furthermore it is unclear how a single representative could simultaneously observe a number of disparate junctions unless it was for only part of the AM peak.

- The use of 2015 as a base year would need to be updated to reflect a more realistic commencement date for the development.
- Whilst the methodology for traffic distribution using the National Travel Survey (NTS) data is acceptable the NTS that was used was not the “most recently published” as stated in paragraph 5.3 of the TA. 2014 data would have been available at the time of writing the TA having been published in September 2015.
- Section 5 of the TA states that trip generation provides “a robust assessment” as it is based on 385 homes rather than 350 homes however as previously mentioned a further 45 homes are envisaged via the landlocked south eastern corner of the site.
- Section 8 of the TA entitled “Cumulative Impact” only addresses the western section of GV6, in part, and no other committed development.
- Paragraph 8.2 of TA states that “broadly the same methodology” was used for this element of the analysis however no details are provided.
- The proposed highway improvement on Stargate Lane is not considered feasible due to a plethora of street furniture on the eastern side of the road.

5.84 On this basis, it is considered insufficient information has been submitted in support of the application to allow an assessment to be made of the development wider highway impact. It therefore, cannot be concluded that the development would comply with the proposal would therefore be in accordance with policies GV6 and CS13 of the CSUCP or the NPPF.

#### 5.85 Interim Travel Plan

It is considered that interim travel plan is not sufficient to have a lasting influence on mode choice and as such further measures would be required, this could be conditioned.

#### 5.86 RESIDENTIAL AMENITY

The relevant considerations are the impact on residential amenity in terms of existing nearby properties and also for future residents of the proposed development.

#### 5.87 Impact on existing nearby properties

There are a number of existing residential properties that would be potentially affected by the development. These are properties located on Conway Close, Turner Close, Constable Close and to a lesser extent Grange View, Grange Drive and Cushy Cow Lane.

5.88 In regard to existing properties on Conway Close, whilst it is acknowledged that the outlook from these properties would change, officers have considered the impact on these properties carefully and it is considered that the separation distances existing and proposed houses from the proposed houses from rear windows to rear windows (minimum of 27 metres) and rear windows to gable ends (minimum 15 metres) would be acceptable and would not result in an unacceptable visual impact or loss of privacy to existing properties on Conway Close.

- 5.89 In regard to existing properties on Turner Close, officers have carefully considered the varied orientation of these properties with some of them located at a slightly oblique angle to the site. Again, whilst the outlook from these properties would change, it is considered that due to the separation distances to the proposed properties (minimum of 18.5 metres window to window) and the oblique angle would be sufficient to prevent any unacceptable visual impact or loss of privacy.
- 5.90 In regard to the properties located on Constable Gardens, officers have carefully considered the separation distances afforded (minimum of 21 metres window to window and 15.5 metres rear to gable) would be acceptable and would not result in an unacceptable visual impact or loss of privacy to existing properties on Constable Gardens.
- 5.91 With regard to Grange View, Grange Drive and Cushy Cow Lane it is considered that the separation distances and the intervening land use i.e. highway, is sufficient to ensure that existing residents would not be impacted upon by the development to an unacceptable degree.
- 5.92 Given the above, it is acknowledged that the development would alter the outlook of existing properties as it would introduce housing on land which has been open and undeveloped. However, it is considered that the layout of the development is such that it would not lead to an unacceptable visual impact or an unacceptable reduction in privacy to existing properties.
- 5.93 It is also acknowledged that the construction of the development would have a potential impact on nearby properties in terms of noise, disturbance and dust. Whilst these impacts cannot be avoided, it is considered that through the imposition of a planning condition for final construction control measures these impacts can be minimised to ensure no unacceptable impact on residential amenity.
- 5.94 It is therefore considered that the application would be in accordance with policy CS14 of the CSUCP and saved policy DC2 of the UDP.
- 5.95 Living conditions for future residents  
It is considered that the proposed layout of the development is adequate to ensure that the interface distances between proposed dwellings would ensure no unacceptable impact would occur.
- 5.96 Further, the proposed development would be located close to existing highway infrastructure and Stargate Industrial Estate to the south east of the application site, to this end a noise impact assessment has been submitted in support of the application. This noise impact assessment concludes that no unacceptable impact on future occupiers would occur as a result on ongoing activity (subject to appropriate mitigation measures, which could be conditioned). On this basis, it is considered that living conditions for future residents would be acceptable and the proposal would not conflict with policy CS14 of the CSUCP and saved policies ENV61 and DC2 of the UDP.

#### 5.97 ARCHAEOLOGY

An archaeological assessment has been submitted with the application. The assessment concludes that the site is very unlikely to contain archaeological remains, and so will not require further archaeological work. Officers and the Tyne and Wear Archaeologist agree with these findings and therefore it is considered that the proposed development would not have a detrimental impact on any archaeological interests. The application would therefore not conflict with policy CS15 of the CSUCP and saved policies ENV21 and ENV22 of the UDP.

#### 5.98 GROUND CONDITIONS AND COAL MINING

The findings of an intrusive site investigation, including boreholes and trial pits have been submitted with the application. The submitted report suggests that further investigation works are required. This requirement can be secured by planning condition. It is therefore considered that the proposed development would not cause unacceptable risk in terms of ground contamination to existing and future residents. The application would not conflict with policy CS14 of the CSUCP and saved policies ENV54 and DC1 of the UDP.

5.99 The Coal Authority have also been consulted on the application and recommend that a planning condition is imposed in line with the recommendations of the report for further intrusive site investigations to be undertaken prior to development in relation to the potential mine workings. Officers agree with this and subject to a planning condition the proposed development would not cause unacceptable risk from a ground stability perspective to existing and future residents. The application would not conflict with policy CS14 of the CSUCP and saved policies ENV54 and DC1 of the UDP.

#### 5.100 CHILDRENS PLAY

The plans submitted with the application identify locations for play provision suitable for all age groups - toddler to teen in the northern part of the site and the north east corner of the site. It is considered that these locations are suitable given that they would be well overlooked with dwellings fronting on to them. The areas would also be highly accessible from all areas of the development.

5.101 Given the above, the proposed development would be in accordance with policies CS14 and GV2 of the CSUCP and saved policies H15, CFR28, CFR29 and CFR30 of the UDP.

#### 5.102 ENERGY EFFICIENCY

The applicant is proposing that all dwellings would adopt a "fabric first" approach to energy efficiency. This will allow the development to meet the relevant requirements under the Building Regulations.

5.103 The phasing out of Code for Sustainable Homes (CSH) and the removal of zero carbon homes policy which would make it difficult to require energy efficiency standards above the level required for compliance under the building regulations.

5.104 In addition, the use of SuDS within the development would ensure that it was resilient to climate change. Whilst the development does not propose any specific renewable energy measures, it is considered that the potential energy efficiency measures would still contribute to carbon minimisation and therefore the application should not be refused on this ground.

5.105 Taking the above into consideration, whilst the proposed development would not fully meet the requirements in saved policies DC1 and MWR35 of the UDP, it would still be in accordance with the more up to date policy CS16 of the CSUCP as it still proposes measures to achieve a high level of energy efficiency but these would be secured through the building regulations and the use of SuDS would further ensure that the development was resilient to climate change.

5.106 Given the above, it is considered that the development would still deliver a high level of energy efficiency, carbon minimisation and resilience to climate change and is considered to be acceptable on this basis.

#### 5.107 EDUCATION CONTRIBUTIONS

Policy GV6 of the CSUCP requires that development contributes to local primary school provision. Policy DEL1 requires new development to be made acceptable through the provision of necessary infrastructure.

5.108 In this case, the applicant is proposing a contribution towards local primary schools, through an appropriate CIL payment.

5.109 Subject to this, the proposal would be in accordance with policies GV2 and DEL1 of the CSUCP.

#### 5.110 OTHER MATTERS

In regard to the representations received relating to insufficient GP and dental places and facilities in the area, the site was allocated for housing following an Examination in Public (EIP). No concerns were raised from the NHS Clinical Care Commissioning Group to this allocation. It is not considered that this issue would justify a refusal of planning permission.

5.111 In regard to concerns that the site is in close proximity to a proposed landfill site and that there are alternative brownfield sites, these matters were considered at the Examination in Public and ultimately it was considered that the site was suitable for residential development and allocated in the CSUCP.

5.112 It is considered that all the other issues raised from the representations have been covered elsewhere in the report.

## 6.0 CONCLUSION

6.1 The site is allocated in the CSUCP for residential development and therefore the principle of the development is clearly acceptable in principle. This said, the proposals are in direct conflict with CS4 (2)( i and ii) that specifies that allocated growth areas should be carried out in accordance with approved masterplans and delivery plans. Further, they conflict with policy GV6.

- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that decisions under the planning acts must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this case, it is considered that no material considerations exist that would weigh sufficiently in favour of the development plan so as to allow the approval of consent.
- 6.3 Officers also have several concerns regarding the design of the proposed development and its impact on the character and appearance of the area. In regard to these issues, the proposed development would clearly be contrary to the NPPF, policy CS15 of the CSUCP and saved policy ENV3 of the UDP.
- 6.4 Further, the development has failed to make adequate compensation for the directly loss of priority habitat. In regard to these issues, the proposed development would clearly be contrary to policies GV6, CS18, DC1(d), ENV44, ENV46, ENV47 and ENV49.
- 6.5 Given the above, it is recommended that planning permission be refused for the following reasons.

## **7.0 Recommendation:**

That permission be REFUSED for the following reason(s):

1

The submitted masterplan document fails to demonstrate how the wider development across the (GV6) allocation will be secured; the application as submitted fails to demonstrate a phased and coordinated approach to development in line with policies CS4 and GV6 of the CSUCP as it does not comply with the fundamental requirement to provide (for approval) a deliverable masterplan and phasing plan.

2

The proposed development due to its form and layout would fail to take opportunities to improve the quality of the area in which it would be located. The proposal would therefore be of poor design which would be harmful to the character and appearance of the area and would be contrary to the NPPF, policies GV6 and CS15 of the CSUCP and saved policy ENV3 of the UDP.

3

The development has failed to provide for adequate or appropriate compensation for the direct loss of habitat as required by location and national policy. The development is considered to conflict directly with the requirements of the NPPF, UDP policies DC1, ENV46 and ENV47 and Policy CS18 of the CSUCP.

4



Insufficient information has been submitted to allow the Council to consider whether the proposal is acceptable from a highway perspective, in accordance with the aims and objectives of the NPPF and Policies CS13, CS4 and GV6 of the Council's CSUCP.

