

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 28 October 2020 at 10.00 am in the The meeting will be held virtually.

Please <a

href="https://www.youtube.com/playlist?list=PLUsO4CIK  
xa5TKOillpg6vR3qjEflJcend&feature=share">click

here</a> to access the meeting.

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From the Chief Executive, Sheena Ramsey

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Item Business

**1 Apologies for Absence**

**2 Minutes**

The Committee is asked to approve as a correct record the minutes of the meeting held on 7 October 2020 (copy previously circulated).

**3 Declarations of Interest**

Members to declare interests in any agenda items

**4 Planning Applications (Pages 3 - 6)**

Report of the Strategic Director, Communities and Environment

**4i No. 1 - Land Rear of 'The Cottage', Gateshead Road, Sunnyside, Newcastle upon Tyne NE16 5LQ (Pages 7 - 38)**

**4ii No. 2 - 11 Barmoor Terrace, Ryton, NE40 3BB (Pages 39 - 48)**

**4iii No. 3 - Field to the North of North View Farm, Land at Frenches Close, Bradley Fell Road & Kyo Bog Lane, Prudhoe, NE42 5NP (Pages 49 - 56)**

**4iv No. 4 - Hawks Road, Gateshead, NE8 3DF (Pages 57 - 82)**

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PLANNING AND DEVELOPMENT  
COMMITTEE  
**28 October 2020**

**TITLE OF REPORT:** Planning applications for consideration

**REPORT OF:** **Anneliese Hutchinson, Service Director,  
Planning, Climate Change and Strategic Transport**

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### **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

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/20/00197/FUL	Land Rear Of 'The Cottage' Gateshead Road	Whickham South And Sunnyside
2. DC/20/00459/COU	11 Barmoor Terrace Ryton	Ryton Crookhill And Stella
3. DC/20/00670/COU	Field To The North Of North View Farm Land At Frenches Close, Bradley Fell Road & Kyo Bog Lane	Crawcrook And Greenside
4. DC/20/00698/FUL	Baltic Business Quarter Multi Storey Car Park Hawks Road	Bridges

## **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.

**Committee Report**

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<b>Application No:</b>	<b>DC/20/00197/FUL</b>
<b>Applicant</b>	<b>Mr Chris Nunn</b>
<b>Date Application Valid</b>	<b>26 February 2020</b>
<b>Site:</b>	<b>Land Rear Of 'The Cottage' Gateshead Road Sunniside Newcastle Upon Tyne NE16 5LQ</b>
<b>Ward:</b>	<b>Whickham South And Sunniside</b>
<b>Proposal:</b>	<b>Demolition of 'The Cottage', followed by construction of 17 houses (C3) with associated landscaping, amenity space, SuDS and access (amended 08/07/20).</b>
<b>Recommendation:</b>	<b>GRANT PERMISSION AT THE END OF THE PUBLICITY PERIOD SUBJECT TO A SECTION 106 AGREEMENT AND CONDITIONS</b>
<b>Application Type</b>	<b>Full Application</b>

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**1.0 The Application:**

1.0 BACKGROUND

Sunniside North East and Sunniside South East have been identified for the delivery of approximately 138 homes (policies CS4 and GV7 of the CSUCP). The application site forms part of Sunniside North East which has been allocated for the delivery of approximately 48 homes.

1.1 The Local Plan states that; *'Sunniside, which includes the smaller historically distinct locality of Streetgate in which the proposed sites are located, is a medium-sized suburban village in the countryside a short way out of Tyneside to the south-west, and near to the large suburban settlement of Whickham.'*

1.2 It then goes on to state;  
*"Sunniside North East comprises a group of adjoining small landholdings in garden, paddock and commercial nursery use, with an associated scattering of existing buildings on the northern edge of Streetgate, adjoining and behind Gateshead Road."*

1.3 DESCRIPTION OF SITE

The site is located north of 'The Cottage' fronting Gateshead Road (A692), to the North of Streetgate, Sunniside. The site is an irregularly shaped piece of land approximately 0.8 hectares in area.

1.4 The site is bound by residential dwellings to the east and west with public highway to the south. Beyond the northern boundary are arable fields which are defined as Green Belt by the Local Plan.

- 1.5 The Cottage is currently accessed via Gateshead Road (A692) to the south, there is currently no vehicular access to the site via Gateshead Road.
- 1.6 The application site falls approximately six metres from south-west to north-east. There is an existing retaining wall, approximately one metre high, to the south of the site on Gateshead Road continuing along the southern boundary.
- 1.7 The application site is made up of areas of grassland, an orchard and some woodland. The trees located within the centre of the site are mainly young and semi-mature. Most of the mature trees and hedgerows are located to the periphery of the site to the north, south and west.
- 1.8 The site was formerly located within the Green Belt but now forms part of a housing allocation under the CSUCP for the delivery of approximately 48 homes; none of the application site is located within the Green Belt.
- 1.9 DESCRIPTION OF APPLICATION  
The application seeks full planning permission for residential development totalling 17 homes, including demolition of The Cottage, associated access, infrastructure and landscaping.
- 1.10 The application proposes a single point of vehicular access off Gateshead Road to the south, a pedestrian access will also be created to the west of the site onto the existing public right of way. It is proposed that the properties would be primarily served by a 5.5 metre wide access road, with some properties being served by a shared surface. It should be noted that the access road is proposed to extend up to the site boundary to the west to ensure access is created into the wider housing allocation.
- 1.11 The application proposes for an area of open space to be located within the centre of the site. The application proposes the retention of existing tree and hedge planting to the north, west and east of the application site.
- 1.12 The application proposes a mixture of housing types. The application proposes that 13 of the dwellings would be detached and four would be semi-detached. 8 dwellings have 5 bedrooms, 4 dwellings would have 4 bedrooms and 5 would have 3 bedrooms. One property would be bungalows and 16 would be two-storey houses. It proposed for all dwellinghouses to have habitable rooms within the roofspace.
- 1.13 The following information has been submitted with the application:
- Affordable Housing Statement
  - Arboricultural Impact Assessment
  - Design and Access Statement
  - Drainage Assessment
  - Ecological Impact Assessment
  - Flood Risk Assessment
  - Ground Investigation Assessment
  - Masterplan



- Transport Assessment
- Travel Plan

#### 1.14 PLANNING HISTORY

There are no historic planning applications of relevance to the current application.

### 2.0 Consultation Responses:

Northumbrian Water	No objection.
The Environment Agency	No objection.
The Coal Authority	No objection.

### 3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of 23 letters of objection and a single letter of support have been received.

3.2 The objections are summarised as follows;

- The proposed development, as a result of the loss of The Cottage and its frontage would have an unacceptable impact on Streetgate;
- The area is an 'accident blackspot' and the development would exacerbate this issue;
- The creation of the pedestrian refuse would reduce road widths unacceptably given the use of the road for HGVs;
- The development would be out of context with the streetscene;
- The application represents over-development;
- The proposed dwellings would overlook existing properties and their gardens to an unacceptable degree;
- The development would result in increased noise;
- The development would not result in any improvements to public transport;
- The proposal would result in an unacceptable loss of trees;
- Construction traffic associated with the site would have an unacceptable impact;
- The proposal would impact on local services e.g. schools, dentists and doctors;
- The application would result in loss of Green Belt; and
- The development could impact to an unacceptable degree on rights of way and rights of access.

3.3 The letter of support raises no material planning considerations.

### 4.0 Policies:

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance  
DC1C Landform, landscape and after-use  
DC1D Protected Species  
T1 Transport req for New Developments  
ENV2 The Built Environment - Gen Policy  
ENV3 The Built Environment - Character/Design  
ENV44 Wood/Tree/Hedge Protection/Enhancement  
ENV46 The Durham Biodiversity Action Plan  
ENV47 Wildlife Habitats  
ENV49 Sites of Nature Conservation Importance  
ENV51 Wildlife Corridors  
ENV52 Creation of New Wildlife Habitats  
ENV54 Dev on Land Affected by Contamination  
H5 Housing Choice  
H9 Lifetime Homes  
H10 Wheelchair Housing  
H12 Housing Density  
H13 Local Open Space in Housing Developments  
H15 Play Areas in Housing Developments  
CFR20 Local Open Space  
CFR28 Toddlers' Play Areas  
CFR29 Juniors' Play Areas  
CFR30 Teenagers' Recreation Areas  
CS1 Spatial Strategy for Sustainable Growth

CS4 Spatial Strategy - Rural/Village Area

CS5 Employment-Economic Growth Priorities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GV7 Sunnyside

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment:**

- 5.1 The main planning issues relating to this proposed development are considered to be: the principle of housing on this site; the impact on existing trees and hedges on and around the site; the impact on the landscape; flood risk and drainage; the possible impact on biodiversity on the site and in the area; whether the proposed design of the development is acceptable; transport issues; the impact on the living conditions of the future occupiers of the proposed housing and existing residents near the site; the possible contamination of the site; children's play facilities; education provision; site specific policy compliance; and any other issues arising.
- 5.2 **PRINCIPLE OF DEVELOPMENT AND MASTERPLAN**  
Policy CS1 of the CSUCP sets out the spatial strategy for sustainable growth. Given population and economic growth there is a need to plan for 30,000 homes within Gateshead and Newcastle up to 2030. To plan for this growth has meant allocating land for new housing development in villages including Sunnyside.
- 5.3 Policy CS10 sets out a net provision of 8,500 new homes in Gateshead to contribute to the 30,000 total up to 2030.
- 5.4 The application site forms part of a wider site allocated in the CSUCP, under policies CS4 and GV7a for approximately 48 homes. No part of the site is located in the Green Belt.

- 5.5 Policy GV7 also requires that development takes place in accordance with an approved masterplan and phasing plan. This follows on from policy CS4 which requires the approved masterplan and phasing plan to: demonstrate a comprehensive, phased and coordinated approach to site development, set out how necessary infrastructure, and the strategic infrastructure identified for the site in the Infrastructure Delivery Plan will be delivered on a phased basis; set out build rates and triggers for infrastructure, and demonstrate how each phase of the development is sustainable and deliverable.
- 5.6 The supporting text to Policy CS4 (paragraph 8.10) is very clear as to what is required in regard to a masterplan and phasing plan, stating;  
*"... Given the potential impact that the new development will have on the existing villages in terms of their infrastructure, facilities and services it is important that it is masterplanned. Village Growth Area sites, as a defined in Section 5 of the Plan are required to be masterplanned together where they adjoin each other regardless of ownership. Phasing plans will be required which set out the triggers for the provision of necessary infrastructure and legal agreements will need to be put in place to secure delivery. Masterplans will be prepared by the landowner/developer(s) in consultation with each Council and must be approved as part of the planning application process. The masterplanning and the development requirements of these sites are set out in polices in the Sub Areas and Site Specific policies in Section 5 of the Plan."*
- 5.7 The applicant has provided a Masterplan and Phasing Document (the Masterplan). The Masterplan indicates that this application would be constructed as a single phase, owing to its relatively small scale. The application accounts for approximately 0.8ha of the allocation, while the remainder of the site accounts for the remaining 1.3ha. The Masterplan shows how the site could ultimately be developed with the site-specific infrastructure. Any necessary off-site infrastructure would be delivered through condition(s), S106 and/or the Community Infrastructure Levy (CIL) the proposed timings of which are set out as part of the phasing plan.
- 5.8 The Masterplan covers not only this application site but also the remainder of the GV7a allocation which extends to the west. In considering the current application, the submitted Masterplan can only be 'binding' and therefore afforded weight insofar as it relates to the application site i.e. the current application cannot secure works on the wider Village Growth Area. If planning permission was to be granted, where necessary, infrastructure delivery could be controlled via planning conditions or planning obligations.
- 5.9 Based on the above, it must be concluded that the development technically does not comply with the requirements of Policies CS4 and GV7. This view is formed based on the fact that the submitted Masterplan cannot control development across the entire application and as such the Masterplan cannot be binding beyond the application boundaries.

- 5.10 Therefore, in accordance with section 70 (2) of the Town and Country Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004, consideration will need to be given whether material considerations exist which indicate that the application should be granted despite not according with development plan policies i.e. would the benefits of the development, based on material planning considerations, outweigh the harm caused as a result of the non-compliance with Policies CS4 and GV7.
- 5.11 HOUSING POLICIES
- 5.12 Affordable Housing  
Policy CS11 of the CSUCP requires the provision of 15% affordable homes on all developments of 15 or more dwellings subject to development viability.
- 5.13 The application proposes that the 15% affordable homes requirement will be provided as an offsite contribution. This will be provided as a commuted sum, via a S106 agreement in accordance with the Council's Planning Obligations SPD which states offsite affordable housing must be provided;  
*"... in a location considered suitable by the Council within Gateshead. It should result in provision of no fewer than the number of dwellings of the appropriate size that would have been required on site."*
- 5.14 Officers consider that this approach is acceptable and subject to a Section 106 Agreement, it is considered that the application accords with policy CS11 of the CSUCP.
- 5.15 Housing type and density  
All properties proposed incorporate three or more bedrooms. In addition, all dwellings include private garden areas. It is therefore considered that the development would meet the requirements of policies CS11 and GV1 of the CSUCP in providing a majority of family housing and would make an important contribution to the aim of a minimum of 16,000 new homes having 3 or more bedrooms. In addition, the type of housing would vary between detached and semi-detached and between bungalows and two-storey houses suitable for a wide range of groups in accordance with saved policy H5 of the UDP.
- 5.16 The density of the development would equate to approximately 22 houses per hectare. While this would not comply with the 30-50 dwellings per hectare target within saved policy H12 of the UDP, in this case it is considered that the density of the development would assimilate well with the adjoining area. Further, the requirement of policy H12 must be considered in context with the approximate housing numbers set out in policy GV7 of the CSUCP; if the proposed density is carried across the remainder of the site it would result in a total of 44 home i.e. 'approximately 48' as required by Policy GV7.
- 5.17 House size  
Policy CS11 of the CSUCP requires that new residential development provides adequate space inside and outside of the home to meet the needs of residents. It is considered that all houses would have generous garden sizes in order to

provide satisfactory outdoor private amenity space. Further, it is considered that the house types would provide acceptable levels of internal space.

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

#### 5.19 TREES AND HEDGEROWS

While the proposed development would result in tree and hedge loss, these losses are within the site and consist of mainly young and semi-mature trees. Most of the mature trees and hedgerows are located around the periphery of the site and will be retained except for the hedge to the south of the site and a band of trees through the centre of the site.

5.20 The application is supported by survey work; this information has not been updated following the amendment to the site layout. On this basis, it is considered necessary to condition the submission of an updated Tree Protection Plan and Arboricultural Method Statement (Conditions 3 and 4).

5.21 It is considered that subject to the protection of the retained trees/hedges and the submission of a detailed landscaping scheme (including a maintenance schedule (Conditions 5 to 7)) the proposed development would be acceptable in terms of tree and hedgerow loss.

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

#### 5.23 IMPACT ON THE LANDSCAPE

In recognition of the site's landscape value, an initial landscape assessment was carried out to support the allocation of the site for residential development. This assessment considered that the development of the site for housing would not have an unacceptable impact on the surrounding landscape.

5.24 In allocating the site, the primary concern was the sites impact on Lottie's Wood to the west, this area falls outside of the application site. However, it was deemed important that any development ought to retain and improve the existing hedgerow to the north of the site.

5.25 In terms of the layout of the development, there will be opportunities for additional planting within the site as well as the opportunity to strengthen the hedge to the northern boundary.

5.26 Given the above, it is considered that the proposed development would be laid out so as to assimilate well into its landscape, particularly due to the strengthening of the hedgerow to the north.

#### 5.27 DRAINAGE AND FLOOD RISK

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

- 5.28 The submitted flood risk and drainage assessments have had regard to both the application site and the requirements of Policy GV7.
- 5.29 **Flood Risk**  
The flood risk assessment has assessed risk from all sources of flooding (fluvial/tidal, groundwater, sewer, overland flow and artificial sources) and concludes that the flood risk is low.
- 5.30 It is considered that the proposal has been designed to ensure that the proposed development would not be at risk of flooding specifically in regard to overland flow.
- 6.31 **Drainage**  
A sustainable drainage system has been incorporated in the development primarily in the form of a detention basin.
- 5.32 Policy GV7:6 of the Core Strategy requires 'A Flood Risk Assessment to demonstrate there is no increase in flood risk downstream as a result of discharging surface water into the unnamed watercourses and ultimately into the Black Burn.' The drainage strategy has regard to Policy GV7:6 it will improve the flood management of the surrounding area by reducing existing flow rates and reducing the surface water flood risk.
- 5.33 Based on the above, it is considered that subject to conditions (Conditions 8 - 13) and based upon the submitted flood risk assessment and drainage proposals, the drainage scheme proposed is acceptable.
- 5.34 It is considered that the application has appropriate regard to the requirements of NPPF and Policies GV7, CS4 and CS17 of the CSUCP.
- 5.35 **IMPACT ON BIODIVERSITY**  
The application site is located within 500 metres of several Local Wildlife Sites (LWS) including Washingwell Wood LWS, Blackburn Meadow LWS and Ravensworth Ponds and Wood LWS. At its closest point Lotties Wood LWS is located approximately 65 metres from the west of the site. Arable fields, grazing pasture and woodland is located to the north. The Blackburn (a tributary of the River Team) is located to the north east of the site and runs through Washingwell Wood LWS and into Watergate Forest Park Lake LWS.
- 5.36 Habitats within the site include semi-improved grassland, plantation broadleaved woodland, hedgerows, individual/groups of trees including an orchard, amenity grassland, ruderals, buildings and bare ground (hardstanding).
- 5.37 The planning application is supported by an up to date ecological survey, assessment and mitigation report which includes a biodiversity net-losses/gains calculation.

- 5.38 The applicant has sought to avoid adverse impacts on biodiversity and provide on-site mitigation and compensation where impacts are unavoidable. Owing to the predicted residual loss of biodiversity resulting from the development despite the implementation of avoidance, mitigation and onsite compensation measures; the submitted Ecological Impact Assessment acknowledges the requirement for a proportionate programme of offsite ecological compensatory measures to be delivered through a financial contribution (S106).
- 5.39 It is considered that the development is acceptable, subject to offsite compensatory measures which include the enhancement of an area of grassland circa 0.46ha in size, the creation of 110 metres of native hedgerow and subject to the conditions (Conditions 16 to 22):
- Biodiversity Method Statement;
  - Biodiversity Enhancement Plan;
  - Landscaping Details and management plan;
  - Boundary Treatments; and
  - Lighting design.
- 5.40 Based on the above, the application is considered to comply with the NPPF, saved UDP Policies DC1(d), ENV44, ENV46, ENV47 and ENV49 and Policies GV7, CS4 and CS18 of the CSUCP
- 5.41 DESIGN AND LAYOUT  
The NPPF at Paragraph 124 makes it clear that *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.'* It goes on to make clear that *'good design is a key aspect of sustainable development...'*
- 5.42 Further, Paragraph 130 states that:  
*"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."*
- 5.43 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.44 The design of the scheme has evolved significantly following the original submission and the scheme has reduced in scale; the application originally proposed the erection of 21 houses this was reduced to 17 by the applicant.
- 5.45 While The Cottage is considered to be an attractive building in its own right, it is the view of officers that its demolition would not have an unacceptable impact on either the site or the wider area. It is considered that the demolition of The



Cottage would facilitate an improved form of development on site. The Cottage itself is not located within the housing allocation, however it is also not considered as a significant constraint by the Sunnyside Development Framework which influenced the site specific policy.

- 5.46 Following the reduction in numbers it is considered that the design, scale, layout, height, density and appearance of the proposed development is sympathetic to the surrounding area. The proposed development provides a positive response to the site constraints and an appropriate design solution.
- 5.47 The proposed elevational detailing of the properties is considered to be good and the broad palette of materials selected is appropriate.
- 5.48 This said, it is considered that conditions relating to the following matters ought to be attached to the approval;
- Final external materials (Conditions 22 and 23);
  - Final details of surface materials (Conditions 24 and 25); and
  - Final details of boundary treatments (Conditions 18 and 19).
- 5.49 It is considered that the proposed development has successfully demonstrated that it has achieved a good standard design. Subject to the recommended conditions the application accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.
- 5.50 **TRANSPORT AND HIGHWAYS**  
The principal of development on this site was established in the authorities Core Strategy where, approximately 138 new homes were allocated to Sunnyside with approximately 48 at Sunnyside North East.
- 5.51 **Transport Assessment**  
The applicant has submitted a Transport Assessment (TA) in support of their development. The TA trip generation data predicts that the proposed application is likely to generate approximately 12 two-way movements in the am peak period and 12 two-way movements in the pm peak period. This is a negligible increase compared to existing traffic levels.
- 5.52 The TA also gives due consideration to the potential trip generation for the whole allocation i.e. 48 residential units. The trip generation from the overall allocation is predicted to be 34 two-way movements during the am peak period and 35 two-way movements during the pm peak period.
- 5.53 An increase of 30 two-way movements is typically used as a threshold up to which any impact is usually considered to be acceptable with little or no action required. In this instance, it is considered that any highway improvements would bring little benefit during periods of congestion due to the queuing that is already experienced along the A692.
- 5.54 Furthermore, it is acknowledged that the impact of increased vehicle movements on the wider highway network has already been assessed to some

degree, firstly as part of the Local Plan process and then in greater detail as part of a recent residential development on Pennyfine Road (DC/18/00704/FUL).

- 5.55 In assessing application DC/18/00704/FUL, for the erection of 89 houses, it was concluded that the impact of that development was not severe, in accordance with the NPPF. It was reported to Planning and Development Committee the results of the modelling clearly demonstrated that the network is running over capacity, in both the without and with development scenarios, and any additional traffic adds to the levels of delay being experienced both now and under the future design year projections. This conclusion can equally be applied to this current application.
- 5.56 The Council has recently carried out a period of review, investigating measures to improve the flow of traffic in this area, and this resulted in an upgrade to existing signalised junctions. Beyond these upgrades, officers consider there to be little scope for further improvement without significant investment, which would be the scope of current development application. On this basis, officers are of the view that the most appropriate approach would be for the application to include additional measures which enhance sustainable access to the site and wider area, to further promote trips by non-motorised modes of travel.
- 5.57 Therefore, based on the above, the proposed development would allow for three key sustainable travel improvements:
- A new cycle link to the Tanfield Railway path (with due consideration given to the crossing of cyclists over the A692);
  - A new pedestrian/cycle refuge on the A692 Gateshead Road; and
  - Upgrades to existing bus stops/shelters where appropriate.
- 5.58 The developer has submitted preliminary drawings relating to the new pedestrian refuge and the new cycle link to the Tanfield Railway path and officers are of the view they are deliverable; it is considered that the final details of the above measures should be secured by planning condition (Conditions 26 to 31).
- 5.59 Access and Layout  
It is considered following amendment to the site access that the proposed access offers an appropriate visibility splay for vehicles. Further the design ensures that the access should not result in any conflict between pedestrians and vehicles. It is considered necessary to condition that any planting within the pedestrian visibility splay be limited to a height of no more than 600mm (Condition 48).
- 5.60 The development has been designed as a self-enforcing 20mph zone as a result of the proposed layout and the utilisation of traffic calming measures.
- 5.61 To the western side of the site, an existing Public Right of Way (PROW) will cross the proposed estate road. A raised plateau traffic calming device is to be constructed at this location. Tactile paving will be required, as will surfacing improvements to the PROW, to ensure that no loose material is dragged onto

the new estate roads and footways. Surfacing improvements to the PROW and the improvement of lighting along the PROW, is also considered necessary as this will be a key pedestrian short cut for residents of both this development and those of phase two when moving between the development site and the public bus stops and local shops at Sunnyside; it is recommended that these improvements be secured via planning conditions (Conditions 32 and 33). The proposed works to the PROW would not require any diversion, however the PROW may be closed for a temporary period while works are undertaken. It is considered that these works would offer improvements to the PROW and they are considered acceptable on this basis. Further, it is also considered necessary to condition the final details of the linking the site to the remainder of housing allocation (including a timescale for implementation) prior to works commencement on plots 01 to 06 and/or 11 to 21 (Conditions 34 and 35).

- 5.62 Further to the above, it is considered that the scheme provides a safe layout for vehicles and pedestrians and provides for an appropriate level and distribution of visitor parking.
- 5.63 **Travel Plan**  
A Travel Plan (TP) has been submitted by the developer and compliance with this document ought to be secured by planning condition (Condition 36).
- 5.64 Further, to ensure the site is sustainable and to offset the detrimental traffic impact of the development, it is vital that all of the new dwellings are provided with electric vehicle charging points (Conditions 37 and 38) and secure and weatherproof cycle storage (Conditions 39 and 40).
- 5.65 **RESIDENTIAL AMENITY**  
The relevant considerations are the impact on residential amenity in terms of existing nearby properties and also for future residents of the proposed development.
- 5.66 **Impact on existing nearby properties**  
Those existing residential properties which are most likely to be impacted by the development are High-Wyndy and Southlea (located to the south of Plot 15 and west of Plot 14) and Ponticherry Cottage (located to the south east of Plot 08 and to the east of Plot 09).
- 5.67 Whilst it is acknowledged that the outlook from all the properties which abut the application site would change, officers have considered the impact on these properties carefully together with the separation distances between the proposed development and existing housing.
- 5.68 In regard to Southlea, it is considered that the rear to gable separation distance afforded between the property and Plot 15 at 13.5 metres is acceptable. This view is formed taking into consideration land levels, the fact no habitable room windows would be located within the southern elevation of Plot 15 and the offset relationship between the rear of Southlea and the proposed property.

- 5.69 High-Wynds has a greater separation distance between its rear elevation and the gable of Plot 15, this distance is in excess of 28 metres. Again, it is considered this separation distance is acceptable while also taking into consider land levels.
- 5.70 Turning to Ponticherry Cottage, it is considered that the separation distance afforded between the property and Plot 8 (approximately 15 metres), combined with the offset relationship and the proposed property type i.e. a bungalow is adequate to ensure that no unacceptable impact on residential amenity would occur. Further, given the gable to gable relationship between Ponticherry Cottage and Plot 9, it is considered that there would not be unacceptable impact on residential amenity.
- 5.71 It is acknowledged that the application proposes the garden spaces associated with proposed dwellings be located up to the boundaries with existing properties in a number of circumstances. It is considered this arrangement is not unusual within residential areas and would not result in a significant impact on amenity.
- 5.72 Given the above, it is acknowledged that the development would alter the outlook of existing properties as it would introduce housing on land which has been open and undeveloped. However, it is considered that the layout of the development is such that it would not lead to an unacceptable visual impact or an unacceptable reduction in privacy to existing properties.
- 5.73 It is also acknowledged that the construction of the development would have a potential impact on nearby properties in terms of noise, disturbance and dust. Whilst these impacts cannot be avoided entirely, it is considered that through the imposition of a planning condition for the development to be undertaken in accordance with the submitted construction management plan these impacts can be reduced as far as possible (Condition 41).
- 5.74 It is therefore considered that the application would be in accordance with policy CS14 of the CSUCP and saved policy DC2 of the UDP.
- 5.75 Living conditions for future residents  
It is considered that the proposed layout of the development is adequate to ensure that the interface distances between proposed dwellings would ensure no unacceptable impact would occur.
- 5.76 On this basis, it is considered that living conditions for future residents would be acceptable and the proposal would not conflict with policy CS14 of the CSUCP and saved policy DC2 of the UDP.
- 5.77 GROUND CONDITIONS  
The findings of an intrusive site investigation have been submitted with the application. The submitted report concludes that there are no major soil contamination issues on the site and that no gas protection measures are required, however the report states that '*... no ground investigation sampling was undertaken in the vicinity of the existing 'Cottage' buildings*'.

- 5.78 On the basis of the above, it is considered necessary to impose conditions that require further site investigation works to take place within the footprint of The Cottage and its hardstanding (Conditions 42 to 46). Further it is considered necessary to impose conditions pertaining to previously unidentified contamination (Condition 47).
- 5.79 It is therefore considered that subject to conditions, the proposed development would not cause unacceptable risk in terms of ground contamination to existing and future residents. The application would not conflict with policy CS14 of the CSUCP and saved policies ENV54 and DC1 of the UDP.
- 5.80 CHILDREN'S PLAY  
The plans submitted with the application identify locations for informal play provision in the central part of the site. It is considered that this location is suitable given that they would be well overlooked with dwellings fronting on to them. The area would also be accessible from all areas of the development.
- 5.81 Given the above, the proposed development would be in accordance with policies CS14 and GV7 of the CSUCP and saved policies H15, CFR28, CFR29 and CFR30 of the UDP.
- 5.82 EDUCATION CONTRIBUTIONS  
Policy GV7 of the CSUCP requires that development contributes to local primary school provision. This would usually be delivered through CIL. Education requirements appear on the Council's CIL Regulation 123 list, as such the works can only be funded through CIL and not a S106 legal agreement.
- 5.83 The proposed development would be in accordance with policy GV7 of the CSUCP.
- 5.84 SITE SPECIFIC POLICY  
Policy GV7 allocates land at Sunnyside for approximately 138 homes (48 home at Sunnyside North) to take place in accordance with an "approved masterplan and phasing plan". The Policy also sets out 8 criteria against which proposals for development within the allocation are to be assessed. The compliance with these requirements is assessed within the main body of the report and is summarised below;

- Delivery of approximately 48 homes at Sunnyside North East.

The application seeks approval for 17 homes but does not include the entire housing allocation. The proposed development creates a site access and a link road to the remainder of the allocation, further the site would be build out at a density which is in line with the approximate deliver number for the allocation. While the development would not comply with the above requirement, it is considered that not only would the development not inhibit the wider allocation, it would aid in bringing development forward.

- Mitigation of the cumulative traffic impacts of the proposed development through highway improvements.

While the development would not deliver any highway junction improvements, the scheme would have very good sustainability credentials and would result in a small impact on the highway network as a result of vehicle movements. While the development would not comply with the above requirement, it is considered the development will secure adequate mitigation for the minor traffic impact.

- A contribution to local primary school provision.

A contribution to local primary school provision would only be secured via CIL; the LPA cannot seek contributions on education via S106 agreement, the application therefore complies with this requirement.

- Open space, sport and recreational facilities, where necessary.

The application provides an area of open space which is considered to be proportionate to the development. Further, the application will create improved links to the wider area including rights of way and cycle links. The development is considered to comply with this requirement.

- Evidence that there is adequate foul and surface water infrastructure capacity before connecting to the existing public sewerage system.

The submitted FRA has demonstrated that the development would comply with the above requirements.

- A Flood Risk Assessment to demonstrate there is no increase in flood risk downstream as a result of discharging surface water into the unnamed watercourses and ultimately into the Black Burn.

The submitted FRA has demonstrated that the development would comply with the above requirements.

- Measures to ensure existing greenfield runoff rates for up to a 100 year rainfall event taking into account anticipated climate change and maintaining overland flow paths.

The submitted FRA has demonstrated that the development would comply with the above requirements.

- Improved cycle and pedestrian links to the Tanfield Railway Path via Shepton Cottages.

The application has demonstrated that improvements to connections can be made and these improvements are to be secured via planning conditions. The development would comply with the above requirements. The development would comply with the above requirements.

- Mitigation of the impacts of the development on biodiversity including the provision of an adequate buffer to protect and enhance the integrity and value to wildlife of the adjacent Lottie's Wood Local Wildlife Site and watercourse.

The application has provided an adequate level of ecology assessment work and an appropriate scheme for mitigation and compensation measures. The development would comply with the above requirements.

#### 5.85 FINANCIAL CONSIDERATIONS

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 application site is within Residential Zone A and the levy is £60 per sqm for market housing.

#### 5.86 OTHER MATTERS

It is considered that all material planning considerations raised by objectors have been addressed within the main body of the report.

### 6.0 CONCLUSION

6.1 The site is allocated in the CSUCP for residential development and therefore the principle of the development is clearly acceptable. This said, there would be a technical conflict with part 2 (both limbs i and ii) of policy CS4 which specifies that development in allocated growth areas should be carried out in accordance with approved masterplans and delivery plans. It is also acknowledged that the proposed development would fail to comply with limbs 1 and 2 of the site specific GV7 Policy.

6.2 Section 38 of the Planning and Compulsory Purchase Act 2004 sets out that decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The application has clearly demonstrated that the proposed development would not inhibit the development of the wider allocation through the submission of a Masterplan and through the technical reports submitted as part of the application. Officers would go so far as to suggest that the development of the site would aid and encourage the development of the remainder of the allocation.

6.3 Further, it is considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the CSUCP. The development would also have economic benefits from construction jobs. Further benefits would be the reduction in surface water flood risk from the site as a result of SuDS.

6.4 Given the above, it is recommended that planning permission be granted subject to planning conditions and Section 106 Agreement.

#### 7.0 Recommendation:

Authorise the Strategic Director of Communities and Environment to deal with the application at the end of the publicity period (4<sup>th</sup> November) with a view to GRANT SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT and no material planning considerations being brought to the attention of the Local Planning Authority that have not been considered previously.

1) The agreement shall include the following obligations:

- To provide onsite affordable housing or a proportionate offsite contribution.
- To provide proportionate offsite ecology compensation via a commuted sum.

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

3) That the Strategic Director of Communities and Environment 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 Location Plan - S1377-00 - Location Plan (1)
- S1377-02D Site and Roof Plan (with housetypes) Rev D
- Elevations - S1377-09 - Street Scene Elevation - Existing
- S1377-10B Street Scene Elevations As proposed Rev B
- House Types - S1377-HT1-01B - House Type 1 - Plans (Rev B)
- House Types - S1377-HT1-02B - House Type 1 – Elevations (Rev B)
- House Types - S1377-HT2-01B - House Type 2 – Plans (Rev B)
- House Types - S1377-HT2S-01 - House Type 2 (Special) – Plans
- House Types - S1377-HT2S-02 - House Type 2 (special) – Elevations
- House Types - S1377-HT3-01A - House Type 3 - Plan
- House Types - S1377-HT3-02A - House Type 3 - Elevations
- House Types - S1377-HT4-01C - House Type 4 – Plans (Rev C)
- House Types - S1377-HT4-02C - House Type 4 - Elevations (Rev C)
- House Types - S1377-HT5-01C - House Type 5 – Plans (Rev C)
- House Types - S1377-HT5-02C - House Type 5 – Elevations (Rev C)
- House Types - S1377-HT6-01B - House Type 6 - Plans (Rev B)
- House Types - S1377-HT6-02B - House Type 6 – Elevations (rev B)
- S1377-110-B Proposed Highways Levels
- S1377-111-B Proposed Highways Longsections
- Flood Risk Assessment - 157B41-FRDA-01 rev0



- Drainage Strategy S1377-C-02-0
- Travel Plan 773 TPv4
- Transport Statement 773 TS v5
- Transport/Travel Plan - Volume 2 - Appendices. Title unchanged, but includes offsite highways works/ PROW upgrade plans etc
- Transport/Travel Plan - Volume 3 - Technical References
- Biodiversity Metrics Calculation Spreadsheet
- Updated Ecology Assessment issued 01/09/2020
- Sunnyside Phase 2 GeoEnvironmental Report
- Covering Letter from Roberts Environmental
- Streetgate SCI
- Streetgate Planning Statement
- S1377 Streetgate D&A Rev B
- ECL Tree Survey Constraints Report
- Final Noise Assessment

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

#### Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

#### Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

No development shall commence until an updated Tree Protection Plan and Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. The details 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

To ensure the satisfactory protection of trees and hedges in accordance with the NPPF, policies GV7 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

#### Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the development can be carried out in a manner that protects existing trees and hedges that are to be retained. This information is fundamental to the development and requires approval prior to development starting on the site.

4

All works shall take place in accordance with the Tree Protection Plan and Arboricultural Method Statement approved under Condition 3. Further, all protective fencing approved at Condition 3 must be installed prior to the commencement of any development hereby permitted and thereafter retained intact for the full duration of the construction works on that phase 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

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, policies GV7 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

5

Prior to the first occupation of any dwellinghouse hereby permitted, a fully detailed scheme for the landscaping the development of the site and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of all landscaping, ground preparation and planting plans noting the species, plant sizes, planting densities for all new planting, gapping up/planting of hedgerows and a scheme of maintenance of retained and proposed landscaping.

#### Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area, biodiversity and public safety and in accordance with the NPPF, policies GV7 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

6

The landscaping scheme approved under Condition 5 shall be implemented in accordance with the timetable for implementation approved under Condition 5.

#### Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area, biodiversity and public safety and in accordance with the NPPF, policies GV7 and CS18 of the Core

Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

7

All retained and proposed landscaping shall be maintained in accordance with the details approved under Condition 6.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area, biodiversity and public safety and in accordance with the NPPF, policies GV7 and CS18 of the Core Strategy and Urban Core Plan and saved policies DC1, ENV3, ENV44 and ENV47 of the Unitary Development Plan.

8

No works pertaining to drainage shall take place until a detailed drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following:

- An updated drainage assessment containing a water quality assessment using the simple index approach to demonstrate that post-development water quality is in accordance with Core Strategy Policy CS17.
- A detailed drainage layout showing all drainage connections to SuDS components, including private drainage.
- Full detail of the bioretention area including levels, contours, soiling, and planting/ landscape detail. The depths of the filter medium should be in accordance with the guidelines set out in the SuDS Manual and demonstrated to be appropriate for treatment of runoff from vehicular areas.
- Full detail of the geocellular storage and hydrobrake in addition to the permeable paving, shall be submitted.
- An electronic drainage model along with any topographical site layouts or 3D surveys relevant to the drainage design.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and GV7 of the Core Strategy and Urban Core Plan.

9

The development hereby approved shall be implemented in accordance with the drainage scheme details and the timetable for implementation approved at Condition 8.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and GV7 of the Core Strategy and Urban Core Plan.

10

No drainage shall be constructed until a Drainage Construction Method Statement (DCMS) has been submitted to and approved in writing by the Local Planning Authority. The information submitted shall include:

- Detail of any construction phasing, and demonstration of adequate interim drainage and surface water pollution protection measures.
- Construction processes, methodologies or programming to protect the SuDS functionality, to include protection of infiltration features and permeable surface areas, erosion prevention, and de-silting prior to operation of the facility.

Reason

To protect the water environment and to ensure correct functioning of the drainage system at completion to accord with the NPPF, saved policy DC1 (j) of the Unitary Development Plan and policy CS17 of the Core Strategy and Urban Core Plan.

11

The development hereby approved shall be implemented in full accordance with the Drainage Construction Method Statement approved under Condition 10.

Reason

To protect the water environment and to ensure correct functioning of the drainage system at completion to accord with the NPPF, saved policy DC1(j) of the Unitary Development Plan and policy CS17 of the Core Strategy and Urban Core Plan.

12

Prior to the first occupation of any dwellinghouse hereby approved a Drainage Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure to correct functioning of the drainage system for the lifetime of the development and to prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, saved policies DC1 (h) and (j) of the Unitary Development Plan and policies CS14, CS17 and GV7 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

13

The drainage scheme (approved under Condition 8) shall be managed and maintained in accordance with the Drainage Management Plan approved under Condition 12.

Reason

To prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, saved policies DC1 (h) and (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.

14

No development shall take place (including any groundworks or site clearance) until a Biodiversity Method Statement (BMS) for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 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 site clearance and construction phases of the development can be carried out in a manner which avoids or minimises harm to ecology. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of site clearance and construction works and the manner in which they are undertaken could harm existing ecology on the site.

15

The development shall be undertaken in full accordance with the BMS approved under Condition 14.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

16

No dwellinghouse hereby approved shall be occupied until a Biodiversity Enhancement Plan (BEP) and a timetable for implementing measures has been submitted to and approved in writing by the Local Planning Authority.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

17

The development shall be constructed in full accordance with the BEP (including timescales) approved under Condition 16.

Reason

To avoid/minimise harm to retained habitats, ecological features and protected/priority species during the site clearance and construction phases of the development in accordance with the NPPF, saved policies DC1(d) and ENV44, ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

18

No boundary treatments shall be provided a boundary treatment plan and timetable for implementation has been submitted to and subsequently approved in writing by the LPA.

Reason

To ensure the satisfactory appearance of the development upon completion 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.

19

All boundary treatments on the site shall be installed in accordance with the boundary treatment plan and timescales approved under Condition 18.

Reason

To ensure the satisfactory appearance of the development upon completion in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

No external lighting shall be provided until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, policies DC1(d) and ENV46 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

21

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy at condition 20.

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, policies DC1(d) and ENV46 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

22

No dwellinghouse hereby approved shall progress above damp proof course until an external materials schedule has been submitted to and 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.

23

The development hereby approved shall be undertaken in accordance with the materials schedule approved at Condition 22.

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.

24

No individual hard landscaping material shall be used on site until a detailed hard landscaping plan (including a timescale of implementation) 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.

25

All hard landscaping shall be completed in full accordance with the details approved at Condition 24 (including timescales for implementation) and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

26

No dwellinghouse hereby approved shall be occupied until the final details of a new cycle link to the Tanfield Railway path and a timetable for implementation have been 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.

27

The cycle route approved under Condition 26 shall be completed in full accordance with the approved details and the timetable for implementation.

Reason

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

28

No dwellinghouse hereby approved shall be occupied until the final details of a new pedestrian/cycle refuge on the A692 Gateshead Road and a timetable for implementation have been 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.

29

The pedestrian refuge approved under Condition 28 shall be completed in full accordance with the approved details and the timetable for implementation.

Reason

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

30

No dwellinghouse hereby approved shall be occupied until a scheme for the potential upgrade to existing bus stops/shelters and a timetable for implementation have been 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.

31

The bus stop/shelters upgrade scheme approved under Condition 30 shall be completed in full accordance with the approved details and the timetable for implementation.

Reason

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

32

No dwellinghouse hereby approved shall be occupied until a scheme for upgrading the surfacing and lighting of the Public Right of Way (PROW) running to the west and a timetable for implementation have been 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.

33

The PROW improvements approved under Condition 32 shall be completed in full accordance with the approved details and the timetable for implementation.

Reason

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

34

No works shall take place to plots 01 to 06 and/or 11 to 17 until the details (including a timetable for implementation) of a continuous vehicular link-road linking the application site to the wider housing application (to the west) has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV7 and CS13 of the Core Strategy and Urban Core Plan.

35

The vehicular link-road approved at condition 34 shall be implemented in accordance with the approved details and made available for the use by vehicles, pedestrians and cyclists within the timescales approved. Thereafter the road shall remain open for use for vehicles, pedestrians and cycles at all times. No barriers or other physical impediments to the

use of this road by vehicles, pedestrians and cyclists shall be put in place without the prior written consent of the Local Planning Authority.

Reason

In the interest of highway safety, sustainability and to accord with the NPPF and policies GV7 and CS13 of the Core Strategy and Urban Core Plan.

36

Evidence of the implementation of the approved Travel Plan (Travel Plan 773 TPv4) over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall operate in accordance with the approved Travel Plan for the lifetime of the development.

Reason

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

37

Prior to first occupation of any dwellinghouse 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.

38

The electric vehicle charging units/points approved at Condition 37 shall be provided for each house (where approved) prior to each house being occupied.

Reason

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

39

Prior to the first occupation of any dwellinghouse 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.

40

The cycle storage provision approved at Condition 39 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.

41

The development hereby approved shall be implemented in accordance with the approved Construction Management Plan (Contractors Proposal - Kapex Construction), 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 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.

42

No development (other than demolition) shall take place within the footprint of The Cottage or it's associated hardstanding until further intrusive site investigation is undertaken, and a Phase 2 Risk Assessment report (or an addendum 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.

43

Prior any works (other than demolition) taking place within the footprint of The Cottage or it's associated hardstanding, 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.

44

Prior any works (other than demolition) taking place within the footprint of The Cottage or it's associated hardstanding, 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.

45

The details of remediation measures approved under Condition 44 shall be implemented in full accordance with the approved details and timetable for implementation.

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.

46

Following completion of the remediation measures approved under condition 44 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.

47

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

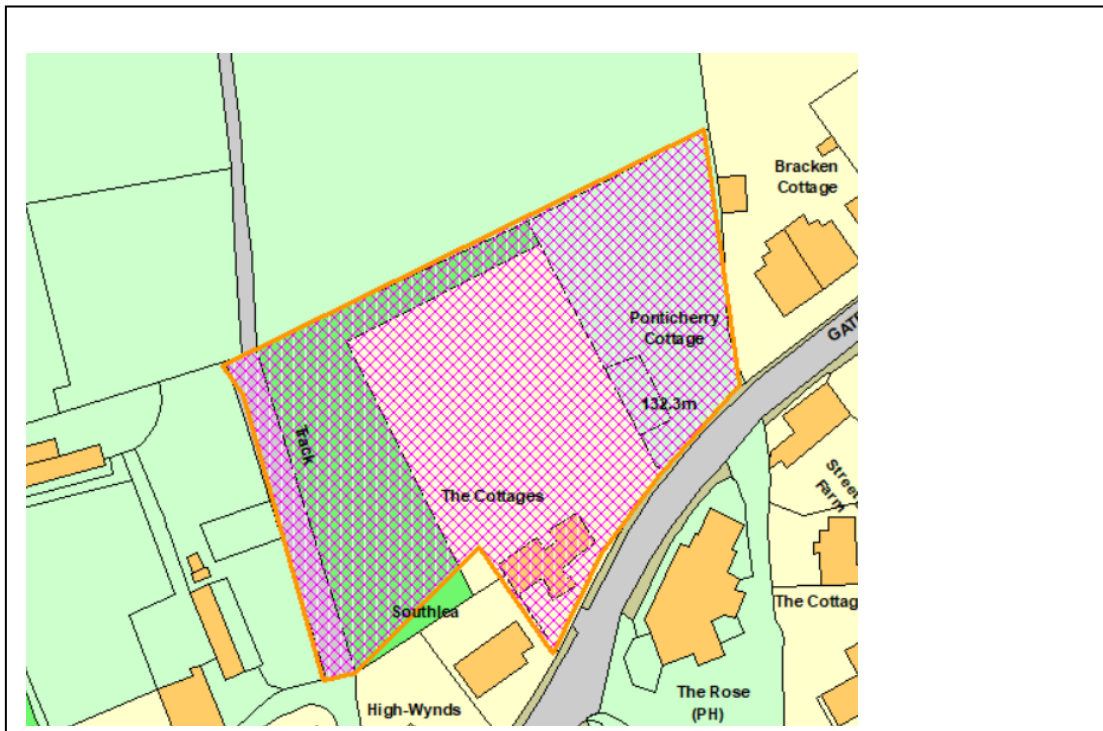
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and 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.

48

The pedestrian visibility splay at the new access onto Gateshead Road (A692) 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.



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**Committee Report**

<b>Application No:</b>	<b>DC/20/00459/COU</b>
<b>Case Officer</b>	<b>Rebecca Norman</b>
<b>Date Application Valid</b>	<b>11 August 2020</b>
<b>Applicant</b>	<b>Miss Kathryn Henderson</b>
<b>Site:</b>	<b>11 Barmoor Terrace Ryton NE40 3BB</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Change of use from coffee shop, retail, storage and workshop to coffee shop, three treatment rooms, gym and physio facility (retrospective application).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application site comprises the ground floor of a two storey, end of terrace property to the western end of Barmoor Terrace which is located the northern side of Main Road, Ryton.

1.2 The front (south) elevation of the building presents a shop front and entrance door towards Main Road; the western gable end of the building faces onto an access road with residential uses beyond and at ground floor level contains windows and the first floor access door; and the rear (north) elevation faces towards the rear of properties along North View, separated by an access road, and contains a roller shutter door.

1.3 The unit is currently occupied by the proposed use, known as Ryton Health Hub, which has been operating from the application site since April 2019, prior to which the site was occupied by a tearoom and antique shop with storage and workshop areas to the rear.

1.4 The application site is not within a designated retail centre however forms part of a small parade of units within the former Barmoor Co-op store which includes a counselling centre, printing suppliers, funeral parlour, sweet shop and pilates studio. The first floor of the building above the site includes a martial arts studio and there is a single residential unit located to the eastern end of the terrace.

1.5 The area surrounding the site and adjoining units is predominantly residential, with residential properties to the west, to the north along North View and to the south (Towneley Cottages) beyond Main Road.

**1.6 DESCRIPTION OF THE APPLICATION**

The application seeks retrospective planning permission for a change of use from a coffee shop, retail unit (formerly an antique shop), workshop and storage

use to a mixed use comprising a coffee shop, three treatment rooms and a gym and physio facility.

- 1.7 The submitted plans show the floor layout to include a coffee shop and 3no. treatment rooms to the front of the unit with open plan areas to the centre and rear for the gym and physio uses. The treatment rooms are shown on the proposed floor plan to include use for health and beauty treatments and sports therapy acupuncture and reflexology.
- 1.8 The proposed opening hours are 0700-2000 Monday to Friday and 0900-1300 Saturdays, Sunday and Bank Holidays. The application form specifies that on Monday to Friday the proposed coffee shop use would operate between 0700-1730, the treatment rooms would operate between 0900-1900 and the gym would operate between 0700-2000.
- 1.9 No external changes are proposed as part of the application.

## **2.0 Consultation Responses:**

None undertaken

## **3.0 Representations:**

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015 including the display of a site notice.
- 3.2 Three letters of objection have been received which are summarised as follows:
  - The use is out of character with the streetscene
  - Noise and disturbance to neighbouring properties from gym use
  - Disturbance early mornings/late evenings
  - Overbearing impact
  - Loss of privacy and overlooking
  - Feelings of being under surveillance going about daily life
  - Feelings of being harassed/intimidated
  - Detrimental impact upon quality of life of neighbouring occupiers
  - Increase in traffic
  - Car parking issues
  - Increase in litter
  - Out of character with Conservation Area
- 3.3 Three letters of support have been received which are summarised as follows:
  - The gym is important to and supports the health and wellbeing of members;
  - The development has brought a much-needed local café, gym, physio and provides support to the local community;



- The café offers healthy food that is prepared and cooked on the premises;

3.4 One letter neither objecting to nor supporting the application has been received making the following comments:

- Why is planning permission being sought now when the premises has been operational for a year and no previous notifications were undertaken

#### **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

#### **5.0 Assessment of the Proposal:**

5.1 The key matters in the assessment of this application are the principle of the development, impacts upon visual amenity, residential amenity, highway safety, CIL, and any other matters.

##### **5.2 THE PRINCIPLE OF THE DEVELOPMENT**

The application site is not allocated for any specific purpose within the Council's Development Plan for Gateshead and is therefore to be considered accordingly.

5.3 The application seeks retrospective planning permission for the change of use to a coffee shop together with treatment rooms and a gym and physio facility. These uses are main town centre uses as defined by Annex 2 of the National Planning Policy Framework (NPPF).

5.4 Both the NPPF and local planning policies state that main town centre uses should be located in town centres first and then edge of centre sites before out of centre sites are considered.

- 5.5 Paragraph 86 of the NPPF states that *"Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan"*. Paragraph 87 further states that *"when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre"*. In addition, National Planning Practice Guidance (NPPG) states that the application of a sequential test should be *"proportionate and appropriate for the given proposal"* (Paragraph: 011 Reference ID: 2b-011-20190722).
- 5.6 Policy CS7 of the Core Strategy seeks to maintain the vitality and viability of retail centres, and states that local community facilities and small shopping parades, including single shops, will be retained outside of retail centres where they provide an important service to the local community and remain viable.
- 5.7 The application site is not located within a designated retail centre however is located within a small parade of commercial units along Barmoor Terrace.
- 5.8 The application does not include a sequential assessment however sets out that the business previously occupied two separate premises in Ryton, both of which presented issues relating to car parking and accessibility, and that the proposed premises allows for the services to be provided in one location which offers level access close to public car parking. In addition, letters have been received in support of the application which set out the support that the use provides to the local community.
- 5.9 Whilst officers note the absence of a sequential assessment, the application proposes the re-use of an existing commercial unit within a small shopping parade which contributes towards the provision of community facilities within a sustainable location close to public transport links and car parking. It is therefore considered that the proposed change of use would be acceptable in principle and would comply with the NPPF and policy CS7 of the CSUCP.
- 5.10 **IMPACT UPON VISUAL AMENITY**  
The application does not propose any external alterations to the building. There would therefore be no detrimental impact upon the visual amenity of the surrounding area or neighbouring uses, in accordance with the NPPF, policy CS15 of the CSUCP and saved UDP policy ENV3.
- 5.11 **IMPACT UPON RESIDENTIAL AMENITY**  
Paragraph 127 of the NPPF states that developments should, amongst others, create places that afford a high standard of amenity for existing and future users. Policy CS14 of the CSUCP and saved policy DC2 of the UDP additionally require that new development does not have any negative impact upon the amenity of nearby residents.
- 5.12 Paragraph 54 of the NPPF states that *"Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions..."*. In addition, NPPG advises that *"when used properly, conditions can enhance the quality of development and*

*enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects” (Paragraph: 001 Reference ID: 21a-001-20140306).*

- 5.13 Objections have been received from local residents of North View, to the rear of the site, on the grounds of an increase in noise and disturbance and subsequent impacts upon quality of life and overbearing impacts as a result of the proposed use, which has been operating at the site without the benefit of planning permission since 2019.
- 5.14 The Council’s Environmental Health Officers have raised concerns regarding noise and disturbance to nearby residential uses relating to the operation of the gym use, and have specifically identified that the roller shutter door to the rear of the building provides limited noise containment against sounds associated with the gym use, including amplified music, gym equipment and noise from instructors and gym users. Environment Health Officers have brought to Officers’ attention that noise complaints have been received regarding the use of the application site since July 2019 and have advised that this corresponds with the commencement of the unauthorised gym use at the site.
- 5.15 The principle of the proposed use of the site including a gym and physio facility is considered to be acceptable in this location. Having regard for the representations and complaints received Officers however consider that in its current form there is evidence that the proposed use is detrimentally impacting upon the amenity of neighbouring residential occupiers in terms of noise and disturbance. Officers therefore consider that in the absence of additional measures to control issues of noise and disturbance and in turn address subsequent overbearing impacts/impacts upon quality of life the proposed development has the potential to result in ongoing harm to the detriment of the amenity of nearby occupiers.
- 5.16 Having regard to the advice set out within the NPPF and NPPG, Officers consider that the adverse effects resulting from the operation of the proposed development could reasonably be mitigated through the imposition of conditions which would also enable the proposed use to be controlled, in the absence of which the proposed development would otherwise be unacceptable. It is therefore recommended that conditions be imposed requiring a noise management scheme (including a timescale for the implementation of the proposed measures) to be submitted to the LPA within four weeks from the date of the decision and requiring the implementation of the approved measures in order to address the impacts of the proposed development (conditions 2 and 3).
- 5.17 The application proposes opening hours for the development of 0700-2000 Monday to Friday and 0900-1300 Saturday, Sunday and Bank Holidays. Officers consider that it is necessary to restrict the proposed hours of operation by condition in order to limit disturbance to neighbouring residential properties (condition 4). Having regard to the opening hours proposed within the application it is considered reasonable to limit these to between 0700-2000 Monday to Friday and 0900-1600 Saturday, Sunday and Bank Holidays, which

Officers consider would not have a significant impact upon the amenity of nearby residents.

- 5.18 Policy CS14 of the CSUCP states that the wellbeing and health of communities will be maintained and improved by requiring development to contribute to creating, amongst others, an equitable living environment. Policy CS15 additionally requires development to contribute to the creation of safe and inclusive environments.
- 5.19 A letter of objection has been received from an occupier of the property to the rear of the site expressing concerns of harassment and intimidation by gym users. Officers acknowledge the concerns that have been raised however it is considered that the proposed development would not give rise to an unacceptable level of anti-social behaviour or an unsafe living environment and it is not possible to control the behaviour of users of the application site through the imposition of planning conditions. Furthermore, any reports of such behaviour could be addressed separately as a police matter.
- 5.20 Further objections have been received from occupiers of the property to the rear of the site expressing concerns of a loss of privacy and overlooking and of being under the surveillance of gym users when leaving and returning from the property, referencing the rear shutter door of the application site being open as a contributing factor.
- 5.21 The rear elevation of the application site is situated approximately 5.7m from the rear boundary wall of the property to the north which contains a gated access and approximately 8m from its two storey rear elevation, separated by the rear access lane. Officers acknowledge the proximity of the application to the residential properties to the north, however given that this is an established arrangement and that the site previously accommodated a commercial use it is considered that the proposed development would not result in such a significant level of overlooking or a loss of privacy to neighbouring properties so as to warrant a recommendation of refusal. Furthermore, it would therefore be unreasonable to impose a condition requiring that the door to the rear of the application site remain closed except for during access.
- 5.22 Subject to the conditions recommended above it is considered that the proposal would not have an unacceptable impact upon the amenity of neighbouring occupiers and would therefore comply with the aims and objectives of the NPPF, Core Strategy policy CS14 and saved UDP policy DC2.
- 5.23 **HIGHWAY SAFETY AND PARKING**  
Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.24 The proposal would result in customers travelling to and from the site and is therefore likely to generate a level of parking demand. The application site is located within a sustainable location which has good public transport links and

is close to areas of unrestricted parking and within reasonable walking distance of a public car park around 100m to the south. In addition, given the surrounding residential catchment area it is anticipated that some patrons will travel to the premises on foot.

- 5.25 Objections to the application have cited an increase in traffic and subsequent issues relating to increased car parking within the area immediately surrounding the site.
- 5.26 Having regard for the above together it is considered that parking demand and vehicular movements associated with the development could be accommodated within the surrounding area without resulting in an unacceptable impact upon highway safety or a significant impact upon the surrounding highway network.
- 5.27 Whilst Officers acknowledge that the development may result in an increase in parking demand close to the application site in an area which is also utilised by neighbouring residential properties this is unrestricted on-street parking and it would therefore be unreasonable to prevent the grant of planning permission on this basis.
- 5.28 Officers consider that it would be desirable to require the provision of cycle parking however it would be unreasonable in this instance as there is no suitable space within the site for this provision and any provision would therefore be required to take place on land that is not within the control of the applicant, thereby failing the tests of reasonableness and enforceability set by the NPPF
- 5.29 The development is considered to be acceptable in terms of its impact upon highway safety and parking and accords with the aims and objectives of the NPPF and policy CS13 of the CSUCP.
- 5.30 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**  
On 1<sup>st</sup> 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.
- 5.31 **OTHER MATTERS**  
One letter of objection received states that the development is out of character with the Conservation Area; the application site is not however within a Conservation Area.
- 5.32 One letter of objection received has raised comments reporting an increase in litter since the opening of the premises; officers acknowledge these comments however consider that this issue would not amount to a refusal of planning

permission nor require the imposition of planning conditions to address this matter.

## **6.0 CONCLUSION**

6.1 Taking all relevant issues into account and having regard for the representations received it is considered that the proposed development is acceptable in principle in this location and in terms of impacts upon visual amenity and highway safety and parking, and subject to the imposition of appropriate conditions would not have an unacceptable impact upon the residential amenity of neighbouring occupiers, in accordance with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

6.2 It is therefore recommended that planning permission be granted, subject to the below conditions.

### **7 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of 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 -

Location plan (1:1250)

Ground Floor Plan (11 Barmoor Terrace NE40 3BB)

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

Within four weeks of the date of this decision a scheme for noise management shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include (but not be limited to) soundproofing measures for the building and operational measures together with a timescale for the implementation of the approved measures.

Reason

To ensure that the use would not result in an unacceptable level of noise and disturbance to neighbouring properties in accordance with the NPPF, Core Strategy policy CS14 and saved UDP policies DC2 and ENV61

3

The details approved under condition 2 shall be implemented and maintained in accordance with the details and timescales approved and shall be retained as such for the lifetime of the development.

Reason

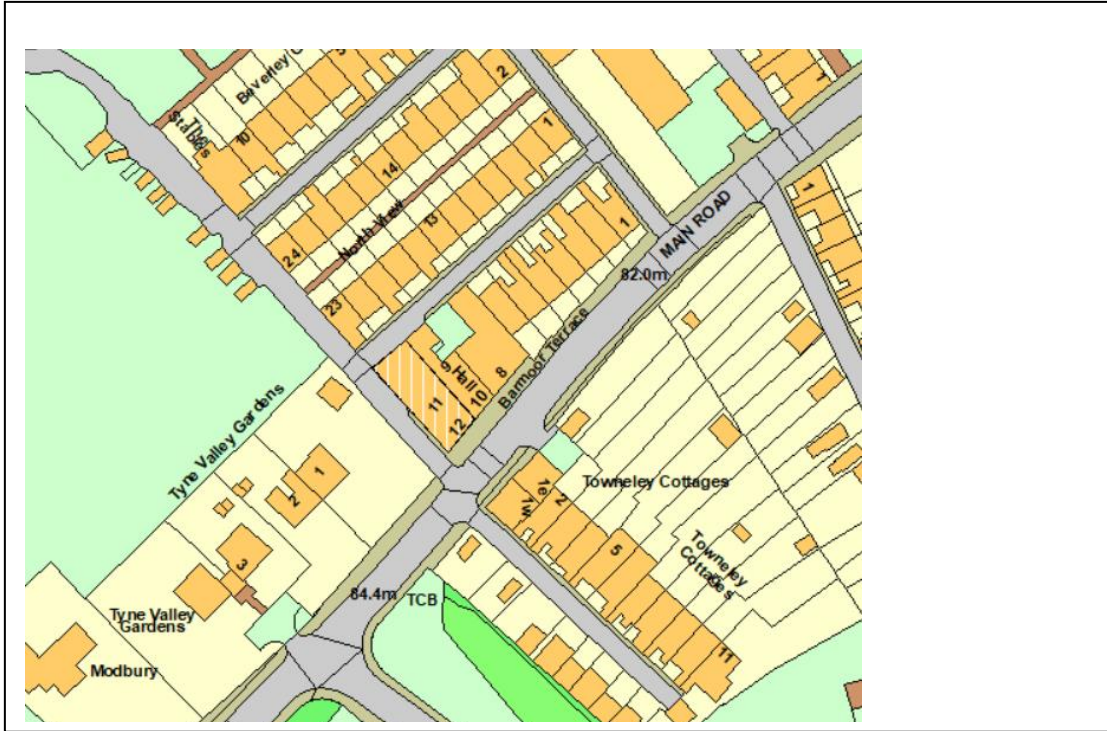
To ensure that the use would not result in an unacceptable level of noise and disturbance to neighbouring properties in accordance with the NPPF, Core Strategy policy CS14 and saved UDP policies DC2 and ENV61

4

The opening hours of the premises shall be restricted to between 0700 and 2000 Monday to Friday and between 0900 and 1600 Saturdays, Sunday and Bank Holidays unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the use would not result in an unacceptable level of disturbance to neighbouring properties as a result of unreasonable operating hours in accordance with the NPPF, Core Strategy policy CS14 and saved UDP policy DC2.



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REPORT NO 3

**Committee Report**

<b>Application No:</b>	<b>DC/20/00670/COU</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>24 August 2020</b>
<b>Applicant</b>	<b>Mrs Richardson</b>
<b>Site:</b>	<b>Field To The North Of North View Farm Land At Frenches Close, Bradley Fell Road &amp; Kyo Bog Lane Prudhoe NE42 5NP</b>
<b>Ward:</b>	<b>Crawcrook And Greenside</b>
<b>Proposal:</b>	<b>Change of use of the land from agriculture to the keeping of horses/alpacas for recreational purposes and the erection of stables/hay store.</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE APPLICATION SITE**

1.2 The application site is a field which measures around 2.43 hectares, and is situated along Bradley Fell Road in Ryton, at the far west of the Borough. The site has been used for agriculture for growing crops and is currently sown down to grass. The land levels at the site fall from the south to the north. The site is enclosed by hedgerows on all sides. There is an existing vehicle access at the western corner of the site.

1.3 The site is situated within the open countryside, surrounded by fields, with a small number of farms and residential properties in the wider surrounding area.

**1.4 DESCRIPTION OF THE APPLICATION**

1.5 The planning application proposes to change the use of the field from agriculture to the keeping of horses and alpacas for recreation purposes (for the applicant's own personal use).

1.6 A new building is also proposed in the field to provide a stable block and hay store for the animals. The proposed stable building is positioned along the western boundary of the site, behind the hedgerow, close to the existing access. The proposed building measures 15.13 metres long by 3.86 metres deep. The building has a pitched roof with an eaves height of 2.26 metres and an overall ridge height of 2.74 metres. The proposed materials to be used for the stable building include timber walls and a black corrugated steel sheet roof.

1.7 New surface treatment is also proposed in a small section of the field. The proposed stable building is to be placed on an area of concrete hardstanding. An L shaped area of loose road planings is adjacent to the site access to

provide a car parking area and vehicle turning area within the site. A new field gate is also proposed at the site access.

#### 1.8 PLANNING HISTORY

1.9 There is no planning history relating to this site.

#### 2.0 Consultation Responses:

None received.

#### 3.0 Representations:

3.1 The Council sent notification letters to 6 surrounding properties on 2<sup>nd</sup> September 2020, as well as displaying 2 site notices adjacent to the site on 4<sup>th</sup> September 2020. A notice also appeared in the Newcastle Journal on 16<sup>th</sup> September 2020.

3.2 One letter of representation has been received from a surrounding resident at Frenches Close Barns, along Kyo Bog Lane, that neither objects to or supports the planning application.

3.3 The representation states that:

- they have nothing against the planning application, however the access roads from Kyo Bog Lane and Bradley Fell Road are in a terrible state and more traffic will only add to the condition,
- there is no actual road directly leading from Kyo Bog Lane to Bradley Fell Road,
- querying whether the Council are going to repair the roads.

#### 4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Imp - Potential

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

## **5.0 Assessment of the Proposal:**

5.1 The main planning issue is considered to be the impact of the change of use of the site and the erection of the stable block on the Green Belt.

5.2 GREEN BELT

5.3 The site is situated within the Green Belt. National and local planning policies attach great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

5.4 The NPPF in paragraph 145 sets out that the construction of new buildings is inappropriate in the Green Belt, subject to a number of exceptions. The exceptions include in sub section b

*“the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.*

5.5 It is considered that the construction of a stable building in connection with the use of the land for keeping horses and alpacas, is an outdoor recreation use, as specified in NPPF 145 b. Given the size of the proposed building and its location on the lower part of the site, screened by high hedges along Bradley Fell Road, Council officers are of the opinion that the proposed stable building would not harm the openness of the Green Belt, which would be largely preserved.

5.6 It is therefore considered that the proposed stable building is appropriate development in the Green Belt, which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

5.7 The NPPF in paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include in sub sections b and e

*b) engineering operations*

*e) material changes in the use of the land (such as changes of use for outdoor sport or recreation).*

- 5.8 The provision of the new surface treatment in a small section of the site is considered to be an engineering operation, which would preserve the openness of the Green Belt. The change of use of the field from agriculture to the keeping of horses and alpacas would fall within NPPF 145 e, and it also considered to preserve the openness of the Green Belt.
- 5.9 All elements of the proposed development are therefore considered to be acceptable from a Green Belt point of view and accord with both national and local Green Belt policies.
- 5.10 ARCHAEOLOGY
- 5.11 The application site is allocated within an area of archaeological importance, on the Council's Local Development Map. The Historic Environment Records (reference HER11622), state that the site is situated in the location of some post medieval ridge and furrow. However, this is considered to be of low significance and has previously been damaged. It is therefore considered that the proposed development will not have significant impact on any known assets, and no archaeological work is required. It is therefore considered that the proposal raises no archaeological issues.
- 5.12 HIGHWAY ISSUES
- 5.13 There is an existing vehicle access at the western corner of the site. This existing access is not ideal, from a highway safety point of view, as it is positioned close to the bend in the road to the west of the site, with limited visibility due to the existing hedges and trees adjacent to the access.
- 5.14 However this is an existing access. It is considered that the use of this existing access for the keeping of horses and alpacas would not be any materially worse than the use of the access for agricultural purposes, in terms of number of vehicle movements and size of vehicles.
- 5.15 It is considered that the use of the existing access could be improved from a highway safety point of view by setting the proposed field gate at the access back within the site. This would provide space within the site to allow a vehicle to pull off the road whilst the field gate is opened. Planning conditions have therefore been recommended to approve a new location for the field gate.
- 5.16 The proposed new area of hard surface treatment in a L shape within the field, adjacent to the site access, would provide space for vehicles to park and turn around within the site, which is welcomed. However the materials proposed are loose planings. Loose material could be dragged onto the highway with moving vehicles. A condition has therefore been recommended to approve alternative materials for the new surface treatment, which does not include any loose materials, to prevent material being dragged on the road, in the interest of highway safety.

- 5.17 Comments have been made by a local resident that there is no actual road directly leading from Kyo Bog Lane to Bradley Fell Road. The site would be accessed using Bradley Fell Road, from the south of the site.
- 5.18 The local resident also commented that the access roads from Kyo Bog Lane and Bradley Fell Road are in a terrible state, and more traffic will only add to the condition. It is noted that the access road to the site is narrow and has sections of tarmac missing in certain sections of it. However it is considered that the use of the site for keeping of horses would not result in a significantly different number of vehicles using the site when compared to the existing use.
- 5.19 Subject to the above planning conditions the proposal is therefore considered to be acceptable from a highway safety point of view.
- 5.20 ECOLOGY
- 5.21 The application site is allocated as being within a designated Wildlife Corridor on the Council's Local Plan Policy Map. The impact on biodiversity, resulting from the construction of the stable building, is likely to be very low. The existing hedge around the boundary of the site, which has ecological value is to be retained. The proposed stable block is positioned adjacent the existing hedge, with a buffer, to allow the hedge to be effectively maintained, and its ecological value and function protected. The proposal is therefore considered to be acceptable from an ecological point of view.
- 5.22 AMENITY ISSUES
- 5.23 Given the remote location of this site, and the surrounding agricultural uses , it is considered that the proposal would not harm the amenity of any nearby properties or the use of their fields.
- 5.24 CONTAMINATED LAND
- 5.25 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 use. The site has been continuously used as agricultural land. It is therefore unlikely that the site will be affected by ground contamination, from its previous or current use. Given that the proposed development would not involve any breaking or digging up of the ground (as the stable building as no foundations), it is considered that the proposal raises no contaminated land issues.
- 5.26 COAL MINING ISSUES
- 5.27 Part of the site is within a Coal Authority defined "Development High Risk Area". There are possible coal outcrops, a mine shaft and past shallow coal mine workings in the vicinity of the site. Given that the proposed development would not involve any breaking or digging up of the ground (as the stable building as no foundations), it is considered that the proposal raises no coal mining legacy or land stability issues.

## 5.28 COMMUNITY INFRASTRUCTURE LEVY

5.29 On 1<sup>st</sup> 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 representation received, it is considered that the proposed planning permission should be granted, as the proposal is acceptable from a planning point of view, and accords with both national and local planning policies.

## 7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of 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

033/01 A site location plan

033/04 A proposed site plan

033/03 A proposed stable and field gate detail

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

Notwithstanding the submitted drawings, the field shall not be brought into use for the keeping of horses and alpacas until a revised plan which shows the position of the field gate set in from the site access to allow a vehicle to park safely off the road whilst the field gate is opened is submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety, to ensure no obstruction to the highway and to accord with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

4

The field gate at the site access shall be provided in accordance with the details approved at condition 3.

Reason

In the interests of highway safety, to ensure no obstruction to the highway and to accord with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

5

Notwithstanding the submitted drawings, no parking, vehicle turning area or hard surface treatment shall be provided on the site, until revised details of the surface treatment and construction of these areas have been submitted to and approved in writing by the local planning authority.

Reason

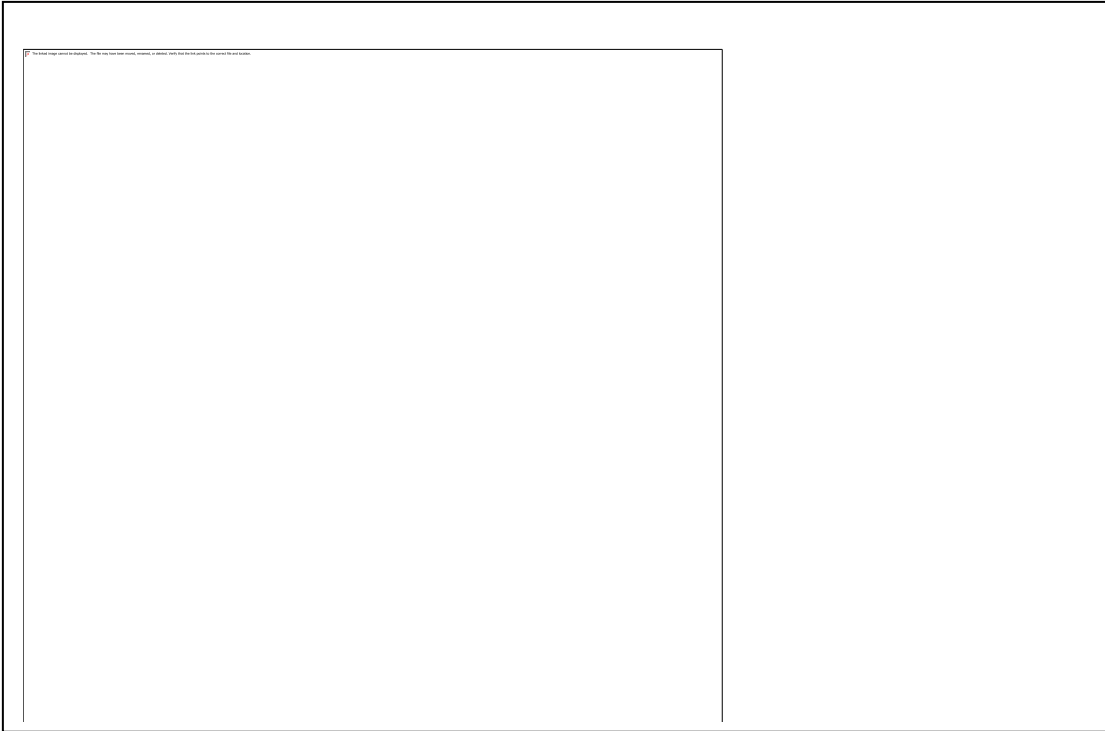
To prevent loose material from being dragged onto the road, in the interests of highway safety and to accord with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

6

The parking area, vehicle turning area and hard surface areas on the site shall be provided in accordance with the surface treatment materials and details approved at condition 5.

Reason

To prevent loose material from being dragged onto the road, in the interests of highway safety and to accord with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.



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**Committee Report**

<b>Application No:</b>	<b>DC/20/00698/FUL</b>
<b>Case Officer</b>	<b>Andrew C Softley</b>
<b>Date Application Valid</b>	<b>19 August 2020</b>
<b>Applicant</b>	<b>Gateshead Council</b>
<b>Site:</b>	<b>Hawks Road Gateshead NE8 3DF</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Erection of a new ten-storey multi-storey car park, electricity substation and vehicular access including landscaping and other associated works (amended 09/10/2020).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application site is approximately 0.9 hectares in area and is currently made up of mostly open green space. An access road and temporary car park and construction yard serving the adjacent office development also sit within the current boundary. The gradient of the site falls from the Northern Design Centre in the south towards Hawks Road in the north. To the immediate west is a separate development plot consisting of another area of open green space and beyond that Quarryfield Road and Gateshead College. To the immediate east is the site of the proposed Link Road and beyond that open scrubland.

1.2 By car, the application site can be accessed via Hawks Road/Saltmeadows Road to the north. Hawks Road connects onto the A167 running to the west of the application site and with the A184 Felling Bypass via Quarryfield Road/Albany Road to the south.

1.3 The application site forms part of a major regeneration area which is allocated for a diverse mix of cultural, commercial and leisure-led uses within CSUCP Policy QB1 (Quays and Baltic Sub- Area) and CSUCP Policy QB3 (Quays and Baltic Development Opportunity Sites). It lies within the Baltic Business Quarter site, which is identified for a strategic office quarter attracting regional and international investment. Paragraph 17.86 of the CSUCP identifies that improvements to road and parking infrastructure may be required to assist delivery of the Baltic Business Quarter, supported by the Accelerated Development Zone.

**1.4 DESCRIPTION OF THE APPLICATION**

This application proposes the erection of a new ten-storey multi-storey car park (MSCP), electricity substation and vehicular access including landscaping and other associated works. The proposed MSCP would be

inter-related to a separate proposed development for a new Link Road on land between Hawks Road in the north to Albany Road in the south (see planning application DC/20/00694/FUL; approved by Committee on 7 October 2020). Both proposed developments would support wider regeneration proposals in the Baltic Quarter and the regeneration of Gateshead Quays (see planning application DC/20/00323/FUL).

- 1.5 The proposed MSCP is designed to provide car parking over 8 levels (including level 0), with an area of approximately 30,723 sq m. The car park is to provide 1,004 car parking spaces made up of 954 car parking spaces, 46 accessible parking bays and four wheelchair accessible vehicle parking bays. The MSCP also has parking for 18 motorcycles. Electric vehicle charging points are also proposed in line with the Council's parking standards.
- 1.6 The building maximum height is 47.2 m Above Ordnance Datum ('AOD'). The building would be constructed using a combination of pre-cast concrete and a steel frame and would be faced with materials including 3D aluminium cladding and aluminium panels to create a high quality façade.
- 1.7 Vehicular access would be from a new access point created by the adjacent new Link Road development, which would create a new junction at the south east of the MSCP. Within the MSCP development proposals, an internal road is proposed to the south of the proposed car park which connects the MSCP with the new junction and provides separate entry and exit points for cars. An alternative overflow route is also provided in the south west corner of the scheme. The MSCP is arranged with 4 rows of parking on each floor. Vehicular flow is one way in a clockwise direction on each level. External access ramps and internal routes enable movement between floors for vehicles.
- 1.8 The primary pedestrian access route would be via the north west corner of the building, with a secondary pedestrian access provided in the north east corner. Two stair and lift cores provide access to these pedestrian entrances. A further two emergency access stair cores are provided in the south east and west corners.
- 1.9 At roof level photovoltaics panels are proposed. Other associated works include hard and soft landscaping; and new substation located to the south east of the site.
- 1.10 The amended plans are to address the following:
  - Removal of the windows from the upper levels of the stairwell cores, as they would be obscured by the 3D cladding.
  - Clarify a drafting error with the cladding arrangement on the north elevation, which showed the cladding behind the vehicular ramps.
  - The addition of a pedestrian access door to the ground floor north elevation adjacent to the western vehicular ramp to allow ground floor patrons to bypass the main entrance at busy times to minimise queuing in the stairwells.

1.11 Environmental Impact Assessment (EIA)  
 The Council considers that the proposed MSCP and Link Road (when considered individually or in combination) fall within Part 10 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Part 10(b) relates to urban development projects, including car parks on urban sites of more than 1 hectare. Part 10(f) relates to the construction of roads where the area of works exceeds 1 hectare. For such developments, EIA is required where significant environmental effects are likely, which is considered to be the case here. As such the proposed developments are considered to be Environmental Impact Assessment (EIA) development and has been submitted with an Environmental Statement (ES). The submitted ES has been structured to ensure that the effects arising from each individual scheme are understood in addition to the overall effects arising from both considered together alongside the regeneration of Gateshead Quays (see DC/20/00323/FUL).

1.12 The ES includes chapters relating to:

- Transport
- Air Quality
- Ground Conditions and
- Water Environment

1.13 Gateshead Council is the applicant for this development. As required by regulation 64 of the 2017 EIA Regulations, the Council has appropriate administrative arrangements in place to ensure that there is a functional separation, between the persons bringing forward this proposal for development (the applicant) and the persons responsible for determining this proposal i.e. the Local Planning Authority.

1.14 PLANNING HISTORY

There is no planning history pertaining to this development.

## 2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	The site has very low archaeological potential and no archaeological investigation is required for the site.
Coal Authority	No objections subject to conditions.
Environment Agency	No objections subject to a condition.
Marine Management Organisation	No objections.
Northern Gas Networks	No objections.
Northumbria Police	No objections.

Tyne And Wear Fire And Rescue Service      No objections.

Newcastle Airport      No objections.

### **3.0 Representations:**

3.1 Two representations neither supporting nor objecting to the application has been received and raises the following points:

- Has consideration been given to utilising the car park for cycle parking, including E-bikes, given this could provide undercover and possibly secure cycle parking provision?
- The design should align with the aesthetic of its neighbours 'Proto' & 'NDC' & enhance the skyline of Gateshead.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

QB1 Quays and Baltic Sub-Area

QB3 Quays and Baltic Dev Opportunity Sites

UC11 Gateways and Arrival Points

UC12 Urban Design

UC13 Respecting and Managing Views

UC15 Urban Green Infrastructure

UC16 Public Realm

UC17 Public Art

CS2 Spatial Strategy for Urban Core

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

DC1 (d) Protected Species

DC1(p) Contamination, derelict land, stability

## **5.0 Assessment of the Proposal:**

### **5.1 ASSESSMENT**

The main planning issues to be considered are the principle of the development, air quality, contaminated land and coal mining legacy, drainage, transport/highway safety, design, landscaping and ecology.

### **5.2 PRINCIPLE**

Paragraph 80 of the National Planning Policy Framework (NPPF) affirms that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

5.3 Accordingly, Paragraph 81 confirms that planning policies should seek to address potential barriers to investment, such as inadequate infrastructure and poor environments.

5.4 Paragraph 102 of the NPPF notes that transport issues should be considered from the earliest stages of development proposals so that the potential impact of development on transport networks can be addressed, and opportunities from proposed transport infrastructure are realised in relation to the scale, location or density of development that can be accommodated.

5.5 Paragraph 104 further states that planning policies should identify and protect sites and routes which could be critical in developing infrastructure to realise opportunities for large scale development. Policies should also provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.

5.6 Policy CS2 'Spatial Strategy for the Urban Core' of the Core Strategy and Urban Core Plan (CSUCP) confirms that the Urban Core is the priority location for development which will maintain and enhance its vibrancy. This policy promotes sustainable modes of transport and access for all, managing traffic to minimise the impacts of development and improving the local environment.

- 5.7 Policy CS13 'Transport' states that the enhancement and delivery of an integrated transport network to support sustainable development and economic growth will be achieved by, promoting sustainable travel choices including the management of car parking locations, supply and pricing; and improving the operation of the transport network and its wider connections including by reducing unnecessary traffic through, within and around the Urban Core.
- 5.8 The application site falls within the CSUCP's defined Quays and Baltic Sub-Area. Policy QB1 'Quays and Baltic Sub Area' requires development to promote the major regeneration of the Quays and Baltic Sub-Area for a diverse mix of cultural, commercial and leisure-led uses.
- 5.9 Within this sub-area, the application sites lies within an area allocated as the Baltic Business Quarter Site, which is identified as a 'Development Opportunity Site' under Policy QB3 'Quays and Baltic Development Opportunity Site'. This policy advises that uses will encompass office, hotels, sport and leisure, education and ancillary retail. Paragraph 17.86 of the supporting text advises that Baltic Business Quarter has the floor space capacity of 81,200 square metres of office accommodation, resulting in the potential for a strategic office quarter attracting regional and international investment. This paragraph continues by stating that improvements to road and parking infrastructure and the quality of environment may be required to assist delivery.
- 5.10 Therefore, it is considered that the principle of constructing an MSCP is in accordance with the aims and objectives of both national and local planning policy.
- 5.11 AIR QUALITY  
An Air Quality Assessment for the proposed development has been submitted and officers agree with the conclusions put forward that that the development would have a negligible impact upon air quality during both construction and operation.
- 5.12 However, to help ensure that is the case it is considered necessary for a construction management plan to be approved to ensure that the construction phase is managed to prevent undue impact upon sensitive environmental receptors in accordance with policy CS14 of the CSUCP. This can be dealt with via conditions (conditions 3 and 4).
- 5.13 CONTAMINATED LAND/COAL MINING LEGACY  
This application is supported by a Phase 2 Investigation Report that addresses both this proposal and the proposed Link Road. In respect of this proposal for the MSCP, it is split into two main parts, the car park itself and the associated soft landscaping around it. The footprint of the new car park would be hard cover so chemical results within the footprint of the car park were assessed against a 'commercial end use'. The areas of soft landscaping would contain public open space and so the chemical results for these areas

were assessed against the more stringent 'public open space' assessment criteria.

- 5.14 The chemical results show that no elevated soil contamination was found to be present in respect of the car park's commercial end use classification and so no soil contamination remedial measures would be required in the footprint of the new MSCP building. However, for the proposed soft landscape areas, further Phase 2 assessment is required to ascertain what remedial actions are required for the soft landscaping areas. One exception to this is the area to the east of the MSCP in the overlap area between the new Link road and the MSCP where it is known that remedial measures are required following the ground investigation works undertaken for the proposed Link Road.
- 5.15 Based on the findings of the completed ground investigations to date, remedial measures for the soft landscaping areas are likely to comprise:
- Suitable proven clean cover soil thickness in relevant to soft landscaping areas (1.15m).
- 5.16 Following the implementation of the identified mitigation, which can be secured by conditions, all impacts are assessed to be negligible, with no significant residual effects. Subject to the conditions it is considered that the proposed MSCP and associated soft landscaping would accord with the NPPF, policy CS14 of the CSUCP and saved policy ENV54 of the UDP (conditions 5-7).
- 5.17 The Coal Authority has also been consulted and raised no objection following confirmation that the proposed MSCP building would be located outside the potential zone of mine shaft '426563-004' and would also feature piled foundations. However, it is acknowledged that a section of the proposed access road for the MSCP would extend within the potential zone of instability. As such, it is considered necessary for suitable ground reinforcement ('geo-grid') to be installed to ensure the safety and stability of the proposed development and wider site. Again, following the implementation of the identified mitigation, which can be secured by conditions, all impacts are assessed to be negligible, with no significant residual effects. Subject to the conditions (conditions 8 and 9) it is considered that the proposed MSCP would accord with the NPPF, policy CS14 of the CSUCP and saved policy ENV54 of the UDP in that regard.
- 5.18 **DRAINAGE**  
The proposed drainage system comprises underground geocellular storage to attenuate surface water and would use a full retention separator to treat sediment and pollutants within all runoff. The applicant has set out that a surface level SuDS system cannot be provided due to the gradient, the lack of space on site and poor ground conditions. Whilst a SuDS solution would be preferable, the applicant has followed the SuDS hierarchy and has demonstrated that the system proposed here fulfils the requirements of national and local planning policy and would have a negligible impact upon flood risk and water quality.

- 5.19 However, to help ensure that is the case it is considered necessary for a drainage maintenance plan to be approved to ensure that the ongoing drainage is managed to prevent undue impact upon sensitive environmental receptors in accordance with policy CS17 of the CSUCP. This can be dealt with via conditions (conditions 10 and 11).
- 5.20 **GROUNDWATER**  
Groundwater is particularly sensitive in this location because the proposed development site is within a Groundwater Vulnerability Zone and is located upon a Secondary Aquifer. Therefore, it is considered necessary to condition the final details of the proposed foundation piling are submitted for approval in consultation with the Environment Agency. This is because piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. This can be addressed by condition and subject to it the proposal would accord with the NPPF and policy CS17 of the CSUCP (conditions 38 and 39).
- 5.21 **TRANSPORT**  
The proposed MSCP is not considered to be a trip generator in its own right, but rather a facility to support the wider development proposals within the Quays and Baltic Quarter. Instead the MSCP would result in a 'focus demand', by vehicles associated with the wider development zone wishing to park. The 'knock-on' effect of this focus demand would be a reduction in the performance of the highway at certain times when events are taking place.
- 5.22 The application is accompanied by a Transport Assessment (TA), the scope of which has been agreed fully agreed with officers. That TA has considered relevant national and local transport and planning policy.
- 5.23 It is considered that the MSCP would formalise car parking in the area, which would reduce congestion on individual development sites, making them better in terms of road safety. The 1004 spaces proposed under this application would replace up to 922 temporary parking spaces that already exist within the Quays/Baltic Quarter area. This includes Mill Road and South Shore Road car parks in the short term and the Quarryfield Road car park in the medium term, subject to wider development proposals.
- 5.24 In order to determine the level of impact the MSCP would have, it was agreed a series of transport modelling would be undertaken as part of the assessment.
- 5.25 The transport modelling shows that the development of the site for an MSCP would result in increased demand on the highway network, which under certain scenarios would be significant and extend beyond the immediate area. For example, in 2023 (predicted year of opening for the Quays Arena) under typical conditions, it is predicted that the impact of the MSCP during the am and pm peak will be marginal. In the scenario of a major event occurring at the proposed arena, a much bigger impact is predicted on the highway



network, both in the vicinity of the MSCP and beyond this immediate area. However, as previously commented, the MSCP is not considered to be the trip generator in its own right but rather facilitates the build out of development in the Quays and wider Baltic Quarter.

- 5.26 A key finding of the assessment is that the large proportion of the impact of the MSCP is contained within the Quays area. However, without the MSCP in place, the assessment concludes that the impact of development of the Quays and Baltic Quarter would be more wide ranging, particularly during major events scenarios at the proposed arena where the demand for parking would need to be met elsewhere. Consequently, a larger proportion of the network would likely be affected by congestion and road safety reduced as a result. The greatest impact on the network is shown to be associated with a major event or where people leaving from an earlier event would combine with people arriving for a later event that same day, however, it is not anticipated that this would happen frequently. It is estimated that a major event (such as a popular performance on a Thursday, Friday or Saturday evening), is likely to occur up to 50 times per year.
- 5.27 Sensitivity testing has been undertaken to predict the impact of the MSCP with regional clean air proposals in place, while these measures are temporary in nature (initially 2 years), the assessment has been carried out on the assumption they are in place as part of future year scenarios (2023 and 2030).
- 5.28 It is concluded that with the MSCP and wider development operational, the Council would need to commit to further work in order to manage traffic flows through Gateshead Quays if the clean air measures extend beyond the initial two years,
- 5.29 Assuming the ongoing, in principle, regeneration of Gateshead Quays and Baltic Quarter, it is considered that the benefits of delivering the MSCP in this location, and the localised congestion that would result at certain times, far outweigh the negatives of the wider reaching congestion and parking issues associated with not delivering the MSCP.
- 5.30 In terms of the design and the operation of the MSCP, this has been subject to ongoing discussion and review and is deemed to be suitable to meet the requirements for the safe movement of people, both as pedestrians and within their vehicles. However, to ensure that the development comes forward as proposed, several conditions are required to agree final details of the design and management of the construction and operation of the development (conditions 12-24). These include:
- Final details of the electric vehicles charging proposals.
  - Final details of motorcycle parking.
  - Final details of cycle parking.
  - Final details of access controls together with parking equipment/technology, to include the likes of variable message signs

(VMS), parking management system, tell-tale markers, automatic number plate recognition (ANPR) and payment machines.

- Details of internal and external signage and associated management strategy to ensure efficient operation of the building and minimise queues at peak times.
- Implementation of widening the footpath along Hawks Road to 3m to assist in managing pedestrian movements at peak times.
- Final details of the access road design including gradients and appropriate tie in with the new Link Road.

5.31 Subject to those conditions, it is considered that on balance the proposed MSCP would not cause any significant highway safety issues and thus accords with the NPPF and policy CS13 of the CSUCP.

#### 5.32 DESIGN/MATERIALS/LANDSCAPING

The principle of the design, materials and landscaping proposed is considered to be acceptable and of good quality, which should result in a building that is sympathetic to its neighbours and thus in accordance with design principles for the Quays area/Baltic Quarter. To help ensure that is the case it is considered necessary to condition that the final details be approved prior to installation. This can be addressed by conditions (conditions 25-29) and subject to them, the proposal would accord with the National Planning Policy Framework as well as policies QB1, QB3, UC11, UC12, UC13, UC15, UC16, UC17, CS15 and CS18 of the CSUCP and saved policies ENV3 and ENV47 of the UDP.

#### 5.33 ECOLOGY

The site is considered to support a mosaic of habitats including hardstanding, species poor semi-improved grassland, ephemeral short perennial grassland, ornamental shrubs and hedging, scattered scrub and trees. Habitats within and immediately adjacent the site have been confirmed or have the potential to support a range of statutorily protected and priority/notable species, including breeding and foraging birds, foraging bats, priority butterflies (i.e. dingy skipper and small heath) and hedgehog.

5.34 The proposed development would result in the comprehensive loss of existing habitats on site and their associated interest. The site clearance/construction and operation of the proposed development has the potential to adversely impact retained and/or newly created habitats/features within and outwith the red line boundary of the site as a result of increased disturbance, emissions and vehicle movements.

5.35 In its current form and in the absence of an appropriate ecological mitigation and compensation scheme; the proposed development would result in residual loss of biodiversity; and as such is not in accordance with national and local planning policies.

5.36 Therefore, should planning permission be granted, it is recommended that several conditions should be attached to the permission to address the predicted impacts of the development on biodiversity. These include a net

gains calculation inline with the Defra metric, a Biodiversity Mitigation and Enhancement Strategy and biodiversity method statement.

5.37 As a result, it is considered subject to conditions, the proposed development would not conflict with the aims and objectives of the NPPF, policies CS18 of the CSUCP and saved policies DC1(d), ENV46 and ENV51 of the UDP (conditions 30-35).

#### 5.38 EMPLOYMENT OPPORTUNITIES

A major priority for the Council is the creation of employment and training opportunities, especially apprenticeships for local people and as such the Council seeks to bring forward opportunities in construction and also the operation of the development.

5.39 The apprenticeships could be through the Council's supply chain, contractors, delivery partners or ancillary activities across the length of the build and the long-term operation of the development upon completion. Any such opportunities would be made available to target groups within the Borough and beyond.

5.40 In line with the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016, apprenticeships can be secured through a planning condition (conditions 36 and 37).

#### 5.41 COMMUNITY INFRASTRUCTURE LEVY

Council is 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.

### 6.0 CONCLUSION

6.1 The Environmental Information contained with the Environmental Statement submitted with the application has been examined and the significant effects of the proposed development on the environment taken into consideration by the Council in coming to its decision.

6.2 The Council is satisfied that the reasoned conclusion to grant planning permission subject to conditions is up to date and addressed the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development.

6.3 Therefore, taking into account all the relevant material planning considerations, including the environmental information contained with the Environmental Statement and the comments made by consultees, it is considered that the proposal is acceptable and accords with the aims and objectives of Regulation 26 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and both national and local planning policies.

6.4 It is therefore recommended that planning permission be granted subject to the recommended planning conditions.

**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 -

19022-RYD-Z1-ZZ-DR-A-0000-S2-P1  
19022-RYD-Z1-00-DR-A-00010-S2-P8  
19022-RYD-Z1-01-DR-A-00011-S2-P7  
19022-RYD-Z1-ZZ-DR-A-00012-S2-P7  
19022-RYD-Z1-08-DR-A-00013-S2-P7  
19022-RYD-Z1-RF-DR-A-00014-S2-P5  
19022-RYD-Z1-B1-DR-A-00015-S2-P5  
19022-RYD-Z1-ZZ-DR-A-0020-S2-P6  
19022-RYD-Z1-ZZ-DR-A-0030-S2-P3  
5144-OOB-ZZ-00-DR-L  
5144-OOB-ZZ-00-DR-L-0030\_P04  
19022-3E-Z0-ZZ-DR-C-90001  
5144-OOB-ZZ-00-DR-L-0001\_P09

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

**Reason**

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

**Reason**

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

No development shall take place until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for the recycling/disposing of waste arising from construction works.

In addition, all works and ancillary operations in connection with the remediation of the site and the construction of the new development, including the use of any equipment or deliveries to the site shall be carried out only between 0700 hours and 1900 hours unless otherwise approved in writing by the Local Planning Authority.

Furthermore, the final Construction Management Plan shall demonstrate that the construction of the scheme has been suitably considered against the proposed construction management plans associated with the Link Road, the NGQ Arena and any additional development proposals that may be active during the construction, together with a detailed timetable for delivery.

#### Reason

To safeguard the sensitive environmental features that have the potential to be affected by the construction of the proposed development in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policy ENV61 of the Unitary Development Plan.

#### Reason for prior to commencement condition

The construction control plan must demonstrate that sensitive environmental features will be protected during construction of the development.

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

The development shall be carried out in accordance with the Construction Management Plan approved under condition 3 at all times during construction.

#### Reason

To safeguard the sensitive environmental features that have the potential to be affected by the construction of the proposed development in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policy ENV61 of the Unitary Development Plan.

5

Prior to commencement of the development hereby approved (except for vegetation clearance works and erection of site security hoardings) a detailed remediation scheme to bring the proposed soft landscaping land up to a condition suitable for the intended use as a public open space shall 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 and phasing 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.

NB The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in any proposed soft landscape areas.

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 prior to commencement 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.

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.

6

The remediation scheme must be carried out in accordance with the details approved under condition 5. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of 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 in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

7

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 in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

8

Construction of the MSCP shall not commence until remediation works to address land instability arising from shallow coal mining legacy have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure that risks from coal mining 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.

9

Prior to first use of the development hereby approved a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development, in regards to past shallow coal mining activity and in accordance with the details approved under condition 8, shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the completion of the required remedial works carried out to address the risks posed by past shallow coal mining activity.

Reason

To ensure that risks from coal mining 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.

10

Prior to first use of the development hereby approved, the applicant shall provide an updated drainage maintenance plan, confirming the final location, make and model of all drainage components, and containing the details of the management company responsible for maintenance of the drainage system, including contact details. The plan should be supplied separate from the flood risk and drainage assessment.

Reason

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

11

Thereafter the development shall be maintained in full accordance with the details of the drainage maintenance plan approved under condition 10 for the life of the development.

Reason

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

12

Final details of the electric vehicle charging infrastructure and management, including the specification of the units to be installed and any associated works required for their installation shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development hereby approved.

Reason

In order to ensure adequate provision for electric vehicles in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

13

The electric vehicle charging provision approved under condition 12 shall be implemented before the first use of the development and



maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to ensure adequate provision for electric vehicles in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

14

Notwithstanding the details on the submitted plans, final details of anchor points associated with the motorcycle parking provision shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby approved.

Reason

In order to ensure adequate provision for motorcycles in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

15

The details of motorcycle parking approved under condition 14 shall be implemented before the first use of the development and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to ensure adequate provision for motorcycles in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

16

Notwithstanding the details on the submitted plans, final details of secure, weatherproof enclosures for at least 5 bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby approved.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

17

The secure, weatherproof cycle parking facilities approved under condition 16 shall be implemented before the first use of the development and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

18

Notwithstanding the details on the submitted plans, final details of physical access controls, together with the payment proposals and parking management system, including but not limited to details of Variable Message Signs (VMS), including the relocation of the existing VMS situated in the northeast corner of the site, tell-tale markers and automatic number plate recognition (ANPR), shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby approved.

Reason

In order to ensure safe operation of the development in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

19

The details approved under condition 18 shall be implemented before the first use of the development and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to ensure safe operation of the development in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

20

Details of internal and external signage and associated management strategy to ensure efficient use of the building and minimise queues of pedestrians and vehicles at peak times, shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development hereby approved.

Reason

In order to ensure safe and efficient use of the development in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

21

The details approved under condition 20 shall be implemented before the first use of the development and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to ensure safe and efficient use of the development in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

22

The proposed widening of the footway along Hawks Road between the junction with the access to the Northern Design Centre and the junction with the proposed Link Road to 3 metres, hereby approved, shall be implemented before the first use of the MSCP development and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to ensure pedestrian safety in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

23

Notwithstanding the details on the submitted plans, final details of the design of the access road to the MSCP, including all gradients and the method of tie-in with the new Link Road, shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby approved.

Reason

In order to ensure safe operation of the development in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

24

The details approved under condition 23 shall be implemented before the first use of the development and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to ensure safe operation of the development in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

25

Construction of the development hereby approved shall not proceed above foundation level until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection and are 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.

26

The materials used shall be in accordance with the details approved under condition 25 unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policy 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.

27

Prior to first use of the development hereby approved a fully detailed scheme for the landscaping of the development shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard and soft landscaping, proposed trees and shrubs, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and ecology in accordance with the NPPF, saved policies ENV3 and ENV47 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

28

The landscaping scheme approved under condition 27 shall be completed in full accordance with the approved timescales unless otherwise approved in writing by the Local Planning Authority. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

To ensure that the approved landscaping scheme is completed within a reasonable time scale in the interests of the visual amenity of the area and ecology in accordance with the NPPF, Policies ENV3 and ENV47 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan.

29

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 the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and ecology in accordance with the NPPF, saved policies ENV3 and ENV47 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

30

Prior to commencement of the development hereby approved, including any vegetation/site clearance works, a biodiversity net gains calculation using version 2.0 of the DEFRA metric which demonstrates the development will achieve a biodiversity net gain of 10% above the current baseline, where possible, has been submitted to and approved in writing by the Local Planning Authority. The results shall then be used to inform a Biodiversity Mitigation and Enhancement Strategy.

Reason

To ensure the development achieves a net increase in biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV46 of the Unitary Development Plan.

Reason for prior to commencement condition

To ensure it has been demonstrated that the impacts of the development upon biodiversity have been avoided/mitigated prior to construction of the development.

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.

31

Prior to commencement of the development hereby approved, including any vegetation/site clearance works, the Biodiversity Mitigation and Enhancement Strategy, produced in accordance with the requirements of condition 30, shall be submitted to and approved in writing by the Local Planning Authority. The strategy must detail the measures to be implemented to ensure the development avoids significant residual impacts on biodiversity, including priority butterfly species, and include details of any compensation and/or net-gains measures to be delivered off site including the location, mechanism and timetable for delivery.

Reason

To ensure the development avoids significant residual harm to biodiversity including priority butterfly species and achieves a net increase in biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV46 of the Unitary Development Plan.

Reason for prior to commencement condition

To ensure it has been demonstrated that the impacts of the development upon biodiversity have been avoided/mitigated prior to construction of the development.

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.

32

The Biodiversity Mitigation and Enhancement Strategy approved under condition 31 shall be implemented in full in accordance with the approved timetable and retained thereafter for a period of no less than 30 years.

Reason

To ensure the development avoids significant residual harm to biodiversity including priority butterfly species and achieves a net increase in biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV46 of the Unitary Development Plan.

33

Prior to commencement of the development hereby approved, including any vegetation/site clearance works, a Biodiversity Method Statement detailing the measures to be implemented to avoid/minimise predicted impacts on biodiversity and ecological connectivity during the site clearance, construction and operational phases of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To avoid/minimise harm to biodiversity including protected and priority species during the site clearance, construction and operational phases of the development in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV46 of the Unitary Development Plan.

Reason for prior to commencement condition

To ensure it has been demonstrated that the impacts of the development upon biodiversity have been avoided/mitigated prior to construction of the development.

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.

34

The proposed development shall be undertaken in accordance with the Biodiversity Method Statement approved under condition 33.

Reason

To avoid/minimise harm to biodiversity including protected and priority species during the site clearance, construction and operational phases of the development in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV46 of the Unitary Development Plan.

35

No vegetation clearance works shall be undertaken during the bird breeding season (i.e. March to August inclusive). Where this is not possible a breeding bird checking survey will be undertaken by a suitably qualified ecologist immediately prior (i.e. no more than 48hrs) to the commencement of works on site. Where active nests are confirmed these must be retained undisturbed until the young have fledged and the nest(s) is no longer in use.

Reason

To safeguard biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy DC1(d) of the Unitary Development Plan.

36

Construction of the development hereby approved shall not commence until an Employment and Training Plan outlining the potential creation of employment and training opportunities, especially apprenticeships for local people during the construction phases and the end user operation of the MSCP is submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of providing employment and training opportunities in line with the NPPF and the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016.

37

The Employment and Training Plan shall be implemented in accordance with the details submitted and approved under condition 36.

Reason

In the interests of providing employment and training opportunities in line with the NPPF and the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016.

38

No penetrative piling shall take place until final details of the piling methodology proposed, including accurate locations, numbers of piles and depth shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason

To ensure that the proposed development does not harm groundwater resources in accordance with the National Planning Policy Framework, policies CS14 and CS17 of the Core Strategy and Urban Core Plan and saved policies DC1(p) and ENV54 of the Unitary Development Plan.

39

The piling operation shall take place in accordance with the details approved under condition 38.

Reason

To ensure that the proposed development does not harm groundwater resources in accordance with the National Planning Policy Framework, policies CS14 and CS17 of the Core Strategy and Urban Core Plan and saved policies DC1(p) and ENV54 of the Unitary Development Plan.





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