

Committee Report

Application No:	DC/20/00009/OUT
Case Officer	Richard Smith
Date Application Valid	8 January 2020
Applicant	Mr And Mrs Askew
Site:	Land Adj Chapel Close Kibblesworth Gateshead NE11 0YE
Ward:	Lamesley
Proposal:	Outline planning application for the development of 2 dwellings (all matters reserved).
Recommendation:	GRANT
Application Type	Outline Application

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

The application site is part of a larger area of open grassland immediately east of Chapel Close, Kibblesworth, which has an area of around 381 square metres. The application site is bounded to the south and west by the remainder of the open land, with residential properties beyond. To the north, the application site comes to the rear boundaries of the commercial properties in Hadrian House, that face onto Front Street. To the east, the site slopes slightly as it abuts the rear garden boundaries of houses on Moormill. The surrounding properties are varied with terraced bungalows on Chapel Close and two-storey properties of differing size and styles surrounding the site.

1.2 The site is currently, and is proposed to be, accessed via Chapel Close. An existing fence and gate currently restricts access to the piece of land.

1.3 DESCRIPTION OF APPLICATION

This application seeks outline permission for two dwellings.

1.4 Indicative details have been submitted with the application, indicate vehicular access will be taken from Chapel Close to the west of the site. All matters (access, appearance, landscaping, layout and scale) are however reserved for subsequent reserved matters approval.

1.5 The application is accompanied by:

- Site Location Plan
- Planning Statement
- Illustrative Layout

1.6 PLANNING HISTORY

Planning Permission was granted in 2007 for the Outline planning permission for the development of 4 dwellings (DC/07/00443/OUT). This site for the 2007 approval comprised the current application site, but also included some additional land.

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer No objection, subject to conditions

3.0 Representations:

3.1 Representations:

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

3.3 A petition of 30 names representing local residents and two individual objections have been received. The following concerns have been raised:

- Loss of natural light
- Loss of privacy
- No space for parking
- Access concerns
- Concerns for child safety due to vehicle movements
- Disturbance of building work
- Encroaching on land
- Challenges over ownership

It should be noted that the final two points are not material planning considerations and therefore will not be addressed in this report.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Imp - Potential

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

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

5.0 Assessment of the Proposal:

5.1 The main planning considerations are the principle of the development, design, residential amenity, highway safety, drainage and archaeology.

5.2 PRINCIPLE OF DEVELOPMENT

The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. As such the principle of developing this site for housing should be assessed against saved local plan policy H4 in the Council's Unitary Development Plan (UDP), which relates to windfall housing sites. The National Planning Policy Framework (NPPF) 2019 states that to promote the development of a good mix of sites, planning authorities should "support the development of windfall sites through their policies and decisions, giving weight to the benefits of using suitable sites within existing settlements for homes."

5.3 Policy CS10 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 (CSUCP) states that 11,000 new homes (excluding purpose-built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.

5.4 On this basis and given regard to previously approved planning application DC/07/00443/OUT, and as the site is within an existing residential area, the

principle of two dwellings is considered acceptable as it would contribute modestly to housing stock in the Borough. It is considered that the proposal accords with saved policies H4 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.

5.5 DESIGN

The design of the proposed dwellings should have regard to saved policies ENV3 and DC1 which promote new development that would have a design, scale and layout proportionate to the local area and make a positive contribution to the established local character/identity whilst safeguarding residential amenity.

5.6 Paragraph 122 of the NPPF states decisions should support development that makes efficient use of land. In particular, identifying the need for different types of housing and other forms of development, and the availability of land suitable for accommodating it. In this instance it is considered given the constraints which exist on site i.e. access, visual and residential amenity, it is considered that the erection of two dwellings is considered to be appropriate.

5.7 Policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design which responds positively to local distinctiveness and character.

5.8 An illustrative plan submitted with the outline application demonstrated that 2no dwellings can be carefully located within the site, whilst allowing for suitable indoor and outdoor space. Details of final appearance, landscaping, layout and scale will be required to be submitted at reserved matters stage where further consideration can be given to design, materials and the impact the development would have upon the visual amenity.

5.9 A condition (condition 11) is recommended to restrict the height of the proposed dwellings, to a maximum of one storey, with the potential for further habitable accommodation to be provided within the roof, in order to ensure that this appears appropriate within the context of nearby dwellings and to ensure that no detrimental impact on the amenity of the nearby neighbours is caused as a result of the development.

5.10 Furthermore, a condition (condition 20) will be recommended for the details of final levels on site, to ensure an appropriate form of development in the interest of good design and in the interests of residential amenity

5.11 Subject to the conditions as proposed above it is considered that the development could demonstrate compliance with NPPF paragraphs 122, saved UDP policies DC1 and ENV3 and CSUCP policy CS15.

5.12 RESIDENTIAL AMENITY

Saved policy DC2 of the UDP states that planning permission will be granted for new development, where it does not have an adverse impact on amenity or the character of an area and does not cause undue disturbance to nearby residents or conflict with other adjoining uses. Whilst CSUCP policy CS14 1 (iii)

seeks to prevent negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.

- 5.13 Paragraph 127 of the NPPF meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users.
- 5.14 Whilst only illustrative, the plan submitted with the application has demonstrated that by positioning the dwellings north facing, a 21m separation distance can be achieved between habitable rooms of the new dwellings and the neighbouring properties to the north and south. As a result of the limit on the height of the dwellings (condition 11), a 14m separation distance between the gable elevation and the rear of the properties on Greenford and the 11m separation distance to no.1 Chapel Close is also considered appropriate in the context of the site as, on that basis it is not considered that any amenity loss will be caused to either neighbouring property.
- 5.15 In terms of the living conditions of future residents of the two houses, CSUCP policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". As the proposal is for outline permission with all matters reserved, no information has been provided yet and therefore no assessment can be made in terms of CSUCP policy CS11(4).
- 5.16 In order to avoid undue disturbance as a result of the development a condition (condition 6) is proposed limiting the hours of construction.
- 5.17 Subject to the above it is considered that the development could demonstrate compliance with NPPF paragraphs 127, saved UDP policy DC2 and CSUCP policies CS11 and CS14.
- 5.18 HIGHWAY SAFETY
Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links.
- 5.19 The matter of access is to be considered at reserved matters stage; however, the Planning Statement refers to access to the site being provided from Chapel Close.
- 5.20 Chapel Close is an adopted road used to access properties within Chapel Close. Whilst it is considered that access to the site off Chapel Close could accommodate two-way traffic movement, no details on access have been provided. There is an existing set of access gates, set within a boundary fence, with informal access to these gates provided across land at the eastern end of the turning head in Chapel Close. It is anticipated that the access for the two dwellings would be in the same location albeit with the gates removed and the approach hard surfaced to an appropriate width and standard.

- 5.21 The detailed design and layout of the parking, access and refuse provision will be key in ensuring the development is considered appropriate, this will be considered at the reserved matters stage.
- 5.22 A condition (condition 19) will be attached requiring the submission of secure and weatherproof cycle parking to be provided as part of the development.
- 5.23 Subject to the condition as proposed above it is considered the development could demonstrate compliance with CSUCP policy CS13.
- 5.24 **ARCHAEOLOGY**
Saved UDP policy ENV22 states that for Sites and Areas of Archaeological Importance, where there is the likelihood that archaeological remains will be encountered as a result of development, and on all developments over 0.5ha in size, the Council will require a programme of investigative research and/or fieldwork to determine whether the remains, that might exist, merit preservation in situ or by record. Research and fieldwork findings should be published.
- 5.25 The site has potential for archaeological remains of the medieval and post-medieval periods; however these are unlikely to be of sufficient significance to require preservation in situ. Given the size of the proposed development conditions (conditions 12 and 13) have been proposed for an archaeological watching brief.
- 5.26 Subject to the condition as proposed above it is considered the development is in compliance with saved UDP policy ENV22.
- 5.27 **CONTAMINATED LAND**
The site was previously occupied by terraced housing from the mid-19th century until circa 1950s before the site was cleared and became occupied by a detached building. This building was demolished circa 1980s and the site has remained as open space since then. Consequently, it is likely that the development area may be affected by ground contamination.
- 5.28 Therefore, in order to demonstrate compliance with saved UDP policies DC1(p) and ENV54 and CSUSP policy CS14 a planning conditions (conditions 14 and 15) will be required for a Preliminary Risk Assessment and where required an intrusive site investigation with a Phase II Detailed Risk Assessment, and Remediation, Monitoring and Verification Reports
- 5.29 Subject to the conditions as proposed above it is considered that the development could demonstrate compliance with NPPF paragraphs 122, saved UDP policies DC1 and ENV54 and CSUCP policy CS14.
- 5.30 **DRAINAGE**
The application site is located within flood zone 1 and therefore at low flood risk probability. No surface flow routes have been identified within the redline boundary of the application site.

- 5.31 A condition (condition 17) is recommended for the submission of a Surface Water Drainage Solution, in order to maximise water quality improvement as part of the comprehensive scheme and to comply with CSUCP policy CS17.
- 5.32 Subject to the condition as proposed above it is considered the development could demonstrate compliance with CSUCP Policy 17.
- 5.33 **PLAY AND OPEN SPACE**
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.34 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.
- 5.35 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.36 Therefore while it cannot be concluded that the application proposal would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for either off site open space or play provision in this case based on the above assessment.
- 5.37 **OTHER MATTERS**
An objector states the red line boundary encroaches onto land belonging to them, Certificate B was signed by the applicant serving notice on the respective landowner. The Local Planning Authority cannot arbitrate in matters where there is a land ownership dispute as this is a civil matter and not something under the control of the planning system.
- 5.38 **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 qualifying housing related. The site is within Residential CIL Zone C, which has a charge of £0 per sqm.

6.0 **CONCLUSION**

Taking all other relevant issues into account, it is considered that the proposed development is acceptable; the proposal (subject to planning conditions) is considered to accord with the aims and objectives of both national and local planning policies.

6.1 Given the above, it is recommended that planning permission be granted subject to planning conditions set out below.

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

Location Plan (1:1250)

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

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

Reason

This condition is imposed pursuant to article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended) to ensure development is carried out in accordance with the approved details as submitted.

2

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

Reason

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

3

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

Reason

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

4

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

Reason

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

5

The development shall be completed using the materials approved under Condition 4 and retained as such in accordance with the approved details thereafter.

Reason

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

6

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

Prior to occupation of the dwellings hereby approved, final details of an enclosed bin store shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, scale and appearance of the bin stores.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan.

8

The details approved under condition 7 shall be implemented wholly in accordance with the approved details prior to the occupation of the dwellings hereby approved and retained for the life of the development.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan.

9

Notwithstanding the details hereby approved, boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings. The details shall include the heights, designs, locations and materials of all proposed boundary treatments.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area, in accordance with the NPPF, saved policies DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

The boundary treatment details approved under condition 9 shall be implemented wholly in accordance with the approved details prior to first occupation of the dwelling and retained for the life of the development.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

11

The dwellinghouses hereby approved in outline shall not exceed one-storey in height, plus their roofs. Additional living accommodation may be provided within the roof space.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the living

conditions of the properties located on Greenford and having regard to the requirements of policy ENV3 of the Gateshead Unitary Development Plan.

12

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason

The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF and saved Unitary Development Plan Policies ENV21 & ENV22

Reason for Pre Commencement

To ensure that any archaeological remains on the site can be preserved wherever possible and recorded.

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.

13

Neither dwelling shall be occupied until the report of the results of observations of the groundworks pursuant to condition (12) has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF and saved Unitary Development Plan Policies ENV21 & ENV22

14

Prior to commencement of the development hereby permitted (except for the erection of the site security hoardings), a Preliminary Risk Assessment and, where required, a report of findings arising from Phase II intrusive site investigations and a Phase II Detailed Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

Reason for pre-commencement

To ensure adequate safety on-site during development works in terms of risks from contamination in accordance with the NPPF.

15

Where required, the remediation and monitoring measures and verification reports approved under Condition 14 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

16

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease, and the exposed material shall be chemically tested. The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy

CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

17

Prior to commencement of the development hereby permitted, details of a Surface Water Drainage Solution shall be submitted for the consideration and written approval of the Local Planning Authority. The solution shall follow the hierarchy, listed in order of priority:

- discharge into ground (infiltration), or where not reasonably practicable
- discharge to a surface water body, or where not reasonably practicable
- discharge to a surface water sewer, higher drain, or another drainage system, or where not reasonably practicable
- discharge to a combined sewer.

Reason

In the interests of promoting sustainable surface water management in accordance with CSUCP policy CS17.

Reason for pre-commencement

To prevent the increased risk of flooding from any sources.

18

The drainage scheme approved under condition 17 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted

Reason

In the interests of promoting sustainable surface water management in accordance with CSUCP policy CS17.

19

Neither dwelling hereby approved shall be first occupied until secure and weatherproof cycle parking, capable of storing at least two cycles, has been provided for each dwelling. The provisions of which shall be retained on site in perpetuity.

Reason

In order to ensure adequate provision for cyclists and in compliance with Policy CS13 of the CSUCP and the Gateshead Cycling Strategy.

20

Prior to commencement of the development details of final levels on site shall be submitted to and approved in writing by the Local Planning Authority.

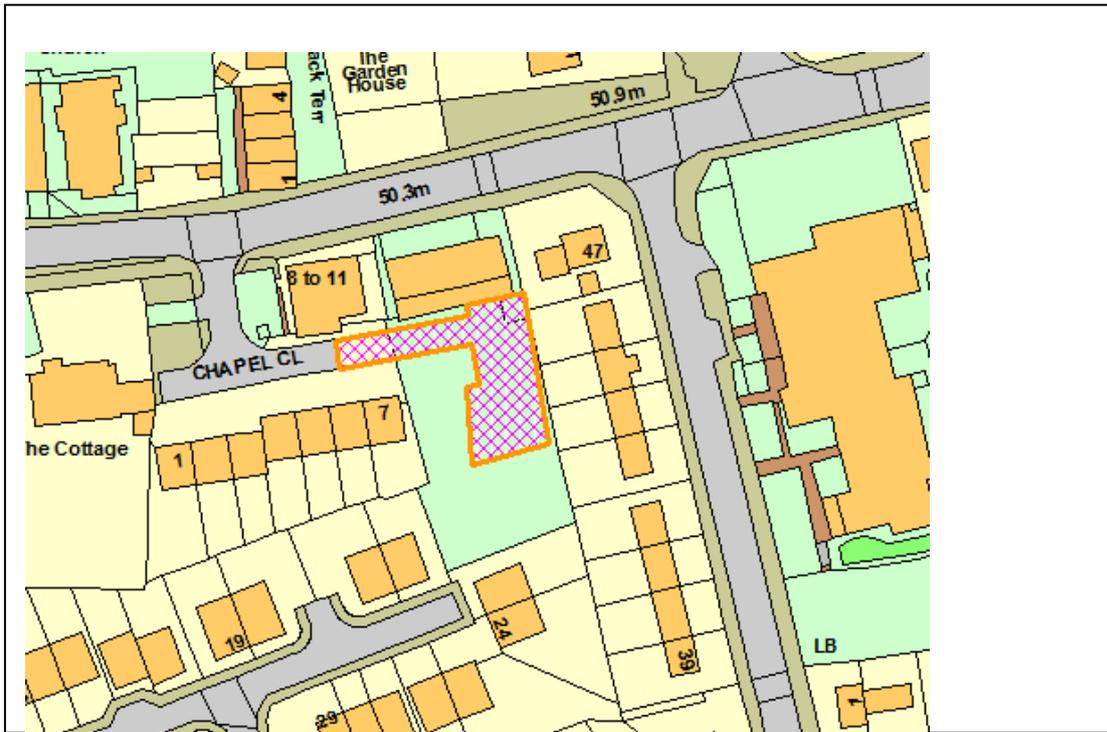
Reason

To ensure an appropriate form of development in the interest of good design and in the interests of residential amenity, in accordance with the

NPPF, saved UDP policies DC2 and ENV3 and policies CS14 and CS15 of the Core Strategy and Urban Core Plan.

Reason for pre-commencement

To ensure that final and appropriate site levels can be agreed prior to the commencement of construction of the site.



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