

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 29 July 2020 at 10.00 am

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 8) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Pear Trees, Orchard Road, Rowlands Gill NE39 1DN (Pages 9 - 30)
4ii	No. 2 - Highfield Road, Rowlands Gill (Pages 31 - 48)
4iii	No. 3 - Land at Highfield Road, Rowlands Gill (Pages 49 - 58)
4iv	No. 4 - Former Go-Ahead Depot, Gateshead (Pages 59 - 92)
4v	No. 5 - Dunston Football Club, UTS Stadium, Wellington Road, Dunston NE11 9JL (Pages 93 - 104)
4vi	No. 6 - 15 Clavering Road, Bleach Green, Blaydon, NE21 5HH (Pages 105 - 112)

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PLANNING AND DEVELOPMENT
COMMITTEE
29 July 2020

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Anneliese Hutchinson, Service Director,
Development, Transport and Public Protection

Purpose of the Report

1. The Committee is requested to consider the attached schedule of miscellaneous planning applications, which are presented as follows:-

PART ONE:

Planning Applications
Applications for Express Consent under the Advertisement Regulations
Proposals for the Council's own development
Proposals for the development of land vested in the Council
Proposals upon which the Council's observations are sought
Any other items of planning control

PART TWO: FOR INFORMATION ONLY

Applications determined in accordance with the powers delegated under Part 3, Schedule 2 (delegations to managers), of the Council Constitution.

Recommendations

2. Recommendations are specified in the schedule.

The Human Rights Implications of the recommendations have been considered. Unless specified there are no implications that outweigh the material planning considerations.

Contents

Application Number	Site Location	Ward
1. DC/19/00779/FUL	Pear Trees Orchard Road	Chopwell And Rowlands Gill
2. DC/20/00060/OUT	Highfield Road Rowlands Gill	Chopwell And Rowlands Gill
3. DC/20/00069/REM	Land At Highfield Road Rowlands Gill	Chopwell And Rowlands Gill
4. DC/20/00286/FUL	Former Go-Ahead Bus Depot Gateshead	Bridges
5. DC/20/00372/FUL	Dunston Football Club, UTS Stadium	Dunston And Teams
6. DC/20/00396/FUL	15 Clavering Road Bleach Green	Blaydon

DEVELOPMENT PLAN

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published in 2019 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

LOCAL PLAN

In 2015 Gateshead Council and Newcastle City Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP). This Development Plan Document (DPD) sets area-wide Planning Policies for Gateshead and Newcastle, (including policies setting out the amount, and broad distribution of new development) and provides more detailed policies for the Urban Core of Gateshead and Newcastle.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP now forms part of the statutory development plan for Gateshead. The CSUCP also supersedes and deletes some of the saved policies in the Unitary Development Plan (UDP). A list of deleted UDP policies is provided in Appendix 1 of the CSUCP.

The Unitary Development Plan for Gateshead was adopted in July 2007 and the remaining saved policies together with the CSUCP represent a current up to date development plan. In the report for each application, specific reference will be made to those policies and proposals which are particularly relevant to the application site and proposed development. Where the saved UDP policies are in general conformity with the NPPF due weight should be given to them. The closer the consistency with the NPPF the greater the weight can be given.

Some UDP policies are supported by Interim Policy Advice notes (IPA), or Supplementary Planning Guidance (SPG). IPA 4 and 17 and SPG 4 and 5 excerpts, will continue to be used until they have been replaced by appropriate alternatives.

The Council is currently working on new detailed policies and land allocations for the new Local Plan. The DPD will be called Making Spaces for Growing Places (MSGP), which once adopted will replace any remaining saved UDP policies and designations/allocations.

UPDATES

The agenda is formed and printed approximately a week prior to the Planning and Development Committee meeting. Information, correspondence and representations can sometimes be received in the intervening period. In such cases a written update report will be circulated to Members the day prior to the meeting and on occasion there may be further verbal updates to Members from officers, so that Members are aware of all material planning considerations when making their decision on applications.

SPEAKING AT COMMITTEE

Gateshead Council seeks to be inclusive in its decision making process and therefore allows applicants, agents and interested parties to make verbal representation to Members at Committee in accordance with the Council's agreed speaking rights protocol; amongst other procedural requirements, a person must have submitted a request to speak in writing at least a week, in advance of the meeting, and subsequently confirmed their intention to speak.

For further details of speaking rights at committee contact the Development Management Section on (0191) 4333150 or please view the leaflet 'Having Your Say' available from Development Management.

SITE PLANS

The site location plans included in each report are for illustrative purposes only. Scale plans are available to view on the application file or via Public Access.

PUBLICITY/CONSULTATIONS

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

SITE VISITS

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority will not invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION (AS AMENDED)

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These papers are held on the relevant application file and are available for inspection during normal office hours at the Communities and Environment reception, Civic Centre, Regent Street, Gateshead NE8 1HH.

Generalised Guide to Use Classes Order 1987 (as amended)

A1 Shops	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	C1 Hotels	Hotels, boarding and guest houses
A2 Financial and Professional Services	Banks, building societies, estate and employment agencies, professional and financial services.	C2 Residential Institutions	Residential schools and colleges convalescent homes/nursing homes
A3 Restaurants and Cafes	Restaurants, snack bars, cafes.	C2A Secure Residential Institutions	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
A4 Drinking Establishments	Public Houses and Wine bars etc	C3	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared dwellinghouses occupied by between 3 and 6 unrelated individuals who share basis amenities such as kitchen or bathroom.
B1 Business	Offices not within A2, research and development studios, laboratories, high tech., light industry appropriate in a residential area.	D1 Non-residential Institutions	Places of worship, church halls, clinics, health centres, crèches, day nurseries, consulting rooms, museums, public halls, libraries, art galleries, exhibition halls, non-residential education and training centres.
B2 General Industry	General industry.	D2 Assembly & Leisure	Cinemas, music and concert halls, baths, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls.
B8 Storage and Distribution	Wholesale warehouses repositories, including open air storage	Sui generis	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops.

In many cases involving similar types of use, a change of use of a building or land does not need planning permission. Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and Country Planning (Use Classes) Order 1987 says that a change of class is permitted to another specified class.

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REPORT NO 1

Committee Report

Application No:	DC/19/00779/FUL
Case Officer	Tracy Long
Date Application Valid	5 August 2019
Applicant	Mr And Mrs Jamie Wilson
Site:	Pear Trees Orchard Road Rowlands Gill NE39 1DN
Ward:	Chopwell And Rowlands Gill
Proposal:	Demolition of existing bungalow and detached garage and erection of two new dwellings with associated pedestrian/vehicular access (revised plans/ documents received 25 Jan, 24 April, 20 May 2020).
Recommendation:	REFUSE
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE APPLICATION SITE

1.2 The application site comprises an existing bungalow and detached garage, along Orchard Road, within Rowlands Gill Conservation Area. The site is within a residential area of Rowlands Gill and is surrounded by other residential properties. The site is also surrounded by a number of large mature trees to the east, south and west. There is a low fence and hedge along the front of the site, facing Orchard Road, along the northern boundary.

1.3 The land levels across the site and in the surrounding area fall from the south to the north. Therefore the site is sat at a higher level than the adjacent houses immediately to the north along Orchard Road. The existing bungalow sits at an elevated position within the site around 2 metres above the road level to the north.

1.4 DESCRIPTION OF THE APPLICATION PROPOSAL

1.5 This planning application proposes to demolish the existing bungalow and detached garage on the site, sub-divide the site into two plots and to build two detached, two storey houses on each plot. Plot 1 on the eastern half of the site is a two storey house with living accommodation in the roof, providing 3 bedrooms. Plot 2 on the western half of the site is a two storey house, providing 4 bedrooms.

- 1.6 The planning application has been submitted with the following supporting information
- Heritage Statement
 - Design and Access Statement
 - Tree Survey / Report
 - Bat Report
 - Preliminary Risk Assessment (contamination)
 - Addendum Conservation Area Statement
 - Addendum Report covering tree and heritage issues
- 1.7 The submitted application form and Design and Access Statement states that the bungalow and garage are of poor quality and that the bungalow has damp issues. The application form also states that the current owners are a growing family and require a large dwelling.
- 1.8 AMENDED PLANS
- 1.9 Amended plans and documents were submitted in January 2020 to try and address some of the concerns and comments that had been made by Council officers regarding the impact of the original proposal on the conservation area, trees, ecology and the safety of the new access to serve plot 1 on the eastern half of the site.
- 1.10 The main changes on the amended set of plans are briefly summarised below
- The position of the new house on plot 1 on the eastern half of the site has been moved slightly further away from the trees to the east of the site at Tree Tops. Originally 1.8 metres now 2 metres from the eastern boundary of the site.
 - The position of the new access to serve plot 1 on the eastern half of the site has been moved away from the bend on Orchard Road to the north east of the site. The new access is now positioned more centrally along the site frontage.
 - Further information has been provided regarding bats in the revised bat survey.
 - The Design and Access Statement, Tree Survey and Heritage Statement have been updated as well as an Addendum Conservation Area Statement being provided to reflect the amended plans and to respond to comments made by Council officers
- 1.11 Council officers still had concerns regarding the revised proposal submitted in January 2020 in terms of the impact on existing surrounding trees and the impact on the conservation area. Council officers therefore intended to present this application to the planning committee meeting on 6th May 2020 with a recommendation for refusal. The applicants requested that the application be

removed from the committee agenda to allow them time to submit additional tree information and heritage information for consideration.

1.12 Additional tree information was therefore submitted on 24th April 2020 in the form of a revised updated tree report dated 22 April 2020 along with comments from the applicant's tree consultants which respond to the concerns and comments that had been made by the Council's tree officer. The revised tree report dated April 2020 included the retention of tree T14 which was previously identified to be removed. The position of the proposed house on plot 1 on the eastern half of the site had also been moved further away from T13 by 235mm.

1.13 Updated tree information and additional heritage information was then subsequently provided on 20th May 2020. This latest package of information included a revised tree report along with an addendum report by Matthew Williams a planning consultant for the applicants covering the tree and heritage issues under consideration. Revised drawings were also submitted at this time. The changes on the proposed plans relate to a number of small and modest alterations including:

- moving the footprint of the proposed house on plot 1 further to the west by 640mm
- repositioning the footprint of the proposed house on plot 1 an additional 250mm from the highway along the front of the site
- lifting the ground/floor levels of the proposed house on plot 1 slightly by around 218mm

1.14 RELEVANT PLANNING HISTORY

1.15 There is no relevant planning history.

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer No archaeological work is required.

Northumbrian Water No objections.

3.0 Representations:

3.1 The Council sent letters to 13 properties surrounding the site on 8 August 2019 as well as displaying a site notice outside the site on 13 August 2019. A notice also appeared in the Newcastle Journal on 14 August 2019.

3.2 10 letters of objection have been received from local residents to the original proposal on the following grounds:

Overdevelopment
Out of character with street scene.
Out of character with and harm to the Conservation Area
Loss of green space

Loss of trees/ harm to trees

Increase in traffic
Inadequate car parking
Dangerous access

Overbearing
Feeling of claustrophobia
Loss of light
Loss of privacy / overlooking
Additional noise
Disturbance early morning/late evenings
Disruption during the construction phase

Bat survey is incomplete
Harm to wildlife in the area

Loss of views of the fields and open space
The plans are difficult to read / understand
Devaluation of property prices in the area
Concerns about asbestos
Query whether the existing bungalow is of poor design quality with damp
Concerns over health from the noise, dirt, disruption and mental stress
Concerns whether existing drains are adequate
Could be contrary to covenants on the land

3.3 AMENDED PLANS

3.4 The Council sent neighbour notification letters on 28 January 2020 to everyone who was originally notified about the planning application as well as everyone who made comments on the original plans - letting them know about the revised plans that had been submitted in January 2020.

3.5 7 letters of objection have been received from local residents regarding the amended plans received in January 2020 on the following grounds :

Overdevelopment
Out of character with street scene.
Out of character with and harm to the Conservation Area
Loss of green space

Loss of trees/ harm to trees
Loss of the existing front boundary hedge

Increase in traffic / will result in further congestion

Inadequate car parking
Dangerous access

Overbearing
Loss of light
Loss of privacy / overlooking
General unpleasant feeling of the new houses being too close to neighbours
Will harm neighbours quality of life and well being
Additional noise, disturbance early morning/late evenings
Disruption during the construction phase

It is unclear whether there are bat roosts in the existing bungalow
Harm to wildlife in the area

The plans do not include a unit of measurement
The plans do not show the proposal in relation to the houses opposite.
The statements made about damp could be confirmed by an expert.
Could be contrary to covenants on the land
There is very little compromise by the homeowners in the revised plans.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV8 Demolition within Conservation Areas

ENV10 Dev in Gdns/Grounds in Conservation Area

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H5 Housing Choice

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

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

IPA17 Conservation Area Character Statements

5.0 Assessment of the Proposal:

5.1 The main material planning considerations are the impact of the proposed development (as amended) on the Conservation Area, the impact on trees, residential amenity, highway safety and the impact on ecology.

5.2 NPPF and NPPG

5.3 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) set out the Government's planning policies for England and how these are expected to be applied. Section 11 of the NPPF states that there is a presumption in favour of sustainable development.

5.4 HERITAGE / DESIGN ISSUES

5.5 This site is situated within Rowlands Gill Conservation Area, which is a designated heritage asset. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

- 5.6 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset (such as Rowlands Gill Conservation Area), great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be).
- 5.7 The NPPG explains that the NPPF makes clear that significance derives not only from a heritage assets physical presence but also from its setting. The NPPG further advises that proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to a designated heritage asset is identified, it needs to be categorised as either less than substantial harm or substantial harm in order to identify which policies in the NPPF apply (194-196). Within each category of harm (the category should be explicitly identified) the extent of harm may vary and should be clearly articulated. (NPPG Paragraph : 018 Reference ID 18a 018 20190723).
- 5.8 Paragraph 194 of the NPPF goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 5.9 Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 5.10 Paragraph 196 of the NPPF explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.11 Saved Policy ENV10 of the Council's Unitary Development Plan (UDP) states that planning permission will not be granted for development (especially that which would involve sub-division) in gardens and grounds which make a contribution to the character of a conservation area. The supporting text explains that the character of conservation areas relies as much on the spaces between buildings as on the buildings themselves. Development within and the sub division of gardens and grounds in these areas would nearly always result in erosion of character.
- 5.12 Policy CS15 of the Council's Core Strategy and Urban Core Plan (CSUCP) also seeks the conservation and enhancement of the historic environment / heritage assets.
- 5.13 The main planning issue in assessing the proposed development is therefore the effect of the development on the significance of the designated heritage

asset – Rowlands Gill Conservation Area and whether any harm is outweighed by public benefits.

5.14 Demolition of Bungalow and Detached Garage

5.15 The existing bungalow was built around 1960 and does not have any architectural or historic merit. The detached garage is a modern prefabricated construction. Both the buildings are therefore not considered to contribute to the character of the conservation area. It is therefore considered that their removal would not detract from the overall appearance of the area as the garden and its openness which does contribute to the character of the conservation area would remain intact. The demolition of these two buildings is therefore considered to be acceptable from a heritage point of view.

5.16 Sub Division of Garden and Construction of Two Houses

5.17 The pattern of development at this part of the conservation area is mixed in character in terms of its density and tree cover. The area to the immediate north of the site along Orchard Road and to the west along Orchard Dene is characterised by a mix of semi detached two storey houses, detached two storey houses and bungalows in relatively small sized plots. However the area to the immediate east and south of the site is characterised by large mature tree cover and large houses set in substantial grounds.

5.18 The application site was formed when the site was sub divided from a larger plot “Tree Tops” to the south and east of the site in the latter half of the 20th century. The application site is therefore small in comparison to the development pattern along Orchard Road to the east and south of the site. The site is however larger in comparison to the denser pattern of development along Orchard Road and Orchard Dene to the north and west.

5.19 The site is made up of an open area of garden which directly fronts onto Orchard Road and is visible from the surrounding street scene. The openness of the site, the space around the existing bungalow and the surrounding mature trees cover all contribute to the character and appearance of this part of the conservation area. Council officers are also of the view that this site allows the transition from the high density development to the north and west to the more spacious development to the east and south. Council officers are therefore of the opinion that the current open garden space on the site makes a positive contribution to the character and appearance of the conservation area, as character is defined not just by buildings and structures but also by the spaces and views between them.

5.20 Council officers are of the opinion that the sub-division of this open garden site and the building of two new houses on each plot would interrupt the current pattern of development and alter it significantly.

- 5.21 The proposed two new houses have been designed to sit within the elevated garden as well as being excavated in part down to street level. Whilst Council officers acknowledge that this design approach reduces the effective built form, the proposed scale and massing of the two proposed houses are greater than that of the existing bungalow and garage.
- 5.22 The reduction in the amount of openness which currently exists around the bungalow would diminish and the density of the development pattern in this location would intensify. The street frontage would therefore become more built up and would erode the sense of openness that currently exists, which is significant to the character and appearance of the conservation area. Council officers are therefore of the opinion that the proposal would harm (less than substantially harm) the character and appearance of this part of the conservation area.
- 5.23 Design
- 5.24 The houses in the area exhibit design features selected from a limited palette – a mix of materials, brick and render, exposed timbers, substantial gables and slate roofs. These features are in various combinations throughout the area. There is no uniform design or character.
- 5.25 The design of the two new houses includes traditional and contemporary design features. The external materials for the two new houses include buff brick, off white render, grey concrete roof tiles and powder coated aluminium slate grey windows.
- 5.26 The proposed design approach and external materials proposed for the two new houses are considered by Council officers to be appropriate for the locality. Council officers are therefore of the opinion that the proposed two new houses whilst adopting a more modern and contemporary approach to their design have taken reference to their surroundings. The proposed external materials are therefore considered typical of the area (with the exception of the grey windows).
- 5.27 Benefits
- 5.28 Council officers consider that the harm that would result from the proposed development to the significance of the Rowlands Gill conservation area would be less than substantial. It is therefore necessary in accordance with paragraph 196 of the NPPF to balance the harm against any public benefits from the proposal.
- 5.29 The NPPG states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in section 8 of the NPPF. Public benefits should flow from the proposed development and should be of a nature and scale to benefit the public at large and should not just be a private benefit.

- 5.30 The addendum report provided by Matthew Williams (the applicant's planning consultant) which covers tree and heritage issues, also outlines what the applicants consider to be the benefits of the scheme. In the opinion of the applicants the benefits of the scheme include the following factors.
- 5.31 The provision of additional, much needed homes. The size of the development means that it is deliverable in the short term rather than major housing schemes that may well have stalled for considerable periods of time.
- 5.32 Construction jobs associated with the development. The addendum report by Matthew Williams states that a greater emphasis should be placed on the need to secure future economic activity and jobs as a result of the impact of the current coronavirus pandemic. The addendum report therefore concludes that this is a substantial benefit of the scheme as it would provide the opportunity for immediate employment.
- 5.33 The redevelopment of the site will result in biodiversity net gain for the area through the introduction of bat and bird boxes.
- 5.34 The existing bungalow is damp and of very low energy efficiency due to poor construction/insulation and an inefficient polluting gas boiler system. The new homes will be highly sustainable including air source heat pumps, low nitrogen oxide boilers, reducing water consumption alongside solar panels and electric vehicle charging points. The addendum report states that the new buildings will be substantially more efficient and will assist in reducing emissions which will help improve air quality. The addendum report concludes that whilst this may appear as a minor public benefit to some all small steps help and cumulatively add up to a major positive improvement.
- 5.35 The new development will restrict surface water run off to greenfield rates through rainwater harvesting and mitigation thereby improving the rate of outflow to the public system. The addendum report states that this may seem minor but it is still a public benefit and one that has cumulative benefits particularly for an area with an aged Victorian sewerage system.
- 5.36 The existing dwelling needs to be redeveloped due to the poor quality of the existing house. The addendum report explains that the only realistic viable way to achieve this is through the approach put forward by the applicant. The bungalow has an embedded market value and there is a ceiling on sales value, therefore any demolition and rebuild has to factor this in. The need is to split the site and secure two homes.
- 5.37 The applicants planning consultant concludes by stating that the overall impact on heritage significance is therefore at worst neutral but in their opinion minor beneficial. Even if the Council maintains the position that the heritage impact is less than substantial the planning balance is determinately positive as there are wider public benefits which cumulatively outweigh any perceived harm.
- 5.38 Council officers have carefully considered all of the above suggested benefits put forward by the applicants in the addendum report provided by Matthew

Williams. Council officers acknowledge that the proposed development would bring some benefits. However Council officers have come to a different opinion as to the weight to be given to the above suggested benefits and whether they outweigh the harm that Council officers consider that the proposed development would cause to the Conservation Area.

- 5.39 It is accepted that the proposal would result in a net gain of one additional dwelling. However given that the benefit relates to only one additional dwelling the benefit is considered overall to be relatively minor. The Council also has a number of major housing schemes that are on site at the moment and are going through the planning process and have not been stalled, including a number of its Green Belt release sites.
- 5.40 Council officers also accept that the proposal will generate some economic benefits through employment with the associated construction jobs. However Council officers are of the opinion that this is not considered to be a substantial benefit due to the scale of the development (2 houses) and in any event would be a temporary benefit that only lasts during the construction stage of the development.
- 5.41 It is also accepted that the proposal will result in biodiversity improvements through the provision of tree mounted bat boxes and integral bat features in each new house. These features would be conditioned if planning permission were to be granted to ensure that the new development provides replacement bat features for those that would be lost by the demolition of the existing bungalow. It is therefore considered by Council officers that such benefit would be limited in scale and would therefore be a minor benefit.
- 5.42 No information has been submitted to substantiate and confirm the damp issues that the applicant state they experience with the existing house. Council officers are therefore only able to give very little weight to this issue. It is however accepted that the proposed new houses would be a qualitative improvement in terms of energy efficiency and rate outflow to the sewerage system, which is welcomed. However Council officers are of the opinion that the benefits would be very limited in scale given that they relate to two houses.
- 5.43 The viability reason is noted however without any viability information limited weight can be given to this consideration.
- 5.44 Council officers have therefore carefully and thoroughly considered the benefits that would arise from the proposal. In weighing the public benefits of the proposal against the harm identified Council officers are of the opinion that the public benefits of the development are no more than limited weight due to the scale of the development which relates to two houses with a net gain of one additional house. Council officers are therefore of the view that the benefits associated with the development would not outweigh the less than substantial harm that would be caused by the development to the significance of the heritage asset – Rowlands Gill conservation area.

- 5.45 It is therefore recommended that planning permission be refused for the proposal on the grounds of less than substantial harm to the Rowlands Gill conservation area, that would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV10 of the UDP and policy CS15 of the CSUCP.
- 5.46 TREES
- 5.47 There are a number of medium sized and large trees around the side and rear garden of the site. A number of these trees are situated within the neighbour's gardens but the canopies of the trees overhang the application site.
- 5.48 These trees together with the existing boundary hedge along the frontage of the site contribute to the character and appearance of the Conservation Area. All of the trees on the site and in the neighbour's gardens are protected given that they are situated within a Conservation Area. Therefore no tree works should be carried out to the trees without the prior written approval of the Council.
- 5.49 Four Arboricultural Implications Study reports have been submitted as part of this planning application. One with the original plans, a revised report with the amended plans submitted in January 2020, a revised report on 24th April 2020, as well as a revised report in May 2020. These tree reports survey 14 individual trees and four groups of trees on the site and immediately adjacent the site in neighbour's gardens.
- 5.50 The submitted plans show that the existing boundary hedge along the front of the site facing Orchard Road will be retained, apart from where a section is proposed to be removed to accommodate the new access to serve the new house on plot 1 on the eastern half of the site.
- 5.51 The latest tree report submitted in May 2020 states that trees T1- T14 will be retained and will be protected by fencing during the demolition and construction phases of the development. However minor reduction of lateral branches is recommended to be undertaken to trees T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13, T14 and Group 1 to facilitate the proposed development, to enhance light conditions in the garden, as well as providing clearance between the trees and the proposed new houses. The addendum report provided by Matthew Williams the applicants planning consultant states that these tree works will be required irrespective of the current planning application to ensure the health and vitality of the surrounding trees.
- 5.52 The tree report recommends the removal of tree T14 on the grounds of poor health as it is considered that the tree is in serious decline. The applicants tree consultants offers a view that tree T14 shows the early onset of leaf chlorosis and that bud and fruit development are seriously diminished. Tree T14 is positioned in an adjacent property to the east "Tree Tops"- so consent will be required from the land owner of Tree Tops as well as the Local Planning Authority to enable this tree to be removed. The previous tree reports recommended the removal of tree T14. However the latest tree report submitted in May 2020 still recommends that tree T14 is removed but no action

will be taken until permission is obtained from the Council and the landowner. Tree T14 has therefore been shown to be protected in the eventuality that it is retained due to lack of permission from the Council and/or owner.

- 5.53 Council officers had concerns that the proposed development as originally submitted would have a negative impact on the mature trees surrounding the site, that are very prominent within the landscape. The harm would arise from the construction works and later from pressure to remove and carry out extensive pruning to mitigate shading issues.
- 5.54 Revised plans, tree reports and supporting information have been submitted in January, April and May 2020 to try and address these tree concerns raised by Council officers. The amended plans have moved the new access to serve plot 1 on the eastern half of the site further west, as well as moving the position of the house on plot 1 slightly more to the west, so further away from the existing trees along the eastern boundary of the site at Tree Tops.
- 5.55 Council officers consider the amended plans to be an improvement. However Council officers are still of the opinion that the amended proposal will have a negative impact on the mature trees in and around the site during the construction process and later from pressure to remove and carry out extreme pruning to mitigate conflict and shading issues.
- 5.56 Tree T13 to the east of the site in the garden of Tree Tops is an A category tree which is particularly visible within the street scene and is therefore considered by Council officers to be of significant amenity value. Tree T14 also to the east of the site in the garden of Tree Tops a Horse Chestnut tree is similarly visible within the street scene and therefore is also considered by Council officers to have a high amenity value.
- 5.57 The Horse Chestnut tree T14 has been described by the applicant's tree consultant as being of U classification as it is suggested that the tree is in serious decline. However the Council's tree officer is of the opinion that the symptoms of early chlorosis and premature leaf fall are the symptoms of Horse Chestnut leaf blotch (*Guignardia aesculin*). The Council's tree officer is of the view that the fruit on the tree appeared healthy and therefore did not anticipate long term harm. Without any other supporting information to indicate otherwise Council officers consider that tree T14 is a B category tree and should therefore be considered for retention. On this basis the proposed development should be considered in terms of its impact on tree T14 as to be retained rather than tree T14 being removed.
- 5.58 The canopies of the trees surrounding the site will over sail the proposed house on plot 1 on the eastern half of the site. These trees will therefore require immediate tree pruning as the canopies of the trees will be in conflict with the proposed new houses. Council officers are of the view that this will be an ongoing maintenance requirement that is likely to have a negative impact on the health and amenity provided by the trees.

- 5.59 The proposed development will also involve trespassing within the root protection zones of some of the trees around the site (trees T6, T7, T12 and T13). The tree report submitted in May 2020 states that the design has been adjusted so that the footprint of the building, the paths and the walls are located outside the root protection area of all trees surveyed. However the tree report shows on the tree protection plan in Appendix 5 that part of the root protection area of tree T13 is to be exposed and protected with ground protection to allow 1 metre space between the wall and fence for construction work to take place.
- 5.60 Council officers consider that the impact to the roots of tree T13 will be significant during the construction process when digging the foundations for the new house on plot 1 which will be significant along with the installation of drainage and services to the new house.
- 5.61 There are visible significant roots from tree T12 in the south east corner of the site. Tree T12 is however positioned in the neighbours garden at Tree Tops. These visible roots appear to go well beyond the notional root protection zone shown on the submitted tree survey plans in the tree report. Council officers are therefore of the opinion that it is very likely that this tree T12 will also be compromised by the proposed development.
- 5.62 The root protection zones of trees T6 and T7 in the south west corner of the site will be breached during the demolition of the existing detached garage. The submitted tree report states that a slight adjustment of the tree protective fencing will be required to allow the demolition of the garage. Council officers consider that providing care is taken during the demolition of the garage little or no harm is likely to trees T6 and T7.
- 5.63 Given the proximity of the trees around the site Council officers are of the opinion that the trees are likely to impact on the enjoyment of the garden areas by the future occupiers of the two new houses, as the trees will encroach within the limited private rear garden areas which are south facing and will cast significant shade. This could lead to post development resentment from the future occupiers.
- 5.64 Council officers are therefore of the opinion that the proposed development (as amended) will have a negative impact on and will harm a number of mature trees surrounding the site, that are very prominent within the landscape and contribute to the character and appearance of the site and area. The harm would arise from the construction works and later from pressure to remove and carry out extensive pruning to mitigate shading issues. It is therefore recommended that planning permission be refused on the grounds that the proposed development would harm the surrounding trees contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV44 of the UDP and policy CS18 of the CSUCP, which seek to protect trees of value.
- 5.65 RESIDENTIAL AMENITY
- 5.66 A number of residents have objected on the grounds that the proposed development would harm their living conditions. Given the remaining distances

between the proposed houses and the existing properties surrounding the site and also taking into account some of the existing trees and hedges that provide an element of screening, it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing, loss of privacy / overlooking or visual intrusion. It is also considered that there would be no harm to the living conditions of future occupiers of the proposed houses through loss of light, overshadowing, loss of privacy / overlooking or visual intrusion.

- 5.67 There would be around 21 metres between the proposed front elevation of the proposed house on plot 2 on the western half of the site and 19 Orchard Road the neighbour to the immediate north. There would be around 22 metres between the front elevation of the proposed house on plot 1 on the eastern half of the site and 21 and 23 Orchard Road the neighbours to the immediate north. There are a number of existing trees which are to be retained along the eastern, southern and western boundary of the site which provides screening between the proposed houses and Tree Tops the house immediately to the south and 1 Orchard Dene the house immediately to the west.
- 5.68 Any disturbance or disruption caused by the construction phase of the development could be limited and controlled by a planning condition which restricts the days and hours of the construction works, should planning permission be granted.
- 5.69 The proposed development is therefore considered to be acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the UDP and policy CS14 of the CSUCP, which seek to protect residents living conditions.

5.70 HIGHWAY ISSUES

5.71 Access Arrangements

There is an existing vehicle and pedestrian access to the existing bungalow and existing detached garage, off Orchard Road which is positioned towards the north west corner of the site.

- 5.72 This existing access would be retained to serve the proposed new house positioned on the western half of the site (plot 2). Council officers consider that the use of the existing access to serve plot 2 is acceptable from a highway safety point of view.

- 5.73 A new vehicle and pedestrian access is proposed off Orchard Road, to the east of the existing access, to serve the proposed new house positioned on the eastern half of the site (plot 1). Council officers had highway safety concerns about the position of the new access proposed to serve plot 1 as shown on the plans originally submitted. It was positioned close to a sharp bend along Orchard Road and drivers would have restricted visibility of someone exiting the driveway. It was also very close to the driveway of the adjacent house to the immediate east "Tree Tops" which would create an additional conflict at this location.

- 5.74 Amended plans were submitted in January 2020 to address these concerns. The revised plans show that the proposed new access to serve plot 1 has been moved further west so it is closer to the existing access which would serve plot 2 and further away from the bend in the road and the Tree Tops access to the north east of the site. The revised position for the new access to serve plot 1 is considered to be an improvement highway safety wise and to be acceptable.
- 5.75 **Traffic Generation**
Council officers are of the opinion that the increase in traffic movements associated with two houses at the site compared to the existing bungalow, would be limited.
- 5.76 **Car Parking Provision**
The proposed car parking provision for the new house at plot 1 on the eastern part of the site comprises a driveway within the site, which includes a turning area, off Orchard Road. The proposed car parking provision for the new house at plot 2 on the western half of the site includes an integral garage as part of the proposed house design with an associated driveway within the site, off Orchard Road. The proposed site layout therefore provides car parking space for both the new houses within the site. The proposed car parking provision is therefore considered to be acceptable
- 5.77 **Cycle Parking Provision**
No details of cycle parking provision have been provided as part of the planning application. The provision of suitable cycle parking for both the proposed houses could be covered by planning conditions should planning permission be granted.
- 5.78 **Bin Storage /Collection**
There is sufficient space within the plots of both new houses to accommodate bins, with access for bin lorries to collect the bins from along Orchard Road. It is therefore considered that there is sufficient space within both plots for appropriate bin storage and collection arrangements to take place.
- 5.79 Subject to the above planning condition relating to cycle parking provision, the proposed development (as amended) is considered to be acceptable from a highway safety point of view and accords with the aims and objectives of the NPPF, policy CS13 and of the Council's CSUCP and the Council's Cycling Strategy.
- 5.80 **ECOLOGY**
- 5.81 Two bat survey reports (dated June 2019 and October 2019) have been submitted with this application. Council officers were of the opinion that the original bat survey report dated June 2019 was inadequate as it did not establish whether bats were present at the site. An amended bat survey report dated October 2019 was therefore submitted to address the concerns and comments that had been raised by Council officers, including the Council's ecologist.

- 5.82 These two bat survey reports establish that there is a bat roost in the loft void of the existing bungalow (likely to be used on an intermittent basis by low numbers of non breeding pipistrelle bats), the garage is considered to be of low value to roosting bats and that some of the surrounding trees including two Sycamore trees could provide potential bat roosting features.
- 5.83 Should planning permission be granted for this development a number of planning conditions are therefore considered necessary relating to :
- restrictions on the timing of the works to avoid the bat hibernation period (November to March inclusive) – to prevent any harm or disturbance to bats that may be present within the bungalow at the time of the demolition works,
 - the provision of tree mounted bat boxes prior to the commencement of development works - to provide replacement bat roost features for bats during and following the completion of the development,
 - the provision of integral bat box features in each of the new houses – to provide replacement bat roost features.
 - the approval of a method statement covering the demolition of the existing bungalow, the demolition of the existing detached garage and the felling or trimming of trees which are considered to have a low bat roost risk – to address the potential of bats being present.
- 5.84 These conditions would provide mitigation measures to minimise the harm to bats during the demolition and construction phases of the development and would ensure that the local bat population is maintained at a favourable conservation status.
- 5.85 Subject to these conditions the proposed development is considered to be acceptable from an ecology point of view and in accordance with the NPPF, saved policies DC1 (d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.86 The developer will also need to apply to Natural England for a licence to carry out the works.
- 5.87 LAND CONTAMINATION
- 5.88 The site has been previously used as agriculture and open space prior to being used as a garden for the existing bungalow. The risk of the proposed development being affected by contamination is therefore considered to be low.
- 5.89 A Preliminary Risk Assessment (PRA) report has however been submitted with this application. This report concludes that the proposed development does not provide any contamination issues. Council officers agree with this conclusion.

- 5.90 Concerns have been raised by some local residents that there may be asbestos in the existing buildings on site that are to be demolished. Council officers are of the opinion that issues relating to asbestos and gas mitigation measures will be covered by Building Regulations. It is therefore not considered necessary in this instance to also require an asbestos survey / method statement and gas mitigation measures by planning conditions as well.
- 5.91 The proposed development is therefore considered to be acceptable from a contaminated land point of view and accords with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.92 OPEN SPACE/PLAY PROVISION
- 5.93 Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.94 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.
- 5.95 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.96 Therefore while it cannot be concluded that the proposal would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for either off site open space or off site play provision in this case based on the above assessment.
- 5.97 COMMUNITY INFRASTRUCTURE LEVY
- 5.98 On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule. This development is CIL chargeable development as it is for qualifying housing related development within Residential CIL Zone B, where there is a levy of £30 per sqm of net additional floorspace.
- 5.99 OTHER ISSUES

5.100 A number of other issues have been raised by local residents in their objection letters which have not been addressed in the report above.

5.101 Submitted Plans

A number of comments have been made by local residents about the submitted plans including the plans do not include a unit of measurement which makes them unclear, the plans are difficult to read / understand and the plans do not show the context of the proposal in relation to the houses opposite. The plans submitted are drawn to scale and show the scale on the drawings, a number of measurements are also provided on the drawings showing various distances relating to the development as well as land levels. Cross sections and perspective drawings have also been submitted which show the existing and proposed development along the southern side of Orchard Road and what the proposed houses would look like on the site. Council officers are therefore of the view that sufficient information has been submitted to enable the proposal to be considered.

5.102 Damp

The statements that the applicant has made about damp in the property does not require confirmation by a qualified expert as part of this planning application assessment. It is the impact of the sub division of the site and the construction of the two new houses that is considered.

5.103 Covenants, Compromise, Property Prices, Health and Loss of views

Covenants on the land, the amount of compromise by the applicant, impact on property prices in the area, impact on the health of neighbours and loss of views are not material planning issues that can be taken into account when considering a planning application.

5.104 Drains

Concerns have been raised whether the existing drains are adequate. Northumbrian Water have been consulted and raised no objections to the proposal.

6.0 **CONCLUSION**

6.1 Taking all the relevant issues into account, including the comments made by the local residents and the applicant in their supporting documents, it is considered that the proposal would result in harm (less than substantial harm) to the conservation area and harm to the existing surrounding trees. The benefits of the proposed development have been fully considered but Council officers are of the opinion that the harm that would be caused would not be outweighed by the benefits of the development.

6.2 It is therefore considered that the proposed development is unacceptable from a conservation area and tree point of view and is therefore contrary to the aims and objectives of both national and local planning policies.

7.0 **Recommendation:**

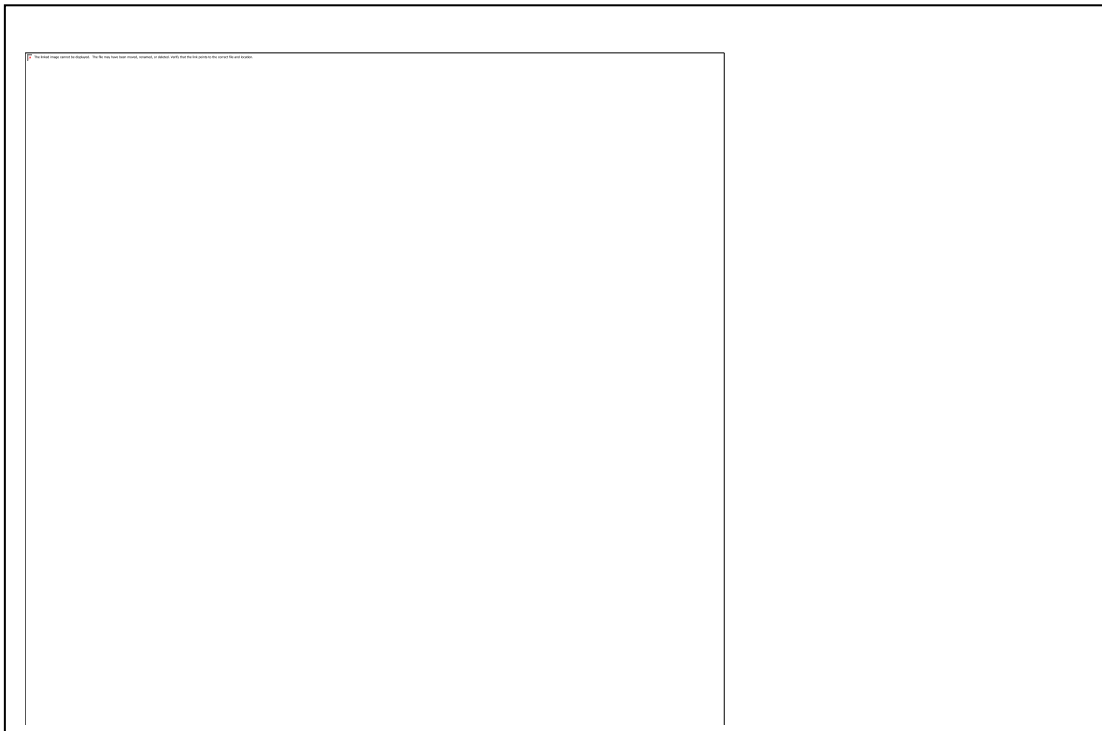
That permission be REFUSED for the following reasons:

1.

The proposed sub division of the site and construction of two houses would result in less than substantial harm to the Rowlands Gill conservation area, that would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV10 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan, which seek the conservation and enhancement of the historic environment.

2.

The proposed development will have a negative impact on and will harm a number of trees surrounding the site, that are very prominent within the landscape and contribute to the character and appearance of the site and area, contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan, which seek to protect trees of value.



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REPORT NO 2

Committee Report

Application No:	DC/20/00060/OUT
Case Officer	David Morton
Date Application Valid	23 January 2020
Applicant	Mr Simon Ragg
Site:	Highfield Road Rowlands Gill
Ward:	Chopwell And Rowlands Gill
Proposal:	Proposed 5 no. townhouses and 9 no. apartments with associated works (amended plans and additional information received 19/05/20).
Recommendation:	GRANT
Application Type	Outline Application

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

The application site is located to the south of Highfield Road, Rowlands Gill. The application site was formally occupied by Highfield School and is now vacant. Highfield Road itself bounds the site to the north, Smailes Lane is to the north. To the south of the site is the remainder of the former Highfield School site, this area has been granted outline approval for the erection of 13 dwellings (DC/19/00279/OUT) and a reserved matters application is currently under consideration (DC/20/00069/REM).

1.2 The site is located within an established residential area with the majority of the surrounding streets being characterised by private residential dwellings.

1.3 DESCRIPTION OF APPLICATION

This application has been submitted in outline form as the developer is seeking agreement "in principle" to the erection of 14 dwellings, split as 5 townhouses and 9 no. apartments.

1.4 Whilst indicative information has been submitted with the application, all matters - access, appearance, landscaping, layout and scale are to be considered at reserved matters stage. However, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the areas where access points to the site are proposed have been provided with this outline application. The combined vehicular and pedestrian access into the site is shown to be taken from Highfield Road to the south west of the application site.

- 1.5 The applicant has also submitted indicative plans for the layout of the site, including an indicative, composite site plan. The indicative plans show the proposed properties fronting onto Highfield Road and Smailes Lane respectively. The access and parking associated with the site is shown to be located to the south; the plans indicated that all development will be three storeys in height.
- 1.6 The following documents have been submitted by the applicant in support of the application:
- Design and Access Statement;
 - Phase I Ecology Assessment; and
 - Arboricultural Impact Assessment & Method Statement.
- 1.7 **RELEVANT PLANNING HISTORY**
The relevant planning history associated with the application site (including the neighbouring site) is summarised as follows;
- DC/04/00622/GBO; Outline planning permission granted for 'Development of 1.08 ha of land for residential purposes.' Date; 16 July 2004.
 - DC/07/00958/REM; Planning permission granted for 'Erection of 33 semi-detached and town houses and 56 flats in a 4 storey block with associated car parking and landscaping (amended 12/10/07, 7/11/07, 21/11/07 and 5/12/07).' Date; 20 December 2007.
 - DC/19/00279/OUT; Outline planning permission granted for 'Proposed erection of thirteen dwellings.' Date; 17 October 2019.
 - DC/20/00069/REM; Reserved matters application under consideration for 'APPROVAL OF RESERVED MATTERS: for planning application DC/19/00279/OUT relating to Access, appearance, landscaping, layout and scale (amended plans and additional information received 19/05/20).' Date validated; 20 February 2020.

2.0 Consultation Responses:

Tyne and Wear Archaeology Officer	No objection.
Northumbria Police	No objection.
Northumbrian Water	No objection, subject to condition.

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) Order 2015.
- 3.2 A total of six letter of objection have been received and are summarised as follows;
- Townhouses and apartments are inappropriate in this location;

- The proposed development would cause highway issues;
- The proposal will have an unacceptable impact on residential amenity;
- Works which have taken place on site to date have caused flooding issues;
- The proposed development wouldn't create enough parking; and
- The proposed development could lead to land slippage or subsidence.

3.3 A total of three letters of support have been received and are summarised as follows;

- The proposal represents an improvement compared to previous schemes;
- The proposed development will create family homes in a location where they are needed; and
- The proposed development will help support local services and facilities.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H3 Sites for New Housing

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

H5 Housing Choice

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the development and the impact the proposal will have on visual amenity, residential amenity, ecology, highway safety and parking, ground conditions and flood risk.
- 5.2 **PRINCIPLE**
The entirety of the application site is allocated for housing under saved UDP Policy H3; the application site forms part of a wider housing allocation which includes land to the south.
- 5.3 Policy H3 suggests a capacity of 34 units for the housing allocation within the supporting text. The application area is smaller than that of the policy H3 housing allocation as it fails to include land to the south of the application site.
- 5.4 Therefore, subject to satisfying other material considerations, the principle of erecting 14 houses on the site is considered to be acceptable.
- 5.5 **Housing Mix**
Policy CS11 of the CSUCP sets out the mix of housing and aims to promote lifetime neighbourhoods with a good range and choice of accommodation. Additionally, saved Policy H5 of the UDP requires developments to offer a range of housing in terms of sizes and types for different groups. It is considered that the indicative proposed mix provides a good range and choice of accommodation in accordance with policy CS11 of the CSUCP and saved UDP policy H5.
- 5.6 **Family Homes**
Core Strategy and Urban Core Plan (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 indicative layout has the potential to provide family homes. Therefore, the indicative layout complies with policy CS11(1).

- 5.7 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". It is considered that the indicative layout is able to provide adequate space both internally and externally and this will be considered further at reserved matters stage.
- 5.8 VISUAL AMENITY
Saved policy ENV3 of the UDP requires that new development should make a positive contribution to the established character and identity of its locality; policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.
- 5.9 The indicate layout appears to make best use of the site, creating a strong built form along its main public frontage, and generating active elevations that respond positively to context. Parking is located sensibly so as to not impact on the main elevations, behind and under the development, making good use of the site's topography. The creation of car ports with roof garden terraces above to provide valuable private outdoor amenity space on a limited sized site. The creation of a communal garden for the apartment occupants is also welcomed.
- 5.10 It should be noted that details of appearance, landscaping, layout and scale will be required at the reserved matters stage where further consideration can be given to design and the impact the development will have on visual amenity but generally the proposed layout reinforces the character of the wider area and with complementary landscaping is considered to be acceptable.
- 5.11 The proposal at outline stage would comply with the aims and requirements of the Gateshead Placemaking SPD, saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.
- 5.12 RESIDENTIAL AMENITY
Given the separation distances afforded between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.
- 5.13 The indicative internal layout is considered to be acceptable and would allow future residents to experience acceptable living conditions.
- 5.14 Officers consider that the construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 3 and 4).

- 5.15 Officers are therefore of the opinion that subject to the above conditions, the proposed development would not have an unacceptable impact on the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.16 **HIGHWAY SAFETY AND PARKING**
It is considered that the location of the indicative site access is appropriate. This said, the final design (including visibility splays) will need to be considered further at reserved matters stage; officers consider the creation of an appropriate site access is achievable. Further, it will also be necessary to consider the impact of the proposed development on the Highfield Road/Smalles Lane junction at reserved matters stage, specifically in regard to the potential impact on the existing visibility splay.
- 5.17 In terms of parking for the site the requirement will be one space per dwelling and one per three dwellings for visitor parking, the indicative layout would indicate that such a provision is achievable at reserved matters stage.
- 5.18 It is considered that details of weatherproof cycle storage and facilities for electric charging for each property should be secured via planning condition (Conditions 5 to 8).
- 5.19 Further to these conditions, it is considered necessary to condition the details of a scheme for the provision of waiting restrictions on Highfield Road (Conditions 9 to 10).
- 5.20 Subject to conditions, the proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.21 **TREES**
An Arboricultural Impact Assessment (AIA) and an Arboricultural Method Statement (AMS) have been submitted as part of this planning application. The proposed development would result in the loss of trees along the boundary of the application site, there will be some limited opportunity to provide planting within the application site; this will be considered further at reserved matter stage.
- 5.22 It is considered that the proposed development is acceptable in terms of impact on the existing trees and accords with the aims and objectives of the NPPF, saved policies ENV44 of the Council's UDP and policy CS18 of the CSUCP.
- 5.23 **ECOLOGY**
The application has been supported by an updated Preliminary Ecology Appraisal. Sufficient information is available to determine the likely impacts of the development on biodiversity, including priority habitats and species.

Further, it is possible to for an appropriate/proportionate scheme of onsite mitigation and compensation measures. It is considered that conditions pertaining to the production of a biodiversity method statement (Conditions 11 and 12) should be attached.

5.24 Subject to the above, it is considered that the proposed development can be undertaken within acceptable ecological limits and in accordance with national and local planning policies. The proposal would comply with the aims and requirements of saved policies DC1(d) and ENV46 of the UDP, policy CS18 of the CSUCP and the NPPF.

5.25 GROUND CONDITIONS

The site has been assessed as being potentially contaminated. A preliminary risk assessment has been submitted with the application it is considered following on from this that a Phase II site investigation is required to investigate potential contamination issues at the site. It is recommended that conditions be imposed requiring details of further site investigations, phase II risk assessment and remediation measures where required, to be submitted to the LPA for consideration, and implementation of the approved remediation (Conditions 13 to 18).

5.26 The proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

5.27 FLOOD RISK

To prevent the increased risk of flooding from the development, conditions are recommended requiring final details of the proposed drainage scheme for the site (Conditions 19 and 20).

5.28 The proposal would comply with the aims and requirements of policy CS17 of the CSUCP.

5.29 OPEN SPACE

The neighbourhood area to which the application site belongs is identified as having an adequate level of open space according to the standard set by policy CFR20. This would mean that the development would not result in a deficiency, so there is no requirement to provide any open space as part of this development proposal. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

5.30 PLAY SPACE

With regards to the Play Space contribution, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, we could seek either on or off site play provision. As this application is in outline, it is considered that at reserved matters stage, it may be possible for the layout to incorporate play features to satisfy this policy requirement if required.

5.31 It is considered that the development accords with saved UDP policies CFR28, CFR29 and CFR30.

5.32 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

5.33 OTHER MATTERS

While not material to the decision-making process, the applicant has stated the following in regard to land slippage and subsidence;

"Based on the ground conditions identified in the site investigation, the soil plasticity is not expected to be responsive to any additional water in the ground caused by the removal of trees. Therefore it is not anticipated that there would be any movement within the ground following the removal of trees. It should be noted that the management of any earthworks within the site will be managed to ensure that adjacent 3rd party land and properties are not adversely impacted."

5.34 All other matters have been addressed within the main body of the report.

6.0 CONCLUSION

6.1 The proposal would result in the redevelopment of previously developed land that would contribute to the Borough's housing stock. Further, consideration has been offered to the development proposed on the wider housing allocation (DC/20/00069/REM) and it is considered this proposal would not inhibit the development proposed.

6.2 Taking all the relevant issues into account, it is considered that the proposal for outline permission with all matters reserved is acceptable in principle and in terms of visual and residential amenity, highway safety and parking, ecology, flood risk, ground conditions, trees, and open space/play provision, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

7.0 Recommendation:

7.1 That permission be GRANTED subject to the following condition(s) and that the Service Director Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary:

1

Application for approval of the reserved matters (access, appearance, landscaping, layout and scale) shall be made to the Local Planning Authority within three years of the date of this permission.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

2

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

3

No development shall commence (except for the installation of tree protection measures) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include:

- a dust management plan
- a noise management plan
- contractor parking
- details of delivery arrangements

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, unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

4

The development shall be implemented in accordance with Construction Management Plan (CMP) measures approved at condition 3.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

5

Prior to the first occupation of any residential unit hereby approved final details of cycle storage for each residential unit including details of the locking mechanism and anchor point shall be submitted to and approved in writing by 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.

6

The cycle storage provision approved at condition 5 shall be provided for each house prior to each house being occupied.

Reason

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

7

Prior to first occupation of any residential unit hereby permitted details of electric vehicle charging points to be provided including details of the number, location and specification of the charging points have been submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

The electric vehicle charging units/points approved at condition 7 shall be provided for each house prior to each house being occupied.

Reason

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

9

Prior to the commencement of any works hereby approved final details of a scheme for provision of waiting restrictions to Highfield Road shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

10

Prior to the first occupation of any dwelling hereby approved waiting restrictions to Highfield Road shall be installed/completed in full, in accordance with the details approved under Condition 9.

Reason

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

11

Prior to the first occupation of any dwellinghouse hereby permitted full details including the number, specification and precise location of building and tree mounted bat and bird boxes to be installed on site (including a timescale of installation), shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF and Saved UDP policies CS18, DC1(d) and ENV46.

12

The bat and bird box details approved at Condition 11 shall be implemented in full prior in accordance with the approved timescale.

Reason

To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF and Saved UDP policies CS18, DC1(d) and ENV46.

13

No development shall commence until an intrusive site investigation is undertaken, and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, soil sampling, chemical laboratory testing, to assess potential contamination issues.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to the environment, future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

14

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 13 shall be implemented prior to commencement of the development hereby permitted.

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

15

Prior to commencement of the development hereby permitted, where required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that

an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

16

The details of remediation measures approved under condition 15 shall be implemented in full prior to commencement of the development on each of the development hereby permitted and maintained for the life of the development.

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 the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

17

Following completion of the remediation measures approved under condition 15 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

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 the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

18

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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 Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

19

No development shall commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include

an assessment of the potential for disposing of surface water by means of a sustainable drainage system

information about the design storm period and intensity

the method employed to delay and control the surface water discharged from the site

the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

a timetable for its implementation; and

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 and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and GV4 of the Core Strategy and Urban Core Plan.

Reason for Pre-commencement Condition

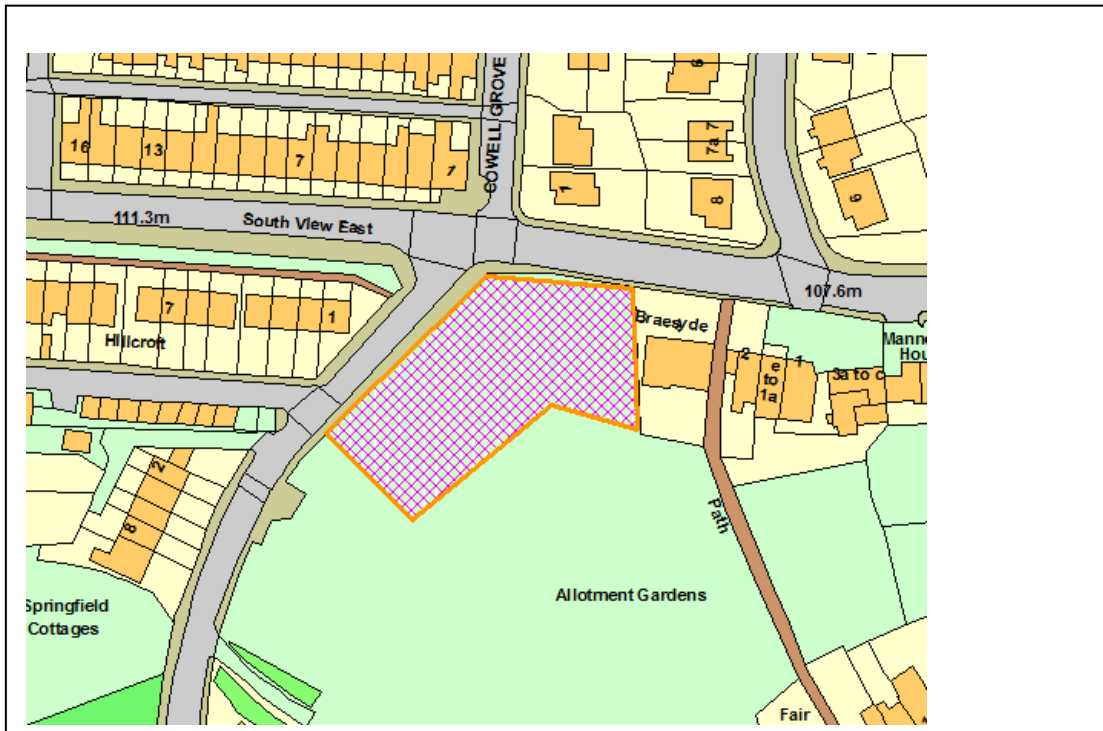
This pre commencement condition is required to satisfy the Local Planning Authority that the development and associated drainage provision is carried out in a comprehensive and co ordinated manner. This information is fundamental to the development and requires approval prior to development starting on the site to prevent the increased risk of flooding.

20

The drainage scheme approved under condition 19 shall be implemented in accordance with the approved timetable and managed and maintained in accordance with the approved details thereafter.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and GV4 of the Core Strategy and Urban Core Plan.



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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, PLANNING, CLIMATE CHANGE AND STRATEGIC
TRANSPORT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
29 July 2020**

Please note this document should be read in conjunction with the main report of the Service Director, Planning, Climate Change and Strategic Transport

MINOR UPDATE

Application No:	DC/20/00060/OUT
Site:	Highfield Road Rowlands Gill
Proposal:	Proposed 5 no. townhouses and 9 no. apartments with associated works (amended plans and additional information received 19/05/20).
Ward:	Chopwell And Rowlands Gill
Recommendation:	Grant Permission
Application Type	Outline Application

Reason for Minor Update

Amended recommendation wording

Further to Paragraph 7.1 and more specifically Condition 9 (Waiting Restrictions), it is recommended that the following reasoning/justification be added to the condition working:

“Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the required highway works can be delivered in a timely manner so as not in impact on the highway network. This information is fundamental to the development and requires approval prior to development starting on the site to ensure the deliverability of the works.”

SEE MAIN AGENDA FOR OFFICERS REPORT.

REPORT NO 3

Committee Report

Application No:	DC/20/00069/REM
Case Officer	David Morton
Date Application Valid	20 February 2020
Applicant	DAMF (NE) LTD
Site:	Land At Highfield Road Rowlands Gill
Ward:	Chopwell And Rowlands Gill
Proposal:	APPROVAL OF RESERVED MATTERS: for planning application DC/19/00279/OUT relating to Access, appearance, landscaping, layout and scale (amended plans and additional information received 19/05/20).
Recommendation:	GRANT
Application Type	Approval of Reserved Matters

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site is located to the north of Wellfield Road, Rowlands Gill. The application site was formally occupied by Highfield School and is now vacant. Highfield Road itself bounds the site to the west, Smailes Lane is to the north and to the east there are the gardens of the neighbouring properties.

1.2 The site is uneven, a clear slope can be seen to be directed from the north east corner down to the south east of the site; this is slope is also reflected in the surrounding streets.

1.3 The site is located within an established residential area with the majority of the surrounding streets being characterised by private residential dwellings.

1.4 An adjacent development site is located to the north west, this site is currently the subject of an outline planning application (DC/20/00060/OUT).

1.5 DESCRIPTION OF APPLICATION

Outline planning permission was granted in October 2019 following consideration by Planning and Development Committee (DC/20/00060/OUT). The application granted outline planning approval for the erection of 13 dwellings, with all matters reserved.

1.6 Consequently, this application is for the approval of reserved matters relating to access, appearance, landscaping, layout and scale for the erection of 13 dwellings and associated works.

- 1.7 The outline planning approval included an indicative layout and the reserved matters application does not deviate significantly from the indicative layout. The application seeks to provide a mix of three (5no.) and four (8no.) bedroomed properties. All of the properties have two storeys.
- 1.8 The following documents have been submitted by the applicant in support of the application:
- Design and Access Statement;
 - A Flood Risk Assessment and Drainage Strategy;
 - A Phase II Contaminated Land Risk Assessment; and
 - Arboricultural Impact Assessment & Method Statement.
- 1.9 **RELEVANT PLANNING HISTORY**
The relevant planning history associated with the application site is summarised as follows;
- DC/04/00622/GBO; Outline planning permission granted for 'Development of 1.08 ha of land for residential purposes.' Date; 16 July 2004.
 - DC/07/00958/REM; Planning permission granted for 'Erection of 33 semi-detached and town houses and 56 flats in a 4 storey block with associated car parking and landscaping (amended 12/10/07, 7/11/07, 21/11/07 and 5/12/07).' Date; 20 December 2007.
 - DC/19/00279/OUT; Outlined planning permission granted for 'Proposed erection of thirteen dwellings.' Date; 17 October 2019.
 - DC/20/00060/OUT; Outline planning permission sought for 'Proposed 5 no. townhouses and 10 no. apartments with associated works (amended plans and additional information received 19/05/20).' Date submitted; 21 January 2020.

2.0 Consultation Responses:

Tyne and Wear Archaeology Officer	No objection.
Northumbria Police	No objection.
Northumbrian Water	No objection, subject to condition.

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) Order 2015. No representations have been received.
- 3.2 Objections have been received in regard to application DC/20/00060/OUT. For completeness, and where considered relevant, the points raised in these representations have been considered in the assessment of both DC/20/00060/OUT and DC/20/00069/REM.

4.0 Policies:

GPGSPD Gateshead Placemaking Guide SPG

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H13 Local Open Space in Housing Developments

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC2 Residential Amenity

DC1P Contamination, derelict land, stability

H3 Sites for New Housing

H5 Housing Choice

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

5.0 Assessment:

5.1 The key considerations to be taken into account when assessing this application are the impact the proposal will have on visual amenity, residential amenity, ecology, highway safety and parking, ground conditions and flood risk.

5.2 PRINCIPLE

5.3 Housing Mix

Policy CS11 of the CSUCP sets out the mix of housing and aims to promote lifetime neighbourhoods with a good range and choice of accommodation. Additionally, saved Policy H5 of the UDP requires developments to offer a range of housing in terms of sizes and types for different groups. It is considered that the proposed mix provides a good range and choice of accommodation in accordance with policy CS11 of the CSUCP and saved UDP policy H5.

5.4 Family Homes

Core Strategy and Urban Core Plan (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 layout comprises entirely of family homes, with a mix of three and four bedroomed properties. Therefore, the layout complies with policy CS11(1).

5.5 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". It is considered that the indicative layout and house types meet this requirement providing adequate space both internally and externally.

5.6 VISUAL AMENITY

Saved policy ENV3 of the UDP requires that new development should make a positive contribution to the established character and identity of its locality; policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.

5.7 As stated above, the proposed site layout largely mirrors that of the outline planning approval and is considered to be acceptable. Further, the scale and appearance of the proposed dwellinghouses is considered appropriate when considered alongside dwelling immediately adjacent to the application site, however final details of materials will need to be provided via planning condition (Conditions 3 and 4).

- 5.8 Subject to the above condition it is considered that the development is acceptable in regard to its appearance, landscaping, layout and scale and the development is considered to comply with the aims and requirements of the Gateshead Placemaking SPD, saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.
- 5.9 **RESIDENTIAL AMENITY**
Given the separation distances afforded between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion. The proposed internal layout is considered to be acceptable and would allow future residents to experience acceptable living conditions.
- 5.10 Conditions were attached to the outline approval requiring the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise.
- 5.11 Officers are therefore of the opinion that subject to the condition attached to the outline and the above assessment, the proposed development would not have an unacceptable impact on the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.12 **HIGHWAY SAFETY AND PARKING**
It is considered that the location of the indicated site access is appropriate, and the final design of the site access is considered to be acceptable. Further the layout of the development is considered to provide an appropriate level of parking and would allow the turning of large vehicles i.e. refuse collection vehicles.
- 5.13 Details of weatherproof cycle storage and facilities for electric charging for each property were secured via the outline planning approval.
- 5.14 The proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.15 **TREES**
An Arboricultural Impact Assessment (AIA) and an Arboricultural Method Statement (AMS) were submitted at outline stage. Further, a tree protection plan was provided as part of the reserved matters submission, no further tree felling is proposed on site and it is proposed that all retained trees will be protected by fencing. It is considered that the proposed development is acceptable in terms of impact on the existing trees and accords with the aims and objectives of the NPPF, saved policies ENV44 of the Council's UDP and policy CS18 of the CSUCP.

5.16 ECOLOGY

The application has been supported by an updated Preliminary Ecology Appraisal. Sufficient information is available to determine the likely impacts of the development on biodiversity, including priority habitats and species. At outline stage, a appropriate/proportionate scheme of on and offsite mitigation and compensation measures were approved by way of planning conditions and obligations (S106).

5.17 The planning condition required the submission of a biodiversity method statement. The S106 agreement required the creation of circa 0.35ha of species rich early successional brownfield habitat and the restoration/enhancement of circa 0.08ha of early successional brownfield habitat/species poor semi-improved grassland on land to the south east of Derwenthaugh Road, Swalwell. These works would be provided through a commuted sum secured via a S106 agreement.

5.18 On the basis of the above, the proposal would comply with the aims and requirements of saved policies DC1(d) and ENV46 of the UDP, policy CS18 of the CSUCP and the NPPF.

5.19 GROUND CONDITIONS

The application has been supplemented by further contaminated land information in the form of a Phase II site investigation and a remediation strategy. While the Phase II investigation is considered to be acceptable an amended remediation scheme will be required, however this was secured by condition at outline stage.

5.20 The proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

5.21 FLOOD RISK

To prevent the increased risk of flooding from the development, conditions pertaining to drainage were attached to the original outline application. Further information has been provided by the applicant at reserved matter stage and officers are of the view that the development would not prejudice the delivery of a suitable drainage design, the final design of which will be dealt with as a condition. It is likely that as a result of land levels this system will be made up of 'oversized' pipes, underground storage and controls to the flow rate e.g. a hydro brake.

5.22 As a result of the proposed layout and the expected drainage design it is considered necessary to attach further conditions pertaining to the preparation and distribution of a SuDS information pack for future residents (Conditions 5 and 6).

5.23 The proposal would comply with the aims and requirements of policy CS17 of the CSUCP.

5.24 OPEN SPACE

The neighbourhood area to which the application site belongs is identified as having an adequate level of open space according to the standard set by policy CFR20. This would mean that the development would not result in a deficiency, so there is no requirement to provide any open space as part of this development proposal. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

5.25 PLAY SPACE

It is considered that the proposed development provides links to the wider area and also provides adequate opportunity within the site for small areas of play as well as generous garden areas.

5.26 It is considered that the development accords with saved UDP policies CFR28, CFR29 and CFR30.

5.27 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

6.0 CONCLUSION

6.1 The proposal would result in the redevelopment of previously developed land that would contribute to the Borough's housing stock. Further, consideration has been offered to the development proposed on the wider housing allocation (DC/20/00060/OUT) and it is considered this proposal would not inhibit the development proposed.

6.2 Taking all the relevant issues into account, it is considered that the proposal is acceptable in terms of visual and residential amenity, highway safety and parking, ecology, flood risk, ground conditions, trees, and open space/play provision, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary:

1

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

25830-NNA-1100-Ex_Site_and_Location_Plan-P02

25830-NNA-3100-Pr_Site_and_Location_Plan-P04

25830-NNA-3105-Pr_Landscaping_Plan-P03

25830-NNA-3110-Type_1-Pr_Plans-P03

25830-NNA-3120-Type_1-Pr_Elevations-P04

25830-NNA-3210-Type_2-Pr_Plans_Elevations-P05
25830-NNA-7110-Type_1-Proposed_Views-P03
25830-NNA-7210-Type_2-Proposed_Views-P03
AMA Highways Technical Note - 20723 - Highfield Road Rowlands Gill
- 11.05.20
25830-NNA-3105-Pr_Landscaping_Plan-P03
JCC19-225-100-B Proposed External Levels Plan

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 2 years from the date of this approval of the reserved matters.

(N.B. if the reserved matters are approved on different dates, the two-year period is calculated from the approval of the last such matter to be approved.)

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

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.

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 existing building 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 the occupation of any unit hereby approved a SuDS information and communication plan, including an information pack for residents shall be submitted to and approved in writing by the LPA.

Reason

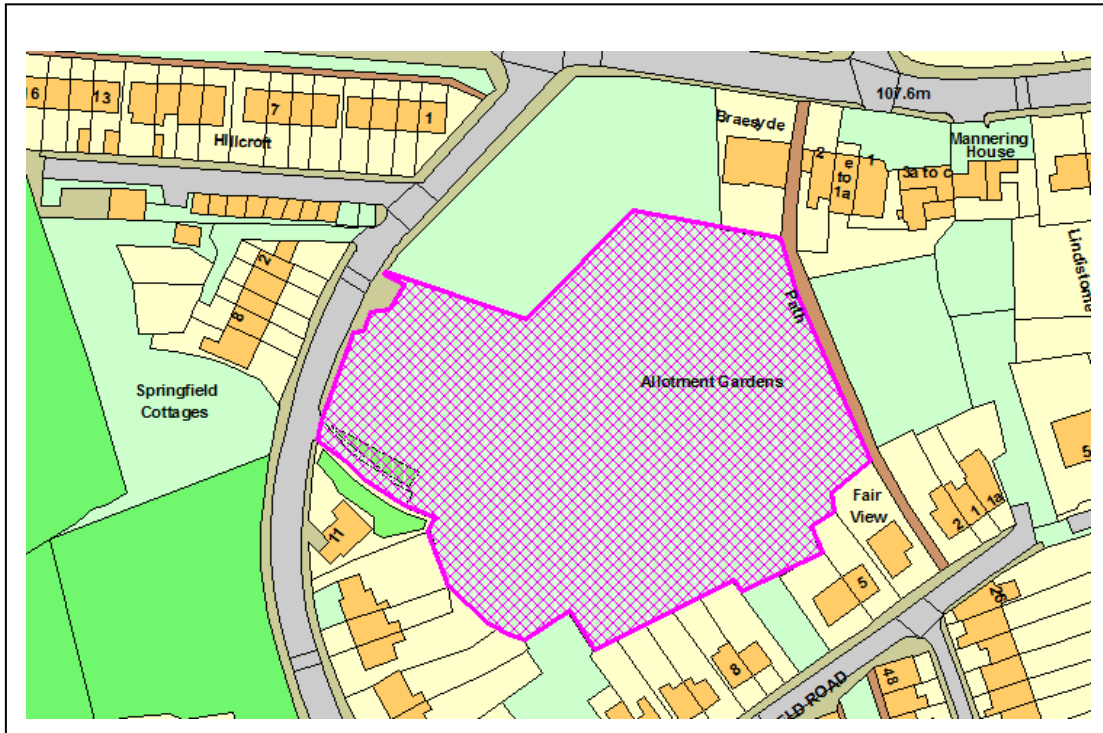
In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

At the point of occupation of any unit hereby approved, the SuDS information and communication plan approved under condition 5, shall be provided to the occupants of each dwelling.

Reason

In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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Committee Report

Application No:	DC/20/00286/FUL
Applicant	Jewish Community Council Of Gateshead
Date Application Valid	7 April 2020
Site:	Former Go-Ahead Bus Depot Gateshead
Ward:	Bridges
Proposal:	Residential development comprising 26 dwellings with associated open space and infrastructure on the former Go Ahead Bus Depot, Gateshead (amended 22/06/20 and additional information 10/07/20 and 14/07/20).
Recommendation:	MINDED TO GRANT SUBJECT TO A SECTION 106 AGREEMENT AND ON EXPIRY OF THE PUBLICITY PERIOD
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

This brownfield 0.86 hectare site is the former Go Ahead bus depot that was demolished in 2014. The site is bounded by Sunderland Road to the south with Chad House, recently converted to apartments, and Bede House, that accommodates the Jewish Boys School, beyond; Lindisfarne Drive to the west, with a vacant site and the Gateshead flyover beyond. Lindisfarne Road bends to the right and creates the northern boundary to the site also, and to the east, is an Aldi supermarket and residential development beyond. On street parking spaces are located on Lindisfarne Drive.

1.2 The site is relatively level. There are five trees to the front of the site on Sunderland Road and many self-seeded trees and shrubs along the Lindisfarne Road boundary. The site is enclosed by masonry walls, palisade fence and paladin fence along the eastern boundary with the Aldi supermarket.

1.3 The site is located close to Gateshead town centre, with good accessibility to local services and facilities. It is within walking distance of bus stops, schools, employment and retailing.

1.4 The site is allocated in the Core Strategy and Urban Core Plan as part of the Exemplar Neighbourhood, a key location for new residential development.

- 1.5 Separate to this proposal, Traffic Regulation Order (TRO) works are proposed to be undertaken immediately adjacent to the site on Sunderland Road to improve pedestrian and cycle connectivity with Gateshead town centre and beyond. The new bus link to High Street is under construction in front of the site on Sunderland Road.
- 1.6 **DESCRIPTION OF THE PROPOSAL**
This application seeks planning approval for 26 No. four bedroomed, three storey, gable fronted, affordable residential homes to be occupied by Orthodox Jewish families.
- 1.7 All of the dwellings meet or exceed the Nationally Described Space Standards.
- 1.8 The houses have been designed to the specific cultural requirements of the Orthodox Jewish community, including an interconnected kitchen, dining and living spaces with study facilities, a sukkah with secondary eating space and an appropriately sized kitchen for food-type separation, suiting the needs of a large Jewish family in terms of layout, detailing and installation of fixtures and fittings.
- 1.9 The layout arranges the 26 dwellings around a central area of open space and access road.
- 1.10 Plots 1 to 7 are arranged as a terrace of five and a pair of semidetached properties face outwards onto Lindisfarne Drive with rear gardens backing onto the central area of open space. A 3m wide path runs between plots 5 and 6. Plot 7 has a very large garden due to the 6m Nexus stand-off easement over the Metro tunnel that runs below.
- 1.11 At the entrance to the site, adjacent to plot 1, there is a large grassed area as this is a no build zone due to the presence of a mine shaft.
- 1.12 Plots 8 to 12 are detached dwellings and 13 and 14 are a pair of semi-detached dwellings arranged in a crescent and they back onto the Aldi supermarket and front onto the access road.
- 1.13 Plots 15 to 17 are a terrace of three and face onto Sunderland Road with pedestrian access from the front and parking to the rear.
- 1.14 A wide pedestrian and cycle path bound by landscaping is proposed between plots 17 and 18. Four existing trees are proposed to be retained in front of the gardens of plot 18 and plot 20. Tree T5 is proposed to be removed at the entrance to this path to enable the construction of the footpath.
- 1.15 Plots 18 and 19 are a pair of semis and continue the building line of plots 15-17. Plots 20 to 23 are a terrace of four dwellings and the front elevation is set back from plots 19 and 24 to create a visual break in the street scene to Sunderland Road.

- 1.16 Plots 24, 25 and 26 are a terrace of three dwellings facing Sunderland Road also with pedestrian access from the front and parking to the rear.
- 1.17 Plots 1 to 7 each have an in-plot car parking space per property accessed from Lindisfarne Road. All other plots have an in-plot parking space accessed from within the development surfaced in terracotta block paving. Seven visitor parking bays are proposed; a block of four alongside the access road and a block of three located to the front of plots 9 - 11, to be marked out in white block paving to contrast with the terracotta block paving of the shared surface to the front of plots 8 to 12.
- 1.18 Each plot has a steel cycle locker 1900 x 900 x 1205 high securely fixed to a concrete base.
- 1.19 Each plot has a patio area created in buff slabs to the rear and a grassed garden area.
- 1.20 Security and privacy are considered to be high priority by the applicant, and the site layout has been arranged to design out crime by providing active elevations for natural surveillance and including attractive brick/railing boundary treatments.
- 1.21 The central landscaped area has been laid out to provide a social space for residents. The court is proposed to be bounded by flowering hedges on two sides adjacent to the visitor parking bays, around which are small areas planting with a circular central hard landscaped space. This is to be surfaced with a variety of landscape materials and landscape furniture to give character and structure together with opportunities for incidental play.
- 1.22 Amended plans have been received that have addressed officer concerns in relation to the visual appearance of the bin stores and transport concerns in relation to visibility for drivers, cycle parking and footpath construction and the amended plans have made the following changes to relocate the bin stores so that they are less obtrusive, details of the cycle stores, reduction in the fencing height to enable drivers to see pedestrians when manoeuvring, surface treatment details and the removal of tree T5 to enable the footpath to be constructed to the required width.
- 1.23 The proposed development is subject to Homes England grant funding which will secure all of the properties as affordable housing, managed by local Registered Provider, Adler Housing.
- 1.24 The application is supported by the following documents:
 - Planning statement
 - Noise impact assessment
 - Ground investigations report
 - Flood risk assessment
 - Design and access statement

Bat and barn owl survey
Statement of Community Involvement
Tree survey
Transport statement
Travel plan

1.25 Planning History

DC/13/01283/DEM - Demolition of bus depot and support site comprising of steel frame buildings and hardstandings - Prior approval required and approved 17 December 2013.

Adjacent to the application site, also forming part of the historic Go Ahead Bus Depot site, is an Aldi supermarket approved through application DC/14/00346/FUL for Erection of a foodstore with associated access, car parking and landscaping (amended 22/12/14). Former Go Ahead Bus Station Sunderland Road, Gateshead Granted March 2015. The only aspect of the permission which is relevant to this application is the restriction on site deliveries, with reversing warning sounds required to be turned off between the hours of 10pm and 8am.

2.0 Consultation Responses:

Northumbria Police	No objections to the principle of the development but a number of concerns were raised including a gap between the Aldi and the development boundaries, lack of surveillance from Plot 15, a 'leaky' cul de sac due to pedestrian links and no lighting scheme.
Tyne And Wear Fire And Rescue Service	No objections
Northern Gas Networks	No Objection
Nexus	Nexus Rail require final details on the ground improvement works to be carried out. The proposed works should note the presence of their operational railway infrastructure tunnels and include mitigation measures should grouting produce unexpected pathways which might carry grout towards the tunnels.
Northumbria Water	NWL has no issues to raise provided the application is approved and carried out within strict accordance with the submitted document

entitled "Flood Risk and Drainage Impact Assessment" dated March 2020.

Coal Authority

The Coal Authority has no objection to the proposed development subject to the imposition of conditions.

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. A site notice was posted on 9 July 2020. A notice in the press was published on 29 April 2020. The overall expiry is 30 July 2020.

3.2 No representations have been received at the time of writing.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS2 Spatial Strategy for Urban Core

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

DEL1 Infrastructure/Developer Contributions

H5 Housing Choice

SG2 The Exemplar Neighbourhood Key Site

UC4 Homes

DC1P Contamination, derelict land, stability

DC1C Landform, landscape and after-use

DC1D Protected Species

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENSPD Exemplar Neighbourhood SPD

5.0 Assessment of the Proposal:

5.1 The main considerations are the principle of the proposal, flooding and drainage, ground conditions, coal legacy, ecology, highways, residential amenity and noise, urban design, landscaping and biodiversity.

5.2 PRINCIPLE

The site is a brownfield site, formerly in commercial/industrial use, which has been vacant for a number of years. The proposed scheme therefore presents an opportunity to redevelop the site whilst also providing housing within the urban core.

5.3 This NPPF is reflected in CSUCP policy CS1(8) Spatial Strategy for Sustainable Growth that seeks sustainable development that seeks to create and sustain thriving communities by all development being amongst other things.

8. i: Fully inclusive, irrespective of cultural background ethnicity and age, to meet the diverse needs of all residents and communities.

8. ii. Well connected and accessible by sustainable modes of transport.

8. iii. Well designed to promote community cohesion, wellbeing, and to reflect and enhance the area's character and natural environment.

5.4 It is considered the proposal meets the three strands of sustainable development and as such the presumption in favour of development should be applied. Overall, the principle of the proposed development is considered to be wholly in accordance with CSUCP policy CS1 and the NPPF.

- 5.5 The application site is situated within the Exemplar Neighbourhood area, which is allocated as the major new residential development area within Gateshead.
- 5.6 CSUCP policy SG2 ensures the Exemplar Neighbourhood is allocated for a minimum of 1000 homes (C3) at an average of 50 dwellings per hectare across the site therefore the principle of residential development on the site is consistent with the relevant policy of the development plan.
- 5.7 CSUCP policy CS2 outlines that the Urban Core is the priority location for development which will maintain and enhance its vibrancy. Policy CS2 seeks to deliver housing prioritising the Exemplar Neighbourhood and CSUCP policy UC4 allocates an Exemplar Neighbourhood in the Southern Gateway Sub Area for approximately 1000 new homes, predominantly for families. The proposals will enable the delivery of 4 bedroomed family homes. The policy also seeks to promote sustainable modes of transport and to secure high quality design. The principle of the proposed development is considered to be in accordance with policy CS2.
- 5.8 A core principle of the NPPF is to support the Government's objective of significantly boosting the supply of homes (Paragraph 59). CSUCP policy CS10 sets out the housing provision for Gateshead which has been informed by housing needs assessment. This approach is consistent with the NPPF. The proposed development includes the provision of 26 four bedroomed family residential units that will contribute towards to target for new homes in Gateshead across the plan period. Given the above, the proposals accord with CSUCP policy CS10.
- 5.9 Range and choice of housing
The emerging 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.
- 5.10 Family Homes
Paragraph 61 of the NPPF supports policies which reflect the size, type and tenure of housing needed for different groups. The proposed development is for 26 dwellings each of four bedrooms which will be for affordable private rent.
- 5.11 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). Saved UDP policy H5 also seeks to improve the choice of housing in Gateshead.
- 5.12 The proposed development is for 26 dwellings each of four bedrooms which therefore accords with CSUCP policy CS11 and saved UDP policy H5.
- 5.13 Affordable Homes
CSUCP policy CS11 (5) requires the provision of 15% affordable homes on all developments of 15 or more dwellings.

- 5.14 As referred to above, the proposed development is subject to Homes England grant funding which will secure all of the properties as affordable housing, managed by local Registered Provider, Adler Housing. As such, the scheme is an exemption to NPPF paragraph 64, that would require 10% (of our required 15% affordable housing) to be available for affordable home ownership (as opposed to rent).
- 5.15 A S106 legal agreement is required to ensure that at least 15% of the dwellings remain as affordable units in perpetuity.
- 5.16 Given the above, and subject to the S106 legal agreement, the proposal is considered to be acceptable and in accordance with the NPPF and CSUCP policy CS11.
- 5.17 **FLOODING AND DRAINAGE**
The site lies within Flood Zone 1 representing the lowest risk of flooding. There is also no risk of flooding from other sources such as sewers, groundwater, water mains, land or other artificial sources.
- 5.18 An urban solution form of SuDS is proposed on this site. This incorporates below ground tanks and pipes and rain gardens to individual properties rather than a SuDS basin. The feed to the below ground tanks is proposed through permeable paving, sub-grade, and oversize pipes.
- 5.19 Whilst acceptable planting details have been submitted, there is no information regarding maintenance of the raingardens. A condition is recommended to secure details in respect of the responsibility for maintaining the gardens and details of how the raingardens will be maintained and that these details are provided to those responsible for managing the raingardens, especially if this will be individual residents (CONDITIONS 17 and 18).
- 5.20 Similarly, details of the final drainage scheme and the responsibility for management and maintenance of the other elements of the drainage system, that will not be adopted (particularly the crated tank and permeable paved areas) needs to be confirmed and an operation and management plan can be secured by condition (CONDITIONS 15 and 16).
- 5.21 Given the above, subject to the recommended conditions, and those requested by NWL, the proposals are considered to be appropriate and acceptable and in accordance with the NPPF and CSUCP policy CS17.
- 5.22 **GROUND CONDITIONS**
The site has been assessed by the Council as being located on potentially contaminated land as it has previously been occupied by a colliery, which later was used as a tram and bus depot. The Site Investigation report, submitted in support of the application, describes the site as comprising of made ground; broadly consisting of a surface covering of concrete (locally overlain by block paving), underlain generally by granular fill of slightly clayey

ashy gravel of mudstone, brick and coal with sandstone and dolomite noted locally. Trial pits contained colliery spoil material and black ash with hydrocarbon odours noted.

- 5.23 There are operational railway infrastructure tunnels associated with the Metro in the north east corner of the site below the garden of plot 7. Nexus Rail require details of any mitigation measures to ensure that the works will not impact upon the tunnels and these details can be secured by condition (CONDITION 3).
- 5.24 The report concludes that the proposed redevelopment, to a more sensitive end use, requires intrusive ground investigation; therefore, it is recommended that conditions be imposed to require an intrusive site investigation with a Phase II Detailed Risk Assessment, and where required conditions for Remediation, Monitoring and Verification Reports. These can be secured by condition (CONDITIONS 3 - 7).
- 5.25 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV54 and CSUCP policy CS14.
- 5.26 **COAL LEGACY**
The site is situated within a Coal Authority defined "Development High Risk Area". These are areas, based upon Coal Authority records, where the potential land instability and other safety risks associated with former coal mining activities are likely to be greatest. They include, for example, areas of known or suspected shallow coal mining, recorded mine entries and areas of former surface mining. There are believed to be coal outcrops on the extreme western boundary of the site boundaries.
- 5.27 The layout of the scheme takes into account two mine shaft exclusion zones adjacent to plot 1 and plot 14.
- 5.28 The proposed remedial measures set out in the Site Investigation Report are considered to be appropriate to address the coal mining legacy issues present within the site.
- 5.29 However, in order to secure sufficient information to demonstrate that the site is safe and stable for the residential development proposed, in accordance with NPPF paragraphs 178-179, it is recommended that pre commencement conditions are imposed to secure intrusive site investigations, and, to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site (CONDITIONS 13 and 14).
- 5.30 Given the above, subject to the recommended conditions and those requested by the Coal Authority, the proposals are considered to be acceptable and in accordance with paragraphs 178 and 179 of the NPPF and Saved UDP policy ENV54 and CSUCP policy CS14.

5.31 HIGHWAYS

An amended site layout, that responds to officer comments in relation to visibility for drivers when manoeuvring has been submitted and it is considered to be acceptable. A condition is recommended to ensure visibility splays of driveways are kept clear (CONDITION 29).

5.32 The footway link onto Sunderland Road, between plots 17 and 18, and the link to Lindisfarne Drive between plots 5 and 6 are acceptable as this is a requirement to ensure good pedestrian permeability.

5.33 The footway links are proposed to be finished in a flagged paving material however a bituminous surfacing material in visual amenity terms would be preferred. A condition is recommended to secure a sample of material in the interests of visual amenity (CONDITIONS 30 and 31).

5.34 The proposed visibility splay at the new access onto Lindisfarne Drive will need to be kept clear of any obstructions above 600mm in height and a compliance condition, can ensure this is the case (CONDITION 32).

5.35 The existing on street limited time parking bays on Lindisfarne Drive that fall within the visibility splay will need to be removed and revised on street restrictions imposed. These changes will require existing Traffic Regulation Orders (TROs) to be revoked or amended and new TROs may be required. The new development will need to be a 20mph zone, with appropriate signage and a supporting TRO.

5.36 A condition is recommended that requires a detailed design for all off-site highway works to be submitted for approval and subsequently implemented on-site (CONDITIONS 19 and 20).

5.37 With regards to EV charging points, the applicant has agreed to install all cabling, ducting, and blanking plates to all dwellings during construction. This will allow the residents to agree with the developer the final type of charger to be installed at their property and would be incorporated into a Final Travel Plan (CONDITIONS 25 and 26).

5.38 Secure and weatherproof cycle storage is required to be provided for each dwelling in accordance with the Gateshead Cycling Strategy. The indicative position of cycle stores is indicated on the site layout and the proposed metal cycle locker is acceptable. Installation can be secured by a recommended condition (CONDITION 33).

5.39 Given the above, and subject to the recommended conditions, the proposals are considered to be acceptable and in accordance with the NPPF and CSUCP policy CS13.

5.40 RESIDENTIAL AMENITY AND NOISE

The proposed layout provides for privacy for future occupants with generous separation distances between the dwellings. Each plot includes external garden space and a central open space for use by the future residents is proposed.

- 5.41 Whilst there is no opportunity for loss of privacy or overlooking the plots on the boundary with Aldi may be affected by noise sources to the immediate east of the site associated with the Aldi store. These have been assessed in the Noise Impact Assessment submitted in support of the application. A 1.8 m high noise attenuation barrier between the proposed site and Aldi has been proposed to minimise the external plant noise to reduce the impact on indoor ambient noise levels.
- 5.42 A condition was imposed on the Aldi supermarket development approved through application DC/14/00346/FUL to restrict on site deliveries, with reversing warning sounds to be turned off between the hours of 10pm and 8am and compliance with this condition will protect the amenities of the future occupants of this development.
- 5.43 The dwelling on Plot 7 is located within the plot such that it takes account of the Nexus Stand Off Zone and Exclusion Zone from the sub-surface tunnels and given this; it is considered occupants will not experience vibration from Metro trains.
- 5.44 A condition is recommended to limit the hours of construction to protect the residential amenities of the nearby residential properties (CONDITION 28).
- 5.45 Given the above and subject to the recommended conditions, the proposals are considered to be acceptable and in accordance with the NPPF, CSUCP policy CS14 and Saved UDP policy DC2.
- 5.46 **URBAN DESIGN**
As mentioned above the dwelling on Plot 7 is located to take account of the Nexus Stand Off Zone and Exclusion Zone from the sub-surface tunnels and this creates a generous garden area for this plot.
- 5.47 The site is situated within the Exemplar Neighbourhood area of Gateshead, and the guiding design principles of the Exemplar Neighbourhood SPD have been used to assess the proposed development. The design principles require all development proposals to:
- Demonstrate a high level of architectural design quality across all buildings;
 - Provide contemporary architecture that responds to the locality;
 - Create attractive and useable green spaces that provide relief in an urban setting;
 - Ensure active, animated routes with windows and activity, with active ground floor use;

- Ensure all buildings be constructed using high quality, durable materials, with the design of the building being as robust as practical;
 - Ensure buildings are designed to maximise energy efficiency and solar gain;
 - Ensure buildings are designed to reduce maintenance and have security built into the layout and fabric of the building; and
- 5.48 The scheme meets the design principles of the SPD and is considered to be acceptable in terms of design quality subject to a condition requiring details of materials and surface treatments (CONDITIONS 21, 22, 30 and 31).
- 5.49 Given the above and subject to the recommended conditions the proposals are considered to be acceptable and in accordance with the NPPF, Saved UDP policy ENV3, CSUCP policy CS15 and the Exemplar Neighbourhood SPD.
- 5.50 **LANDSCAPING**
The Arboricultural Impact Assessment submitted in support of the application acknowledges that it will be necessary to remove some existing low-quality trees to facilitate the proposed development. Four trees that are on the Sunderland Road boundary are proposed to be retained. The roots and crowns of retained trees will need to be protected during the construction of the development through the provision of adequate construction protection measures and a condition is recommended to secure tree protection measures and implementation (CONDITIONS 10 and 11).
- 5.51 A detailed landscaping design for the central area of open space and individual gardens has been submitted that comprises of planting set in a full circle of small unit dark 'sett' type paving within which are sited three curved benches, some with a partial back to suit different users. Around this circle, up to the beds and edges, are light coloured 'setts' laid out in a radial pattern.
- 5.52 The circle centre is surfaced with a sandy coloured sealed gravel with three sculptural 'pebbles' manufactured in concrete and designed as seats and play elements. At the entrance to the space is a circular low 'podium' feature / meeting place.
- 5.53 No trees are to be planted in the Nexus Stand Off Zone and Exclusion Zone, as in the future the root systems could affect the tunnels.
- 5.54 Given the above the proposed landscaping is considered will create an attractive entrance to the site and centre feature for residents, in accordance with Policies CS15 and CS18 of the CSUCP and Saved UDP policy ENV3
- 5.55 **BIODIVERSITY**
An ecological survey dated March 2020 was submitted in support of the application that outlined the results of initial ecological site inspections that had been undertaken.

- 5.56 The report provides a description of the habitats present within the site and an assessment of their potential to support statutorily protected and/or priority/notable species. It concludes that the site has low ecological value of local value. It poses a residual risk for statutorily protected and priority species and the proposed development will result in a residual loss of biodiversity.
- 5.57 In accordance with the mitigation hierarchy set out within the NPPF, in addition to the on-site measures referred to below, there is also a requirement for off-site compensation to be secured via a developer contribution (s106).. Off-site compensation/ biodiversity net-gain measures are proposed at Friars Goose (1.5km north east of proposed development site) to include scrub clearance to include herbicide treatment to provide 0.1ha of restored semi-improved grassland capable of supporting priority butterfly species and selective thinning of 0.2ha of broadleaved plantation woodland to improve structural and species diversity providing enhanced opportunities for nesting and foraging birds and mammals including bat and hedgehog. The Friars Goose scheme is an appropriate and proportionate scheme of off-site ecological compensatory measures to be delivered on Council owned land to be secured through a s106 agreement.
- 5.58 Where impacts on biodiversity resulting from the construction phase and operation of the development have been predicted; avoidance and/or on-site mitigation measure have been proposed. These include:
- Retention of scattered trees where possible - only 4no. trees (2no. Whitebeam, 1no. Rowan and 1no. Japanese Cherry) situated along Sunderland Road are proposed to be retained.
 - Three crevice bat boxes and bat roost features will be included within the site layout. (CONDITIONS 34 and 35).
 - 8 bird boxes, suitable for tit species and wren and 12 bird boxes, four each suitable for starling, swift and house sparrow should be incorporated into the design proposals. It is recommended that full details be secured by imposition of a condition (CONDITIONS 34 and 35).
 - 13x13cm 'Hedgehog Highways' can be secured by imposition of a condition (CONDITION 36).
 - Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests - a condition is recommended (CONDITION 12).
 - Works to the western boundary wall will be undertaken to a precautionary method statement, in case of the presence of bats.

- A precautionary reptile method statement is to be included and addressed in a Biodiversity Method Statement (BMS) to be secured by imposition of a condition (CONDITIONS 37 and 38).
- 5.59 The proposed landscape planting proposals are considered to be acceptable, in ecological terms. It is recommended that maintenance of the soft landscaping be secured by condition (CONDITION 41).
- 5.60 Given the above and subject to the recommended conditions and the provision of an appropriate and proportionate scheme of off-site compensation secured by a s106 legal agreement; the proposed development is considered to be acceptable and in accordance with national and local planning policy, including: CS18, DC1(d), ENV46 and ENV47.
- 5.61 OTHER MATTERS
Northumbria Police raised some concerns around the security of the site and requested:
- higher boundary fencing to the rear of plots 7 - 15;
 - a side elevation window in plot 15 to improve natural surveillance
 - and the removal of the pedestrian / cycle links to both Lindisfarne Drive and Sunderland Road that they considered made the development a "leaky cul-de-sac", with this level of permeability, as it compromises the security of the properties, by allowing the criminal legitimate access to the front or rear of the dwellings;
 - lack of lighting scheme.
- 5.62 Officers consider the boundary 1800mm close board fence to the rear of plots 7 - 11 that abounds the Aldi boundary is sufficiently high and if a higher fence were installed this would be likely to have an overbearing impact on the occupants of those plots.
- 5.63 Officers consider it is not appropriate to install a window in the side elevation of Plot 15 due to the noise generated by the Aldi that would result in noise and disturbance to the occupants.
- 5.64 Officers negotiated the footpath cycle links in to the scheme to ensure that the scheme is inclusive. There is much evidence to suggest that gated communities can lead to negative views and opinions from those who live near or pass by them, and regular/closer contact with other communities, religious groups, ethnic groups etc. helps to build community and reduce friction between different groups.
- 5.65 In addition, the layout encourages sustainable modes of travel including pedestrians and cycling, and access to modes of public transport in accordance with national and local planning policy.
- 5.66 A condition is recommended to secure a lighting scheme (CONDITIONS 23 and 24).

5.67 SECTION 106 AGREEMENT

It is necessary that any planning permission subject to a legal obligation, is compliant with the requirements of paragraph 56 of the Framework and Policy DEL1 of the CSUCP. The content of the legal agreement is recommended to include the following provisions:

- 15% on-site affordable housing in perpetuity; and
- a financial contribution towards off-site biodiversity enhancements.

5.68 STATEMENT OF COMMUNITY INVOLVEMENT

A leaflet drop was the most effective way of consulting the community and hearing their views.

5.69 Approximately 900 leaflets were posted, by the developer, to businesses and households in the vicinity of the site to notify them of the development. The leaflets provided a summary of the proposals and a feedback form. These included a questionnaire with a Freepost address to allow residents to respond via post.

5.70 Overall, 13 responses were received. With comments on the following topics:

- Improvement of access links to Gateshead and Newcastle;
- The redevelopment of the wider area; and
- The type of person who the development provides for.

5.71 In addition to the consultation with the local community, other local stakeholders have been engaged, with particular reference to Nexus. As part of this process the exact route of the metro tunnel beneath the northern corner of the site has been established, including the relevant stand off distance for any ground works. This resulted in a revision to the site boundary and the consequent loss of one dwelling in this area.

5.72 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule. The site lies within residential CIL Zone C and the levy is £0/sqm.

6.0 CONCLUSION

6.1 The site is well located close to Gateshead Town centre, with good accessibility to local services and facilities. It is within walking distance of bus stops, schools, employment and retail destinations in the town.

6.2 The proposed development will deliver 26 affordable, family homes to be secured through Homes England grant funding and managed by local Registered Provider, Adler Housing.

6.3 The development proposals accord with the relevant policies of the Core Strategy and Urban Core Plan, Unitary Development Plan and Supplementary

Planning Document. In accordance with Paragraph 11c of the NPPF, the presumption in favour of sustainable development is therefore engaged and it is recommended that planning permission be granted subject to a Section 106 legal agreement in respect of affordable housing and a biodiversity off set contribution on expiry of the publicity period.

7.0 Recommendation:

GRANT AT THE EXPIRY OF THE PUBLICITY PERIOD AND SUBJECT TO A SECTION 106 AGREEMENT:

1) The agreement shall include the following obligations:

- 15% on-site affordable housing in perpetuity; and
a financial contribution towards off-site biodiversity enhancements.

2) That the Strategic Director Corporate Services & Governance be authorised to conclude the agreement.

3) That the Service Director Development, Transport and Public Protection 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 -

Site layout plan 19002 P02E
Soft landscaping specification
Landscape design description
Planting schedule
Landscape Plan 807/LA1A
Planting Plan 807/LA2A
Rain Garden Planting 807/LA3
'Asgard' metal cycle locker

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 hereby approved shall commence until a report of findings arising from Phase II intrusive site investigations and a Phase II Detailed Risk Assessment have been submitted to and approved in writing by the Local Planning Authority, in consultation with Nexus Rail.

Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports that should note the presence of Nexus Rail's underground infrastructure and include mitigation measures should grouting produce unexpected pathways which might carry grout towards the tunnels.

Reason for condition

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework and that such necessary works do not result in direct or indirect damage to Nexus Rail's underground infrastructure.

Reason for pre commencement condition

To ensure that contamination and remediation measures are identified along with any factors related to the stability of Nexus Rail's underground infrastructure, prior to commencement of the development hereby permitted to ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

4

Where required, the remediation and monitoring measures approved under Condition 3 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

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, or to Nexus Rail's underground infrastructure, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

5

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

6

The amended remediation and monitoring measures approved under condition 5 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

7

Where additional remediation is required, following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

8

The development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition and site investigations) shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include:

- a) construction haul routes
- b) a dust management plan
- c) a noise management plan
- d) pollution prevention measures
- e) contractor parking
- f) details of delivery arrangements including hours and routing
- g) measures to limit and manage transfer of debris on to the highway
- h) a drainage construction method statement containing:

1) Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place.

2) Description of any construction methodologies to protect the SuDS functionality including the provision of any required temporary drainage systems, and methods for temporary protection of infiltration

features, permeable surfaces, erosion prevention, pollution control, and de-silting prior to completion of works.

Reason for condition

In order to avoid nuisance to the occupiers of adjacent properties during the construction of the development and to ensure the works do not increase risk of flooding or pollution of watercourses and to ensure correct functioning of the drainage system at completion in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policies CS14 and CS17 of the Core Strategy and Urban Core Plan.

Reason for pre commencement condition

The proposed CMP must demonstrate that the construction operations will not harm residential amenities, highway safety, the drainage network or watercourses before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

9

The development hereby permitted shall be implemented wholly in accordance with the Construction Management Plan (CMP) measures approved at condition 8.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

10

The development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition and site investigations), shall not commence until a scheme for the protection of the existing trees and hedges that are to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the trees/hedges to be retained and the location and specification of the protective fencing to be used.

Reason for condition

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

Reason for pre commencement condition

The proposed tree protection measures must demonstrate that the construction operations will not fall within root protection areas of existing trees and hedges that would result in harm to trees that are to be retained before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

11

The tree protective fencing for the development approved at condition 10 must be installed prior to the commencement of development and thereafter retained intact for the full duration of the construction works of the development and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason for condition

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

Reason for pre commencement condition

To ensure the approved tree protection measures are installed prior to commencement of the development hereby permitted and retained for the duration of the construction to prevent harm to trees that are to be retained.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

12

All vegetation and site clearance work, including demolition, will be undertaken outside the bird breeding season (March to August inclusive). Where this is not possible a nesting bird checking survey must be undertaken by a suitably qualified ecologist immediately (i.e. no more than 48hrs.) prior to the commencement of works on site. Where the presence of active nests is confirmed, these must remain intact and undisturbed until the young have fledged and the nest(s) is no longer in use as confirmed by the suitably qualified ecologist. Any works happening during the bird breeding season must be first reported to the Local Planning Authority prior to the commencement of works on site.

Reason

To ensure habitats and ecological features are retained and protected and priority species will be protected in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

13

The development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition and site investigations), shall not commence until details of remediation measures to remove risks associated with coal mining legacy in the development area have been submitted to and approved in writing by the Local Planning Authority, in consultation with Nexus Rail.

Where required, the coal legacy remediation measures should note the presence of Nexus Rail's underground infrastructure and measures necessary to protect this infrastructure.

Reason for condition

To ensure that risks from the coal mining legacy of the land and neighbouring land are minimised and to ensure that the development can be carried out safely, in accordance with saved policy DC1 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework and that such necessary works do not result in direct or indirect damage to Nexus Rail's underground infrastructure.

Reason for pre commencement condition

To ensure that coal mining legacy remediation measures are identified along with any factors related to the stability of Nexus Rail's underground infrastructure, prior to commencement of the development hereby permitted to ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

14

The remediation measures approved under condition 13 shall be implemented wholly in accordance with the approved scheme prior to the commencement of the development hereby permitted.

Reason for condition

To ensure that risks from the coal mining legacy of the land and neighbouring land are minimised and to ensure that the development can be carried out safely, in accordance with saved policy DC1 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework and that such necessary works do not result in direct or indirect damage to Nexus Rail's underground infrastructure.

Reason for pre commencement condition

To ensure that coal mining legacy remediation measures are identified along with any factors related to the stability of Nexus Rail's

underground infrastructure, prior to commencement of the development hereby permitted to ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

15

The development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition and site investigations) shall not commence until a detailed drainage strategy and assessment has been submitted to and approved in writing by the Local Planning Authority.

The assessment shall be in full accordance with the Gateshead Council Interim Surface Water (SuDS) Guidelines for New Development and shall include all relevant information set out in the guidelines, plus:

- a) Demonstration of conformity to the discharge hierarchy including confirmation of the surface water discharge route.
- b) Demonstration of conformity to national and local SuDS and flood risk policy and DEFRA Non-Statutory Technical Standards for SuDS.
- c) Details of the Downstream Vortex Defender are required to demonstrate that it will be adequate in treating the catchment it will serve, together with confirmation of responsibility for management and maintenance of the device.
- d) confirmation that the accessway over the pipeline between S8 and S9 will be a permeable pavement system that will drain via fin drains, perforated pipes, diffusers or similar with a silt trap chamber prior to flows from the permeable pavement entering into the main drain.
- e) A flood flow plan has not been provided and is required to demonstrate how exceedance will be managed on site, particularly given that the proposed drainage system provides an artificial means of collecting and conveying runoff (ie if the drainage system has blockages that limit its effectiveness, overland flow of runoff would follow the fall of the finished ground surface and there is a risk of flooding to the properties in the northern corner).
- f) A plan identifying the catchment areas that have been applied to each pipe run is required to demonstrate that all runoff areas have been included
- g) Details of the final drainage scheme and the responsibility for management and maintenance of the other elements of the drainage system that will not be adopted (particularly the crated

tank and permeable paved areas) needs to be confirmed and an operation and management plan

- h) Water quality assessment to ensure no adverse impact upon ground and surface water quality during construction and for the lifetime of the development. This shall include detailed evidence of how the SuDS system will provide treatment to surface water runoff in accordance with all relevant planning policy.

Reason for condition

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.

Reason for pre commencement condition

To demonstrate that the SuDS scheme will prevent the risk of flooding prior to commencement of the construction of the SuDS scheme.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

16

The details of SuDS measures approved under condition 15 shall be implemented wholly in accordance with the approved details prior to first occupation of any of the dwellings of the development hereby permitted in accordance with the approved details and retained thereafter 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.

17

The development hereby permitted (except for the erection of tree protection measures, site security hoardings, demolition and site investigations) shall not commence until a drainage maintenance and SuDS maintenance plan in perpetuity, in full accordance with the Gateshead Council Interim Surface Water (SuDS) Guidelines for New Development, to include details of the responsibility for maintaining the rain gardens and how the details of the maintenance regime is communicated to the responsible person(s), shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for condition

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

Reason for pre commencement condition

To demonstrate that the SuDS scheme will be maintained to prevent the risk of flooding prior to commencement of the construction of the SuDS scheme.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

18

The maintenance details approved under condition 17 shall be wholly adhered to throughout the life of the development

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

19

Prior to the development hereby permitted progressing above damp proof course, a detailed design for the off-site highway works to include the removal of the existing on-street parking bays on Lindisfarne Drive and any associated signage; the introduction of new no waiting at any time restrictions, and new traffic signs.

Reason

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

20

The off site highway works approved under condition 19 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted

Reason

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

21

Prior to the construction of any dwelling, hereby permitted, progressing above damp proof course, details of external materials to be used on that dwelling shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the visual amenity of the area and the design quality of the development and in accordance with policy CS15 of the Core Strategy and Urban Core Plan and saved policy ENV3 of the Unitary Development Plan.

22

The materials approved under condition 21 shall be implemented wholly in accordance with the approved details and retained for the life of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of the visual amenity of the area and the design quality of the development and in accordance with policy CS15 of the Core Strategy and Urban Core Plan and saved policy ENV3 of the Unitary Development Plan.

23

Prior to first occupation of the development hereby permitted, a street lighting scheme for the proposed development site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the specifications and locations of the street lights.

Reason

In the interests of residential amenity and highway safety, in accordance with CSUCP policies CS13 and CS14 and Saved UDP policy DC2.

24

The street lighting details approved under condition 23, shall be installed prior to first occupation of the development hereby permitted in accordance with the specifications and locations set out in the scheme, and these shall be maintained thereafter in accordance with the strategy.

Reason

In the interests of residential amenity and highway safety, in accordance with CSUCP policies CS13 and CS14 and Saved UDP policy DC2.

25

No dwelling hereby approved shall be occupied until the submission of a Final Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

The Final Travel Plan shall detail the delivery mechanism for its implementation in order to provide for the following measures:

- a) The promotion of the use of public transport, walking and cycling and a reduction in car usage, compared to typical levels

- b) Ensure traffic speeds within the site are no more than 20mph and ensure road safety and personal security for pedestrians and cyclists;
- c) the mechanism to ensure residents can maximise opportunities for EV charging at their home.

Evidence of the travel plan's implementation over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details.

Reason

In order to accord with the NPPF and policy CS13 of the CSUCP.

26

Prior to the first occupation of any dwelling, hereby permitted, a spur for an electric vehicle charging point shall be provided at that dwelling, to allow for future installation of electric charging equipment.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

27

The development hereby permitted shall be implemented in full accordance with the information contained within the submitted document entitled "Flood Risk and Drainage Impact Assessment" dated March 2020 and specifically the Proposed Drainage Layout dated 24th March 2020.

The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

28

Unless otherwise approved in writing by the Local Planning Authority, all external works, demolition and ancillary operations in connection with the demolition and construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between:

- 0700 hours to allow deliveries and site vehicles to come off the main highway;
- 0730 hours demolition/construction start on site;

and 1800 hours on Mondays to Fridays and between 0800 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.

29

2m x 2m visibility splays, kept clear of any obstructions above 600mm in height, shall be provided and subsequently maintained for all driveways for the life of the development.

Reason

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

30

Notwithstanding the details indicated on drawing 19002 P02E and prior to the first occupation of the development hereby permitted, details of the hard surface treatments shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and the preservation of the character of the area, in accordance with 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.

31

The surface treatment details approved under condition 30 shall be implemented wholly in accordance with the approved details and retained for the life of the development

Reason

In the interests of visual amenity and the preservation of the character of the area, in accordance with 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.

32

The visibility splay at the new access onto Lindisfarne Drive hereby permitted shall be kept clear of any obstructions above 600mm in height

Reason

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

33

The approved 'Asgard' metal cycle locker or equivalent fully enclosed metal cycle locker, shall be provided in accordance with the approved details prior to the relevant dwelling being first occupied and the locker shall be retained thereafter.

Reason

In order to ensure adequate provision for cyclists in accordance with the NPPF, Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the Council's Cycling Strategy.

34

Prior to the development hereby permitted progressing above damp proof course, details of the following, shall be submitted for the consideration and written approval of the Local Planning Authority:

- 4 no. integral bat roost features (e.g. bat bricks or bat tubes)
- 8 bird boxes, suitable for tit species and wren
- 12 no. integral bird boxes, 4 each suitable for nesting starling, swift and house sparrow.

The details shall include the type/specification and precise location of such features (as shown on a plan and elevation drawing(s)) to be incorporated within the fabric of the new buildings to be constructed on site.

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(d) and ENV46 and the NPPF.

35

The details approved under condition 34 shall be implemented wholly in accordance with the approved details prior to the first occupation of the development hereby permitted and retained for the life of the development thereafter

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

36

A minimum of 1 no. 13x13cm 'Hedgehog Highway' shall be incorporated into all lengths of close board fencing prior to first occupation of the development hereby permitted

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

37

Notwithstanding the information submitted and avoiding duplication with any activities and mitigation subject to licencing; a Biodiversity Method Statement covering:

- a) the protection of habitats/ecological features to be retained on and off site
- b) protected and priority species including, but not limited to: bats, breeding birds, reptiles and hedgehog;
- c) invasive non-native species and;
- d) the timescale for its implementation

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The content of the method statement shall include details of measures to be implemented to avoid/minimise the residual risk of harm to individual species during the construction and operations of the development; and to ensure, where possible, local populations are maintained at or above their current levels.

Reason for condition

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

Reason for pre- commencement condition

The proposed Biodiversity Method Statement must demonstrate that the design will ensure habitats and ecological features are retained and protected and priority species will be protected before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

38

The Biodiversity Method Statement approved under condition 37 shall be implemented in full and in accordance with the approved timescale and shall be retained thereafter for the life of the development.

Reason

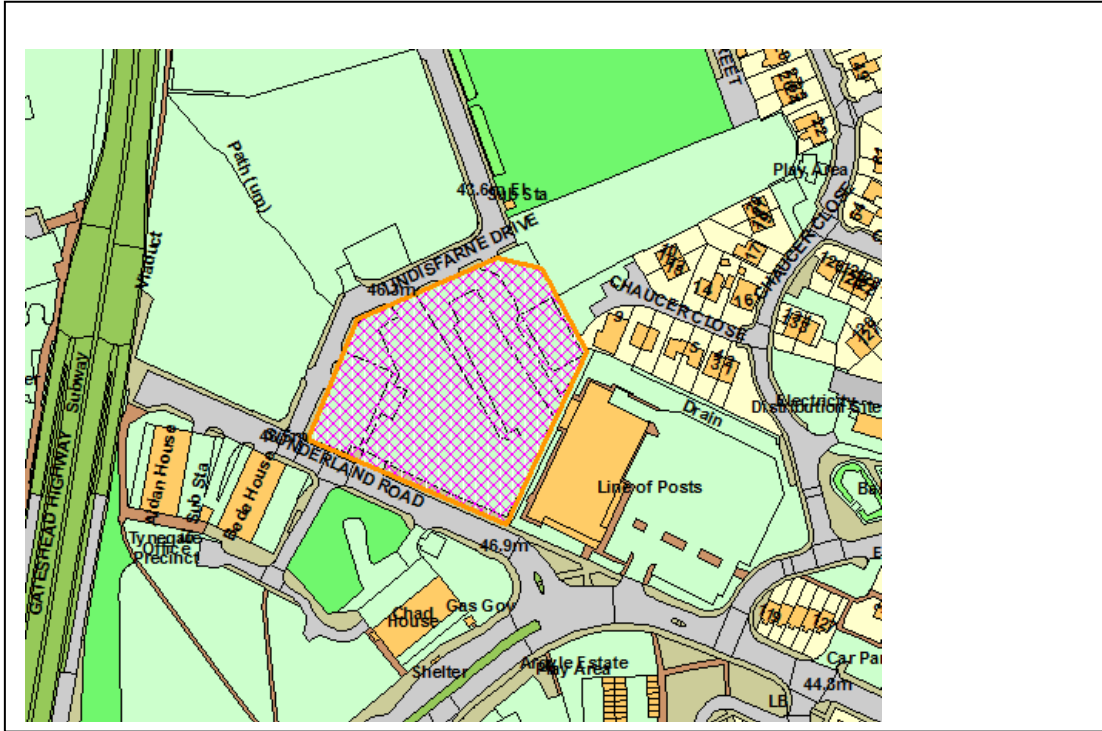
To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

39

The approved landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with saved Policies DC1(d) and ENV3 of the Unitary Development Plan and CSUCP policy CS14.



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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, PLANNING, CLIMATE CHANGE AND STRATEGIC
TRANSPORT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
29 July 2020**

Please note this document should be read in conjunction with the main report of the Service Director, Planning, Climate Change and Strategic Transport

MINOR UPDATE

Application No:	DC/20/00286/FUL
Site:	Former Go-Ahead Bus Depot Gateshead
Proposal:	Residential development comprising 26 dwellings with associated open space and infrastructure on the former Go Ahead Bus Depot, Gateshead (amended 22/06/20 and additional information 10/07/20, 14/07/20 and 21/07/20).
Ward:	Bridges
Recommendation:	DEFERRED
Application Type	Full Application

Reason for Minor Update

The application has been deferred from this agenda.

SEE MAIN AGENDA FOR OFFICERS REPORT.

REPORT NO 5

Committee Report

Application No:	DC/20/00372/FUL
Case Officer	Tracy Long
Date Application Valid	19 May 2020
Applicant	Dunston Football Club
Site:	Dunston Football Club, UTS Stadium Wellington Road Dunston Gateshead NE11 9JL
Ward:	Dunston And Teams
Proposal:	Erection of 2 portacabins to provide male/female toilet accommodation and medical facility, internal alterations to existing changing rooms, upgrading of viewing accommodation to Tom Cooney stand and upgrade of floodlighting luminance from 120Lux to 200Lux.
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF APPLICATION SITE

1.2 The application site is Dunston Football Club, which is located along Wellington Road in Dunston. The sports ground is used for hosting football matches for DUNSTON FC who operate a senior team only. Training is not generally carried out within the ground and takes place elsewhere. Vehicle access is from Wellington Road at the north east section of the site. The access leads to a hard surfaced area for parking on the eastern area of the site. There is a grass sports pitch which takes up most of the site which has two spectator stands along the northern and southern boundaries of the sports pitch. There are a number of small single storey buildings and containers positioned on the north west section of the site which provide a club shop, club house, changing rooms and storage facilities.

1.3 There are a number of tall mature trees along the northern and southern boundaries of the site which provide an element of screening. The site is relatively level and is situated within a mixed residential and commercial area. There are commercial and industrial premises to the north of the site, open space, allotment gardens and housing to the east, housing to the south and commercial / industrial premises to the west.

1.4 DESCRIPTION OF APPLICATION

1.5 The planning application proposes a number of improvements to the existing football ground that are required for the grounds to be compliant with the football league standards. Dunston FC is in the Bet Victor Northern Premier League North West Division. The improvements include :

- the provision of 2 portacabins to provide male/female toilet accommodation and a medical facility
- internal alterations to the existing changing rooms
- upgrading of viewing accommodation to Tom Cooney stand and
- upgrade of floodlighting luminance from 120Lux to 200Lux.

1.6 Proposed Portacabins

1.7 The proposed portacabin building for the male/female toilets has a flat roof and foundations and measures 2.57 metres high x 6.1 metres long x 2.5 metres wide. The proposed portacabin building for the medical facility also has a flat roof and foundations and measures 2.57 metres high x 3.3 metres wide x 7.5 metres long. Both buildings would be positioned in the north west section of the site along the western boundary of the site, to the immediate south of the existing club shop building.

1.8 Changing Room Alterations

1.9 The proposed internal alterations to the existing changing room building would involve the removal of an existing internal wall between the store area and officials room to make an enlarged officials room. No external alteration would occur to the existing building. Therefore this element of the proposal does not require planning permission.

1.10 Upgrade of Tom Cooney Stand

1.11 The upgrading of the Tom Cooney stand which is the spectator stand positioned along the southern side of the pitch would involve raising the standing height inside the stand to enable spectators to see over the adjacent dug out structures between the stand and the pitch. This would involve changing the current existing standing level of 4 different levels to only 2 levels. There would also be the installation of a new crowd barrier to the front and edge of the new standing levels for safety.

1.12 Upgrade of Existing Flood lighting

1.13 The upgrade of the existing floodlighting columns is to increase the existing lighting levels of 120 lux to 200 lux which is required by football league management. There are 8 existing 16 metres high lighting columns around the

sports pitch. Four are positioned along the northern edge of the pitch and four are positioned along the southern edge of the pitch. One of the flood lighting columns along the northern edge of the pitch to the west of the spectators stand was removed and replaced by a telecoms mast approved under planning permission 102/91. Two floodlights were reattached to the telecoms mast.

- 1.14 The proposed works will not result in any changes to the existing flood lighting columns or telecoms mast which accommodate the floodlights. The upgrade will involve removing 16 lamps and installing 12 replacement lamps. The applicant has also stated that they are looking at installing optional lamp cowls to minimise any risk of light spillage to the adjacent neighbours along Meadow Lane.
- 1.15 RELEVANT PLANNING HISTORY
- 1.16 There has been a large number of planning and advert applications at this site over the years. The relevant applications relating to this current proposal are listed below :
- 1.17 **1386/84**
Provision of changing accommodation APPROVED 15 Jan 1985.
- 1.18 **1461/89**
Erection of new spectator stand on north side of football ground. APPROVED 9 Jan 1990.
- 1.19 **1136/90**
Erection of single storey extension to existing clubhouse to provide ancillary lounge, bar and toilet facilities. APPROVED 5 Nov 1990.
- 1.20 **1434/90**
Installation of 8 x 16 metres high flood light columns. REFUSED 7 Jan 1991.
- 1.21 This flood lighting proposal was refused on two grounds. Firstly that the overspill illumination from the floodlighting would be likely to result and cause nuisance to residents. Secondly that the development would result in an unacceptable use of the existing playing field in a sensitive location close to houses leading to increased levels of activity particularly at unsocial hours.
- 1.22 **102/91**
Installation of 8 x 16 metre high flood light columns (resubmission) APPROVED 5 March 1991.
- 1.23 This revised proposal for floodlighting was approved subject to a number of planning conditions to limit and control the impact on adjacent residents.
- 1.24 Condition 4 states that the flood lighting installation should be designed, operated and maintained in such a way that lighting overspill does not cause nuisance to the adjacent residents.

- 1.25 Condition 5 states that the flood lights shall be operated only between the period 7pm – 10pm on Mondays – Fridays, 3pm – 7pm on Saturdays and not at all on Sundays, public or bank holidays. They shall not be used for more than 10 matches or occasions per season including training sessions except without the prior written consent of the Local Planning Authority.
- 1.26 **127/95**
Erection of covered spectators stand on south side of football ground.
APPROVED 30 March 1995.
- 1.27 **757/98**
Retention of portable building to west of existing dressing room on football ground to provide hospitality lounge. APPROVED 14 Sept 1998.
- 1.28 **606/01**
Determination of prior approval. Installation of 15 metre high monopole telecoms mast with associated equipment cabin at base. Observations made 29 June 2001. Prior approval required and approved.
- 1.29 This prior approval relates to the existing telecommunications mast which is positioned to the west of the spectator stand along the northern boundary of the sports pitch. This telecommunications mast replaced one of the existing 16 metre high flood lighting columns that was approved under planning permission 102/91. The proposal therefore also included re-fixing two of the flood lights to the new 15 metre high telecommunication monopole.
- 1.30 **DC/13/00939/FUL**
Siting of replacement modular unit in the football grounds. APPROVED 23 Oct 2013.

2.0 Consultation Responses:

Sport England No objection.

Tyne and Wear
Archaeologist No objection. No archaeological work is required.

3.0 Representations:

- 3.1 The Council sent neighbour notification letters to 48 properties surrounding the site on 2 June 2020, as well as displaying 4 site notices along Wellington Road on 29 May 2020. A notice also appeared in the Newcastle Journal on 10 June 2020.
- 3.2 One letter of objection has been received from a local resident along Meadows Lane on the following grounds :
- The proposed portacabins are too close to the houses
 - The portacabins will cause foul smells
 - The portacabins need to be relocated away from the houses

- The existing flood lighting is already bright enough
- Can not use the front room of house without closing the blinds and curtains
- The flood lighting causes migraines

- The lighting will affect wildlife including bats and squirrels
- The lighting affects more than just the houses next to the football ground.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1H Pollution

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV27 Greening the Urban Area

ENV47 Wildlife Habitats

CFR17 Retention of Outdoor Sports Facilities

CFR20 Local Open Space

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

5.1 The main planning issues are considered to be the impact of the proposed development on the use of the existing sports facilities and the impact on the living conditions of adjacent residents.

5.2 SPORTING FACILITIES/ GREEN OPEN SPACE

- 5.3 Given that this proposal relates to an existing sports pitch Sport England have been consulted. Sport England is satisfied that the proposed development meets exception 2 of their playing field policy in that the proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of the playing pitch or adversely affect their use. Sport England have therefore confirmed that they have no objection to the proposals.
- 5.4 The site is allocated as being within urban green space and is identified as an outdoor sports facility that should be retained and protected on the Council's Local Plan Policies Map. The proposed development seeks to improve the existing sporting facilities at the football club. The siting of the new buildings is on land adjacent to the sports pitch and would therefore not result in the loss of existing sporting facilities, open space or reduce their size or function. It is therefore considered that the proposed development would improve and enhance the existing sporting facilities and would therefore accord with the sporting and green /open space aim and objectives of the NPPF, saved policies ENV27, CFR17 and CFR20 of the Council's Unitary Development Plan (UDP) and policy CS18 of the Council's Core Strategy and Urban Core Plan (CSUCP).
- 5.5 RESIDENTIAL AMENITY
- 5.6 Concerns have been raised by a local resident along Meadow Lane that the proposed portacabins are too close to the houses, they will cause foul smells and that they need to be relocated away from the houses.
- 5.7 The proposed portacabin which is the closest to the housing along Meadow Lane would accommodate the toilet facilities. This portacabin would be positioned 57 metres away from the rear garden boundary of the nearest house along Meadow Lane. Given the distance between the proposed portacabins and the nearest houses it is considered that the portacabins would not result in any harm to the living conditions of surrounding residents through loss of light/overshadowing, loss of privacy/overlooking, visual intrusion or unpleasant smells.
- 5.8 The proposed changes to the Tom Cooney stand would not be visible from outside of the football ground so would not impact on adjacent residents.
- 5.9 The proposed increase in the lighting levels around the sports pitch, will result in the provision of brighter light on the sports pitch. It is important to understand how this brighter lighting may overspill from the sports pitch and impact on the lighting conditions of adjacent residents, especially those who live immediately to the south of the football ground along Meadow Lane.
- 5.10 The applicant has therefore submitted a lighting plan which shows the lighting levels on the ground from the increased 200 lux lighting proposal and how the light will affect adjacent residents. The lighting plan does show that some light from the increased floodlighting will overspill into some of the rear gardens of 31-50 Meadow Lane. The submitted lighting plan shows that the light spillage

will however be within acceptable limits referring to the guidance on acceptable levels of illumination that has been produced by the Institute of Lighting Engineers.

- 5.11 Concerns have been expressed by an existing resident along Meadow Lane that they can not use the front room of house without closing the blinds and curtains and that the flood lighting causes migraines. It is therefore important to strike the right balance between supporting the use of the existing sports facilities but protecting the living conditions of adjacent residents. Given the proximity of housing to the south of the site, it is considered necessary to control and limit the hours and times of use of the floodlighting to protect the living conditions of residents.
- 5.12 A planning condition has therefore been recommended that restricts the use of the floodlights to between the hours of
- 6.30pm – 10pm Mondays – Fridays
 - 3pm – 7pm on Saturdays
 - not at all on Sundays, public and bank holidays
 - not to be used for more than 15 matches or occasions per season including training sessions.
- 5.13 The previous condition (condition 5 on permission 102/91) restricted the use of the floodlights to no more than 10 matches per season. The applicants have stated that there is a requirement to increase this to 15 occasions per season. This is due to gaining promotion to higher leagues within the national pyramid system, with a larger number of clubs in each league, along with additional fixtures in the Cup Competitions and entry into the FA Cup and FA Vase Trophy.
- 5.14 Subject to a planning condition which restrict the hours and times of use of the lighting, the proposed improvements are considered to be acceptable from a residential amenity point of view and would accord with the aims and objectives of the NPPF, saved policies DC1 (h) and DC2 of the UDP and policy CS14 of the CSUCP.
- 5.15 DESIGN
- 5.16 The proposed scale, design and location of the two proposed portacabins are considered to be acceptable. The buildings are small and of an appropriate functional design for a football ground. There would also not be readily visible from outside of the football ground.
- 5.17 The proposed alterations to the Tom Cooney stand and upgrade of the existing flood lighting would not result in any readily visible changes to the existing stand or floodlighting columns.
- 5.18 The proposed development is therefore considered to be acceptable from a design point of view and would accord with the design aims and objectives of

the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the CSUCP.

5.19 HIGHWAY ISSUES

5.20 The applicant has confirmed that the proposed improvements will not change or increase the current capacity at the ground. No changes are proposed to the existing access and parking arrangements. It is therefore considered that the proposed development raises no highway issues.

5.21 ARCHAEOLOGY

5.22 The football ground is identified as a site of potential archaeological importance on the Council's Local Plan Policies Map. The Council's Archaeologist has confirmed that the proposal will not impact on any known heritage assets and that no archaeological work is required as part of the development. The proposed development is therefore considered to be acceptable from an archaeological point of view and accords with the aims and objectives of the NPPF, saved policy ENV21 of the UDP and policy CS15 of the CSUCP.

5.23 POTENTIAL FOR CONTAMINATED LAND

5.24 The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not situated on potentially contaminated land, based on previous historic uses. The site was previously agricultural land and open space prior to the construction of the football ground. The potential for contaminated land at the site is therefore considered to be low. The proposed development therefore raises no contaminated land issues.

5.25 ECOLOGY

5.26 Concerns have been raised by a local resident that the floodlighting may affect wildlife in the area including bats and squirrels. The site already has planning permission for 8 x 16 metre high flood lighting columns, which are currently in use at the ground. It is therefore considered that the proposed increase in the existing lighting levels is unlikely to have a significant impact on local wildlife given that the floodlighting already exists, albeit at a lower level.

5.27 The proposal is therefore considered to be acceptable from an ecology point of view and accords with the ecological aims and objectives of the NPPF, saved policies DC1 (d) and ENV47 of the UDP and policy CS18 of the CSUCP.

5.28 COMMUNITY INFRASTRUCTURE LEVY

5.29 On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related development. As such no CIL charge is liable.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, including the comments raised by the objector, it is considered that the proposal, subject to a planning condition which restricts the hours and times of use of the lighting is acceptable from a planning point of view and accords with both national and local planning policies.
- 6.2 It is therefore recommended that planning permission be granted subject to the planning conditions below.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Development, Transport and Public Protection be authorised to add, vary, delete and amend the planning conditions as necessary:

1

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

Site location plan scale 1:1250 @ A4

Proposed site plan scale 1:500 @ A3

Proposed medical facility plan scale 1:50 @ A3

Proposed male/female toilet block

Proposed roof plan scale 1:100 @ A4

Internal alterations to changing rooms plan scale 1:50 @ A3

Revised standing levels Tom Cooney Stand plan scale 1:50 @A3

Revised standing levels section plan scale 1:50 @ A3

External Floodlighting Plan UKS16772/2 dated 14 July 2020

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

The floodlighting hereby approved at 200 lux shall be operated only between the hours of

6.30pm - 10pm on Mondays – Fridays

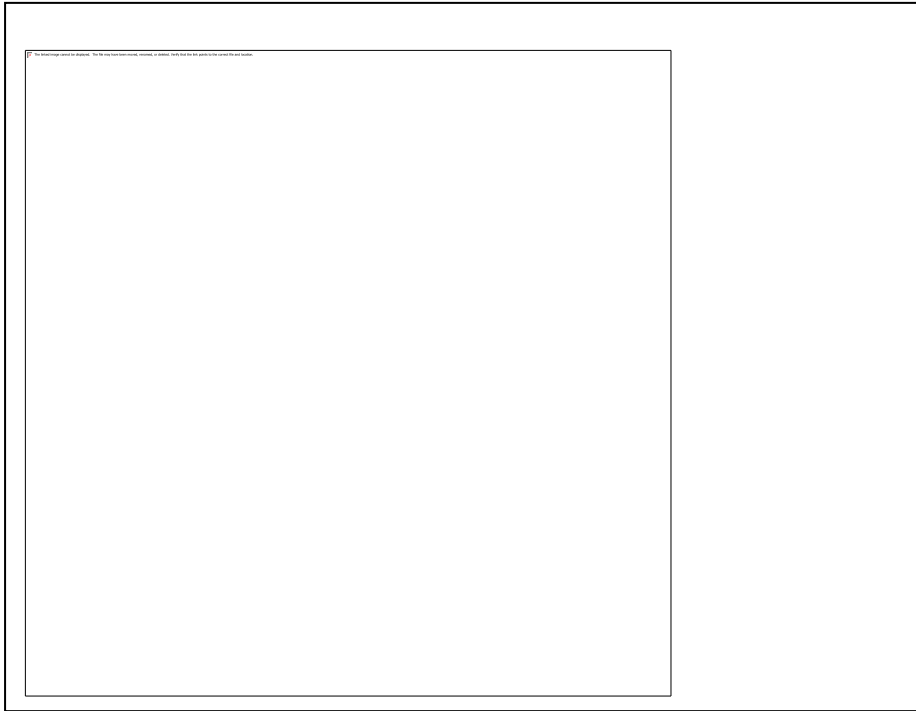
3pm - 7pm on Saturdays

not at all on Sundays, public or bank holidays.

The floodlighting hereby approved shall not be used for more than 15 matches or occasions per season including training sessions.

Reason

In the interest of residential amenity to accord with the NPPF, saved policies DC1 (h) and DC2 of the Council's Unitary Development Plan and Policy CS14 of the Council's Core Strategy and Urban Core Plan.



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Committee Report

Application No:	DC/20/00396/FUL
Case Officer	Josh Woollard
Date Application Valid	20 May 2020
Applicant	Mr. Reza Ghorbani
Site:	15 Clavering Road Bleach Green Blaydon NE21 5HH
Ward:	Blaydon
Proposal:	Variation of condition 3 of application DC/18/01032/COU to change the opening hours from between 08:00 and 20:00 hours on all days of the week to between 08:00 and 21:00 on all days of the week (description amended 08.07.20)
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The property is a ground floor, mid-terrace unit located along Clavering Road, Blaydon. The unit currently operates as a café/restaurant (Use Class A3).

1.2 Clavering Road is predominantly residential with the property in question sharing a party wall with residential properties to the east, west and above. There are a number of commercial ground floor units along Clavering Road including two existing A5 units, Golden Dragon and Pachino Pizza, to the east.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks to vary planning condition 3 to extend the operating hours of the café. Initially, the applicant sought to increase the opening hours from 08:00-20:00 on all days of the week to 08:00-22:30 Monday to Saturday and until 21:00 on Sunday. However, the applicant has amended the proposal to extend the opening hours to 08:00-21:00 on all days of the week.

1.4 There would be no external changes.

1.5 RELEVANT PLANNING HISTORY

- DC/18/01032/COU - Change of use from a butcher shop (use class A1) to cafe (use class A3) including installation of roller shutter (description amended 01.11.2018) - Granted 13.02.2019

- DC/20/00093/COU - Change of use from cafe (Use Class A3) to a mixed use of cafe and hot food takeaway (mixed uses A3/A5) – Refused 20.03.2020

2.0 Consultation Responses:

None received

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) Order 2015.

3.2 Two representations have been received which object to the proposed development. The objections are summarized as follows:

- Increase in traffic
- Already operating extended opening hours
- Increased noise
- Increased litter
- Odour impact
- Impact on health

3.3 In addition, Councillor Brain has objected to the proposed development.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

RCL6 Food and Drink Uses

5.0 Assessment of the Proposal:

- 5.1 The principle and acceptability of the unit operating as a café has already been considered and granted planning permission under the original planning application (DC/18/01032/COU). This planning application is therefore only considering the acceptability of the proposed changes.
- 5.2 The main planning issues for this current planning application is therefore considered to be whether the proposed changes are acceptable from a residential amenity and a highway safety perspective.
- 5.3 **RESIDENTIAL AMENITY**
The proposed development would result in an extension to the opening hours of the shop by 1 hour to 9pm on all days of the week.
- 5.4 Due to the close proximity of neighbouring residential dwellings, there is a high risk of harm to the residential amenity of occupiers. This would be caused by exposure to cooking odours/fumes as well as noise disturbance from vibrations/tonal noise produced by the ventilation/extraction equipment and the use of the roller shutter.
- 5.5 A risk assessment has been conducted by the Council in accordance with Appendix 3 of the EMAQ Control of Noise from Commercial Kitchen Exhaust Systems 2018 Guidance Document. The assessment concluded that a "very high level of odour control" would be required at this site based on the host properties close proximity to residential properties (less than 20m from kitchen discharge), location/height of the proposed discharge stack and the type of cooking that would take place at the site.
- 5.6 As part of application DC/18/01032/COU, approved 13.02.2019, condition 4 required the submission of a scheme for odour suppression whilst condition 6 required the submission of a scheme of maintenance. A scheme was subsequently submitted and approved as part of a discharge of condition application. The applicant has confirmed that this scheme has been installed and this is considered acceptable, subject to conditions requiring it to be operated and maintained in accordance with the approved details (condition 4 and 5).
- 5.7 With regards to noise, 15 Clavering Road is the only A3 use within the terrace. There are two Hot Food Takeaways (Use Class A5) within the terrace. Pachino Pizza opens until 11pm Monday to Saturday and until 10pm on Sundays. Golden Dragon opens until 11pm Wednesday to Monday and is closed on Tuesdays. Whilst it is acknowledged that these units have later opening hours, they are established within the terrace and are located in a comparatively better location within the terrace. They are clustered at the end of the terrace, whereas the application site shares a party wall with residential accommodation to either side and above.
- 5.8 Whilst the applicant initially sought permission to extend the opening hours of the unit until 10:30pm Monday to Saturday and until 9pm on Sundays, it is considered that an extension until 9pm would be more appropriate given the

proximity to a number of residential properties and that this extension would not result in an unacceptable level of noise and disturbance.

- 5.9 An objection has been received raising concerns with regard to the impact of the proposal on health. Whilst the impact on health and obesity is a specific consideration when determining planning applications for Hot Food Takeaways (Use Class A5), the proposal relates to the extension to the operating hours of a café (Use Class A3). Gateshead Council's HFTSPD is therefore not relevant to the determination of this planning application.
- 5.10 A further objection raises concerns with regard to an increase in litter. It is not considered that an increase in opening hours of 1 hour would result in a significant increase in litter but if there is a problem relating to litter as a result of the unit, this would be an issue for the Council's Environmental Enforcement team.
- 5.11 Taking into account the above assessment, it is considered that the proposed development would not have an unacceptable impact on residential amenity and would comply with the NPPF, policy CS14 of the CSUCP, and Saved policies ENV3 and ENV61 of the UDP.
- 5.12 HIGHWAY SAFETY
Unrestricted on-street parking is available in the immediate vicinity whilst there is a large residential catchment area which could result in many customers walking.
- 5.13 Furthermore, it is not considered that an extension of 1 hour to the opening hours would result in a significant increase in the amount of traffic generated by the unit given the number of customers using the café is naturally limited by the size of the café.
- 5.14 Taking this into account, it is not considered that the proposal would result in an unacceptable impact on the surrounding road network, nor would it have an unacceptable impact on highway safety and would therefore comply with the NPPF and policy CS13 of the CSUCP in this respect.
- 5.15 EXISTING PLANNING CONDITIONS
The original planning application (DC/18/01032/COU) was granted planning permission subject to a number of planning conditions.
- 5.16 This current planning application to vary condition 3 will create a new planning permission for the development. It is therefore considered appropriate in this instance to review the wording and status of all the original planning conditions, so they are relevant and updated on this new planning permission.
- 5.17 Condition 1 listed the approved plans and it is considered necessary to re-attach this condition.
- 5.18 Condition 2 seeks to ensure that the development be implemented not later than 3 years from the date of the grant of planning permission. As this

application would result in a new planning permission and an extension to the opening hours, it is considered necessary to re-attach this condition.

5.19 Conditions 4 and 5 required the submission and subsequent implementation of a scheme of odour suppression. These details have been submitted and approved. The applicant has confirmed that the scheme has been implemented. As such, it is necessary to re-attach a reworded condition (condition 4) requiring that the approved scheme be operated at all times in accordance with the approved details.

5.20 Conditions 6 and 7 required the submission and subsequent implementation of a schedule of maintenance for the odour mitigation scheme approved under condition 4. These details have been submitted and approved. It is necessary to re-attach a reworded condition (condition 5) requiring the odour mitigation scheme to be maintained in full accordance with the approved maintenance schedule for the lifetime of the development.

5.21 OTHER MATTERS

A number of claims have been received that the unit is operating outside its currently approved opening hours. An extension to the opening hours has been considered in detail above. Any breach of condition can be investigated by the Council's Enforcement team and may result in enforcement action being taken. However, the alleged breach is not material to this application being considered.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

Location Plan
3210 A-12 Rev A
3210 A-11
Existing and Proposed Rear Elevations

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

The opening hours of the premises shall be restricted to between 08:00 and 21:00 hours on all days of the week.

Reason

To ensure that limited disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with saved policies DC1, 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.

4

The odour suppression scheme shall be operated at all times in accordance with the approved details. For the avoidance of doubt, the approved scheme is outlined within the following documents:

- o Description of cooking processes
- o Drawing 3210- A-12 Revision A
- o Drawing 3210 A-11
- o Plan showing existing and proposed rear elevation
- o Odour abatement measures identified by items A (ESP filter), B (ESP technical spec.) and C (carbon filters). Supported by email from Bejhan Kameli dated 05.04.2019
- o Noise production and abatement measures identified by item D (thermo fan) and item E (silencer). Supported by email from Bejhan Kameli dated 10.05.2019.

Reason

In order to avoid noise/odour disturbance to the occupiers of nearby residential properties in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policies DC1, DC2 and ENV61 of the Unitary Development Plan.

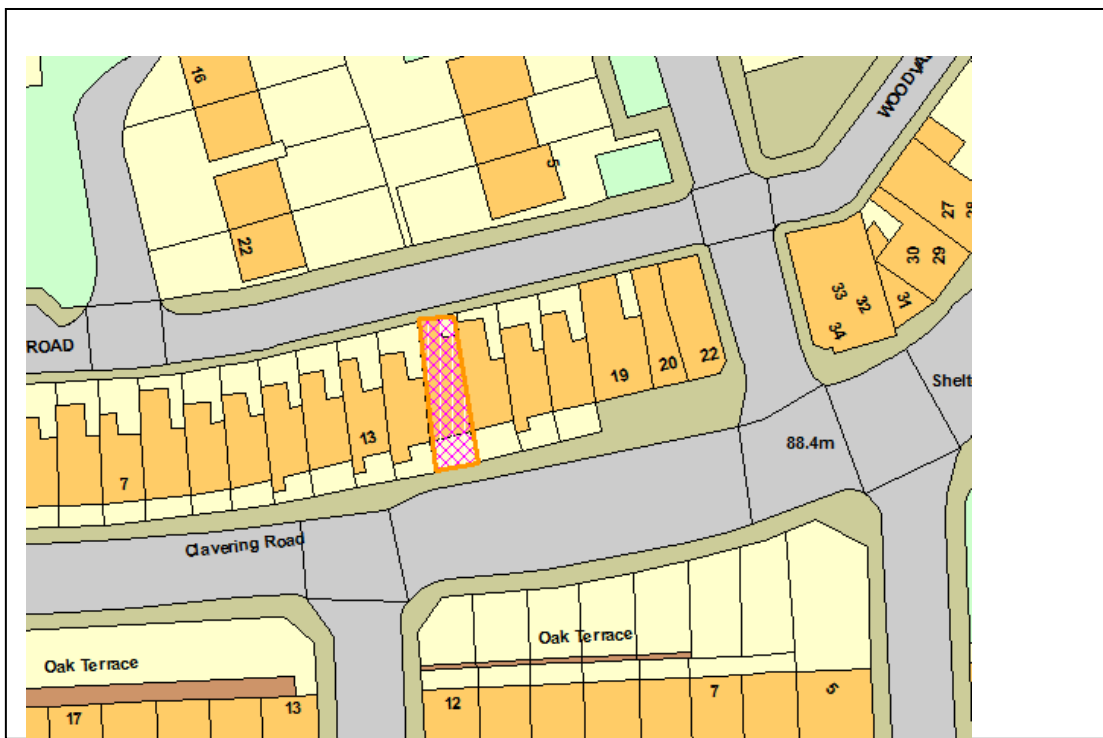
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The approved odour mitigation scheme shall be maintained in full accordance with the approved maintenance schedule for the lifetime of the development. Records of all maintenance shall be provided to the Local Planning Authority within 21 days of request. For the avoidance of doubt, the approved scheme is outlined within the following documents:

- o Means of recording maintenance
- o Purified Air- ESP-maintenance page 26-29
- o Systemair- KBR Thermo fan- maintenance page 17

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan.



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