

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 7 April 2021 at 10.00 am in the <https://youtu.be/mAF8JnNb-Cg>

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 24 February 2021 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 6) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Former Wardley Colliery, Wardley Lane, Felling, Gateshead, NE10 8AA (Pages 7 - 26)
4ii	No. 2 - Virtuoso Doors Ltd, Unit 13, Follingsby Close, Follingsby, Felling, NE10 8YG (Pages 27 - 34)
4iii	No. 3 - Lands at & to the rear: 21 & 23 Monkridge Gardens with Disused Pavilion & Hardstanding off Monkridge Gardens, Dunston Hill, NE11 9XE (Pages 35 - 54)
4iv	No. 4 - Oakwood, St Mary's Terrace, Heworth, Gateshead NE10 0NN (Pages 55 - 64)
4v	No. 5 - The Runhead, Holburn Lane, Ryton, NE40 3HJ (Pages 65 - 74)

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PLANNING AND DEVELOPMENT
COMMITTEE
7 April 2021

TITLE OF REPORT: Planning applications for consideration

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

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/19/00813/REM	Former Wardley Colliery Wardley Lane	Wardley And Leam Lane
2. DC/20/01055/FUL	Unit 13 Follingsby Close	Wardley And Leam Lane
3. DC/20/01183/FUL	Lands At & To The Rear: 21 & 23 Monkridge Gardens With Disused Pavilion & Hardstanding Off Monkridge Gardens	Dunston Hill And Whickham East
4. DC/21/00075/COU	Oakwood St Marys Terrace	Felling
5. 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 1st 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

Application No:	DC/19/00813/REM
Case Officer	Tom OConnor
Date Application Valid	20 August 2019
Applicant	Persimmon
Site:	Former Wardley Colliery Wardley Lane Felling Gateshead NE10 8AA
Ward:	Wardley And Leam Lane
Proposal:	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, 11/06/20 and 09/03/21).
Recommendation:	GRANT
Application Type	Approval of Reserved Matters

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

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 9).
- 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 T and comprise:

600mm 'race course' style timber fencing
1800mm masonry with vertical fence panels
1800mm masonry with horizontal fence panels
1800mm high close board
1800mm masonry wall with fence panels and stone cap to brick pillars
600mm high black estate railings to contain gardens

5.33 The proposed boundary treatments are considered to be acceptable.

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 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."

5.37 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.

5.38 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.

- 5.39 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.
- 5.40 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).
- 5.41 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 5 and 6).
- 5.42 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.
- 5.43 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 10).
- 5.44 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.

- 5.45 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.
- 5.46 **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.
- 5.47 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".
- 5.48 **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.
- 5.49 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.
- 5.50 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.
- 5.51 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.
- 5.52 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.
- 5.53 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.

5.54 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.

5.55 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 8.

5.56 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.

5.57 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.

5.58 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.

5.59 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.

5.60 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.

5.61 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.

5.62 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.

5.63 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 T
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

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 T 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

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..

6

All hard and soft landscaping works shall be completed in full accordance with the landscaping scheme approved by condition 5, 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..

7

The details approved under condition 5 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..

8

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.

9

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.

10

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

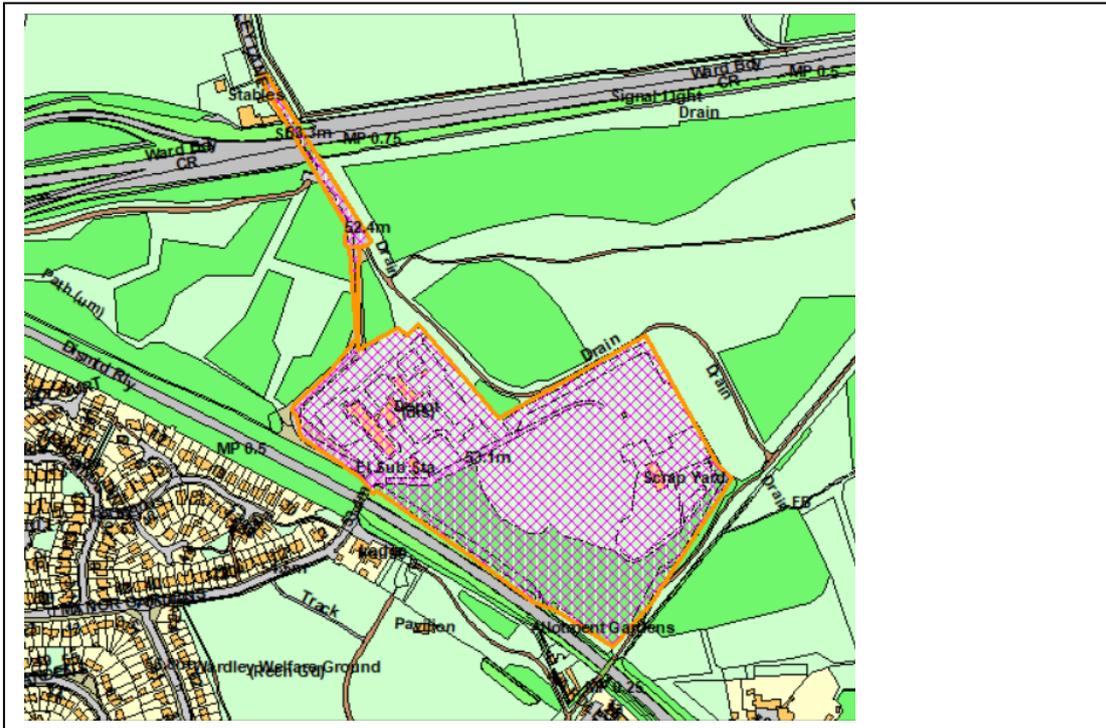
accordance with the NPPF and in accordance with policies CS14 and MSGP 37 of the Local Plan for Gateshead.

11

The details of the bund approved under condition 10 (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.



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REPORT NO 2

Committee Report

Application No:	DC/20/01055/FUL
Case Officer	Tracy Long
Date Application Valid	17 November 2020
Applicant	Virtuoso Doors Ltd
Site:	Unit 13 Follingsby Close Follingsby Felling NE10 8YG
Ward:	Wardley And Leam Lane
Proposal:	Change of use from warehouse (use class B8) to manufacture of GRP Doors & PVC Door Infill Panels (use class B2) extension to the hardsurfaced yard at the northern end of the site, new substation and dust extraction plant to the north east of the building.
Recommendation:	GRANT
Application Type	Full Application

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

1.2 The application site, which measures 1.8 hectares, comprises a large, detached warehouse building (with a gross internal floor area of 18,852 m²) at unit 13 Follingsby Close at Follingsby Park Industrial Estate, north of Follingsby Lane. The site was previously occupied by Barbour as a distribution centre (use class B8) a storage and distribution use.

1.3 Vehicle access is from the south of the site off Follingsby Close. Car parking (65 spaces) are provided at the south east of the site, to the south of the warehouse building. An internal access road links the car parking area to a hard surfaced unloading/ loading area to the north east of the building.

1.4 The site is situated within Follingsby Park Industrial Estate, which is an industrial / commercial area. The site is therefore surrounded by other commercial, industrial, and warehouse buildings, with the A1 to the north west of the site and an undeveloped plot to the immediate south west of the site.

1.5 This application is being presented to the Planning and Development Committee due to the size of the application site, which is more than 1 hectare.

1.6 DESCRIPTION OF THE APPLICATION

1.7 This planning application proposes to change the use of the site from a warehouse for storage and distribution (use class B8) to general industry (use class B2). The applicant is Virtuoso Doors Ltd who wish to use the building to manufacture GRP doors and PVC door infill panels. The use of the building would be on a 24 hour basis.

1.8 A number of physical external alterations are proposed in association with the proposed change of use including:

- A new external substation to the north east of the building
- New external dust extraction plant to the north east of the building
- An extension to the external hard surfaced yard at the northern end of the site

1.9 New Sub Station

The proposed sub station is positioned immediately adjacent the north east elevation of the building and measures 3.9 metres wide by 6 metres deep by 2.7 metres high.

1.10 New Extraction Plant

New extraction plant is required to remove dust from the building. The proposed extraction plant is positioned to the north east of the building measuring 11.5 metres high. The extraction plant would be viewed against the existing building, which measures 14 metres to eaves height.

1.11 Extension to Existing Yard

A new external concrete area, which measures 1049 m² is proposed as an extension to the existing delivery yard to the north east of the building, at the northern end of the site. This additional hard surfaced area is required to create a platform for the new extraction system to sit on, as well as providing additional space for loading and unloading to take place within the site.

1.12 The planning application was submitted with the following supporting information:

- Application form
- Covering letter
- Technical details of the proposed extraction plant
- Transport Statement / Technical Transport Notes
- Travel Plan
- CIL form

1.13 RELEVANT PLANNING HISTORY

None.

2.0 Consultation Responses:

Highways England No objection.

3.0 Representations:

3.1 The Council sent neighbour notification letters to 8 businesses surrounding the site on 24 November 2020, as well as displaying 3 site notices around the site on 27 November 2020. A notice also appeared in the Newcastle Journal on 19 December 2020.

3.2 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS6 Employment Land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP2 Key Employment Areas

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

5.0 Assessment of the Proposal:

5.1 MAIN ISSUES

5.2 The main planning issues are considered to be the principle of a B2 general industry use in a key employment area, along with the acceptability of the proposal from a transport, amenity and design point of view.

5.3 PRINCIPLE OF B2 USE

5.4 The site is situated within Follingsby Park, which is allocated as a key employment area on the Council's Local Plan Policies Map. Policy MSGP 2.2 of

the Local Plan for Gateshead states that within the northern part of the Follingsby key employment area (area north of Follingsby Lane) proposals for B2 use will be supported where they would be compatible with Follingsby Park's role as a strategically important distribution park.

- 5.5 Given that this site is located north of Follingsby Lane, Council officers are of the view that the change of use to a B2 general industrial use would be compatible with Follingsby Park's role and would also help to contribute to the continued success of the key employment area. This proposal would accommodate a new business in the B2 classes which is critical in supporting economic growth in key sectors of the Gateshead economy. The proposal will also bring economic benefits as the submitted application form states that this proposal is likely to create 100-120 jobs.
- 5.6 The proposed change of use is therefore considered to be acceptable in principle and accords with the aims and objectives of policies CS6 and MSGP2 of the Local Plan for Gateshead.
- 5.7 TRANSPORT ISSUES
- 5.8 There is no change proposed to the existing vehicle access to the south of the site off Follingsby Close, which is considered to be acceptable.
- 5.9 The existing car parking area to the south of the building, which provides 65 car parking spaces is to remain. A condition (CONDITION 3) has been recommended requiring the final layout of the car parking area to be approved, to ensure that it can provide electric vehicle charging points, cycle parking provision, motor cycle parking provision and accessible parking bays.
- 5.10 The information submitted shows that there is adequate space in the site for servicing to safely take place.
- 5.11 A Transport Statement and Technical Transport Notes have been submitted as part of the application which consider the number and likely distribution of the vehicle movements associated with the proposed B2 (general industrial) use. Council officers and Highways England have however considered alternative trip rates to those presented by the applicant when considering the highway impacts of the proposed development.
- 5.12 The proposed change of use would result in some additional vehicle movements, when compared with the previous B8 warehouse use of the site. However Council officers are of the opinion that the additional transport movements can be accommodated on the local roads and would be unlikely to impact significantly on the wider transport network.
- 5.13 Highways England have been consulted as the site is immediately adjacent to the A1. Initially Highways England issued a holding objection. Following receipt of additional technical transport notes, this holding objection was withdrawn. Highways England have now confirmed that they have no objection to the proposal.

- 5.14 A Travel Plan has been submitted as part of the application. Council officers consider that changes are required to the Travel Plan for it to be acceptable. A condition (CONDITION 5) has therefore been recommended to agree a revised travel plan for the site, to promote sustainable travel.
- 5.15 Subject to the planning conditions relating to the final layout of the car park and a revised travel plan, the proposed development is considered to be acceptable from a transport point of view. It is therefore considered that the proposal accords with the transport aims and objectives of the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan for Gateshead.
- 5.16 AMENITY ISSUES
- 5.17 Technical details of the proposed extraction plant have been provided as part of the planning application and have been reviewed by the Council's Environmental Health officers. It is considered that the proposed extraction plant is acceptable from both a noise and air quality point of view.
- 5.18 It is therefore considered that the proposed B2 (general industrial use) of this site, together with the proposed physical works would not harm the amenity or operation of any adjacent business uses.
- 5.19 The proposed development is therefore considered to be acceptable from an amenity point of view and accords with the amenity aims and objectives of the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.20 DESIGN ISSUES
- 5.21 The scale, design, location and materials of the proposed physical works including the new substation, extraction plant and extended service yard are all considered to be appropriate for an industrial use in a commercial, employment area.
- 5.22 The physical works proposed as part of this application in association with the proposed change of use are therefore all considered to be acceptable from a design point of view and accord with the design aims and objectives of the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.23 COMMUNITY INFRASTRUCTURE LEVY (CIL)
- 5.24 On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related development. As such no CIL charge is liable.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable and accords with both national and local planning policies.
- 6.2 It is therefore recommended that planning permission be granted subject to the conditions below.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, delete, 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 -

1:1250 site location plan dated 16 April 2018

000 001 general layout dated 5 Nov 2020

Detail 01 Extraction Elevations on drawing 001 001 dated 5 Nov 2020

Substation – substation drawing received 17 Dec 2020.

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

Reason

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

2

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

Reason

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

3

Notwithstanding the submitted information, prior to the occupation of the building as a B2 use for general industry the final layout and details of the car parking area shall be submitted to and approved in writing by the Local Planning Authority which shall include :

- a at least 2 electric vehicle charging points
- b secure and weather proof cycle parking
- c secure motor cycle parking
- d at least 2 accessible parking spaces

Reason

To ensure that adequate facilities are provided and to promote sustainable travel, having regard to the requirements of policies CS13 and MSGP15 of the Local Plan for Gateshead.

4

The parking layout approved under condition 3 including the approved details relating to items a - d in condition 3 shall be provided prior to the B2 use of the building and site being brought into use.

Reason

To ensure that adequate facilities are provided and to promote sustainable travel, having regard to the requirements of policies CS13 and MSGP15 of the Local Plan for Gateshead.

5

Prior to the occupation of the building as a B2 (general industrial) use a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

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

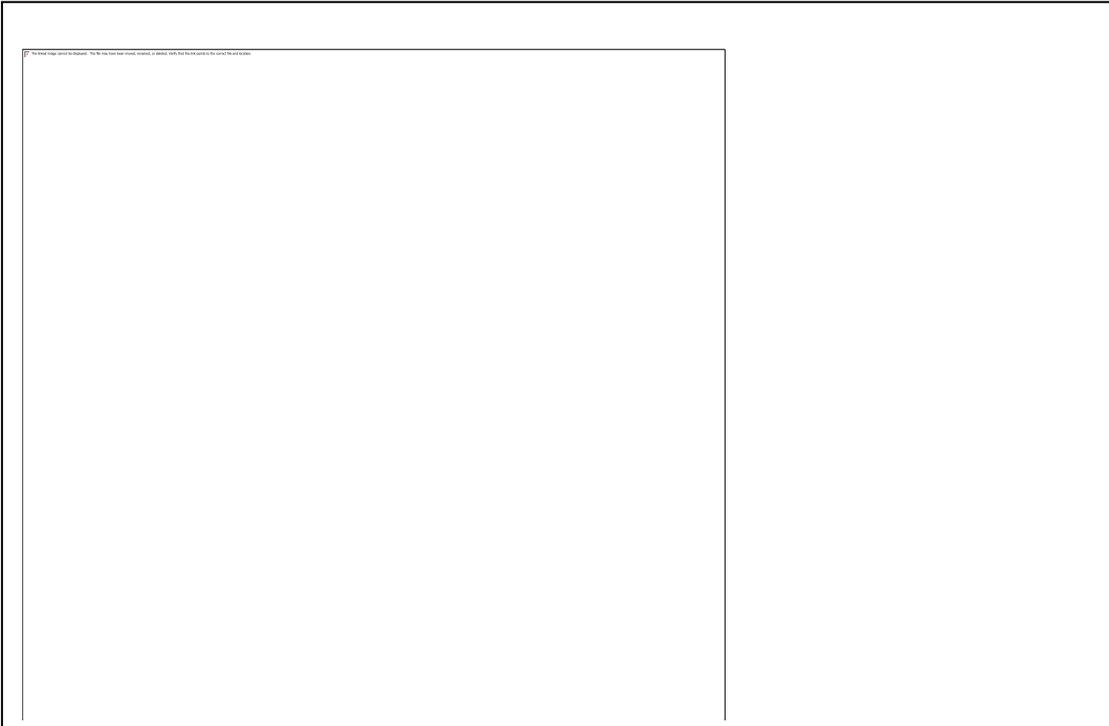
- 1) Initiatives to reduce car usage and increased use of public transport, walking and cycling;
- 2) Minimal operational requirements for car parking
- 3) More environmentally friendly delivery and freight movements;
- 4) A programme of continuous review of the approved details of the Travel Plan through the Council's preferred monitoring system and the implementation of any approved changes to the plan.

The revised Travel Plan should clearly state that the applicant/occupier will provide an annual budget to the appointed Travel Plan Co-ordinator to ensure that they can meet the targets sets.

Evidence of the travel plans implementation over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

In promote sustainable travel and to accord with the NPPF and policies CS13 and MSGP14 of the Local Plan for Gateshead.



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Committee Report

Committee	DC/20/01183/FUL
ReportApplication No:	
Case Officer	David Morton
Date Application Valid	30 December 2020
Applicant	Mr Anthony Lang
Site:	Lands At & To The Rear: 21 & 23 Monkridge Gardens With Disused Pavilion & Hardstanding Off Monkridge Gardens Dunston Hill Gateshead Borough NE11 9XE
Ward:	Dunston Hill And Whickham East
Proposal:	Full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular & pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (amended 08/03/21).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:**1.1 BACKGROUND**

The application follows two previously refused applications, the first being application DC/17/01358/OUT, the outline application was refused by Planning Committee in March 2018 based upon the scheme's unacceptable design, the development's impact on residential amenity, it's impact on highway safety and the lack of information submitted regarding flood risk and drainage. The decision to refuse the application was appealed to the Planning Inspectorate and was subsequently dismissed in December 2018, with the Inspector concluding:

"I have considered all matters that have been raised, but the benefits that would arise [as a result of the development] would not outweigh the harm to the living conditions of the occupiers of Nos 21 and 23 [Monkridge Gardens], and the risk of flooding. For these reasons, I conclude that the proposal conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed."

1.2 The second outline application, DC/19/00634/OUT, was refused in September 2019 following consideration by the Planning and Development Committee (overturning the officer recommendation). The application was refused based upon the development's "... unacceptable visual impact on the application site and wider area..." This decision was appealed to the Planning Inspectorate and was allowed, subject to conditions, with the Inspector concluding; "... the

overall visual effect would not cause any significantly adverse effects on the quality of the street scene" and "... the proposal would not cause harm to the character and appearance of the area."

1.3 The latest submission is a full application which is entirely separate from the extant outline approval.

1.4 DESCRIPTION OF THE SITE

The majority of the application site is located to the rear of properties located on Monkridge Gardens (to the north) and Woodside Gardens (to the south). The application site also includes land currently within the curtilage of 21 and 23 Monkridge Gardens.

1.5 The majority of the application site is made up of hardstanding, consistent with the most recent use of the site as an area used as tennis/basketball courts and play-areas. Some structures associated with this use remain in situ however the use of the site by local residents has ceased; currently there is only pedestrian access to the east of the site off Monkridge Gardens.

1.6 DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for the erection of nine dwellinghouses with associated accesses and works.

1.7 The application proposes that the houses located around a single shared surface, with the vehicular access being taken from Monkridge Gardens to the north of the site, by the creation of a shared vehicle and pedestrian access between 21 and 23 Monkridge Gardens. The existing pedestrian access into the site is a narrow (2.5m wide) gated lane located between 9 and 11 Monkridge Gardens. This is indicated as being retained as a pedestrian access into the site.

1.8 The proposed dwellings are of a simple and modern design, all properties are two-storey in nature and would be constructed in brick, tile and render.

1.9 The following documents have been submitted by the applicant in support of the application:

- Planning Support, Design and Access Statement;
- Drainage Report;
- Coal Mining Risk Assessment;
- Ecological Assessment & Bat Survey;
- Contaminated Land Risk Assessment;
- Noise Impact Assessment
- Transport Statement

1.10 PLANNING HISTORY

The planning history of the application site summarised as follows:

- DC/17/01358/OUT; Application refused for outline planning permission for 'Outline planning permission with all matters reserved

for the clearance, lowering and levelling of site and the erection of up to 10 dwelling-houses, with new shared-surfaced vehicular and pedestrian access.' Date; 07/03/2018.

The application was refused based upon the scheme's design, the development's impact on residential amenity, it's impact on highway safety and the lack of information submitted regarding drainage. An appeal against the decision to refuse permission was subsequently dismissed by the Planning Inspectorate on 17 December 2018.

- DC/19/00634/OUT; Application refused for outlined planning permission for 'Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwellinghouses, with new shared-surface, new vehicular and pedestrian access, demolition of 23 Monkridge Gardens and formation of new blank supporting gable wall to 25 Monkridge Gardens.' Date; 04 September 2019.

The application was refused based upon the scheme's impact on the streetscene. An appeal against the decision to refuse was subsequently allowed by the Planning Inspectorate on 28 April 2020.

2.0 Consultation Responses:

Northumbrian Water	No objection subject to condition(s).
Tyne and Wear Fire and Rescue	No objection.
Tyne and Wear Archaeology	No objection.
Coal Authority	No objection.
Northumbria Police	Awaiting response (to be provided as update).
NEDL	Awaiting response (to be provided as update).

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.

3.2 A total of 11 objections to the proposal have been received and are summarised as follows:

- The opening up of the secondary pedestrian access would result in additional disturbance;
- The proposal would result in light pollution;

- The proposed development would lead to increased overlooking, both of the proposed dwellings and from the proposed footpath;
- The opening of the pedestrian access will result in additional crime/anti-social behaviour;
- There are land stability issues;
- The proposed development would result in loss of property value and increased insurance costs;
- The proposed dwellinghouses would be overbearing;
- There are currently flooding issues on site; and
- It will be difficult for works vehicles to access the site.

3.3 A total of 9 letters of support have been received and are summarised as follows:

- The proposal would be an asset to the area;
- The proposed development would prevent congregation of 'adolescents' and reduce anti-social behaviour;
- The proposal would remove an eyesore and be a positive for the community;
- The shared access is forward thinking and a good solution;
- The impact of traffic would be low given the number of proposed dwellings; and
- The new layout of existing dwellings (21 and 23 Monkridge Gardens) is welcomed.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP39 Protecting Open Space/Sport/Recreation

MSGP40 Provide/Enhance Open Space/Sport/Rec

5.0 Assessment

5.1 The main planning issues in this case are considered to be the principle of development and the impact on design, residential amenity, highways, flood risk, contaminated land, ecology as well as other material planning considerations.

5.2 PRINCIPLE OF THE DEVELOPMENT

5.3 Loss of Sports Facilities

The application site was formerly identified as an outdoor sports facility under Policy CFR17 of the now superseded UDP. However, given the lack of usability of the site and the extant planning approval which exists (DC/19/00634/OUT). The site is no longer identified as an outdoor sports facility within the Local Plan.

5.4 Windfall Housing

The site, in question, is not allocated for any specific use, and therefore the development of the site for residential purposes would form a windfall site.

5.5 In order to promote the development of a good mix of sites, paragraph 68(c) of the NPPF advises that local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

5.6 Family Homes

Core Strategy and Urban Core Plan (CSUCP) policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The proposed layout comprises entirely of family homes, with a mix of three and four bedroomed properties. Therefore, the application complies with policy CS11(1).

- 5.7 Residential space standards
Policy CS11(4) requires that new residential development provides "*adequate space inside and outside of the home to meet the needs of residents*". Further, Policy MSGP12 requires all new homes to be built in accordance with Nationally Described Space Standards (NDSS), however the supporting text is clear that;
"These standards will be introduced one year after the adoption of the Plan to allow for a period of transition in accordance with national planning guidance."
- 5.8 It is considered that all proposed dwellinghouses provide an acceptable gross internal area (GIA) complying with NDSS standards, and it is on this basis that all properties are considered to provide adequate space both internally and externally in accordance with Policies CS11(4) and MSGP12 of the Local Plan for Gateshead.
- 5.9 DESIGN
Policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character. Further, Policy MSGP24 requires that all new development ought to be considered against the following criteria; the development compatibility with the surrounding area, layout and access, spacing and public realm, detailing and materials and landscaping.
- 5.10 The proposed layout differs from the indicative layout tabled as part of the previous outline applications. The scheme now proposes the erection of nine houses as opposed to the 10 proposed in the previous schemes. This said, the proposal sticks to the same principles by introducing shared surface highways for use by pedestrians and vehicles.
- 5.11 However, the proposed layout is significantly more refined than those tabled as part of earlier applications. It is considered that the layout deals with the site constraints well and delivers an appropriate quantum of development for the site. Overall, it is considered that the proposal would provide an appropriate design solution, commensurate with the wider area, as well as existing residential development. However, final details of materials will need to be provided via planning condition (Conditions 3 and 4).
- 5.12 Subject to the above conditions, it is considered that the development is acceptable in regard to its visual impact and is considered to comply with the aims and requirements of the NPPF, Policy CS15 and MSGP24 of the Local Plan for Gateshead and the Gateshead Placemaking SPD.
- 5.13 RESIDENTIAL AMENITY
The relevant considerations are the impact on existing nearby properties and future occupiers of the proposed development.
- 5.14 Impact on existing nearby properties
When application DC/17/01358/OUT, and the subsequent appeal, were considered, a number of amenity concerns were cited in regard to the impact

on existing occupiers. Officers were concerned in regard to the impact of the proposal on the amenity of 21 and 23 Monkridge Gardens. It was concluded that the proposal, as a result of vehicle movements, would have an unacceptable impact on amenity '*... even allowing for proposed elevations that show a number of existing openings of the side elevations of both of these properties being blocked up.*'

- 5.15 In assessing the appeal, the Inspector concluded that '*... the proposal would have an unacceptable effect on the living conditions of the occupiers of Nos 21 and 23, in particular by way of noise and disturbance associated with vehicle and pedestrian movements.*'
- 5.16 The current application proposes the utilisation of the same access as application DC/17/01358/OUT, however the current application is supported by a Noise Impact Assessment (NIA) something which has not previously been provided. The submitted NIA has been reviewed by Environmental Health, and it is concluded that based upon the findings of the NIA that the proposal could not be considered to have an unacceptable impact in noise terms. The calculations and predictions show that there shouldn't be a significant impact on amenity from the new traffic related to the development.
- 5.17 While there is a potential for short term bottle necks where the road narrows to 4100mm, but these won't occur often given the scale of the proposal, and they are less likely to occur during noise sensitive hours of the day. Further, it is considered that the proposed boundary treatments around the rear gardens would be adequate to ensure an appropriate level of privacy for occupiers. However, it is considered that pedestrian and some degree vehicle movements, are likely to lead to some impact in terms of overlooking and general disturbance; as such it is considered necessary to condition that ground floor windows within the side of 21 and 23 Monkridge Gardens be 'blocked up' to prevent this potential impact (Conditions 21 and 22).
- 5.18 On the basis of the above, it is considered that the proposed development would not result in any unacceptable noise impact, having specific regard to 21 and 23 Monkridge Gardens.
- 5.19 The proposed development would for allow a minimum separation distance of 19.9 metres between the development and the two-storey rear extension element of the property to the east (Plot 9 and 42 Knightside Gardens). It is considered in this instance that this distance is adequate to ensure an unacceptable amenity impact would not occur. It is considered that the separation distances afforded in regard to all other properties on Knightside Gardens, are also acceptable. This said, the separation distances afforded between plots 5-9 and those properties on Knightside Gardens is such that any further development e.g. the erection of a rear extension has the potential to have an unacceptable impact on amenity. Therefore, it is considered necessary to impose a condition on these plots which would prevent the erection of rear extensions as permitted development (Condition 23).

- 5.20 Turning to the south of the site, the minimum separation distance allowed between main interfaces is 20 metres (between Plot 4 and 21 Woodside Gardens). It is considered given the marked change in levels (Woodside Gardens is located at a higher land level) that the separation distance is adequate to ensure no unacceptable amenity impact would occur; the view is also true in regard to both Plots 2 and 3. While it is noted that the relationship between Plot 1 and 29 Woodside Gardens, this is a gable to rear relationship and as such the separation of 19.3 metres is more than adequate.
- 5.21 The closest separation distance afforded to the north is 14.5 metres (between Plot 1 and 23 Monkridge Gardens). The scheme has been amended so this relationship is a gable to rear relationship, as such it is considered that the separation distance of 14.5 metres is adequate to protect amenity.
- 5.22 Concerns have been raised in regard to the possible light pollution, it is the view of officers that while some lighting will be introduced within the scheme this will be akin to other streetlighting. Given such lighting has a low level of intrusiveness and given the separation distances afforded, it is considered that light pollution would not result in any unacceptable impact on amenity.
- 5.23 Concerns have been raised by residents in regard to the utilisation of a secondary pedestrian access to the east of the site, these concerns are around the impact on both amenity and the potential increase in antisocial behaviour. The access is currently gated and access is restricted, however Officers have afforded weight to the fact the access is existing and could be opened up at any time without consent, the fact the usage of this access will be increased is likely to reduce any antisocial behaviour occurring. Further, the use of the access by pedestrians is unlikely to give rise to any significant noise implications. The final form of the access can be controlled by condition (Conditions 5 and 6).
- 5.24 Further, in assessing the appeal relating to application DC/17/01358/OUT, the Inspector stated '*... the use of the separate access for pedestrians onto Monkridge Gardens would provide an alternative route and its provision for this purpose could be controlled through the use of a planning condition.*' The implication of this statement being that the utilisation of the secondary access is acceptable.
- 5.25 In terms of temporary impacts, it is considered that the work and the hours of demolition and construction could be secured through an appropriately worded planning condition (Conditions 7 and 8).
- 5.26 On the basis of the above, it is considered that, on balance, the proposed development strikes an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution.
- 5.27 Living conditions for future residents
It is considered that the separation distances within the site strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. On this basis, the internal layout is considered to be acceptable and would not cause any

significant harm to the living conditions of the future occupiers of the proposed houses in terms of loss of light, overshadowing, visual intrusion or overlooking.

5.28 Officers are therefore of the opinion that subject to the conditions set out above, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, Policies CS14 and MSGP17 of the Local Plan for Gateshead.

5.29 HIGHWAY SAFETY

The site is well situated within an established residential estate and bus stops providing regular services can be reached via a network of lit footways within a 400 metre walk. There are also a small number of local shops in close proximity and the site can therefore be classed as being sustainable in transport terms.

5.30 In assessing application DC/17/01358/OUT, Officers were of the view that the proposed development would result in a highway safety conflict between pedestrians and vehicles. Further information was provided by the applicant at appeal stage, however the LPA retained their objection to the proposal. The Inspector in determining the appeal stated that '*... the issue [raised by the LPA] concerns the suitability of the shared access arrangement for vehicles and pedestrians*' and in concluding that the proposal was acceptable from a highways perspective stated that Council Policy '*... supports an integrated approach, with a shift away from design been dominated by movements of vehicles, and so that such space is usable for all users. The proposal would accord with this approach.*'

5.31 It should also be noted that the Inspector offered weight to the proposed secondary pedestrian access to the east of the site:

"The narrowness of the [main] access would have the potential to cause a degree of conflict between pedestrians, including more vulnerable users, and vehicles, in particular with the number of dwellings in total that could be served by it. However, the use of the separate access for pedestrians onto Monkridge Gardens would provide an alternative route and its provision for this purpose could be controlled through the use of a planning condition."

5.32 The proposed layout does not deviate significantly (in highways terms) from that referred to above, and as such it is considered that the Inspector's decision ought to be afforded significant weight.

5.33 Taking into account all material planning considerations, including the earlier planning appeals on the site, it is considered that the proposed layout is acceptable from a highway safety and parking perspective. However, this view is reached subject to the following conditions (Conditions 5 and 6 and 9 to 12):

- Cycle parking to be provided in accordance with the submitted details;
- The visibility splay at the vehicular site access being kept free of obstruction; The final details of the pedestrian access being provided, and the pedestrian access being made available to future occupants;
- The front garden spaces associated with 21 and 23 Monkrige Gardens to be laid out as shown on the approved plans;
- Permitted development rights pertaining to the creation of a hardstanding to be removed from 21 and 23 Monkrige Gardens; and
- The areas of private drive to the side of the main access being kept free to obstruction and remaining usable by pedestrians and vehicles.

5.34 Subject to the conditions set out above, the proposal would comply with the aims and requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan for Gateshead.

5.35 CONTAMINATED LAND AND COAL MINING

5.36 Contaminated Land

The application site has been assessed and inspected under the Council's Contaminated Land Strategy and has not been classified as "contaminated land". However, the site is considered to be situated on 'potentially contaminated land' based on previous historic development uses. On this basis, a preliminary risk assessment, stage II assessment and remediation strategy have been submitted with the application. Officers agree with the findings of the submitted information, therefore it is considered necessary to condition that remediation should take place with the submitted strategy and that a verification report should be submitted to and approved by the LPA (Conditions 13 and 14).

5.37 Coal Mining

The site is located in a Development High Risk Area and an area of probable shallow coal mine workings and as such a Coal Mining Risk Assessment (CMRA) has been submitted in support of the proposal. The Coal Authority have reviewed the CMRA and have no objections to the proposal.

5.38 Subject to the conditions attached to the outline approval by the Planning Inspector at appeal, the development is considered to comply with the requirements of Policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.39 FLOOD RISK AND DRAINAGE

A flood risk and drainage assessment has been submitted with the application. In accordance with Policies CS17 and MSGP40 of the Local Plan for Gateshead. The submitted information includes details of the investigation into groundwater flooding. The investigation has adequately demonstrated that the problem was due to damaged land drainage.

- 5.40 It is considered that the information submitted provides adequate information to establish that an appropriate design solution can be integrated into the development. However, the proposal relates to an earlier layout and further information is required.
- 5.41 Following on, it is considered necessary to condition that the final details of the drainage scheme, a construction methodology and a maintenance plan be provided via planning conditions (Conditions 15 and 16).
- 5.42 Subject to adhering to these conditions, the proposal would comply with the aims and requirements of Policies CS17 and MSGP29 of the Local Plan for Gateshead.
- 5.43 **ECOLOGY**
The application is supported by an Ecological Appraisal (EclA) and Bat Survey. The site is formerly a recreation area with habitats that have low intrinsic ecological value and it is essentially isolated from other habitats by the dense surrounding network of residential properties.
- 5.44 The submitted EclA is comprehensive and in accordance with current standard practice and guidelines. The report covers potential impacts of the development makes several recommendations for mitigation. Further information has also been submitted for consideration in the form of a Biodiversity Net Gain Metric spreadsheet.
- 5.45 The information is considered to be acceptable and Officers agree with the conclusions reached, however it is considered appropriate to condition final details of bird and bat boxes and the removal of invasive planting (Conditions 17 to 20). Further, an informative relating to avoiding harm to nesting birds is also considered necessary.
- 5.46 Based on the above, it is considered that the development complies with the aims and requirements of the NPPF and Policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.
- 5.47 **OPEN SPACE**
Under policies MSGP39 and MSGP40 of the Local Plan for Gateshead, there is no requirement for a contribution towards public open space and play provision in respect of developments of under ten dwellings.
- 5.48 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.
- 5.49 **OTHER MATTERS**

The issues of devaluation, increased insurance costs, construction traffic/access are not material planning considerations, as such they have not been afforded weight in the decision making process.

- 5.50 It is considered all material planning considerations raised by objectors have been addressed within the main report.

6.0 CONCLUSION

- 6.1 The proposed development would result in the redevelopment of previously developed land. Taking all the relevant issues into account, it is considered that the proposal is, on balance, acceptable in terms of visual amenity, residential amenity, highways, ecology, ground conditions, flood risk/drainage, open space/play provision, and through the use of appropriate conditions, would comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan for Gateshead.

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 -

27860 NNA 1100 P05 - Proposed Site Plan

27860 NNA 1120 P04 - Proposed Site Plan with Dimensions

27860 NNA 1150 P03 - Proposed Massing and Street Scene

27860 NNA 1200 P02 - Proposed House Type A

27860 NNA 1220 P02 - Proposed House Type C

27860 NNA 1230 P02 - Proposed House Type D

27860 NNA 1250 P01 - Proposed House Type F

'Bike Storage Additional Bike Shed - 3 Bike'

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

Reason

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

2

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

Reason

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

3

No dwelling hereby approved shall progress above damp proof course until an external materials schedule has been submitted to and approved in writing by the Local Planning Authority and samples of the materials, colours and finishes to be used on the external surfaces have been made available for inspection on site and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

4

The development hereby approved shall be undertaken in accordance with the materials schedule approved at condition 3.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

5

No dwellinghouse hereby permitted shall be occupied until the final details of the pedestrian route to the east of the site onto Monkridge Gardens has been submitted to and approved in writing by the Local Planning Authority. The detail shall include a timetable for implementation (and opening), as well as details of gradients, materials, lighting and any offsite highways works.

Reason

In the interests of highway safety, improving connectivity and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

6

The pedestrian route approved under Condition 5 shall be completed in full accordance with the approved details and shall be made available for the use by pedestrians within the timescales approved. Thereafter the pedestrian route shall remain open for use for pedestrians at all times. No barriers or other physical impediments to the use of this route by pedestrians shall be put in place without the prior written consent of the Local Planning Authority.

Reason

In the interests of highway safety, improving connectivity and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

7

No development (including demolition) shall commence until a Demolition and Construction Management Plan (DCMP) has been submitted to and approved in writing by the Local Planning Authority.

The DCMP shall include:

- a dust management plan
- a noise management plan
- contractor parking

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

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the demolition and construction phases of the development can be carried out in a manner which minimises nuisance to surrounding residents and businesses. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of demolition and construction works and the manner in which they are undertaken could affect adjacent occupiers.

8

The development shall be carried out in complete accordance with DCMP measures approved at condition 7.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

9

The cycle storage provision for each individual dwellinghouse shall be installed in the locations shown on approved plan 27860 NNA 1100 P05 - Proposed Site Plan and in accordance with details shown on 'Bike Storage Additional Bike Shed - 3 Bike' prior to each house being first occupied.

Reason

In the interests of sustainable development and in order to accord with the NPPF and Policies CS13 and MSGP15 of the Local Plan for Gateshead.

10

The visibility splay labelled 'vision splay 2.4m x 25m' on approved drawing 27860 NNA 1100 P05 - Proposed Site Plan shall be kept clear of any obstructions above 600mm in height.

Reason

In the interests of highway safety and in accordance with the NPPF and Policies CS13 and MSGP15 of the Local Plan for Gateshead.

11

Prior to the first occupation of any dwellinghouse hereby approved, the front curtilages areas of 21 and 23 Monkridge Gardens shall be laid out in full accordance with the details shown on approved plan 27860 1100 P05 - Proposed Site Plan.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

12

Notwithstanding the provisions of Article 3, Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), following the implementation of works referred to in Condition 11, the permitted development rights of 21 and 23 Monkridge Gardens (hard surfaces incidental to the enjoyment of a dwellinghouse) are hereby removed.

Reason

In the interests of highway safety and in order to accord with NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

13

The development hereby approved shall be carried out in full accordance with the submitted Remediation Strategy, made up of the following documents:

- "Phase II Environmental Risk Assessment" produced by Roberts Environmental Limited, reference 200801.R.001, dated September 2020.

- Letter from Roberts Environmental entitled "Re: Updated Ground Gas Risk Assessment - Land at Monkridge Gardens, Dunston", dated 26th October 2020, reference 200801.GA.001
- Email from Andrew@robertsenvironmental.co.uk> Gas Addendum - Monkridge Gardens, dated Mon 26/10/2020 13:27
- "Remediation Strategy" produced by Roberts Environmental Limited, Reference: 200801.R-RS.001, dated October 2020.
- Phase 1 Land Quality Report" produced by Roberts Environmental Limited, reference 171218.01.R.001, dated January 2018.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the NPPF and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

14

Upon completion of the remediation works detailed in the approved Remediation Strategy and prior to the occupation of any residential unit hereby permitted, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the NPPF and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

15

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

The scheme shall include the following details:

- details of existing land drainage;
- an assessment of the potential for disposing of surface water by means of a sustainable drainage system
- information about the design storm period and intensity
- the method employed to delay and control the surface water discharged from the site, including electronic modelling
- the measures taken to prevent pollution of the receiving groundwater and/or surface waters

- a timetable for its implementation; details of when elements of proposed drainage scheme will be implementing and connected
- a Drainage Construction Method Statement; details of how these drains will be protected during the construction phase, and methodology and specification for their replacement should damage occur, shall be submitted
- a Drainage Management & Maintenance Document for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.

16

The drainage scheme approved under condition 15 shall be constructed, implemented, managed and maintained in accordance with the approved timetable and managed and maintained in accordance with the approved details thereafter.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.

17

Notwithstanding the information submitted no development shall progress above damp course level on any building hereby approved until full details of the bird and bat box scheme to be provided as part of the development, including a timescale for implementation, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development provides replacement/enhanced opportunities for protected and priority species in accordance with the NPPF, policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

18

The approved bird and bat box scheme shall be implemented and retained in full accordance with the details approved under Condition 17.

Reason

To ensure the development provides replacement/enhanced opportunities for protected and priority species in accordance with the NPPF, policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

19

Notwithstanding the information submitted no development (including demolition) shall commence until a scheme for the eradication of Cotoneaster to prevent the spread of this species has been submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent the spread of a harmful invasive species in accordance with the NPPF, policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the demolition, site clearance and construction works can take place in a manner that does not allow the spread of an invasive species.

20

The approved Cotoneaster eradication scheme shall be implemented and retained in full accordance with the details approved under Condition 19.

Reason

To prevent the spread of a harmful invasive species in accordance with the NPPF, policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

21

Notwithstanding the submitted details, no dwellinghouse hereby approved shall be occupied until a scheme for the 'blocking up' of the ground floor openings (doors and windows) within the side elevations of both 21 and 23 Monkridge Gardens has been submitted to and approved in writing by the Local Planning Authority,

Reason

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

22

The scheme for 'blocking up', approved under condition 21, shall be completed in full prior to the occupation of any dwellinghouse hereby approved and shall be retained as such, unless otherwise approved in writing by the Local Planning Authority.

Reason

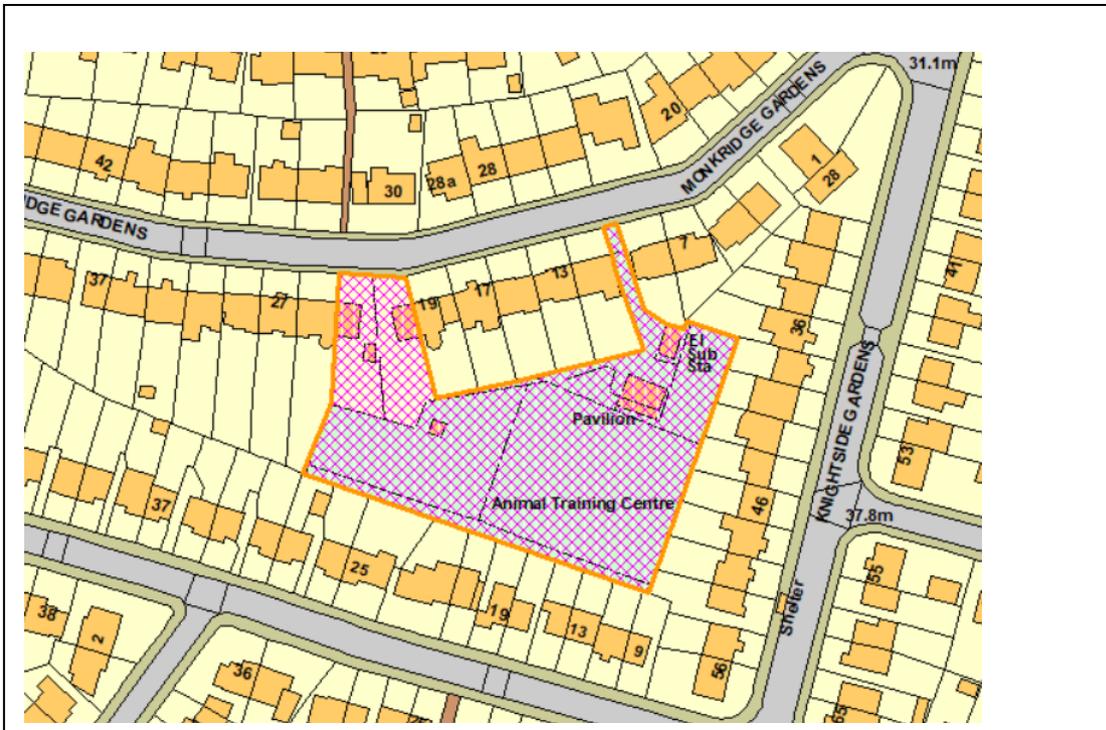
In the interests of residential amenity and in order to accord with NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

23

Notwithstanding the provisions of Article 3, Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), the permitted development rights of Plots 5-9 (enlargement, improvement or other alteration of a dwellinghouse) are hereby removed.

Reason

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



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Committee Report

Application No:	DC/21/00075/COU
Case Officer	Josh Woollard
Date Application Valid	2 February 2021
Applicant	Mr Kheng Chua
Site:	Oakwood St Marys Terrace Heworth Gateshead NE10 0NN
Ward:	Felling
Proposal:	Change of use from dwellinghouse (Use Class C3) to seven bedroom house in multiple occupation (Sui Generis).
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The site is an existing 5-bedroom, mid-terrace dwelling. It has a moderately sized front garden and a smaller, enclosed private yard to the rear.

1.2 The terrace comprises two-storey dwellings with ground and first floor bay windows. As a result of a slight land level changes, the roof line of the properties is staggered with dwellings to the east set on a slightly lower land level than their neighbour to the west.

1.3 The dwelling faces north onto St Mary’s Terrace and beyond lies Heworth Metro Station and accompanying car park. The character of the area is predominantly family housing with the exception of a public house, The Swan, to the north-east, and Eastwood assisted living residence and The Drive primary school to the south and south-west, respectively.

1.4 Parking for permit holders is available at the front of the property along St Marys Terrace. Each property can apply for two permits.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the change of use of a 5-bedroom dwellinghouse (Use Class C3) to a 7-bedroom HMO (Sui Generis).

1.6 No external changes are proposed.

1.7 In terms of internal changes, the existing dining room and play room at ground floor level will be converted to bedrooms with en-suite bathrooms.

1.8 RELEVANT PLANNING HISTORY

1.9 There is no relevant planning history for the application site.

2.0 Consultations:

Police Comments provided

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 12 representations have been received of which 9 object to the proposed development. 1 letter of support has been received. 2 representations requested that their objection was acknowledged.

3.3 The objections are summarized as follows:

- Out of character with the area
- Increased noise and disturbance
- Loss of privacy
- Overdevelopment
- Increase in traffic
- Lack of cycle parking
- Road safety
- Increase in refuse
- Impact on drainage
- Internal works already taken place
- Upkeep of the property

3.4 The letter of support is summarized as follows:

- High quality place to live to help with the housing shortage

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

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

5.0 Assessment of the Proposal:

- 5.1 The key issues to be considered in the determination of this planning application are considered to be principle of the development, design, residential amenity, and highway safety.
- 5.2 **PRINCIPLE OF THE DEVELOPMENT**
Policy CS9(1) seeks to maintain a range of housing types and sizes throughout the plan area.
- 5.3 Policy CS9(4) seeks to prevent the loss of family homes, through sub-division, change of use or redevelopment and to prevent an over concentration of shared accommodation.
- 5.4 Whilst the proposed development would conflict with the aims of policy CS9(4) insofar that a family home would be lost, the change of use would still provide an alternative form of living accommodation and therefore there would be no overall loss of housing stock within the Borough.
- 5.5 In terms of whether an over concentration of shared accommodation would occur, the Council do not have an explicit figure which is considered a threshold. However, 2011 census data shows that within the Pelaw and Heworth ward, 11.1% of households within the ward were privately rented which is below the average of 12.5% in Gateshead.
- 5.6 Furthermore, when taken alongside the representations received, the views of local residents supports the conclusion that the predominant type of accommodation in the area is family housing and therefore it is not considered that an overconcentration of shared accommodation would occur as a result of the proposal.
- 5.7 Taking into account the above, it is considered that, whilst the proposed development would result in the loss of a single family home, the application would go somewhat towards providing a range of housing types in a highly sustainable location within close proximity to Heworth Metro Station. Therefore, on balance, it is considered that the proposed development would be

acceptable in principle, provided all other material planning considerations are satisfied.

5.8 VISUAL AMENITY

The application proposes no external changes.

5.9 As a result, it is considered that the development would comply with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

5.10 RESIDENTIAL AMENITY

Policy CS14 aims to maintain and improve the health and wellbeing of communities.

5.11 Policy MSGP17 states development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. Planning permission will be granted for new development where it:

1. does not have an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses;
2. safeguards the enjoyment of light, outlook and privacy; and
3. ensures a high quality of design and amenity

5.12 Existing Occupants

Several objections raise concerns with increased noise, disturbance, odour and refuse along with loss of privacy and overdevelopment.

5.13 The proposed development would increase the number of bedrooms within the property by two and these would be located on the ground floor. No works are proposed to the first and second floor rooms which already benefit from their own bathrooms. As a result, the property would have 7 double bedrooms. The HMO could therefore be occupied by up to 14 people.

5.14 The lawful use of the application property is a C3 dwellinghouse. The use of a property as a HMO is often markedly different from occupation as a family home. Although some tenants may be more considerate than others, the general level of activity associated to a HMO and transient nature of HMO occupants, who are likely to lead separate, individual lives, is significantly greater than a typical family house and therefore increases the potential for noise and disturbance.

5.15 In this case, officers consider that the movements of a group of up to 14 people with independent lifestyles would cause a material increase in comings and goings to the property over and above a C3 dwelling - and that the associated noise and disturbance would cause undue harm to the living conditions of the residents of surrounding properties. It is considered this harm would be

compounded by the additional comings and goings of non-tenants including a greater increase in visitors to the house.

- 5.16 National Planning Practice Guidance advises that conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
- 5.17 It is recommended that a condition be attached which restricts the number of residents to a maximum of 7 (condition 3).
- 5.18 The proposal does not include any specific proposals to reduce noise transmitted from the HMO to the adjoining properties with shared walls. The potential impact of the development on the occupiers of neighbouring properties may be intensified by the presence of a single communal kitchen/dining area for up to 7 residents and any additional visitors. The use of this area is also likely to be significantly more intensive than a typical family terraced house. This may result in noise transference between the internal shared walls with the neighbouring properties and increased odour and cooking smells.
- 5.19 No objection to the application has been made by Environmental Health Officers.
- 5.20 The police have provided comments stating that further information is needed on how the property would be managed, the location and arrangements for parking, and who the likely occupants would be. In terms of ensuring fire safety and property management including refuse collection, these issues would be covered by the HMO license which the landlord will need to apply for outside of the planning system. The potential occupants of the HMO would not be a material planning consideration. The parking arrangements are assessed in the proceeding section of this report
- 5.21 In terms of ensuring the new bedrooms are updated and enjoy the same isolation from common area noise as other bedrooms do, as well as more appropriate internal acoustics (i.e. appropriate reverberation times, double glazing if necessary) for the occupant to enjoy the use of the amenity space and to sleep, this would be covered by Building Regulations.
- 5.22 In terms of securing further sound-proofing by condition, the applicant could change the use of the dwellinghouse to a HMO for up to 6 residents under Class L, Part 3 of The Town and Country Planning (General Permitted Development) Order 2015. Taking into account this fall-back position and considering the recommended condition restricting the number of occupants to 7, it is considered that, on balance, requiring further details of sound proofing for a single resident would not be reasonable as the level of noise created by one additional occupant would not be significant.

- 5.23 With regards to privacy, no external changes, such as new windows, are proposed and therefore it is not considered that the privacy of neighbouring properties would be impacted upon.
- 5.24 Taking into account the above, it is considered that, subject to a condition restricting the number of residents, the proposal would not result in material harm to neighbouring properties in the form of loss of privacy, increased noise, disturbance, odour or refuse over and above that which would be created by the fall-back position of 6 occupants.
- 5.25 Future Occupants
Moving on to the living standards for future occupants, the kitchen is somewhat restricted in terms of space and storage for 7 people and due to the fact the kitchen dining room is the only internal communal space it would be a rather intensive arrangement. In total, the kitchen/dining area would be approximately 20sqm. On balance, it is considered that the size of the kitchen would be sufficient in size to provide enough in the way of facilities to meet the day-to-day cooking needs of no more than 7 HMO occupiers.
- 5.26 With regards to bedrooms, each bedroom would be a double and would benefit from a private en-suite or a separate private bathroom. It is considered that, taking into account a condition limiting the number of residents, each bedroom would be of an acceptable size to accommodate the living and sleeping requirements of one occupant. Each bedroom would benefit from at least one window to provide adequate light and ventilation into the room.
- 5.27 In summary, officers are of the opinion that through the imposition of a condition limiting the number of residents to 7, the intensive use of the property would be addressed thereby mitigating any material harm to the living conditions of both the existing occupants of neighbouring residential properties and future occupants of the HMO. As such, the proposal, on balance, is considered acceptable and would comply with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.28 **HIGHWAY SAFETY**
The existing property has no on-site parking and there are parking restrictions on the adjacent roads including St Marys Terrace to the north. Further, where parking is available at the front of the property along St Marys Terrace, a resident parking permit operation is in place whereby two resident parking permits can be applied for each property.
- 5.29 The applicant has stated that anticipated car ownership among residents of the HMO would be low.
- 5.30 The property is located within a highly accessible location, close to Heworth Metro Station and also benefits from good pedestrian links. The location is therefore very sustainable in transport terms.
- 5.31 In evening parking survey was carried out by officers within the Council's transport team and this confirmed that there is spare capacity, outside of the

permit restriction times, to park on-street. The survey also included the surrounding area where further spare capacity was identified.

5.32 Final details of secure and weatherproof cycle parking can be secured via condition which can be accommodated within the rear yard area.(conditions 4-5).

5.33 Taking into account 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.

5.34 OTHER MATTERS

A representation received raises concerns over the impact of the change of use on drainage and utilities. It is not considered that the HMO would detrimentally impact upon the capacity of the drainage and sewage network.

5.35 With regard to internal works, works which affect only the interior of the building do not constitute development and therefore do not require planning permission.

5.36 With regard to the upkeep of the property, the landlord will require a HMO license.

6.0 CONCLUSION

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

7.0 Recommendation:

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

1

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

17/12/2020/PM/PLAN/01

17/12/2020/PM/PLAN/01

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 premises shall only be used as a house in multiple occupation for a maximum of 7 residents.

Reason

In the interests of protecting residential amenity of existing and future residents and in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

4

None of the rooms shall be occupied until final details of secure and weatherproof cycle storage shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

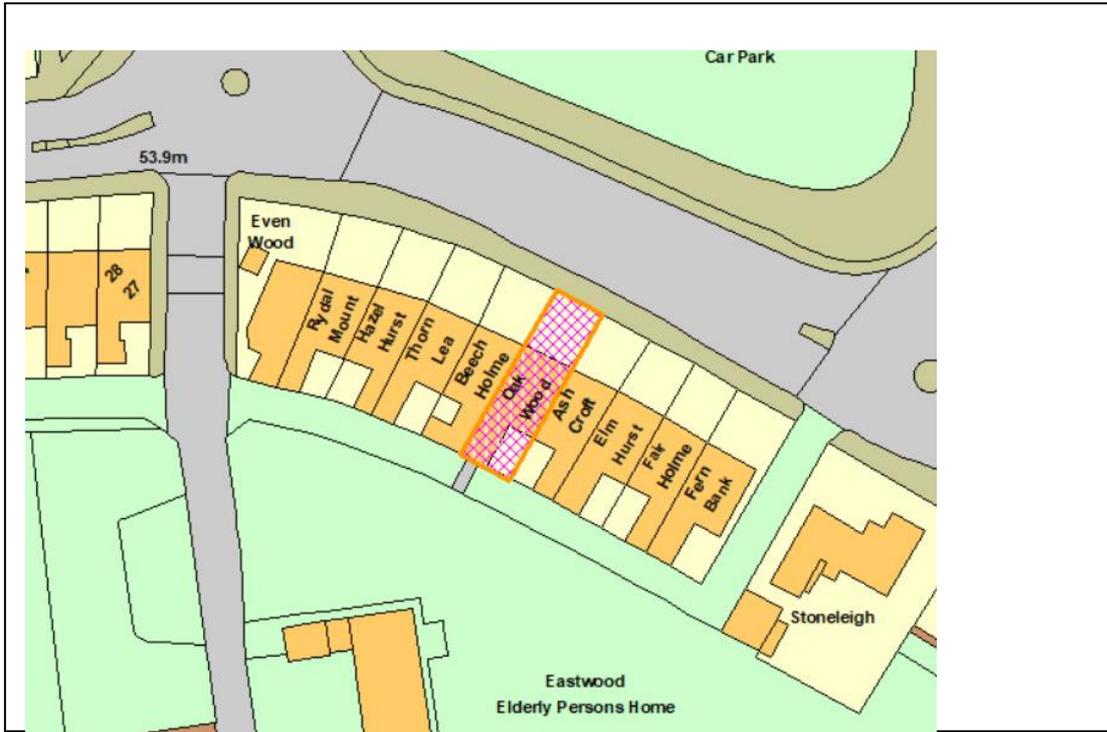
In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan, and the Gateshead Cycling Strategy 2015.

5

None of the rooms shall be occupied until the details approved under condition 4 have been implemented wholly in accordance with the approved details. The cycle parking provision shall be retained thereafter for the life of the development.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan, and the Gateshead Cycling Strategy 2015.



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Committee Report

Application No:	DC/21/00069/FUL
Case Officer	Josh Woollard
Date Application Valid	26 January 2021
Applicant	Mr Simon Malhotra
Site:	The Runhead Holburn Lane Ryton Central Ryton NE40 3HJ
Ward:	Ryton Crookhill And Stella
Proposal:	Proposed erection of tipi within beer garden, 1no. timber clad container, and associated decked area (description amended 22.03.21)
Recommendation:	GRANT TEMPORARY PERMISSION
Application Type	Full Application

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 creation of an area of timber decking within the external drinking area to the west of the pub building, with a tipi erected on top of the decking, alongside a timber clad container.

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 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. Whilst the container would be used primarily for storage of garden furniture and goods used within the tipi, on rare occasions such as private events, e.g. weddings, alcohol could be served from the container, although this is subject to licensing.

1.6 The decked area would be approximately 18cm in height and cover an area of approx. 230msq.

1.7 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) - Granted 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 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 With regard to the decking, it would be approximately 18cm in height and would therefore not be widely visible from outside of the site due to the level of screening provided by the hedgerow along the southern boundary, the tree line along the western boundary, and the massing of the existing pub to the east.

5.7 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.

5.8 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.

5.9 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.

5.10 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."

5.11 With regard to engineering measures, intrusive grounds works would be limited to fixing the frame of the tipi into the ground and uplifting an area of grass to provide beer lines. The mature tree line along the western boundary will be retained which would provide some barrier for the residential properties

to the west. In terms of the external decked area, it would be limited to a height of 18cm and it not therefore considered that it would result in an unacceptable loss of privacy or opportunities for overlooking.

- 5.12 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 3.8-5m 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.
- 5.13 With regard to the use of the container for serving alcohol, a single bar would be installed to serve customers. The serving area for the container would be oriented in a way so customers would not be queuing behind the tipi to the west. There would therefore be the structure of the tipi between the queue and sensitive residential receptors to the west which would provide some reduction in noise.
- 5.14 In terms of planning conditions, officers recommend that the development is not be used by the public 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 or container (condition 10), and that the development be managed in complete accordance with the submitted Noise Management Plan (condition 7).
- 5.15 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..."
- 5.16 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.
- 5.17 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)"
- 5.18 If members elected to grant a temporary planning permission, this would be the second temporary permission for the proposal. The application is largely 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 container/tipi by a member of the public, 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.

5.19 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.

5.20 HIGHWAY SAFETY

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

5.21 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.

5.22 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.

5.23 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.

5.24 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.

5.25 One further objection raises concerns with regard to deliveries.

5.26 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 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 -

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, or of the container, whichever is first. On the expiration of this period, the use of the tipi and container shall cease. The tipi, container and decking 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 tipi or container, whichever is first, in writing, no less than one week prior to its first use.

If the tipi or container is/are 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 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 by the public 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 or container, including illumination of the route to and from the tipi and/or container, security and decorative lighting (except for any lights to be installed inside the tipi and 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

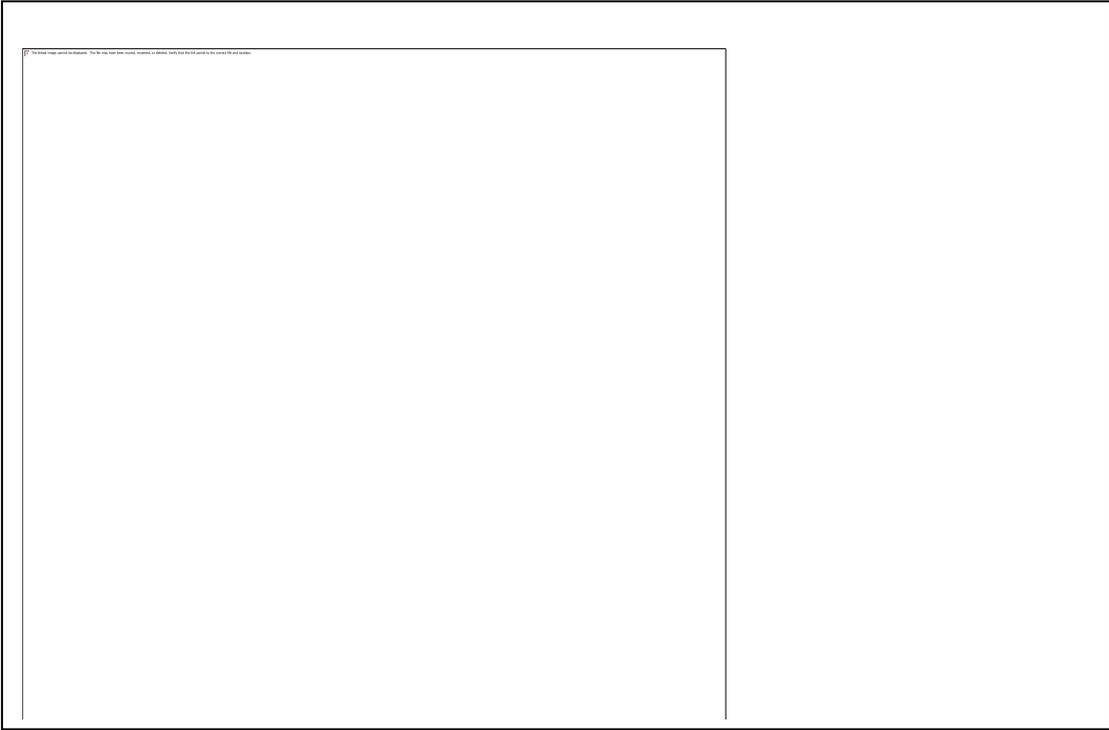
In the interest of residential amenity to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

10

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