

Committee Report

Application No:	DC/17/00074/FUL
Case Officer	Graham Stephenson
Date Application Valid	2 February 2017
Applicant	Gateshead Regeneration Partnership
Site:	Land South Of Westminster Street Gateshead
Ward:	Saltwell
Proposal:	Erection of electricity substation and associated parking (revised application) (amended and additional information received 14/03/17).
Recommendation:	GRANT
Application Type	Full Application

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

The application relates to a part of Phase 2, one of the three individual sites referred to by the Gateshead Regeneration Partnership as Saltwell Road West (Phase 1), Kelvin Grove (Phase 2) and Hyde Park (Phase 3) that were referred to in the hybrid planning application DC/14/00906/FUL that has been implemented by the demolitions on the 3 phases and construction of houses on Phase 1. The reserved matters application for Phase 2 has been submitted (DC/17/00172/REM) and is under consideration.

- 1.2 The proposed siting of the sub-station is to the rear of the properties on Rawling Road, separated by a rear lane.

1.3 DESCRIPTION OF THE APPLICATION

This application is a resubmission of an application that was previously refused planning permission (DC/16/01032/FUL). This application was refused for the following reason:

- 1.4 The construction of the electricity substation would result in a visually prominent and incongruous structure, that would be out of keeping with the surrounding area as it currently exists; furthermore in the absence of information relating to the potential future development of the land surrounding the site, including the timescale for development, the Local Planning Authority is unable to fully assess the visual impact of the substation in the longer term. Consequently, the proposed electricity substation is considered to be harmful to the visual amenity of the surrounding area, contrary to policy ENV3 of the Unitary Development Plan, policy CS15 of the Core Strategy Urban Core Plan for Gateshead and Newcastle upon Tyne and the NPPF.

- 1.5 The proposal is to erect an electricity substation (2.95m x 4.05m and 2.4m to eaves level) from red brick. The substation is proposed to have a grey concrete tiled roof with a shallow pitched and central ridge. Black GRP double doors would face onto the rear lane. The substation is proposed to be set back from the edge of the rear lane by 6.0m. Two parking spaces were proposed to the front, perpendicular to the rear lane. However the plans have now been amended to provide a bay where a vehicle accessing the sub-station could pull off the highway. This is proposed to be a temporary bay with a permanent solution considered in more detail as part of the reserved matters application. The siting of the sub-station itself has also been amended, so it is not located on the old back lane of Kelvin Grove and Dunsmuir Grove, which is still adopted highway that has not yet been stopped up. This revised siting means the sub-station is now proposed to be approximately 1 metre further to the north. The dimensions on the site plan indicate a two metre gap to the rear and to both sides of the substation for maintenance access. The substation would be open onto Rawling Road's rear lane. Although no boundary fence is proposed, the applicant has stated that the substation is proposed to be surrounded on three sides by garden fences. The reserved matters application confirms this.
- 1.6 The differences between the refused application and the current application is that further details have been provided with regards to the surrounding development and an application for that development (DC/17/00172/REM) has been submitted. This is to demonstrate how the sub-station would sit within the streetscene once the site is fully developed. Additional information has also been provided with regards to the location of the cables.
- 1.7 The substation is necessary to export the electricity generated by the photovoltaic roof panels on Phase 1 of the Saltwell Bensham Gateshead Regeneration Partnership development. The electricity generated is to be exported to the grid for use within the network. Existing substations are not designed to cope with the additional electricity being fed back into the network and therefore need to be upgraded or new substations constructed to accommodate this.
- 1.8 In addition, as construction of Phase 1 continues the applicant has stated that the existing infrastructure will not cope with the amount of electricity generated hence a new substation is required to accommodate the scheme as approved for Phase 1 and those proposed to be built at Kelvin Grove and Hyde Park (Phases 2 and 3).
- 1.9 The location for the substation has been considered by NEDL and the applicant who consider this to be the best location to ensure the substation is efficient and can serve existing properties in the area and future phases of the Gateshead Regeneration Partnership scheme.
- 1.10 The substation must be provided with vehicular access for maintenance and is therefore proposed to be located adjacent to the adopted highway.
- 1.11 PLANNING HISTORY

DC/13/00424/OUT Retrospective demolition of 115 dwellings, 3 retail units, and 14 garages with temporary site restoration in Phase 1 (known as Saltwell Road West) and proposed phase demolition of a further 291 dwellings and 4 commercial premises with temporary site restoration across Phases 2 (known as Kelvin Grove) and 3 (known as Hyde Park); with a hybrid application for redevelopment of all three phases of housing, with associated car parking and landscaping, consisting of 103 dwelling houses in phase 1 (Saltwell Road West) and outline consent (with all matters reserved) for residential development across Phases 2 (Kelvin Grove) and 3 (Hyde Park). Planning Permission Granted on 24th September 2013.

DC/14/00906/FUL Hybrid application for redevelopment of three phases for housing, with associated car parking and landscaping, consisting of detailed consent for 99 dwellinghouses, site compound and temporary sales cabin in Phase 1 (Saltwell Road West - land bounded by Trevethick St, Macadam St, East Coast Rail Line, Saltwell Rd and rear of nos 162-220 (inc) Saltwell Rd) and outline consent (with all matters reserved) for residential development across Phase 2 (Kelvin Grove - land bounded by Westminster St, Kelvin Gr, rear of 167-201 (inc) Rawling Rd, rear of Stirling House PH and rear of 170-194, Church of Christ Rawling Rd and to the side 68-70 Dunsmuir Grove) and Phase 3 (Hyde Park - land bounded by Hyde Park Street, Rectory Rd, rear of nos 128-150 Dunsmuir Gr, rear of sub-station and Brighton Road) (additional info received 13/10/14, 29/10/14, 31/10/14, 03/11/14 and 06/11/14 and amended 29/10/14, 03/11/14, 04/11/14 and 17/11/14). Granted 24th November 2014

DC/15/00732/NMA Proposed non-material amendment of application DC/14/00906/FUL to allow relocation of Block 1 by 450mm to the south, replacement of perforated brickwork to house types T02 and T02A with contrast brick headers, updating of site roof layout to a modify location and number of bird boxes and addition of bat boxes and adjustment to roof form. Withdrawn 17.08.2015

DC/15/01082/NMA NON MATERIAL AMENDMENT: of Condition 1 (approved plans) of application DC/14/00906/FUL to allow relocation of Block 1 by 450mm to the south, replacement of perforated brickwork to house types T02 and T02A with contrasting brick headers, updating of site roof layout to a modify location and number of bird boxes and addition of bat boxes and adjustment to roof form (amended 17/03/16 and 22/03/16), and to amend condition 7 (verification report), condition 14 (offsite highway works) and condition 17 (sample panels of materials prior to construction above damp proof course). GRANT 31.03.2016

DC/16/00214/FUL Erection of electric substation and fenced enclosure. Withdrawn 05.05.2016

DC/16/01032/FUL - Erection of electricity substation. Refused 22.11.2016

DC/17/00172/REM - Reserved matters application submitted and being considered for all reserved matters (Access, Appearance, Landscaping, Layout

& Scale) for phase 2 of the development, consisting of 52 dwellinghouses, with associated car parking and landscaping.

2.0 Consultation Responses:

Northumbria Police

No Objections

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015 on the 02.02.2017. This included all the properties on Rawling Road which back onto the application site.

Two letters of objection and an 8 name petition have been received. The concerns relate to:

- Anti social behaviour- haven for vandals and hooligans, especially at the rear of the proposed building which is enclosed and an open invitation for drugs and alcohol abuse not to mention fly tipping.
- Wooden fence (fire hazard)
- The security is withdrawn on completion of development
- It is stated on the planning proposal that the building will be lit by streetlights. Does this include the erection of street lighting in the back lane? or do they intend to erect security lights? If so what impact will these additional lights have on the resident's invasion privacy? Light shining in through windows all night?
- The substation would be a standalone structure that could be there on its own for months
- Insufficient neighbours notified
- Disruption of access to homes
- An alternative location would be better
- No information as to where the cables will run
- Potential of disruption and damage to existing services/amenities
- Potential for constant humming from the substation
- What are the present Electro Magnetic Field?
- Will the proposed change again?
- When will the substation be erected?
- When will the development of the houses be built?
- Detrimental impact on residential access if or when maintenance is required

- 3.2 Further notifications were carried out on the 13.03.2017 in relation to the amended plans. Any additional representations will be provided in an update report.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV27 Greening the Urban Area

ENV61 New Noise-Generating Developments

5.0 Assessment of the Proposal:

- 5.1 The main planning issues in this case are considered to be the impact on visual and residential amenity and highway safety.

5.2 EIA SCREENING

The planning application (DC/13/00424/OUT) for the regeneration of this site was accompanied by an Environmental Statement as the development was considered to be a Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The subsequent variation of that permission (DC/14/00906/FUL) was accompanied by an updated Environmental Statement.

- 5.3 Under Part 3, Article 8 of the 2011 Regulations where a subsequent application is made where environmental information was previously provided and where it appears to the Local Planning Authority (LPA) that the environmental information already before them is adequate to assess the environmental effects of the development, the LPA shall take that information into consideration in its decision for subsequent consent.

- 5.4 Thus it is not considered that an updated Environmental Statement is required as the LPA has environmental information adequate to assess the environmental effects of the development and this environmental information has been taken into consideration.

5.5 VISUAL AMENITY

Based on the information that has now been submitted, in terms of how the sub-station would sit in the context of the wider development, it is considered the impact on the visual amenity of the area is acceptable. It is accepted that there may be a period where the substation is the only structure on the site but this would only be until the rest of the site is developed. It is not possible to give exact time scales but it is understood the intention, subject to the determination

of the reserved matters application (DC/17/00172/REM) is for development to commence on the new houses by the end of this year.

- 5.6 Red brick and concrete tiles are considered to be acceptable materials and the final approval can be conditioned (CONDITIONS 3 AND 4).
- 5.7 Information with regards to service/cable runs has been provided as there had been concern that they may restrict opportunities for soft landscaping. The information indicates the cables will run along the southern end of the site and will not have any impact on the development as a whole.
- 5.8 Therefore it is considered on its own merits and in the context of the future development that is proposed, the development would not have a detrimental impact on the visual amenity of the streetscene. As a result it is considered the development does not conflict with the aims and objectives of the NPPF, policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) or policy ENV3 of the Unitary Development Plan.
- 5.9 **RESIDENTIAL AMENITY**
The main concerns raised with regards to residential amenity is anti-social behaviour and crime. Initially the substation would not be enclosed and the advice from the Police Architectural Liaison Officer is that this is the sensible option. It is acknowledged that once the surrounding development is completed there will be fencing on three sides of the sub-station. However by that time natural surveillance will be provided by the houses and lighting in the area will likely be improved by additional street lighting that is required for the new houses.
- 5.10 Security patrols for the phase 1 development will also be extended to include the sub-station.
- 5.11 Given the above, it is considered the concerns of objectors relating to anti-social behaviour are not sufficient to justify refusal.
- 5.12 Concern has been raised by the objectors that the operation of the substation will cause noise disturbance and they refer to the potential for it to generate a humming noise. Advice from Environmental Health is that typically there is no problem with noise from substations
- 5.13 In addition, there should be no unacceptable noise levels generated either during the construction or operation of the substation, construction hours can be conditioned (CONDITION 7) and it is therefore in accordance with Saved UDP policy DC2 and CSUCP policy CS14.
- 5.14 **HIGHWAYS**
Officers have advised that a single parking bay is created for a service and maintenance vehicle, that is parallel to the rear lane as this would overcome the issues of the below standard reversing distance across the back lane. As part of this application a parallel parking bay is now proposed, which subject to tracking details (CONDITIONS 5 and 6) is considered acceptable as an interim

measure. However a more long term solution will be considered as part of the reserved matters application.

- 5.15 Given the above and subject to the recommended conditions, it is considered the proposal as submitted does not result in harm to highway safety and is therefore in accord with CSUCP policy CS13.

5.16 **OTHER MATTERS**

With regards to the issue of an electromagnetic field certificate, this is not a requirement for the planning application.

- 5.17 Should planning permission be granted the applicant would have 3 years to implement the permission but due to the need for the substation it is understood the intention is to implement the permission immediately.

6.0 CONCLUSION

- 6.1 Taking all of the relevant issues into account, the proposal accords with policies CS13, CS14 and CS15 of the CSUCP and saved policies DC2 and ENV3 of the UDP. It is therefore recommended that planning permission be granted.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s):

1

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

Proposed site plan, Plans and elevations and Proposed Cable Route

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

Development shall not commence until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the surrounding area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

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

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the surrounding area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

Prior to substation being brought into use, vehicle tracking details demonstrating the safe use of the parking bay parallel to the rear lane, shall be submitted for the consideration and written approval of the Local Planning Authority. Any amendments required to the parking bay shall be submitted prior to the parking bay being brought into use.

Reason

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

6

The parallel parking bay shall be implemented in accordance with the details approved under condition 5 prior to the substation being brought into use.

Reason

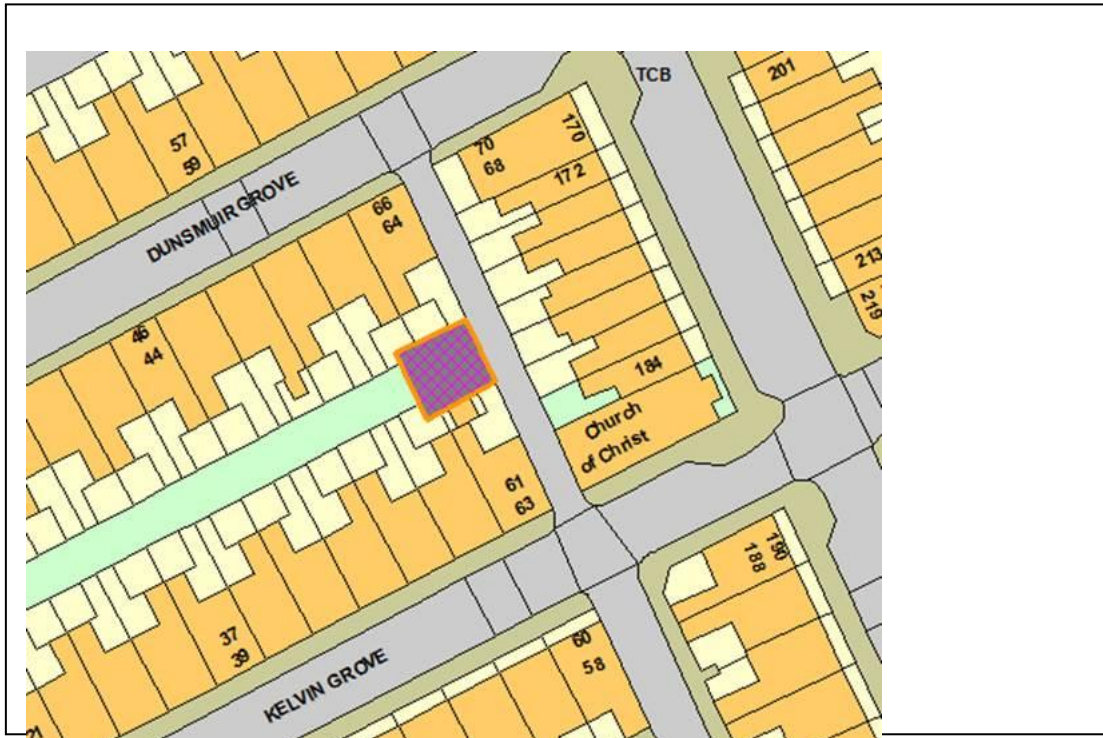
In the interests of highway safety and in order to accord with policy CS13 of the CSUCP.

7

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved Policies DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne



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