

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 17 March 2021 at 10.00 am in the <https://youtu.be/Wr2PdtjczXo>

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From the Chief Executive, Sheena Ramsey

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Item	Business
1	<b>Apologies for Absence</b>
2	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held 24 February 2021 (copy previously circulated).
3	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
4	<b>Planning Applications</b> (Pages 3 - 6)  Report of the Strategic Director, Communities and Environment
4i	<b>No. 1 - Former Wardley Colliery, Wardley Lane, Felling, Gateshead, NE10 8AA (Pages 7 - 28)</b>
4ii	<b>No. 2 - Vacant Land, Storey Lane, Blaydon-on-Tyne NE21 4NF (Pages 29 - 48)</b>
4iii	<b>No. 3 - The Runhead, Holburn Lane, Ryton NE40 3HJ (Pages 49 - 58)</b>

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PLANNING AND DEVELOPMENT  
COMMITTEE  
17 March 2021

**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/19/00813/REM	Former Wardley Colliery Wardley Lane	Wardley And Leam Lane
2. DC/21/00018/FUL	Vacant Land Storey Lane	Ryton Crookhill And Stella
3. DC/21/00069/FUL	The Runhead Holburn Lane	Ryton Crookhill And Stella

## **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.

We have carried out a Review of the CSUCP and concluded that it remains up-to-date in that it continues to be in general conformity with the provisions of the NPPF and helps to deliver the key priorities and aims of both.

The Council adopted Making Spaces for Growing Places (MSGP) on 1<sup>st</sup> February 2021, and this part of the Local Plan complements the CSUCP by setting out non-strategic allocations, designations and development management policies for Gateshead.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP and MSGP form part of the statutory development plan for Gateshead. The CSUCP and MSGP between them supersede and delete all of the saved policies remaining from the Unitary Development Plan (UDP). Lists of the respective deleted UDP policies are provided in Appendix 1 of the CSUCP and Appendix 19 of MSGP.

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.

The Council has published Supplementary Planning Documents to indicate the preferred approach to some types of development, and give greater detail on how some policies will be considered and applied. These continue to be revised and updated where appropriate.

## **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 Team on (0191) 433 3150 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**

<b>Application No:</b>	<b>DC/19/00813/REM</b>
<b>Case Officer</b>	<b>Tom OConnor</b>
<b>Date Application Valid</b>	<b>20 August 2019</b>
<b>Applicant</b>	<b>Persimmon</b>
<b>Site:</b>	<b>Former Wardley Colliery Wardley Lane Felling Gateshead NE10 8AA</b>
<b>Ward:</b>	<b>Wardley And Leam Lane</b>
<b>Proposal:</b>	<b>RESERVED MATTERS APPLICATION (relating to Access, Appearance, Landscaping, Layout and Scale) pursuant to DC/16/00698/OUT for the erection of 144 residential dwellings with associated new highways access, infrastructure and site remediation works (additional information received 24/10/19, 14/01/20, 29/05/20, 08/06/20, 28/09/20 and 14/10/20 and amended 10/12/19, 24/01/20, 02/03/20, 15/04/20, 22/05/20, 28/05/20, 29/05/20 and 11/06/20).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Approval of Reserved Matters</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application site extends 5.6 hectares in total and is made up of two adjoining parcels of land that are in separate ownership, collectively making up the former Wardley Colliery site. It is located on land northeast of Wardley, outside of the defined settlement, within Green Belt land that forms the strategic gap between Wardley and Hebburn; that serves to prevent Gateshead from merging with South Tyneside.

1.2 The eastern portion of the application site is adjacent to the Wardley moated site, a Scheduled Monument (SM), of a former 13th century manor house with a surrounding moat. The open land around the site generally forms part of the Wardley Manor Country Park. The site also falls within a designated Wildlife Corridor and sits immediately adjacent to Wardley Manor Local Wildlife Site

1.3 The smaller western portion of the application site (1.5 hectares) contained the derelict remains of several buildings associated with the historic operation of the colliery, but following the granting of outline planning permission and as a result of the serving of a s215 notice, these buildings have been demolished and the land is secured. The site is also heavily contaminated and contains four mineshafts. This part of the wider application site is considered

abandoned in planning terms, as it has had no meaningful lawful use since the colliery closed in the 1970s, having been neglected for the last 40 years since then. This portion of the application site has no prescribed right of access along Wardley Lane.

- 1.4 The larger, eastern portion of the application site (4.1 hectares) is the site of the former JW Coats and Sons Ltd yard. The southern/western edge of the eastern portion is made up of the 10m high steep sided spoil heap associated with the former colliery, which was reprofiled in the past to form a landscaped bund to screen the Yard from the properties in Wardley. The bund, made up of contaminated colliery waste, is covered with a clay cap as part of the reprofiling and landscaping works. The remaining 2.7 hectares of the eastern portion consists of extensive hard cored/concreted areas of land that was used for the open storage of truck bodies, vehicle parts, tyres, etc. The site also used to contain two large two-storey detached metal clad buildings that formed the enclosed repair and dismantling part of the business, both of which have now been demolished. Only one very small flat roofed brick building still remains.
- 1.5 The eastern portion is also considered to be heavily contaminated due to its historic use as a railway siding and since the early 1980s as a vehicle breakers/reclamation yard.
- 1.6 The site is bounded with fencing and screened along its western, and part of its southern boundary is the bund formed from the remodelling of the former colliery spoil heap that has subsequently been planted. The wider application site is bounded to its south/southwest side by the Leamside railway line, to its southeast/east side by the Bowes Railway route, to its north/northeast by Wardley Manor Country Park (restored former landfill that is actively monitored for methane gas) and to its northwest by an un-adopted track, which gives access to the site from Wardley Lane that runs over the Wardley railway bridge, and which continues also in a north westerly direction to the A185 Shields Road.
- 1.7 Access to the site by lighter vehicles has now been closed off but HGVs can still gain access from Wardley Lane to the north.
- 1.8 **DESCRIPTION OF THE APPLICATION**  
Following the granting of outline planning permission ref DC/16/00698/OUT, this reserved matters application seeks consent for 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. The developable area of the application site extends to 4.2 hectares, with a further 1.4 hectares that would be left undeveloped due to it forming the existing screening bunds that define the southern and western boundary of the former vehicle reclamation/breakers yard.
- 1.9 Main access to the site is proposed via Wardley Lane from the north, with the existing rough track upgraded to an adoptable standard up to where it meets Wardley Railway Bridge, with the entrance to the estate positioned towards



the north western part of the site where the former colliery buildings were located. The smaller bridge over the Leamside Line that links to Manor Gardens has already been closed to vehicular traffic, by the Council as Highway Authority, to prevent its use as a rat run between Wardley and Hebburn.

1.10 Full details have been provided that show a detailed layout for 144 dwellings showing a combination of 2 and 2 storey with additional accommodation in the roof space, detached, semi-detached and terraced properties and detached garages across three character areas.

1.11 **PLANNING HISTORY**

The site has had a long planning history, but the most recent, and most relevant to this current planning application, have been the following applications:

Outline planning permission DC/16/00698/OUT for no more than 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works with all matters reserved was granted on 24 June 2019.

EIA/16/003 - Environmental Impact Assessment (EIA) Screening Option for a residential development of approximately 150 dwellings (use class C3) on land of former Wardley Colliery and breaking yard, Wardley. Deemed that an EIA is not required in this case - response issued 14.07.2016.

DC/12/00363/OUT - Outline application for residential development with access to be considered. All other detailed matters reserved. Withdrawn - 31.07.2012.

**2.0 Consultation Responses:**

Coal Authority	No objections.
Northumbria Water	No comments received
Nexus	No objections
Tyne And Wear Fire And Rescue Service	No objections
Tyne And Wear Archaeology Officer	No comments received
Environment Agency	No objections, however, advice provided in relation to the impacts of land contamination and landfill gas.

**3.0 Representations:**

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) 2015. Neighbour letters were sent 21 August 2019 and on receipt of amendments again on 15 May 2020.
- 3.2 Four notices were posted around the perimeter of the site on 22 April 2020 and a notice was published in The Journal on 11 September 2019 and again on 29 April 2020
- 3.3 Five written representations have been received.
- 3.4 Two are letters are in support of the application
- 3.5 In addition, three letters of objection have been received; two from the same individual. The concerns relate to:
- the proposal to prevent vehicular access across the bridge to access Hebburn and Jarrow;
  - vehicles (as a result of the bridge being closed) parking on the footpath;
  - more houses are not needed;
  - should be made into an extension to the Country Park;
  - increase in traffic; and
  - impact on wildlife.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

MSGP10 Accessible and Adaptable Dwellings

MSGP12 Housing Space Standards

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP27 Archaeology

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP33 Countryside/Landscape Protection

MSGP35 Prop Wardley Manor Country Park

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

MSGP48 Waste Management Facilities - New Dev

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

### **5.1 MAIN ISSUES**

Previously the planning issues considered at the Outline application stage were the principle of developing this site for residential development, its impact on the Green Belt, the visual appearance of the site and surrounding area, the impact on highway safety including traffic generation, car and cycle parking provision, sustainable travel measures, contaminated land, flood risk, drainage implications and biodiversity.

5.2 This application seeks approval of reserved matters under conditions of Outline planning permission DC/16/00698/OUT for no more than 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works with all matters reserved that was granted 24 June 2019. The following sections assess the submissions made in relation to this reserved matters application only. Where required by the outline approval, separate submissions will have to be made to discharge other conditions imposed on the outline consent and these will be dealt with separately to this application.

### **5.3 Condition 1**

The decision notice for planning permission ref. DC/16/00698/OUT states at condition no. 1 that:

"The development hereby permitted in outline shall not be carried out other than in substantial accordance with the plan(s) accompanying the application as listed below:

- i. Access Parameter Plan received 9 Feb 2018
- ii. 114570 1001 Rev A In Principle Highway Arrangement received 9 Feb 2018
- iii. Maximum Building Heights Parameter Plan received 9 Feb 2018
- iv. Land Use Parameter Plan received 9 Feb 2018
- v. Landscape Parameter Plan received 9 Feb 2018

and with such further details of the development that shall be submitted to prior to the commencement of development for the Council's approval in writing in relation to the following reserved matters, namely:

- (1) appearance
- (2) landscaping
- (3) layout
- (4) scale
- (5) access

5.4 The approved Parameter Plans establish the principle for the development and the development must be in substantial accordance with these principles.

5.5 Access Parameter Plan

The approved access parameter plan shows the main vehicular access coming from the north with a secondary pedestrian access to the west towards Manor Gardens.

5.6 Internally the road pattern and the layout proposed is within the constraints of the site with a pinch point in the centre created by a large retained landscaped bund to the south of the site. The proposed dwellings face onto the main internal roads. All internal road carriageways are proposed to be 5.5m wide and an amended plan has been submitted that meets this requirement that will ensure the safe and easy passage of two cars, and all are proposed to have 2m wide footpaths either side.

5.7 On the eastern edge of the development the dwellings that are served by shared drives face outwards towards the Country Park.

5.8 Building Heights Parameters Plan

The approved building heights parameter plan indicates different building heights across the development, this was to address the location of the site and the impact of the development on the openness of the Green Belt.

5.9 The proposed plan indicates the majority of the development as two storey to minimise the impact, with accommodation in the roof spaces of some taller houses, to create visual interest in the street scene and focus in the areas where the landscaped bund would screen the development and in the area that historically has contained buildings.

- 5.10 The approved land use parameter plan shows the developable area, active frontages for maximum overlooking and the vehicular and pedestrian circulation of the proposed development. Also indicated are the extent of the landscaped areas divided into different landscape character areas that are detailed on the Landscaping Parameter plan.
- 5.11 The SuDS attenuation basins are indicated within the landscaped area to the east and south. However, since the Outline approval it has become apparent that the only suitable location for the SuDS feature is on the eastern boundary, in front of plots 63 and 64.
- 5.12 Landscape Parameter Plan  
The approved Landscape Parameter plan identifies different landscape areas across the development with areas to the east and western boundaries that are proposed to contain formal structural landscape areas designed to enhance and soften the impact of the development.
- 5.13 The large bund to the south is to be retained with restricted public access and planting for habitat creation. The proposed central area of public open space incorporates the play provision for the site. The area reserved for the proposed SuDS attenuation basin is proposed to have appropriate wet habitat landscaping with wildflower seeding for the lip of the basin.
- 5.14 Whilst the proposed scheme is substantially in accordance with the various Parameter Plans Condition 1 also requires details of access, layout, appearance, scale and landscaping.
- 5.15 ACCESS  
An 'In Principle Highway Arrangement Plan' was approved by the Outline planning permission and is subject to Condition 28 of that consent. The condition requires submission of details of off-site highway works in relation to the new access road, the junction with Shields Road (in South Tyneside), the railway bridge and improvements to Wardley Lane and a timescale for implementation with any reserved matters application.
- 5.16 The proposed off-site highway works as submitted are acceptable in principle and include a cycle connection onto the Public Right of Way (PROW) southwest of plot 01 and a comprehensive scheme of lining and signing for the cycle routes. The submission includes details of a waiting restriction scheme at the junction of Shields Road with Wardley Lane, as requested by South Tyneside Council's Highway Authority. Gateshead Officers have no objection to the proposals. South Tyneside Council has been consulted but no response has been received. The applicant would need to approach South Tyneside Council as the relevant Highways Authority to agree the details as the junction of Shields Road with Wardley Lane lies within South Tyneside.
- 5.17 Condition 32 of Outline planning permission DC/16/00698/OUT requires submission the details of the layout that demonstrate it is a self enforcing 20mph zone. The proposed internal layout includes raised plateaus and

corresponding on/off ramps and visitor parking bays that are acceptable. However, it is not clear from the drawings submitted where this zone will start, but officers consider that it should commence just prior to (north of) the Durham Coast Line bridge. A proposal for 20mph signage must be submitted as part of the detailed design secured by condition 28.

- 5.18 Whilst details of off-site highway works have been submitted, a timescale, as required by condition 28, for their implementation has not and this will need to be secured by a separate condition to this reserved matters application (Condition 11).
- 5.19 It is considered that the submitted details of Access, to and around the development, coupled with conditions imposed on the outline planning approval, the details of which are yet to be submitted, are acceptable and are in accordance with the NPPF and policies CS13, MSGP 14 and MSGP15 of the Local Plan for Gateshead.
- 5.20 **LAYOUT**  
The main principles of the proposed layout include a spine road, a central area of open space, pedestrian links to Manor Gardens, the new access road, curtilage parking and visitor parking bays and key feature rendered buildings to accent corners. The layout is logical and in keeping with the physical parameters of the site and provides for a number of cul-de-sacs leading off the spine road from the centrally located open space. Use of Character Areas defined by different material palettes (described in more detail later in this report) accentuate junctions between the Character Areas and ease navigation through the development.
- 5.21 Adequate separation distances are proposed between dwellings across a relatively level site that will ensure that there will be acceptable levels privacy without overlooking and there will be no overbearing impact on residential amenities, in accordance with policy MSGP17. The layout is permeable with pedestrian and cycle connections to Manor Gardens, vehicular and pedestrian access to the B1306 and A185 to the northwest and the A194 and the A184 beyond to the southeast, and pedestrian links to the Country Park. The proposed layout is acceptable and is in substantial accordance with the approved parameter plan.
- 5.22 The proposed traffic calming layout is acceptable subject to the provision of dropped kerbs at all junctions, unless there is a raised/level plateau.
- 5.23 The layout includes 46 visitor parking spaces, which is below the Council's preferred standard of one space per three dwellings (equal to 48 bays) but well above the minimum standard of 1 per 4 dwellings (equal to 36 bays). The level of visitor parking is therefore considered to be acceptable.
- 5.24 Two pedestrian links are proposed to the Country Park from cul de sac ends, one adjacent to the SuDS area in front of plot 63 and the other from the end of the cul de sac in front of plot 97. Dog waste bins are proposed to be located at the boundary with the Country Park on both pedestrian links. A third

pedestrian link is proposed through the landscaped area at the western end of the site in front of plot 120 to meet Wardley Lane.

5.25 The three footpaths links to the front of plot 63, plot 97 and plot 120 must be a shared footway/cycle path. Bollards or other suitable measures will need to be installed to prevent inappropriate motorised vehicular access along the links. A scheme for cycle signage through the estate is also required.

## 5.26 APPEARANCE

### Character Areas

Three character areas are proposed, the rural edge, the transitional zone and the traditional zone; proposed across the development to create individual areas through use of differing materials palettes.

5.27 The Rural Edge has outward facing development of predominately detached houses in red and multi brick reflecting the wider palette of Wardley and bookended by dwellings in cream render. Front doors, garage doors and window frames are proposed in cream. Front gardens do not have boundary treatments to create an open aspect. To the east of the site a low wooden bird's mouth rail is proposed to prevent cars bumping onto landscaping to park.

5.28 The Transitional zone is the part of the site that contains the spine road through the development and links the character areas. It includes materials reflective of the industrial history of the site and includes metal railings to front gardens and black front doors and garage doors. The central open space area in the Transitional Zone provides a traffic calming feature to the layout as well as a play area. It is a focal point and well overlooked. A pedestrian link to Manor Gardens runs through the Transitional zone. The dwellings in this zone are also in red multi bricks with black doors interspersed by rough texture cream render where the layout links to the Traditional Zone. Black metal rail boundary treatment to gardens that front the spine road are proposed and gable elevations are proposed to have a masonry wall with horizontal wooden panels between brick pillars.

5.29 The Traditional zone lies between the urban character of the spine road and the rural edge. Use of buff bricks plus elements of stone are proposed to create a rural feel to the edge of the development in two locations where the development bounds the Country Park. The corner turning plots have brick boundary walls with fence panels between brick pillars. The front gardens have no boundary treatment to create a sense of openness.

## 5.30 House Types

144 dwellings are proposed of which 25 have two bedrooms, 80 have three bedrooms, 36 have four bedrooms and three have five bedrooms in a mixture of short terrace, semi-detached and detached dwellings. In total, 13 different house types are proposed, with some additional variation depending if the house type is used mid or end terrace. All are either two storey or two storey with additional accommodation in the roof space.

5.31 Materials

Whilst the proposed materials are described as part of the information relating to the three character areas, and are considered appropriate, condition 36 of Outline Planning Permission DC/16/01068/OUT requires samples of the external materials to be used to be submitted

5.32 Boundary Treatments

The proposed boundary treatments are annotated on the site layout drawing A/GA/001 Rev R and comprise:

600mm 'race course' style timber fencing  
1800mm masonry with vertical panels  
1800mm masonry with horizontal panels  
1800mm high close board  
1800mm masonry with fence panels and stone cap  
700mm high black estate railings

5.33 The proposed boundary treatments are considered to be acceptable with the exception of the 700mm estate railing that is required to be reduced in height to 600mm to meet the requirements of condition 33 of the outline consent, in respect of driveway visibility splays. It is considered that a condition can secure an alternative estate railing, and installation of these proposed boundary treatments (CONDITIONS 5 and 6).

5.34 SCALE

Family Homes

The recently adopted MSGP continues to seek an increase in the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure. Whilst the outline permission grants permission for 144 dwellings, the housing mix was not approved as part of that consent. The details submitted as part of this reserved matters application seek to address NPPF and local plan policy requirements in this respect.

5.35 CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). All but 25 of the proposed 144 homes have three bedrooms or more, therefore satisfying this policy.

5.36 Accessible and adaptable dwellings

The proposal is required to satisfy policy MSGP10 which notes that new residential development should provide more accessible and adaptable dwellings. On this development, 25% of dwellings should be constructed to meet the Building Regulation M4(2) standard. This equates to 36 houses and can be secured by condition (Condition 14).

5.37 Residential space standards

Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". Further, Policy MSGP12 requires all new homes to be built in accordance with



Nationally Described Space Standards (NDSS), however supporting text is clear that:

*"These standards will be introduced one year after the adoption of the Plan [plan adopted 01 February 2021] to allow for a period of transition in accordance with national planning guidance."*

- 5.38 It is considered that all proposed dwellinghouses provide adequate space both internally and externally in accordance with Policy CS11(4) of the Local Plan for Gateshead.
- 5.39 **LANDSCAPE**  
There are four main areas where landscaping is proposed; the spine road, the landscaped bund, the SuDS area to the eastern boundary and the centrally located open space / play area. There are other elements of structural planting at the entrance to the site and within front gardens.
- 5.40 It is proposed to plant trees in the front gardens of dwellings facing onto the spine road of native species along with hedgerows and shrub planting. Trees with formal hedging are proposed at the entrance to the development to create a defensible space for the four dwellings facing Wardley Lane.
- 5.41 A Landscape Proposals Plan has been submitted in support of the reserved matters application and further landscape details are in the process of being submitted in respect of the bund. The dwellings nearest to the eastern boundary face outwards over the SuDS and landscaped area and the country park beyond. The proposal to landscape this area will form a soft edge to the development with the Country Park. The SuDS basin is proposed to drain into the stream to the east of the development and this allows for habitat creations in this area that will be beneficial to the Country Park and the stream. SuDS basin will allow wet habitat creation in the wet areas, and wildflower seeding, native shrub and tree planting at the top of basin slope. Native hedgerow planting is proposed to form a boundary between the adjacent dwellings and the SuDS ensuring no public access to SuDS area to protect the habitat being created. No details of wildflower grassland mixes and aquatic planting for the SuDS area have been provided and a condition is recommended to secure these details (CONDITIONS 7, 8 and 9).
- 5.42 Tree planting is indicated for the centrally located open space area along with a footpath crossing diagonally and indicative location for play equipment. The principles of the proposed landscape plan are considered to be acceptable and the specifications on that plan are acceptable, however there are no indications of numbers / densities for planting. As such a condition is recommended to secure these details (CONDITIONS 7 and 8).
- 5.43 Condition 29 of outline planning permission DC/16/00698/OUT requires details of the retained landscape bund as part of any reserved matters pursuant to condition 1. The existing mound is to be retained and managed in line with a Habitat Management Plan that will propose selected thinning of existing vegetation and seeding.

- 5.44 Further landscape submissions have since been submitted for consideration but will need to be further examined and agreed by the Local Planning Authority as acceptable prior to the full discharge of this condition. A condition is recommended to be imposed on this application in respect of submission of further landscape details (Condition 12).
- 5.45 Play Areas and Open Space  
As was established at outline application stage, the neighbourhood in which the site is located is not deficient in open space and there is therefore no requirement for the development to provide any.
- 5.46 The assessment at outline application stage also concluded that, due to the restrictions on the pooling of contributions at that time, that it would not be possible to require any contribution towards junior and teenage play provision. Toddler play provision is to be provided on site, in the centrally located open space; and was secured by condition 40 of the outline approval.
- 5.47 **AFFORDABLE HOUSING**  
The viability assessment submitted in support of the outline application confirmed that there could be no requirement to provide affordable housing. However, despite this, the applicant offered 5% and the outline planning permission was granted subject to a S106 legal agreement that required a 5% affordable housing contribution. This equates to 7.2 dwellings, the submitted information proposes 7 dwellings to be 'affordable'. This is considered to be acceptable and in accordance with the S106 agreement.
- 5.48 The s106 agreement also specifies the type of affordable housing and defines the affordable housing units as "each dwelling .... to be sold at a Discount Market Price" and that the discounted market price "should not exceed 80% of the Open Market Value the dwelling could command if offered on the open market".
- 5.49 **COAL MINING**  
Condition 19 of Outline planning permission DC/16/00698/OUT requires that prior to the commencement of the development, details of remediation measures to remove risks associated with coal mining legacy in the development and to ensure the ground stability of the development are submitted and approved and condition 20 requires implementation of the remediation measures approved under condition 19 prior to the commencement of the development.
- 5.50 The amended site layout drawing shows the potential zones of influence / exclusion zones for the shafts and all built development is arranged such that it would be located clear of the defined zones of influence.
- 5.51 Whilst the proposed buildings would be located outside the potential zones of influence of the shafts, a section of the new adoptable estate street, public open space and a number of private gardens will fall within these zones.

- 5.52 The condition and characteristics of the caps/past shaft treatments have not been fully established, but it would appear clear from the available information that all of the shafts have been capped with superficial deposits and that the caps would not meet the Coal Authority's current requirements.
- 5.53 The Coal Authority does not consider that the information presented by the applicant thus far would satisfactorily address the requirements pre-commencement Conditions 19 and 20 of the outline consent.
- 5.54 As such, further consideration of the adequacy of the past treatment works will be required in light of the more sensitive end use of the site, along with a detailed scheme of further remedial works, to ensure the safety and stability of the development.
- 5.55 Given the above it is considered that the information submitted with this reserved matters application is inadequate, however, the applicant can submit details for approval through a Discharge of Condition application.
- 5.56 **CONTAMINATION**  
Condition 13 of Outline planning permission DC/16/00698/OUT requires, prior to the commencement of the development, a Phase 2 Preliminary Risk Assessment to be undertaken. However, Condition 49 requires a programme of archaeological building recording also prior to commencement of development and condition 50 that requires archaeological fieldwork prior to any groundworks. Therefore, the wording of condition 13 requires amendment. The recommended amended condition is Condition 10.
- 5.57 **ECOLOGY**  
Condition 42 of Outline planning permission DC/16/00698/OUT requires a lighting strategy for biodiversity for the proposed development site to be submitted prior to first occupation of the development.
- 5.58 The Council Ecologist is concerned that any lighting along Wardley Lane will have an adverse impact on biodiversity, including the section of new footway/cycleway and highway between the narrow bridge over the disused Leamside Line and the Durham Line overbridge; and the Durham Line overbridge and A185 Shields Road.
- 5.59 The route was not included in the ecological survey undertaken to support the Outline planning submission and as such it is not possible to accurately predict the significance of any such impacts and allow an appropriate scheme of avoidance, mitigation and compensatory measures to be developed and implemented, however, it is reasonable to assume that foraging and commuting bats utilising the woodland edge and connecting hedgerow immediately adjacent the route are likely to be impacted. There is also the potential for lighting to impact negatively on foraging nocturnal birds such as barn owl and tawny owl and result in the increased predation of priority bird species including skylark which breeds in the field to the north of Wardley Lane by extending the time period during which predators such as crow species and kestrel can forage.

- 5.60 The Council's Ecologist is of the opinion that as a minimum the lighting scheme should be developed in accordance with Guidance Note 08/18 by the Bat Conservation Trust and Institute of Lighting Professionals; and should seek to minimise light spill/levels impacting habitats located along the length of the route and which are designated as Local Wildlife Site and Wildlife Corridor.
- 5.61 However, from both a road safety and pedestrian personal security perspective there is a need for lighting on this section of Wardley Lane between the Durham Line overbridge and the A185 Shields Road and a lighting scheme for the overall development is required. This must include lighting coverage for the off-site highway works and the shared cycle/pedestrian route to the rear of plots 1 to 12. Lighting along Wardley Lane, up to Shields Road, is a recommended action of the stage one Road Safety Audit, but the final design of this will need to take account of the biodiversity concerns and there are certain restrictions/requirements that could be utilised such as lamp shades or diffusers that could achieve a balance between protecting biodiversity interests whilst ensuring highway safety. The final details can be submitted through a Discharge of Condition application to seek approval of details under condition 42.
- 5.62 **FLOOD RISK AND DRAINAGE**  
Flood risk and drainage were considered at outline application stage and a number of conditions were imposed to secure: an updated Flood Risk Assessment, Drainage Construction Method Statement, SuDS Health and Safety Risk Assessment in accordance with the CIRIA SuDS Manual, a drainage strategy and drainage maintenance plan. Whilst some of this information has already been provided, final details are yet to be approved through the discharge of condition process.
- 5.63 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development because it is housing related.
- 5.64 The site is located within Charging Zone A, with a levy of £60 per square metre for this type of development.

## **6.0 CONCLUSION**

- 6.1 This is a reserved matters application to discharge conditions for the details of the residential development on land at Wardley.
- 6.2 The principal of residential development of this site was established at outline application stage and the proposed development is in substantial accordance with the approved Parameter Plans. It is therefore recommended that the reserved matters be granted as the details are considered to accord with the general aims and objectives of national and local planning policies, subject to

the planning conditions imposed on the outline planning permission and those listed below.

## **7.0 Recommendation:**

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

1

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

Site Layout - A/GA/0001 REV R

Proposed Highway Improvement on Wardley Lane (Drawing 1 of 2) 19-135/006 Rev C

Proposed Highway Improvement on Wardley Lane (Drawing 2 of 2) 19-135/007 Rev B

Proposed Waiting Restrictions on Wardley Lane 19-135/SK02

Drainage Layout Sheet 1 - 19065 - 01 - P3

Drainage Layout Sheet 2 - 19065 - 02 - P4

Drainage Layout Sheet 3 - 19065 - 03 - P2

Proposed Surface Finishes and Kerb Layout - 19065 - 21 - P1

Housetypes:

EP-WD11 - Epping R20

DY-WD11 - Danbury R20

DY-WD11 - Dalby R20

SW-WD11 - Sherwood R20

SW-WD11 - Sherwood Corner R20

CW-WD11 - Charnwood R20

SN-WD11 - Saunton R20

SN-WD11 - Braunton R20

GB-WD11 - Gisburn R20

WL-WD11 - Whiteleaf R20

WL-WD11 - Whiteleaf Corner R20

SW-WD11 - Selwood

CM-WD10 - Compton

HY-WD10 - Harley

MB-WD10 - Marlborough

DY-WD11 - Danbury R20 - Feature Plots 96 & 119

SN-WD11 - Saunton R20 - Feature Plot 97

SW-WD11 - Sherwood Corner R20 - Feature Plots 51, 52, 83, 103 & 127

GB-WD11 - Gisburn R20 - Feature Plots 12 & 13

SW-WD11 - Sherwood Corner R20 - Feature Plot 120

CM-WD10 - Compton - Feature Plot 63

HY-WD10 - Harley - Feature Plots 60, 61 & 65-68

GB-WD11 - Gisburn R20 - Feature Plot 1

SW-WD11 - Sherwood Corner R20 - Feature Plot 140

Documents:

Coast Consulting Engineers - Flood Risk Assessment & Drainage Statement 10 June 2020

Milestone Transport Planning - Travel Plan June 2020

In Principal Highway Arrangement (Drawing No. 114570/1001/A)

Proposed Highway Improvement on Wardley Lane (1 of 2 & 2 of 2)

Drawing No. 133057/8001/D

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

Reason

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

2

The development to which this permission relates must be commenced not later than 2 years from the date of this approval of the reserved matters.

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

Reason

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

3

Notwithstanding the architectural layout A/GA/001 Rev R full details of the three footpath links to the front of plot 63, plot 97 and plot 120 indicating shared footway/cycle paths to include:

- details of bollards or other suitable measures required to prevent inappropriate motorised vehicular access
- a scheme for cycle signage throughout the development

Shall be submitted for the consideration and written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

Reason

In the interests of highway safety in accordance with policy CS13 of the Local Plan for Gateshead.

4

The approved details under condition 3 shall be implemented wholly in accordance with the details prior to first occupation of the development hereby permitted.

Reason

In the interests of highway safety and in accordance with policy CS13 of the Local Plan for Gateshead.

5

Notwithstanding architectural layout A/GA/001 Rev R that indicates a 700mm high estate railing detail adjacent to the end of driveways, full details of a 600mm high estate railing shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of visibility for drivers and highway safety and in accordance with policy CS13 of the Local Plan for Gateshead.

6

The boundary treatment details as shown on A/GA/001 Rev R or as approved under condition 5 shall be implemented wholly in accordance with the details.

Reason

In the interests of the appearance of the development and visibility for drivers and highway safety and in accordance with policies CS13 and MSGP24 of the Local Plan for Gateshead.

7

Development hereby permitted shall not progress above damp proof level of any dwelling hereby approved, until final details of a fully detailed scheme for the landscaping of the site detailing the retention, creation, enhancement and management of all soft landscaping areas within the site has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details and proposed timetable for hard and soft landscaping, to include gardens, open space and play area, the SuDS planting, all existing trees and hedges to be retained, reinstatement/landscaping and future management of areas disturbed as a result of the highways works ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in

accordance with the NPPF and in accordance with policies CS14, CS18, MSGP24 and MSGP32 of the Local Plan for Gateshead..

8

All hard and soft landscaping works shall be completed in full accordance with the landscaping scheme approved by condition 7, and the timetable for the implementation of the landscaping scheme unless otherwise agreed 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 a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with policies CS14, CS18, MSGP24 and MSGP32 of the Local Plan for Gateshead..

9

The details approved under condition 7 and implemented under condition 8 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 with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with policies CS14, CS18, MSGP24 and MSGP32 of the Local Plan for Gateshead..

10

No development shall commence until further site investigations (based on the findings of the Patrick Parsons Phase 2 Preliminary Ground Investigations report prepared by Simon Jones and dated November 2012) are undertaken and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of trial pits, and boreholes, in situ testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design. A suitable suite of chemical soil analysis should be undertaken on soil samples and should include asbestos analysis (presence, type and quantity). The investigation should delineate the extent of asbestos previously identified on site.



Further investigation is required into the main body of the perimeter mound to assess the potential risk of combustion of materials in the mound, the extent of any existing capping to the mound and to assess the potential 'spread of fire' risk to the adjacent proposed development.

The site investigation and Phase 2 Risk Assessment report shall include a summary of the findings of the Patrick Parsons Preliminary Site Investigation and 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 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. Ground gas monitoring shall be undertaken at the site and a Gas Risk Assessment report produced and submitted to the Local Planning Authority with recommendations for ground gas mitigation measures.

#### Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policies CS14, MSGP17 and MSGP20 of the Local Plan for Gateshead.

#### Reason for pre commencement condition

To ensure that contamination and remediation measures are identified prior to commencement of the development hereby permitted to ensure risks to future users of the land are minimised.

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

11

No development shall commence until a timetable for the commencement, and intended construction timescales of the off-site highway works, secured through condition 28 of the outline permission DC/16/00698/OUT, have been submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall thereafter be undertaken in accordance with the approved timescales unless first approved in writing by the Local Planning Authority.

#### Reason for condition

In the interests of highway safety and to ensure safe pedestrian and cycle access to the site can be achieved and in accordance with policies CS13, MSGP14 and MSGP15 of the Local Plan for Gateshead.

#### Reason for pre commencement condition

The proposed highway works must demonstrate that the design will ensure highway safety.

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

12

No development shall commence until full landscaping and planting details, in addition to the requirements of condition 29 of the outline permission DC/16/00698/OUT, have been submitted to and approved in writing by the Local Planning Authority of the retained landscaped bund running along the southern part of the development site, in respect of

- a. A Bund Landscape Maintenance and Management Manual
- b. Landscape Softworks Bund
- c. Proposals for Native Hedgerow Mix
- d. Landscape Specification Sheets
- e. Planting Details in respect of appropriate sowing, establishment and maintenance prescriptions required for:
- f. Wildflower Mix
- g. Wet Wildflower Mix
- h. Native Hedgerow Mix (as per landscaped bund detailed within Bund Landscape Maintenance and Management Manual dated October 2020)

Such details to include existing and retained bund heights, details of any remediation requirements and landscape management proposals for ecological purposes.

Reason

To ensure suitable landscaping and planting is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with policies CS14 and MSGP 37 of the Local Plan for Gateshead.

13

The details of the bund approved under condition 12 (and condition 19 of DC/16/00698/OUT) shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter.

Reason

To ensure suitable landscaping and planting is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with policies CS14 and MSGP 37 of the Local Plan for Gateshead.

14

Prior to the construction of any dwelling above damp proof course, details including the plot numbers of the relevant properties, shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that 36no dwellings (i.e. 25% of the total number of dwellings) will be constructed to meet the Building Regulations M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards.

Reason

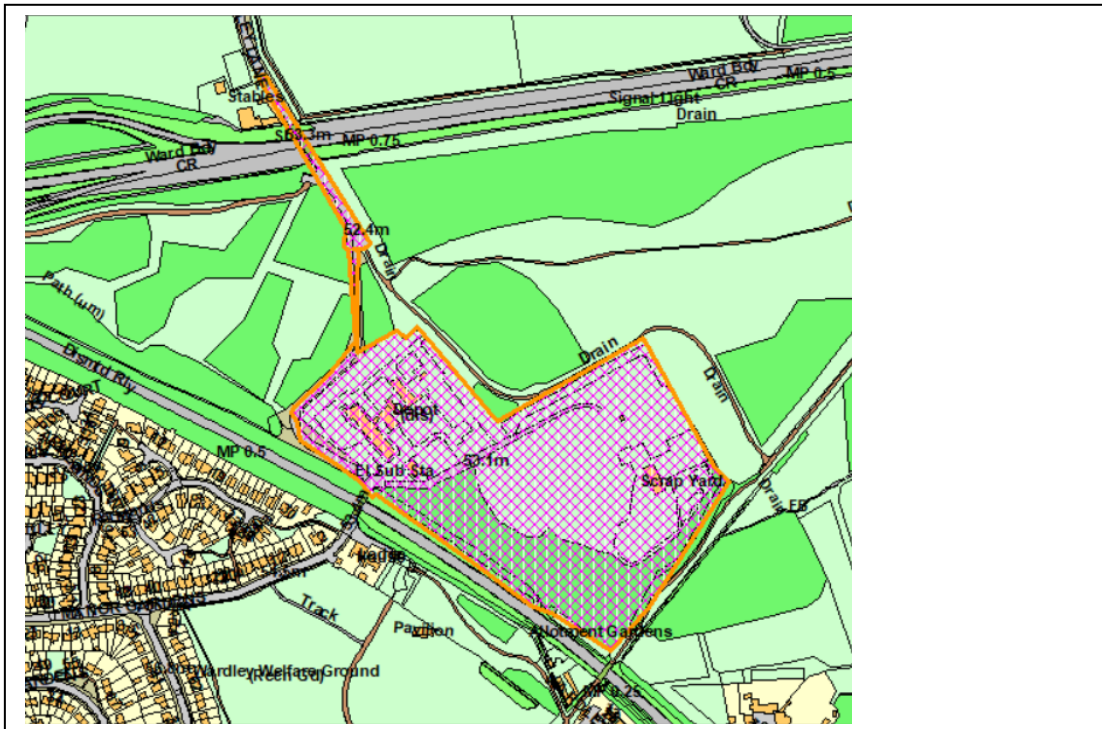
In order to contribute towards improving the overall housing stock of Gateshead and so enabling more residents to live independently for longer in their own homes and to comply with the requirements of MSGP10 of the Local Plan for Gateshead.

15

The 36 dwellings identified in condition 14 shall be constructed in accordance with the details approved for that dwelling.

Reason

In order to contribute towards improving the overall housing stock of Gateshead and so enabling more residents to live independently for longer in their own homes and to comply with the requirements of MSGP10 of the Local Plan for Gateshead.



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**Committee Report**

<b>Application No:</b>	<b>DC/21/00018/FUL</b>
<b>Case Officer</b>	<b>Rebecca Norman</b>
<b>Date Application Valid</b>	<b>11 January 2021</b>
<b>Applicant</b>	<b>Mr George Cooper</b>
<b>Site:</b>	<b>Vacant Land Storey Lane Blaydon-On-Tyne NE21 4NF</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Proposed erection of single detached dwelling including demolition of part of stone boundary wall to enable development (revised application).</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site comprises a plot of land situated between Storey Lane and Stella Lane which is accessed from Stella Road (B6317) to the east.

1.2 The site measures approx. 0.06ha in area and is covered with vegetation, small trees and bark chippings, having previously supported a number of mature trees that were felled pursuant to application reference TREE/19/073. Land levels within the site and wider area rise to the south/south west and the site is elevated above Stella Lane to the south, bordered by a stone retaining wall.

1.3 The application site is bordered by a crescent of semi-detached dwellings along Storey Lane (nos. 1-14) from south west to the north east which face inwards towards the site. There is also a further property (Oak View) to the south west beyond 14 Storey Lane, accessed via Stella Lane. To the south east is St Mary and St Thomas Aquinas Catholic Primary School and to the south is open land contained within Stella Lane Pasture Local Wildlife Site. To the east of the site is the junction of Stella Lane and Storey Lane with the Grade II listed Church of St Mary and St Thomas Aquinas beyond.

1.4 The site is situated within Path Head Conservation Area and the Battle of Newburn Ford 1640 Registered Battlefield.

**1.5 DESCRIPTION OF THE APPLICATION**

The application seeks planning permission for the erection of a four bedroom detached dwelling.

1.6 The proposed dwelling would be situated centrally within the site and would be orientated to face north east. The property would have two storeys to the north side increasing to three storeys to the south, with the front entrance and integral

garage at lower ground floor level. It is proposed that the dwelling be constructed from clay brick with a slate roof and timber windows and doors.

1.7 The application includes the creation of an access from Stella Lane with a driveway accommodating parking for 2no. cars, necessitating the removal of part of the stone retaining wall. The scheme additionally proposes a cycle store within the rear garden and an electric vehicle charging point.

1.8 The application is supported by the following documentation:

- Design and Access/Heritage Statement;
- Coal Mining Risk Assessment; and
- Ecological Impact Assessment.

1.9 The application follows application DC/20/00417/FUL which was withdrawn on 20 August 2020. The scheme has been revised from that previously sought to incorporate a reduction in the width and height of the proposed dwelling by around 2.4m and 0.35m respectively.

1.10 **RELEVANT PLANNING HISTORY**

DC/20/00417/FUL - Proposed erection of single detached dwelling including demolition of part of stone boundary wall to enable development (amended plans 09.07.2020). Withdrawn 20.08.2020

TREE/19/073 - Tree works at land at Storey Lane Stella Blaydon. Determined 03.12.2019

**2.0 Consultation Responses:**

The Coal Authority	No objections
Northumbrian Water	No response received
Historic England	The Historic England Newburn Ford Battlefield research report will be helpful in understanding the impact of the development upon the Registered Battlefield. Specialist Conservation and Archaeological advice should be sought, as relevant.
Tyne and Wear Archaeologist	The site is located within the designated battlefield of Newburn Ford. The proposals will not have a significant impact on any known heritage assets and no archaeological work is required

**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 press and site notices.
- 3.2 One letter of objection and additional comments have been received from Councillor Buckley. These cite the detrimental impact of the development upon the Conservation Area, impacts upon visual amenity, highway safety implications and the overdevelopment of the site, ecological issues and the proximity of the site to the nearby school.
- 3.3 18 letters of objection have been received, including from St Mary & St Thomas Aquinas Catholic Primary School, in addition to which some objectors have submitted additional comments. These are summarised as follows:
- Overdevelopment
  - The development would be imposing and dominate properties on Storey Lane
  - Out of character with Conservation Area
  - Out of keeping with historic character of area
  - Out of character with the streetscene and surrounding properties
  - Inappropriate/harmful development within the Conservation Area
  - Adverse impact on Area of Special Character
  - The proposed development would appear dominant and 'developed' in a rural setting
  - The proposed development would appear as incongruous and awkward in its siting, design, scale, proportions and position
  - The proposed materials would be out of keeping with the surroundings
  - Infill development should be resisted in this area in accordance with the Gateshead Placemaking SPD
  - The site was retained to maintain the integrity of the conservation area and therefore is not 'in the midst of a residential area'
  - Loss of green space
  - The site does not constitute derelict land
  - Impact upon historic views and setting of nearby Grade II listed building
  - Inadequate amount of outdoor space for future occupiers
  - Impact upon residential amenity
  - Overbearing impact
  - Loss of outlook
  - Additional noise and disturbance to residents and school pupils
  - Loss of privacy/overlooking to existing/future occupiers and school pupils
  - Loss of light
  - Impact of cooking smells and odours
  - Disturbance from external lighting
  - Inadequate/narrow access
  - Inadequate car parking
  - Increase in traffic during/following construction
  - Road safety concerns, including to school pupils and parents, during construction
  - Inadequate visibility at entrance to site

- Exacerbation of existing parking and access issues
- Parked vehicles could obstruct emergency access to the school
- Inaccessible cycle storage
- Unsafe pedestrian access to site
- Proximity to school
- Loss of trees
- Loss of habitat
- Harm to biodiversity/wildlife
- Harm to wildlife corridor
- Inaccurate representation of wildlife on the site
- Drainage concerns
- Flood risk concerns
- Impacts/disruption during construction- noise, dust, access, storage of materials, traffic and parking,
- The site is greenfield not brownfield
- Unsustainable development
- Permission should have been refused to fell the trees on the site
- Impact on views
- Health concerns
- The property is not an affordable home, as required by the Government
- Security/vandalism concerns
- No requirement for a house of this size
- Land ownership disputes
- Issues of covenants on the site
- First time housing would be more appropriate in Stella
- Lack of previous site maintenance
- Land stability
- Damage to nearby property

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment



MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP23 Areas of Special Character

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP26 Heritage at Risk

MSGP27 Archaeology

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

MSGP48 Waste Management Facilities - New Dev

IPA17 Conservation Area Character Statements

GPGSPD Gateshead Placemaking Guide SPG

## **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 heritage, design and visual amenity, impacts on the area of special character, archaeology, residential amenity, highway safety, trees, ecology, land conditions, CIL, open space/play provision, and any other matters.

### **5.2 BACKGROUND**

On 19 January 2021 the latest Housing Delivery Test (HDT) results were published. These show that the Council's housing delivery was significantly below the expectations of the National Planning Policy Framework (NPPF). The presumption in favour of sustainable development outlined at NPPF Paragraph 11d) is therefore engaged.

### **5.3 THE PRINCIPLE OF THE DEVELOPMENT**

- 5.4 Housing demand and policy  
Policy CS10 of the Local Plan for Gateshead states that 11,000 new homes (excluding purpose-built student accommodation) will be built in Gateshead over the period April 2010 to March 2030. The proposal would contribute to local housing stock in the Borough and therefore accords with Local Plan policy CS10.
- 5.5 The site is not allocated for any specific purpose in the Local Plan for Gateshead and is therefore classed as a windfall housing site. Having regard to the circumstances of the site, which is located adjacent to an established residential area within proximity of local services and transport links, this is considered to be, in principle, an appropriate location for new residential development.
- 5.6 It is considered that the principle of new housing development on this site would accord with the NPPF, subject to all other material planning considerations being satisfied. Having regard to the circumstances of the site it is further considered that the proposed scheme would be acceptable in terms of NPPF Paragraph 122 and 123 which require development to make efficient use of land.
- 5.7 Housing Choice  
Policy CS11(1) of the Local Plan for Gateshead requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families, with a minimum target of 16,000 new homes to have three or more bedrooms. Local Plan policy CS9 seeks to ensure that existing communities will be sustainable places of quality and choice which should be achieved by, amongst other things, maintaining a range of housing types and sizes throughout the plan area.
- 5.8 The application proposes the creation of a four bedroom property in a sustainable location and therefore accords with policies CS9 and CS11 of the Local Plan for Gateshead.
- 5.9 Residential Space Standards  
Policy CS11(4) of the Local Plan for Gateshead requires that new residential development provides *"adequate space inside and outside of the home to meet the needs of residents"*.
- 5.10 Local Plan policy MSGP12 requires new residential developments to be built in accordance with the Nationally Described Space Standards (NDSS) or equivalent standards, as a minimum, in order to achieve a high standard of amenity and protect the living conditions of residents. The supporting text to MSGP12 (Paragraph 5.8) however explains that the requirement to comply with NDSS is to be introduced one year following the adoption of Making Spaces for Growing Places (MSGP) on 1 February 2021, in order to allow for a period of transition in accordance with national guidance.
- 5.11 The proposed floor plans indicate that the proposed development would fall short of the NDSS technical requirements in that the requisite amount of built-in

storage space would not be provided; notwithstanding this shortfall and given the above policy stance in respect of MSGP12, it is considered that the proposed development would not result in an inadequate amount of internal living space and overall the development would not be harmful to the residential amenity of future occupiers when considering internal space standards

- 5.12 In terms of housing policy, the principle of the development is therefore considered to be acceptable, subject to all other material planning considerations being satisfied.
- 5.13 HERITAGE  
The application site is situated within Path Head Conservation Area and the Battle of Newburn Ford 1640 Registered Battlefield. The site is also adjacent to the Former Stella Hall Estate Locally Listed Park and Garden and within proximity of the Grade II listed St Mary and St Thomas Aquinas church.
- 5.14 NPPF Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.
- 5.15 NPPG explains that the NPPF makes clear that significance derives not only from a heritage asset's physical presence but also from its setting. NPPG further advises that proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to a designated heritage asset is identified, it needs to be categorised as either less than substantial harm or substantial harm in order to identify which policies in the NPPF apply (Paragraphs 194-196). Within each category of harm (which should be explicitly identified) the extent of harm may vary and should be clearly articulated. (NPPG Paragraph: 018 Reference ID: 18a 018 20190723).
- 5.16 NPPF Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. NPPF Paragraph 196 explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, it should be demonstrated that this harm can be justified and outweighed through the provision of public benefits.
- 5.17 Local Plan policy CS15 requires development to contribute to good place making and seeks the conservation and enhancement of the historic environment, which is supported by policy MSGP25.
- 5.18 The application site is a small, irregularly shaped plot of land that is tightly enclosed between Stella Lane and Storey Lane and is closely bordered by the crescent of mid C20 dwellings along Storey Lane, for which the site acts as a green focal point. The site was previously covered with mature trees and dense

vegetation however is now more open but remains uncultivated, with vegetation and small trees. The site is elevated above Stella Lane to the south, bounded by a stone retaining wall, with open land and trees beyond to the south that are also elevated above Stella Lane. The topography within the wider area rises to the west and consequently the site appears as being positioned at a higher level than the properties to the east.

- 5.19 Interim Policy Advice 17 (Conservation Area Character Statements, Strategies and Policy Guidelines) describes Path Head Conservation Area as having been designated to afford recognition and protection to the combination of historic, architectural and ecological sites including the former Stella Hall estate, with its boundary having been drawn to reflect the historic extent of the estate. The Conservation Area includes areas of open countryside as well as buildings, with historic significance extending to archaeological and battlefield movements associated with the Battle of Newburn Ford.
- 5.20 The application site is situated to the northern edge of the Conservation Area to the southern edge of the village of Stella, at the transition of the landscape from urban to rural open land and woods. The Conservation Area also includes the Grade II listed church and terraced dwellings to the east of the site however excludes the adjacent crescent of properties along Storey Lane and the school, and the site is separated from these adjacent areas of the Conservation Area by Stella Lane, which at the point to the south of the site is sunken below the level of the land on either side.
- 5.21 The Design and Access/Heritage Statement states that the site does not form an intrinsic part of the Conservation Area but lies on its periphery. It therefore surmises that due to the site's location there is little visual connection to the wider Conservation Area and that any development on this would not affect the wider Conservation Area "*due to the natural segregation with the 'heritage asset'*". In addition, it is stated that the proposed dwelling would be read in relation to the existing dwellings along Storey Lane which are within the setting of the Conservation Area and would be reflective of their scale, massing and materials and suitably respond to the character of the area.
- 5.22 Officers acknowledge that the application site is separated from other areas of the Conservation Area and consider that the site in itself is not of historic significance; nevertheless, the site does form part of the Conservation Area and Officers consider that this makes a positive contribution to the rural character and appearance of this part of the heritage asset, and facilitates the transition from Stella village and the properties along Storey Lane to the surrounding rural open land that is designated within the Conservation Area.
- 5.23 The trees which previously occupied this site afforded a visual screen and degree of separation of the houses along Storey Lane from the Conservation Area to the south, which is at the same level as the site, separated by the sunken Stella Lane; Officers acknowledge that the removal of these trees has diminished this visual screen however consider that the site in its present form continues to contribute to the character and appearance of the Conservation

Area and allows for a degree of separation to be maintained between the adjacent suburban houses and open land to the south of the application site.

- 5.24 Council Officers are of the opinion that the introduction of the proposed development would erode the rural character of the site, which is significant to the character and appearance of this part of the Conservation Area and facilitates the transition of the developed surroundings to the surrounding rural open land that is contained within the wider Conservation Area. Officers therefore consider that the proposed development would result in less than substantial harm to the character and appearance of this part of the Conservation Area.
- 5.25 Policy MSGP26 refers to Heritage at Risk and identifies sites which are included on the National Heritage at Risk Register, including Newburn Ford Battlefield (MSGP26.1). MSGP26.1 states that the significance of the Battlefield will be protected, sustained and enhanced by: protecting it from development which results in changes to the landscape that adversely affect the interpretation of the course of events during the battle; requiring development to enhance the appearance of the battlefield through the use of landscaping, materials and public access provision; and protecting significant views into and out of the battlefield which contribute to the interpretation and understanding of events during the battle.
- 5.26 The Oxford Archaeology 2018 Historic England project NHPP 4EI: Strategic Research for the Registered Battlefields at Newburn Ford and Boroughbridge: Newburn Ford report provides an appraisal of the Battlefield.
- 5.27 The report divides the battlefield into character areas, with the site being at the overlap between areas 4 and 8. The area of the application site is described as being largely outside of, and of relatively low significance in terms of, the registered battlefield however is viewed as contributing to the overall landscape of the battlefield and is of illustrative value as it helps to illustrate the type of area where English troops retreated to. In particular, the report identifies the view facing west along Stella Lane to the southern side of the application site as being a 'View of High Significance' in the understanding of the battlefield (View 11), with Stella Lane having been referenced in accounts of the battle as one of the historic routes believed to have been taken by the retreating English troops.
- 5.28 The proposed development would result in the introduction of a highly intrusive and prominent feature adjacent to Stella Lane in the context of the identified View 11, which is considered to be highly significant in the understanding of the battlefield for its illustration of a distinct aspect of the battle (the English retreat). Officers therefore consider that this would result in less than substantial harm to the registered battlefield, contrary to the objectives of policy MSGP26.1.
- 5.29 The site is situated some 80m west of the Grade II listed St Mary and St Thomas Aquinas church. It is however considered that the proposed development would not detrimentally impact upon the setting of, or views of, this heritage asset. It is further considered that the proposed development would not have a detrimental impact upon the Locally Listed Park and Garden.

- 5.30 Benefits  
Council Officers consider that the harm to the significance of the heritage asset that would result from the proposed development would be less than substantial. In accordance with NPPF Paragraph 196 it is therefore necessary to balance the harm against any public benefits from the proposal.
- 5.31 NPPG states that public benefits may follow from many developments and could deliver economic, social or environmental benefits, as at NPPF Paragraph 8.
- 5.32 The submitted Design and Access/Heritage Statement states that the impact of the proposed development on the wider Conservation Area would be minimal; this also states that the wider Conservation Area would not be affected by the proposed development due to the site's natural segregation from the wider Conservation Area, and that there would be no significant impact on the registered battlefield
- 5.33 Furthermore, the supporting information states that the development would assist in achieving housing targets in the Borough whilst providing economic benefits from construction jobs and longer-term income and support for local services alongside the provision of a high quality house that would provide the opportunity for local people to construct their own home as a self-build plot.
- 5.34 Council Officers have reviewed the suggested benefits and acknowledge that the development would result in the provision of one family dwelling which would contribute towards the provision of new housing within Gateshead, however the public benefit of a single dwelling is considered to be relatively minor.
- 5.35 It is also accepted that the development would generate some economic benefits through employment associated with construction works however this would not be a substantial benefit given the scale of the development and would also only be temporary, during the construction stage.
- 5.36 Council Officers have considered the public benefits that would arise from the proposal and have weighed these against the identified harm to the designated heritage asset however are of the opinion that the public benefits of the development are no more than limited in weight due to the scale of the development and are not significant enough to outweigh the harm.
- 5.37 It is therefore recommended that planning permission be refused for the proposal on the grounds of less than substantial harm to the Path Head Conservation Area and Battle of Newburn Ford 1640 Registered Battlefield that would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF and policies CS15, MSGP25 and MSGP26 of the Local Plan for Gateshead.
- 5.38 DESIGN AND VISUAL AMENITY

Policy CS15 of the Local Plan for Gateshead requires development to contribute to good place making and seeks the conservation and enhancement of the historic environment. Policy MSGP24 additionally states that the design quality of proposals will be assessed with regards to criteria including: the proposal's compatibility with local character including scale, massing, proportions and form; layout and access; and materials.

- 5.39 Officers consider that as a result of its form, scale, materials and position the proposed dwelling would appear as dominant and incongruous within its setting relative to its surroundings and would be out of keeping with the character, appearance and established crescent arrangement of the properties along Storey Lane, and would represent an overdevelopment of the site. Officers therefore consider that the development would have a detrimental impact upon the general character and appearance of the wider streetscene.
- 5.40 It is therefore considered that the proposed development is unacceptable in terms of design and impact upon visual amenity and would be contrary to the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.41 **IMPACT ON AREA OF SPECIAL CHARACTER**  
Policy MSGP23 of the Local Plan for Gateshead refers to Areas of Special Character, which are places that are identified as displaying positive and unique characteristics which should be retained, enhanced and protected. MSGP23 states that a high level of importance must be given to the design of development within, or affecting the setting of, Areas of Special Character, and that development will be required to maintain or enhance the character of the area and inappropriate development will be resisted.
- 5.42 The Gateshead Placement Supplementary Planning Document (SPD) supports policy MSGP23 and identifies the important aspects of the character of the areas that are to be protected and provides design guidance on development within these areas. The supporting text to policy MSGP23 states that where the type or degree of change resulting from a proposal would have significant adverse impact on these characteristics, permission will normally be refused.
- 5.43 MSGP23.1 designates Stella, Crookhill and Hedgefield as an Area of Special Character; this includes the properties along Storey Lane adjacent to the site however excludes the application site itself, which is therefore within the setting of the area. Within the Stella, Crookhill and Hedgefield Area of Special Character the Placemaking SPD identifies the setting of the area within the rural landscape and states that infill development that would detract from the existing townscape quality and setting of the properties is to be resisted and that the landscaping/semi-rural setting is to be protected.
- 5.44 Officers consider that the proposed development would detract significantly from the setting of the properties along Storey Lane and would therefore not maintain or enhance the identified Area of Special Character. The proposed development would therefore be contrary to the aims and objectives of MSGP23.

#### 5.45 ARCHAEOLOGY

The site lies within an area of archaeological importance within the Registered Battlefield of Newburn Ford 1640. The Historic England battlefield report identifies that there is little archaeological potential within the area given the nature of its relationship to the battle, and that the movements taken across here are likely to have left little archaeological evidence. Records also identify a historic wagonway route (HER 3315) which passes through the site and continues westwards from it.

5.46 It is considered that the proposed development would not have a significant impact on any archaeological remains relating to the battle or other known heritage assets in terms of archaeology, and should planning permission be granted no archaeological work or investigations would be recommended, in accordance with the NPPF and policy MSGP27 of the Local Plan for Gateshead.

#### 5.47 RESIDENTIAL AMENITY

NPPF Paragraph 127 states that that developments should, amongst others, create places that afford a high standard of amenity for existing and future users. Local Plan policies CS14 and MSGP17 additionally require that new development does not have an unacceptable impact upon the amenity of nearby residents.

5.48 A number of representations have been received which object on the grounds that the proposed development would have a harmful impact upon residential amenity.

5.49 The proposed dwelling would be situated around 17.5m from the closest dwellings to the north (nos. 5-8 Storey Lane) which face towards the site, to which the property would present its two storey north side elevation that would contain a first floor non-habitable room window; should planning permission be granted a condition could be imposed requiring this window to be obscurely glazed. The south side elevation would increase to three storeys and would include windows facing towards open land.

5.50 The front (east) elevation of the property would not face directly towards any of the neighbouring dwellings and would have an offset relationship with nos. 1-4 Storey Lane, from which it would be separated by a minimum distance of approx. 19.5m, increasing to around 35m.

5.51 The rear (west) elevation of the dwelling would be positioned around 22m from the properties to the north west (nos. 9-10 Storey Lane), from which it would be offset and between which are situated a small number of trees within the site that are proposed to be retained. The property would be positioned approx. 30m from nos. 11 and 12 Storey Lane, increasing to around 40m from 13 and 14 Storey Lane, also partly separated by these trees and further vegetation and hedging which provide an element of screening.

5.52 Officers recognise that the application would result in the introduction of a dwelling into a site which maintains a close relationship with existing properties



and is previously undeveloped. Having regard for the separation distances that would be afforded between the proposed dwelling and existing properties surrounding the site and its positioning within the site, Officers however consider that the development would not result in any such significant harm to the living conditions of adjacent residents including through any loss of light or overshadowing, loss of privacy/overlooking, overbearing impact or loss of outlook/visual intrusion so as to warrant refusal of the application.

- 5.53 As a result of changing topography the application states that the property would be situated at a higher level than the existing properties to the east (nos. 1-4 Storey Lane) however having regard for the aforementioned separation distances it is considered that this would not result in such a detrimental impact upon amenity so as to warrant refusal of the scheme.
- 5.54 It is further considered that the proposed scheme would afford an appropriate level of amenity to future occupiers of the proposed dwelling.
- 5.55 Given the proximity of the site to adjacent residential properties construction works associated with the development have the potential to impact upon the amenity of nearby residents and site users; this could however be limited by a planning condition requiring the submission of details including controls over dust and noise, access arrangements and working hours, should planning permission be granted.
- 5.56 Representations received have raised additional concerns regarding potential overlooking that could occur to the classrooms and playground of the adjacent school. Officers however consider that given the orientation of the sites relative to one another, the distances involved and presence of trees around the school, such overlooking is unlikely to occur.
- 5.57 A further representation has been received raising concerns regarding the potential for future external lighting and cooking smells and odours associated with the site to give rise to a detrimental impact upon the amenity of nearby occupiers. Given the scale and nature of the proposed development and its relationship to nearby properties it is however considered that the development would give rise to such significant impacts upon the amenity of nearby occupiers in these respects so as to warrant refusal of the scheme.
- 5.58 The proposed development is therefore considered to be acceptable in respect of impact upon residential amenity and would not be in conflict with the NPPF or policies CS14 and MSGP of the Local Plan for Gateshead.
- 5.59 HIGHWAY SAFETY  
NPPF Paragraph 109 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”*.
- 5.60 Access arrangements

Access to the site is gained from Stella Lane via Stella Road, to the north east. Stella Lane serves a number of existing residential properties together with St Mary And St Thomas Aquinas Catholic Primary School and St Mary and St Thomas Aquinas Church which are to the east of the site. The carriageway along Stella Lane varies in width, with some sections unable to accommodate two-way traffic and there are also some gaps in the pedestrian footway.

- 5.61 Stella Lane divides at the eastern boundary of the site, with Storey Lane bordering the site to the north and serving the adjacent properties. Stella Lane continues south west along the southern site boundary towards Hexham Old Road. The section of Stella Lane to the south of the site does not include any pedestrian footway and is a no-through road (except for cycles), with a barrier in place across the road around 100m south west of the site (beyond the access to Oak View) to prevent vehicular through-traffic.
- 5.62 The application proposes the creation of a new access to the development from Stella Lane, to the southern side of the site. The submitted plans demonstrate that the proposed access would afford a 2m x 25m visibility splay, which Officers consider would provide adequate visibility and would be acceptable in highway safety terms.
- 5.63 Car parking provision  
The application proposes the creation of a driveway that would allow vehicles to turn within the site and would provide vehicular parking for 2no. vehicles, in addition to an integral garage. The proposed car parking provision would be sufficient for the development in accordance with the standards referenced by Local Plan policy MSGP15 and is therefore considered to be acceptable.
- 5.64 A number of objections have raised issues relating to the impact of the proposed development upon existing on-street parking provision. Whilst Officers acknowledge that there are existing issues relating to parking within the area Officers consider that the level of parking proposed would be sufficient for the development and there is no evidence that the proposed scheme would impact upon existing parking provision within the area.
- 5.65 Traffic generation  
A number of objections have raised issues in respect of the level of traffic that would be generated by the proposed development, citing existing issues relating to the constraints of Stella Lane together with existing traffic movements and parking issues associated with the adjacent school and church. Whilst noting the constraints of the site Officers are of the opinion that the increase in traffic movements associated with the erection of the proposed single dwelling would not have a significant impact upon Stella Lane or the surrounding highway network and the development is therefore acceptable in terms of traffic generation.
- 5.66 Cycle storage provision  
The application proposes a cycle storage shed within the rear garden of the property. Officers consider this to be acceptable in principle and should

planning permission be granted the final details of this storage provision could be secured by condition.

5.67 Electric vehicle charging

The application proposes the creation of an external electric vehicle charging point to the property. Whilst advocated, this is not a requirement of Local Plan policies CS13 and MSGP15; therefore, should planning permission be granted it would be unreasonable to require the inclusion of conditions to secure the provision of this feature.

5.68 Refuse storage

The application includes space within the curtilage of the wider site for the storage of bins and would allow access for waste collection.

5.69 Other matters

A number of objections have raised issues in respect of highway safety and amenity impacts during the construction phase, in particular due to the proximity of the site to the school and existing parking issues. Notwithstanding information submitted by the applicant indicating the location of a nearby area that could be utilised for the storage of materials and parking of vehicles associated with the proposed development, should planning permission be granted it is considered that such impacts could be limited and mitigated through construction control conditions in relation to the detailed arrangements for the storage of materials and arrangements of parking, access and deliveries to the site and hours of operation.

5.70 Subject to the inclusion of the above conditions it is considered that the proposed development is acceptable in terms of highway safety and would comply with the aims and requirements of the NPPF, policies CS13, MSGP15 and MSGP48 of the Local Plan for Gateshead and the Council's Cycling Strategy.

5.71 TREES

The application site previously benefitted from a number of mature trees which were felled in late 2019/early 2020. A Conservation Area notification (Section 211 notification; reference TREE/19/073) was submitted to the Council in October 2019 seeking the removal or pollarding of these trees, to which no objection was raised, as it was considered that the trees were in poor and hazardous condition which justified their removal and reasonably prevented their retention through the making of a Tree Preservation Order.

5.72 The site at present does not benefit from any significant trees however there are a small number of small trees together with areas of laurel hedging and other vegetation.

5.73 Policy MSGP36 of the Local Plan for Gateshead states that development that would result in the loss of trees will only be permitted where it can clearly be demonstrated that the development cannot be located elsewhere; the need for the development clearly outweighs any harm to the ecological value, landscape

quality or historical importance of the area; and harm can be reduced to acceptable levels through positive mitigation and enhancement measures.

5.74 The application proposes the removal of 4no. small trees within the site. Whilst it cannot be concluded that the proposed development would be in accordance with MSGP36, Officers consider that, on balance, the proposed loss of 4no. trees would not in itself warrant refusal of the application on this basis as the trees to be removed are considered to be of low quality which would not warrant protection under a Tree Preservation Order (TPO) and provide limited ecological, historical or landscape value.

5.75 Having regard to the NPPF and Local Plan policies CS18 and MSGP36 the proposed development is therefore considered, on balance, to be acceptable in respect of impact upon trees.

#### 5.76 ECOLOGY

The application site is located within a designated Wildlife Corridor and immediately adjacent to Stella Lane Pasture Local Wildlife Site (LWS) and is ecologically connected to the wider landscape and larger areas of high quality ecological habitat including hedgerow, woodland and unimproved grassland to the south and west via Stella Lane.

5.77 The application is supported by a Preliminary Ecological Appraisal which provides a description of the habitats present within the site and an assessment of the potential impacts of the proposed development.

5.78 The site in its present form provides limited opportunities for low numbers of species including statutorily protected and priority/notable species including nesting and foraging birds, foraging bats, small mammals and invertebrates.

5.79 Officers consider that the proposed scheme would not have an unacceptably detrimental impact upon ecology to justify the refusal of the scheme on this basis. Should planning permission be granted, Officers consider that conditions and/or obligations could be imposed in order to avoid/reduce the risk of harm to biodiversity during the site clearance and construction phases of the development and to provide ecological enhancements within the site and secure biodiversity net gains as appropriate.

5.80 Therefore the proposal is not in conflict with the NPPF or policies CS18 and MSGP37 of the Local Plan for Gateshead.

#### 5.81 LAND CONDITIONS

##### 5.82 Contaminated land

The application 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 usage, having been previously occupied by agricultural land/open space and subsequently by woodland.

- 5.83 The application is not accompanied by a Preliminary Risk Assessment (PRA); however, given the above assessment Officers consider this to be acceptable. Should planning permission be granted conditions requiring the submission of a PRA and further investigations would not be required beyond those required under the Building Control regime however conditions would be recommended to address any previously unidentified contamination found during construction. The proposal would therefore comply with the aims and requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.
- 5.84 Land stability  
The application site falls within the defined Coal Mining Development High Risk Area and there are therefore coal mining features and hazards which need to be considered in relation to the determination of the application. As such, the application is accompanied by a Coal Mining Risk Assessment.
- 5.85 The Coal Authority has reviewed the submitted Coal Mining Risk Assessment and has raised no objections. As such it is considered that the proposal would comply with the aims and objectives of the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.
- 5.86 COMMUNITY INFRASTRUCTURE LEVY (CIL)  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related.
- 5.87 The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.
- 5.88 OPEN SPACE AND PLAY PROVISION  
Local Plan policy MSGP40 states that new development will ensure that the provision of open space, sports and recreation facilities is able to meet identified needs and sets targets for the provision of such facilities in relation to new housing developments of 10 or more dwellings.
- 5.89 As the proposed scheme seeks the provision of a single dwelling there is therefore no requirement for a contribution towards open space and play provision to be made as part of this development.
- 5.90 ANY OTHER MATTERS  
Objections have been received relating to issues of flood risk and drainage. The site comprises an area of 0.06 hectares and is located in Flood Zone 1, an area at least risk of flooding. There is therefore no statutory requirement for a Flood Risk Assessment or Surface Water Drainage Assessment to be submitted with this application.
- 5.91 The application proposes that surface water would be disposed of via soakaway, with the proposed driveway area constructed from permeable block paving. The development would introduce hard surfacing into a currently

undeveloped site however Officers consider that the proposed drainage method is appropriate and the development would not lead to a significant increase in surface water and there is no evidence that this would result in an unacceptable increase in flood risk.

- 5.92 One objection received has stated that the property should be an affordable home; this is not however a requirement of planning policy.
- 5.93 Matters raised in representations relating to covenants, land ownership disputes, impact on views, security and vandalism concerns, the need for and appropriateness of the location of the development, damage to neighbouring property and a lack of previous site maintenance are not material planning issues that can be taken into account when considering a planning application.
- 5.94 It is considered that all other material planning considerations have been addressed within the main body of the report.

## **6.0 CONCLUSION**

- 6.1 The Council has been unable to demonstrate a five-year supply of deliverable housing land and the provision of an additional dwelling that would result from the proposed development would contribute to the overall housing land supply. Moderate weight can therefore be afforded in the decision-making process to the contribution that the proposed development would make to boosting the supply of housing and providing housing where a five-year housing land supply cannot be demonstrated.
- 6.2 However, Officers consider that this benefit would not clearly outweigh the less than substantial harm to the designated heritage asset, in this case the Path Head Conservation Area and Battle of Newburn Ford 1640 Registered Battlefield, and the application of policies in the NPPF that seek to conserve and enhance the historic environment, provide a clear reason for the refusal of the proposed development in accordance with NPPF Paragraph 11 d) i and footnote 6.
- 6.3 Furthermore, Officers consider that the proposed development would result in harm to the visual amenity of the surrounding area and would not maintain or enhance the setting of the identified Area of Special Character, contrary to the application of policies in the NPPF that seek to achieve well-designed places, ensuring that developments are sympathetic to local character and history and those within the Local Plan for Gateshead.
- 6.4 Taking all the relevant issues into account including representations made by local residents it is considered that the proposed development is unacceptable and is contrary to the aims and objectives of both national and local planning policies and it is therefore recommended that planning permission be refused.

## **7.0 Recommendation:**

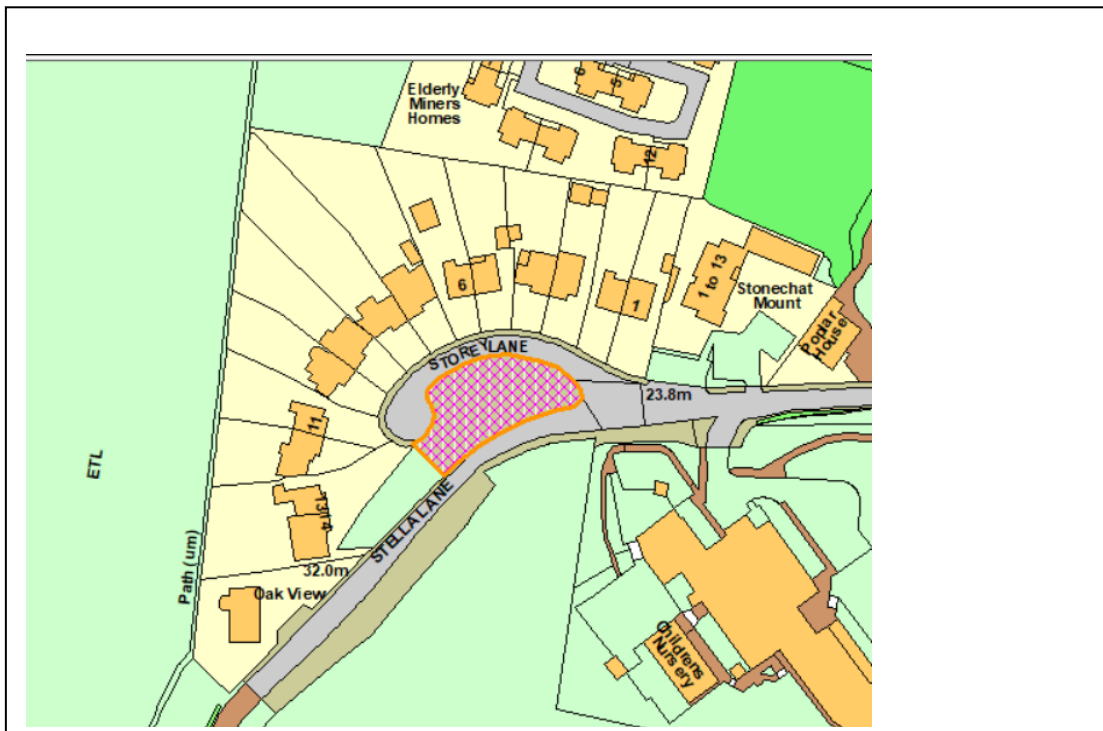
That permission be REFUSED for the following reasons:

1

The proposed development would result in less than substantial harm to the Path Head Conservation Area and Battle of Newburn Ford 1640 Registered Battlefield that would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF and policies CS15, MSGP25 and MSGP26 of the Local Plan for Gateshead.

2

By virtue of its form, scale and location the proposed dwelling would appear as dominant, over-developed and incongruous within its setting relative to its surroundings and would be out of keeping with the character, appearance and established arrangement of the properties along Storey Lane. The development would therefore have a detrimental impact upon the general character and appearance of the wider streetscene. The proposed development would also not maintain or enhance the setting of the Stella, Crookhill and Hedgefield Area of Special Character, and is therefore contrary to the NPPF and policies CS15, MSGP23 and MSGP24 of the Local Plan for Gateshead.



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**Committee Report**

<b>Application No:</b>	<b>DC/21/00069/FUL</b>
<b>Case Officer</b>	<b>Josh Woollard</b>
<b>Date Application Valid</b>	<b>26 January 2021</b>
<b>Applicant</b>	<b>Mr Simon Malhotra</b>
<b>Site:</b>	<b>The Runhead Holburn Lane Ryton Central Ryton NE40 3HJ</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Proposed erection of tipi within beer garden and 1no. timber clad storage container (resubmission).</b>
<b>Recommendation:</b>	<b>GRANT TEMPORARY PERMISSION</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The site is broadly triangular in shape. The Runhead public house building occupies much of the site and is predominantly single-storey with the exception of a two-storey structure. In terms of external finish, white render has been used across the external elevations, along with roof tiles for the roof at single-storey level and a light green pitched roof to complete the two-storey building. Also making up the site is an external area for patrons running along the western boundary of the site and a car park and servicing area within the northern portion of the site.

1.2 Vehicular access into the site is from Holburn Lane which runs along the eastern boundary. Along the southern boundary of the site runs the B6317. Immediately adjacent to the western boundary are the rear gardens of residential properties along The Meadows. To the north, the gable elevations of properties along Holburn Lane bound the site.

**1.3 DESCRIPTION OF THE APPLICATION**

The application proposes the erection of a tipi within the external drinking area to the west of the pub building and the siting of a timber clad storage container. The application is a resubmission of application DC/20/00161/FUL and is therefore identical to the previously approved scheme.

1.4 The tipi would be formed from a light beige/brown canvas and would have two peaks with a maximum height of approximately 7.4m which would taper down to a central covered area. The tipi would be approximately 22.3m long. Within the tipi would be a seating area for patrons of the pub and a bar. The capacity of the tipi would be circa 50 people.

1.5 The application also proposes the siting of a storage container against the southern boundary of the site. The container would be approximately 2.6m in height, 2.4m deep and would be 12.1m in length. In terms of external finish, the container would be clad in timber.

#### 1.6 RELEVANT PLANNING HISTORY:

253/89 - Erection of conservatory and provision of new entrance at rear of public house, alterations to front elevation incorporating new fascia boarding, window detailing and timber cladding plus additional car parking area to the rear - Granted 15.05.1989

521/01 - Construction of childrens play area within courtyard of public house (retrospective application) - Granted 28.06.2001

DC/07/00245/FUL - Refurbishment of public house including construction of pitched roof at rear, construction of ramp at rear, new facade to front, construction of canopies at rear and sides and formation of external seating area at front and car parking to the north-east of the site. Retrospective application - Granted 05.07.2007

DC/20/00161/FUL -Proposed erection of tipi within beer garden and 1no. timber clad storage container (additional info 05.11.20, 19.11.20, description amended 10.11.20) - Grant Temporary Permission 17.12.2020

## 2.0 Consultations

No consultations have been received.

## 3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 6 letters of representation have been received which object to the proposed development.

3.3 The objections are summarised below:

- Increase in customer numbers and noise/disturbance
- Increase in traffic
- Tipi to be located within a designated buffer zone between pub and houses. A high earth bank and laurel bushes were removed some years ago from buffer zone
- Measurement of sound by ear as part of Noise Management Plan is subjective
- Out of character with street scene

## 4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

MSGP36 Woodland, Trees and Hedgerows

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

- 5.1 The key issues to be considered in the determination of this planning application are considered to visual amenity, residential amenity, and highway safety.
- 5.2 **VISUAL AMENITY**  
The proposed tipi would be set within the curtilage of the pub. In terms of the design of the tipi, it would be of a traditional design, with fabric stretched over a frame to create two peaks which resemble a pyramid shape, with a central covered area, lower in height. The open face of the tipi would front the pub. Internally, a bar would be installed, with furniture for patrons.
- 5.3 A hedge runs along the southern boundary of the site whilst the south-west and western boundary is characterised by mature tree coverage. As a result, the tipi would benefit from some screening but would still be visible.
- 5.4 In terms of materials and appearance, the tipi canvas would be a light beige/brown colour which is considered to be sympathetic to the tree coverage on site and the white render used to finish the two-storey element of the pub building.
- 5.5 The application also proposes the siting of a storage container against the southern boundary. The container would be approximately 2.6m in height and would benefit from screening by the hedge which runs along the southern boundary. Notwithstanding the screening, the container would be clad in timber which is considered to both soften its appearance and complement the tree coverage on site.

5.6 As such, it is considered that the proposal would be acceptable and would comply with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

5.7 RESIDENTIAL AMENITY

Objections received in relation to this application raise concerns with regard to increased noise and disturbance resulting from patrons congregating outside, music being played, and events being held.

5.8 With regard to patrons congregating outdoors and within the tipi, the external area is already available for use by patrons and this is demonstrated by the presence of approximately seven tables, two of which are situated on the western boundary. It is acknowledged that through the erection of a tipi and the subsequent creation of a covered external seating area and the installation of a bar that it is more likely to encourage patrons to congregate outdoors and therefore appropriate mitigation must be in place.

5.9 Paragraph 010 (Reference ID: 30-010-20190722) of the NPPG states:

"In general, for developments that are likely to generate noise, there are 4 broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building."

5.10 With regard to engineering measures, the foundations will be non-intrusive, consisting of uplifting the grassed area and laying an area of hardstanding, and as a result, the mature tree line along the western boundary will be retained which would provide some barrier for the residential properties to the west.

5.11 With regard to layout, there is no other location within the site where the tipi could be located. As submitted, the tipi would be located between 4-5m from the western boundary of the site. The rear elevation of properties along The Meadows are located a further 10-15m from the boundary. The entrance to the tipi would face the pub with the fabric of the tipi tapering down towards the western boundary which would provide some reduction in noise.

5.12 In terms of planning conditions, officers recommend that the tipi not be used between the hours of 22:00 and 08:00 (condition 6), that no live entertainment, amplified sound system or similar equipment shall be used or installed within

the tipi (condition 10), and that the tipi be managed in complete accordance with the submitted Noise Management Plan (condition 7).

- 5.13 Further to the above, paragraph 014 (Reference ID: 21a-014-20140306) of the NPPG states:

"Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only...

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area..."

- 5.14 It is recommended that planning permission be granted for a temporary period of 1 year in order to assess the effect of the development on neighbouring residential properties and in particular those to the north and west.

- 5.1 Paragraph 014 (Reference ID: 21a-014-20140306) of the NPPG goes on to state:

"It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities)"

- 5.16 If members elected to grant a temporary planning permission, this would be the second temporary permission for the proposal. The application is a resubmission of the previously approved scheme. Given changing circumstances with regard to the COVID-19 pandemic and specifically the inability for the development to have been used for any extended period of time, it is considered be reasonable and justifiable to grant a further temporary 1 year permission. Officers recommend that the 1 year period commences on the date of the first use of the development/tipi as opposed to from the date of the decision to give the applicant the opportunity to open for a full period of 1 year. In turn, this will allow the Council to form a better assessment on how the development integrates with the adjacent sensitive receptors.

- 5.17 Based on the above assessment, it is considered that, subject to a temporary 1 year permission and the suggested planning conditions, the proposed development would be acceptable and would comply with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

- 5.18 HIGHWAY SAFETY

The application proposes no changes to the existing access or parking layout.

- 5.19 The capacity of the tipi would be circa 50 patrons. However, it is considered that the proposed development would not result in an additional 50 trips to the pub as it could be assumed that some existing customers of the pub would use the tipi. Furthermore, the application site is considered to be located within a sustainable area, circa 350m from Ryton local centre to the west, and close to a

large residential catchment area where it could also be assumed that patrons of the pub could walk to. As such, it is not considered that the proposal would result in a significant intensification of the use and that the existing parking arrangement would be suitable to support the proposal.

5.20 Based on the above, it is considered that the proposed development would be acceptable and would comply with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

5.21 **OTHER MATTERS**

One objection states that an earth bank and laurel bushes have been removed which constituted a designated buffer zone between the pub and the houses to the west.

5.22 A built-up mound with vegetation did exist on the site of the proposed tipi and extended to the north of the site. However, as part of the refurbishment of the pub in 2007 this area was removed. To the north of the proposed tipi, the mound was removed to relocate the parking area closer to the western boundary. On the site of the proposed tipi, the approved plans state 'all low level vegetation to be removed, ground levelled where necessary and new lawn laid'. As such, the tipi would not be located within a designated buffer zone and would not breach a planning condition associated with a previous approval.

5.23 One further objection raises concerns with regard to deliveries.

5.24 There would be no change to the existing delivery arrangements.

**6.0 CONCLUSION**

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted for a temporary period of 1 year, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

**7.0 Recommendation:**

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

1

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

- Location Plan
- Existing Site Plan
- 300/P3 Proposed Elevations
- 102/P3 Proposed Site Plan

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

Reason

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

2

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

Reason

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

3

The consent hereby granted shall be for a limited period only of 1 year from the date of the first use of the tipi. On the expiration of this period, the use of the tipi shall cease. The tipi and storage container shall be removed and the site returned to its former condition within three months of the date of expiry. The Local Planning Authority shall be notified of the first use of the development, in writing, no less than one week prior to its first use.

If the tipi is brought into use, without the date of first use having been notified to the Local Planning Authority, the date of first use shall be taken as being the date of this decision.

Reason

The development is not considered to be suitable for a permanent permission and to ensure that site is restored to its former condition in the interests of residential and visual amenity in accordance with NPPF and policies CS14, CS15, MSGP18 and MSGP24 of the Local Plan for Gateshead.

4

The development hereby permitted shall be constructed entirely of the materials detailed on the submitted Application Form and the storage container shall be clad in timber prior to first use of the development hereby permitted.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

5

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

6

The development hereby approved shall not be used between the hours of 22:00 and 08:00.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

7

The development hereby approved shall be managed in complete accordance with the submitted Noise Management Plan Revision C.

Reason

To ensure that measures and operating policies are in place to protect the residential amenity of nearby properties in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

8

Prior to the installation of any lighting related to the use of the tipi, including illumination of the route to and from the tipi and/or storage container, security and decorative lighting (except for any lights to be installed inside the tipi and storage container), full details of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include sufficient information to demonstrate that there would be no light spillage beyond the site boundaries

Reason

In the interest of residential amenity to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

9

The new lighting approved under condition 8 shall be installed in accordance with the approved details.



Reason

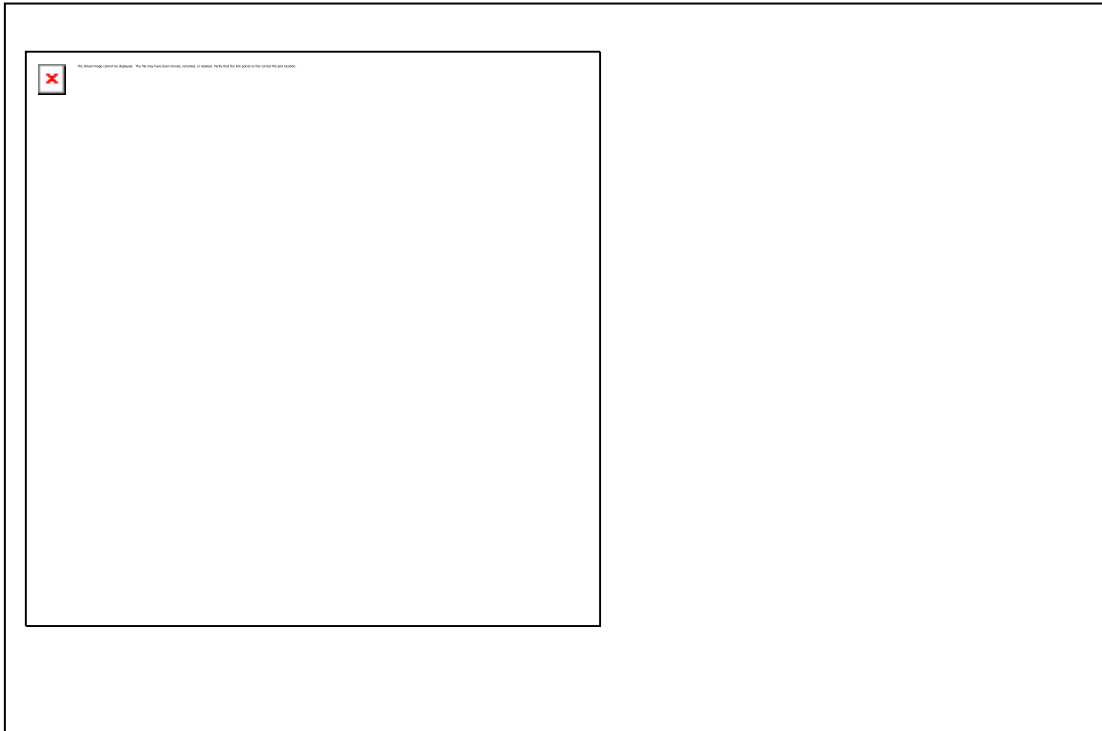
In the interest of residential amenity to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

10

No live entertainment, amplified sound system or similar equipment associated with the development hereby approved shall be installed or used within the tipi at any time.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.



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