

Committee Report

Application No:	DC/20/00667/FUL
Case Officer	Joanne Munton
Date Application Valid	12 August 2020
Applicant	Adderstone Developments Limited
Site:	Anderson Green Low Fell Gateshead NE9 5BQ
Ward:	Low Fell
Proposal:	Erection of 18 x two bed apartments with ancillary parking and landscaping
Recommendation:	REFUSE
Application Type	Full Application

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

The application site is within the grounds and setting of the Grade II Listed former Joicey Road School and forms part of the Saltwell Conservation Area. It is also allocated as Urban Green Space within the UDP and forms part of a larger green area which includes Saltwell Park. The site was formerly part of the grounds of the nearby Whinney House and makes up the locally listed Whinney House Gardens.

1.2 The application site is approximately half of the the wider former School site and it is, primarily, in the south eastern part of the wider site. The wider site is accessed off Joicey Road via two vehicular entrances. One accesses a small car park to the front whilst the other provides access to the car park to the rear, the children's' nursery and the internal access road, which were implemented under permission DC/09/01018/FUL. Separate pedestrian accesses are also provided off Joicey Road as well as Durham Road. There are a large number of trees along the site's boundaries with Joicey Road and Durham Road as well as a wooded area on the southern part of the site. By virtue of their location in a Conservation Area and a Tree Preservation Order the trees on site are protected.

1.3 The eastern boundary of the site along Durham Road is made up of a belt of trees, railings and a stone wall/railings. From the rear of the railings the land slopes downwards so that the site is on a lower level to Durham Road. On the opposite side of Durham Road are residential properties. The screening effect from the belt of trees and its topography, means that the site is barely visible from Durham Road. The southern boundary of the site is made up of a wooded area with no discernible boundary between the site and Whinney House and its associated buildings. The western side of the site slopes downwards to the western boundary of the site which borders allotments. The

northern boundary of the site is defined by railings and faces Joicey Road. There are residential properties located on the north side of Joicey Road at Chesters Close.

- 1.4 The area specific to this application relates to the area to the rear of the school which was subject to the new build element of the 2009 application. However due to the introduction of the nursery onto the site and other amendments it is no longer possible to implement this element of the permission, although as highlighted the internal road which allows access to this part of the site is in situ.
- 1.5 The old school buildings comprising the main T-shaped building, an L-shaped external building along with three external pavilions and a former caretaker's house. There was a modern gymnasium but that has been demolished. There is also a new build children's nursery within the grounds granted planning permission in 2011 (DC/11/00692/FUL). Part of the site is also identified as forming part of the area's provision of urban green space.
- 1.6 **BACKGROUND**
In terms of history, construction began on the school in 1935 and it opened in 1937. Its purpose was as an open air school for "delicate" children. Classes were conducted in the open air (unless there was inclement weather) through the use of folding windows. The open air movement was founded in Switzerland in the late 19th century.
- 1.7 The site ran as Joicey Road School until 1997 when the buildings served as a temporary home for the Joseph Swan School and the Gladstone Terrace Youth and Community College. In 2003 the buildings were used as an annex to Gateshead College and vacated in 2005. Since 2005 the buildings were empty and had fallen into disrepair.
- 1.8 Following the granting of planning permission and Listed Building Consent the school has been converted into offices and business units (DC/09/01018/FUL and DC/09/01019/LBC) and the main school is now fully occupied as an established business park, known as Saltwell Business Park. Under the same planning application, permission was granted for new build business units in the grounds to the rear of the school but this element of the development has not commenced, and as referred to above, could not now be implemented
- 1.9 A further application has been granted to allow part of the old school to be used as a dance school and the retention of the caretaker's house as a private residence (DC/11/00342/FUL). Again these are both in operation.
- 1.10 **DESCRIPTION OF THE APPLICATION**
The application is for the erection of new residential units within the grounds of the school/business park, consisting of a three storey L-shaped block providing 18 flats with two bedrooms each.
- 1.11 46 parking spaces are proposed for the site, inclusive of four double length spaces and three disabled spaces. 10 of these spaces are proposed to be

allocated to tenants of the new development with the remaining spaces re-allocated to the existing tenants.

- 1.12 The proposed materials are red multi bricks for the external walls, with roof tiles of the same colour and feature grey cladding. Juliet balconies are proposed at first floor level and external balconies at second floor level.
- 1.13 In response to level changes, there is part sunken ground floor proposed, which has been deepened to make it double aspect, with the introduction of a number of light wells ('Zen Gardens'), introduced to provide more natural light.
- 1.14 The access would be from Joicey Road via the existing internal road within the site, which follows around the western, southern and eastern boundaries.
- 1.15 RELEVANT PLANNING HISTORY

DC/09/01016/CON - Demolition of former caretaker's house, gym and air raid shelter - Granted 17.11.2009

DC/09/01018/FUL - Conversion of vacant school buildings and erection of new buildings to create business space for creative industries (use class B1) (amended 22.10.09) - Granted 18.11.2009

DC/09/01019/LBC - Conversion of vacant school buildings and the erection of new buildings to create business space for creative industries (use class B1) (amended 22.10.09) - Consent Granted 18.11.2009

DC/10/00754/TPO - Tree works that consist of the removal of 1 holly T281, 1 sycamore T282, 1 ash T283, 1 cherry T303, 1 copper beech T300, in addition a small group identified as group 5 on the plan is proposed for removal this group on the plan consists of sycamore x 3 and 1 x holly. All of the works were proposed in order to construct a new access to the site - Granted 20.09.2010

DC/11/00088/FUL - Erection of a single storey building to provide children's day nursery (use class D1) to rear of existing school building and creation of new access onto Joicey Road (amended 01/03/11 and 11/04/2011) - Granted 28.04.2011

DC/11/00342/FUL - Refurbishment of existing listed school buildings, change of use of main school buildings and 2 pavilions to office (use class B1), change of use of 1 pavilion to use class A1 or A3, extension of 3 pavilions, change of use of rest barn to dance studio (use class D2) with residential annex (use class C3), refurbishment and extension of existing caretaker's house and construction of new access road and associated car parking as amended by plans received between 04.07.2011 and 07.07.2011 (part retrospective application). (Amended description 08.07.2011) - Granted 08.07.2011

DC/11/00365/LBC - Refurbishment of existing listed school buildings (main school, rest barn and pavilions) and extensions to the 3 pavilions as amended by plans received between 04.07.2011 and 07.07.2011 (Amended description 08.07.2011) - Consent Granted 08.07.2011

DC/11/00692/FUL - Variation of condition 1 of planning permission
DC/11/00088/FUL to allow external alterations including the roof design (amended 04/08/11) - Granted 15.08.2011

DC/11/01437/COU - Change of use from Business Park to Children's Nursery - Granted 14.02.2012 [small amount of land]

DC/11/01456/FUL - Construction of 3 car parking spaces within the children's nursery site (amended 16.03.2012) - Granted 03.05.2012

DC/13/00596/FUL - Erection of new office accommodation in the grounds of Business Park (additional information received 29/11/13 and 07/04/2014) (amended 07.04.2014 and 07/04/2014) - Granted 14.05.2014

DC/17/00459/NMA - NON MATERIAL AMENDMENTS TO CONDITIONS: 7 (remediation), 8 (verification report), 12 (surface water drainage), 14 (materials) and 15 (glazing) of DC/13/00596/FUL to enable amendments to the timescale for compliance - Granted 12.05.2017

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No work required
Tyne And Wear Fire And Rescue Service	No objection
Northumbria Water	Condition recommended
Coal Authority	No objection subject to conditions
Environment Agency	No response 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 An objection has been received from Councillor Duggan raising concerns relating to the following:

- Impact on highway safety
- Loss of and impact on trees
- Impact on ecology

- Overshadowing and loss of outlook to the detriment of residential amenity
- Impact on character of the area and Conservation Area and Listed Buildings
- Impact of contaminated land/asbestos

3.3 55 objections have also been received from members of the public, raising concerns relating to the following:

- Increase in traffic and subsequent impact on highway safety, particularly in relation to the existing narrow and inadequately lit access road within the site, safety at the neighbouring children's nursery and for pedestrians and cyclists in general, the access onto Joicey Road, proximity to Saltwell Park and Crematorium and Joicey Road already being busy (including with larger vehicles)
- Loss of parking provision for the neighbouring units in the business park and impact on parking demand on nearby streets/roads
- The development should be sustainable and carbon neutral, and potential future occupiers need to be encouraged to travel more sustainably
- Electric vehicle charging and cycle parking should be provided
- Increased pollution from traffic, impact on air quality and carbon dioxide from removed/rotting/burned trees
- Loss of trees and greenery and inadequate landscaping, resulting in an impact on the character and appearance of the area and wildlife, particularly bats
- Loss of available green space
- Overdevelopment of the site
- Impact on character of the area and Conservation Area and Listed Building
- Impact on local and neighbouring businesses
- Increase in noise
- Loss of light and overshadowing at neighbouring premises
- Impact on residential amenity of potential future occupiers of the proposed development in terms of noise from the existing dance school

- The development would result in overlooking at the neighbouring children's nursery and dance school, which would raise safeguarding concerns
- Impact of noise, dust and heavy machinery associated with the construction would disturb and distress children at the neighbouring nursery, impact on health and safety and impact on neighbours' quality of life
- Existing issues with anti-social behaviour at the business park, and proposed development would worsen this
- Additional residential traffic passing neighbouring property would increase disturbance and affect privacy of occupiers
- More frequent damage to neighbouring property/boundary treatment
- Construction phase would affect access to the neighbouring nursery
- Impact on views from neighbouring properties
- Loss of property value
- Increase in rubbish and subsequent increase in rodents
- Exposure to disturbed asbestos from the site
- Application site not appropriate for residential development
- Units at a nearby residential development have not all been sold and there is not a need for the type of dwelling proposed in this application (ie. not family homes)
- No social housing compensation or affordable housing
- The development is not commonhold
- Nurseries in the area are already oversubscribed

3.4 2 letters of support have been received commenting on the following:

- Opportunity to bring more people to the area to add much needed inward investment.
- Positive addition to recent developments in locality

3.5 2 representations neither in support nor in objection have been received, making the following comments:

- Increase in traffic on Joicey Road

- Safety for pedestrians and cyclists
- Impact on trees and wildlife

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

H5 Housing Choice

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV11 Listed Buildings

ENV19 Locally Listed Parks and Gardens

ENV27 Greening the Urban Area

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP Making Spaces for Growing Places

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment of the Proposal:

- 5.1 The main planning issues in this case are considered to be the principle of development, design and heritage assets, highway safety and parking, residential amenity, ground conditions, drainage and flood risk, ecology, trees, and any other matters raised.
- 5.2 **HOUSING POLICY**
Policy CS10 of the 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.
- 5.3 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP 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). Whilst this is a Borough-wide target, no part of the scheme would have three or more bedrooms. This area is considered to be a suitable location for family homes with three or more bedrooms, where they should be encouraged if the plan-wide target is to be achieved. The submitted Design and Access Statement states that the proposal would deliver family housing in the form of two-bedroomed apartments, and although the proposal would not fully comply with the policy requirement for delivery of homes with three bedrooms, which is not ideal, this would not be a refusal reason in itself.

- 5.4 Policy CS11 also requires 15% affordable homes on all developments of 15 or more dwellings subject to development viability. The application is accompanied by an Affordable Housing Statement which sets out that the provision of affordable housing is unviable and refers to a viability assessment. However, this information has not been submitted and therefore officers cannot confirm whether or not the requirement for affordable housing would make the development unviable. .
- 5.5 Emerging Policy MSGP13 sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). This policy has been formulated by taking into account viability across MSGP. However, the policy does not have full weight as Making Spaces for Growing Places (MSGP) is currently undergoing examination as Part 3 of the Development Plan, and was subject to objections from third parties. Adopted policy CS11(4) of the CSUCP requires adequate space inside and outside of the home to meet the needs of residents. It is considered that this policy requirement would be satisfied.
- 5.6 Although the proposal would not provide family homes with three or more bedrooms, it would contribute to housing stock in the borough and the principle of residential use on site would be acceptable. However, the proposal would not provide affordable homes on site and in the absence of any clear and convincing justification, it is contrary to saved policy H5 of the UDP and policy CS11 of the CSUCP.
- 5.7 OPEN SPACE AND PLAY
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.
- 5.8 The site is in the Low Fell Central residential neighbourhood which is not deficient in open space and therefore there is no requirement to provide any public open space.
- 5.9 There are no toddler play areas located within the maximum distance of this site specified by policy CFR28. Given the scale of the proposed development, it is considered feasible to incorporate a toddler play area, which may be unequipped, within the scheme. This could be secured by condition, if planning permission was to be granted.
- 5.10 There are no junior play areas located within the maximum distance specified by policy CFR29, and there is one teenage recreation facility, at Saltwell Park, located within the maximum distance of this site as specified by policy CFR30, but the size of this facility is insufficient for its catchment population.
- 5.11 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.

- 5.12 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.
- 5.13 Therefore while it cannot be concluded that the proposal would fully comply with saved policies H15, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for off site play provision in this case based on the above assessment.
- 5.14 **URBAN GREEN SPACE**
This development site is on land identified in the 2007 UDP as urban green space. Policy ENV27 seeks to safeguard, improve and increase areas of urban green space where appropriate. Accordingly, this development should have regard to enhancing urban green space at this location by providing landscaping improvements and/or enhancing tree cover.
- 5.15 In this case it is acknowledged that the green space on site, in its current state, does not offer much availability for quality use, and that, having previously granted planning permission for development on this part of the wider site, it is inevitable that some of the existing green space will be lost. It is important therefore that the development incorporates good quality areas of green space into the design; in order for the development to comply with policy ENV27. In this case, the proposal would not provide the necessary landscape improvements, incorporating as it does substantial areas of hard surfacing. No planting details have been provided, other than a reference to 'grass' and 'planting'. Examples of Landscape Precedents provided in the Design and Access Statement are predominantly formal and hard surfaced, with limited, manicured soft landscaping. This would result in a form of development at odds with the historic and current appearance of the site. It is therefore considered that the development would not comply with saved UDP policy ENV27.
- 5.16 **DESIGN/SETTING OF LISTED BUILDING/CONSERVATION AREA**
The application site is within the grounds and setting of the Grade II Listed former Joicey Road School and forms part of the Saltwell Conservation Area. It also forms part of a larger green area that includes Saltwell Park and is within the locally listed Whinney House Gardens.
- 5.17 In addition to the above, there is Grade II Listed Whinney House Lodge and Grade II Listed Whinney House, both of which are visually separated from the proposed site by Whinney House Dene, and the stone boundary to Durham Road, which is within the conservation area and pre-dates the open-air

school, instead relating to the former grounds of Whinney House, and is considered to be a non-designated heritage asset.

5.18 Paragraph 192 of the NPPF states:

'In determining applications, local planning authorities should take account of:
(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
(c) the desirability of new development making a positive contribution to local character and distinctiveness.'

5.19 Paragraphs 193 and 194 of the NPPF continue:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'

5.20 Additionally, paragraph 127 of the NPPF seeks to ensure that developments:

- '(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

- 5.21 Paragraph 64 of the NPPF also requires the permission be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.22 The National Design Guide builds on national policy and advises that well designed places should be based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design, integrated into their surroundings so they relate well to them, influenced by and influence their context positively, and responsive to local history, culture and heritage. (paragraph 39).
- 5.23 Saved policy ENV3 of the UDP requires the design of new development to make a positive contribution to the established character and identity of its locality and to address the relationship between buildings and the spaces around and between them in a sensitive manner.
- 5.24 Policy CS15 of the CSUCP requires development to contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character and creating safe and inclusive environments.
- 5.25 The reflection of the existing L shape barn of the proposed building helps to link it to the wider site and the location of the proposal within the existing perimeter road is also considered appropriate from a heritage perspective. Additionally, it is considered that the proposed residential use in principle would not cause harm to the significance of the identified heritage assets.
- 5.26 However, it is considered that the design of the proposed building would directly impact on the relationship with the existing site (buildings and landscape). The proposed height(s) of the building would in parts exceed the heights of the approved building under permission DC/13/00596/FUL by more than 2m, and the widths of the gable ends would be exceeded by at least 1.3m.
- 5.27 Whilst the scheme for DC/13/00596/FUL also included detached business 'pods', these were single storey, and the scheme as proposed in this application would result in an increase in volume/bulk of the main three storey element, particularly in terms of increase in height and width facing towards the listed building.
- 5.28 Additionally, the proposed design is a pitched roof with brickwork to the eaves of the three-storey building, with projecting bay window details which carry into the roof. The way the massing is broken up by the materials and architectural appearance creates a strong vertical emphasis, which is at odds with the rest of the site.
- 5.29 The land surrounding appears that it would be levelled to match that of the inner courtyard across the gable ends, resulting in three storey gables rather than two storeys. The effect of levelling is not clear and there is no section through the site which clearly, and measurably, shows the scale and massing

of the proposed building next to the existing single storey former school buildings and more recent nursery building. What is evident is that the gables of the proposed building would stand at three storeys. This relationship does not better reveal or enhance the setting of the listed buildings.

5.30 Therefore, compounding the physical bulk, the proposed design and materials would over emphasise the increase in height, scale and massing of the building, the verticality of the scheme and the inability of the building to relate to, interact with, integrate with, or complement the existing site. The intrusive scale, and dominance of the gables, and of the building, over the rest of the site amounts to harm to the significance of the designated heritage assets (listed building and conservation area).

5.31 Furthermore, the proposal to remove almost all green landscape to create a paved courtyard is considered harmful to the setting of the listed building. The listing description for the former Joicey Road School sets out how the significance of the site is embedded in the provision of outdoor learning, either in the natural environment provided by the soft landscaped grounds or, when necessary due to weather, inside but with opened windows. A hard paved car park, breaking the link between the concept of the 'open air' school and the green surroundings, would not enhance nor better reveal the significance of the listed building. In this instance, it is considered that the land would be better enhanced as green open space to protect the setting of the listed building.

5.32 The proposed design of the building and the significant loss of green space would result in harm to the designated heritage assets (the former school and the conservation area), and this would be less than substantial harm.

5.33 Paragraph 196 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

5.34 Whilst the proposal would contribute to housing stock in the borough, this would not be in the form of either affordable homes or family homes with three bedrooms or more, and it is considered that the number of units itself contributes to the harmful design and the amount of hardstanding/significant loss of green space. In this instance, it is considered that the public benefits of the scheme would not outweigh the identified harm to heritage assets.

5.35 The proposal would result in less than substantial harm to designated heritage assets, as identified above, which would not be clearly outweighed by public benefits. The proposal would be contrary to the aims and requirements of saved policies ENV3, ENV7, ENV11, ENV19 and ENV27 of the UDP, policy CS15 of the CSUCP, Gateshead Placemaking Supplementary Planning Document (SPD) and the NPPF.

5.36 PARKING/HIGHWAY SAFETY

The applicant has submitted details of the predicted vehicle trip generation for the proposal, and whilst this is considered to be marginally on the low side, officers are confident that the uplift in trips arising from the development would have a low impact. The figures are also well below the threshold for considering highway improvement works to existing junctions on the road network. The impact on existing junctions and the local road network is therefore considered to be acceptable.

- 5.37 It would not be acceptable for a development of this scale to take the form of a private drive and therefore, suitable road widths, footpaths and service strips are required to be accommodated. A development consisting of 18 apartments should have 5m carriageway width throughout or, where this is absolutely not feasible due to engineering reasons, appropriately spaced and carefully positioned passing places available as an alternative. There is concern regarding the lack of width and/or passing places at certain points along the proposed access road (in particular to the south-east corner of the nursery and to the east of the proposed apartments).
- 5.38 Further, the refuse vehicle swept path analysis appears to demonstrate that a refuse waggon can travel from one end of the site to another, however, in many places this relies upon the refuse driver not encountering a car travelling in the opposite direction.
- 5.39 Therefore, it is considered that the highway layout as submitted is not acceptable for the scale of residential development proposed and that, as part of the proposed build, there is scope to introduce more sections of two-way road and/or passing places than is currently shown on the site layout plan, particularly to the east of the proposed main residential block/on approach to the existing dance school.
- 5.40 Longitudinal gradients would be required for all proposed roads, particularly in relation to the gradients leading from the turning head outside the dance school as this road appears to be very steep. These have not been submitted with the application and it is not possible to determine the application positively in the absence of this information, including retaining structures required.
- 5.41 Additionally, in terms of parking provision, 46 spaces are proposed for the site, inclusive of four double length spaces and three disabled spaces. 36 of these spaces are proposed to be allocated to residents of the new development with the remaining 10 spaces re-allocated to the existing tenants.
- 5.42 The double-stacked parking bays (24 to 27 shown on plans) are considered to be unacceptable in terms of provision, as all bays would need to be directly accessible from the access road or main car park circulatory area. In terms of the potential removal/relocation of these inappropriate bays, more information is required in order to fully assess the current parking situation in relation to the proposed parking provision. It is understood that a car park management

plan is in place on the wider site but no information on this has been submitted. Therefore, it is considered that insufficient information has been submitted with the application to enable officers to fully assess the application in terms of parking provision.

- 5.43 Waiting restrictions (as part of a wider car park management plan) would also be required to be provided, to ensure the carriageway width is maximised and protected at all times. This, along with confirmation of an amended car park management plan could be required and secured by conditions if the application was recommended to be granted.
- 5.44 A Transport Assessment has been submitted with the application, which references the provision of an at-grade pedestrian route to Joicey Road, the widening of the existing footway link to Durham Road to 2m including at the gate, and the provision of a new pedestrian ramp up to Durham Road at gradients that would enable disabled user access. These measures are not shown on submitted plans. A suitable pedestrian route (through the proposed development main car park and then through the business park) would be required to be demonstrated as well as the provision for pedestrian movements in and around the main car park. Therefore, insufficient information has been submitted to determine the application in relation to pedestrian access, and to ensure the feasibility of the pedestrian routes.
- 5.45 The proposed cycle storage areas would not be appropriate for long-term residential storage. However, final details could be secured by conditions if the application was to be granted.
- 5.46 Similarly, conditions could be imposed requiring details and implementation of street lighting within the development, which is key to pedestrian safety and promoting sustainable travel on foot, and also final details and implementation of provision of electric vehicle charging points.
- 5.47 Finally, if the application was to be granted, conditions could be imposed requiring the submission and implementation of an appropriate travel plan relating to the development.
- 5.48 Given the above, whilst some elements could be required by condition, it is considered that overall, insufficient information has been submitted to allow officers to be confident that a scheme, to achieve appropriate road widths, gradients, parking provision and pedestrian access, could be accommodated on site, in accordance with policy CS13 of the CSUCP and the NPPF.
- 5.49 **RESIDENTIAL AMENITY**
Saved policy DC2 of the UDP requires that new development should [amongst others]:
- a) not have an adverse impact on amenity or character of an area, and does not cause undue disturbance to nearby residents or conflict with other adjoining uses;

- b) safeguard the enjoyment of light and privacy for existing residential properties;
- c) ensure a high quality of design and amenity for existing and future residents

5.50 Additionally, policy CS14 of the CSUCP requires that the wellbeing and health of communities will be maintained and improved by [amongst others]:

1. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
 - i. Creating an inclusive built and natural environment,
 - ii. Promoting and facilitating active and healthy lifestyles,
 - iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality,
 - iv. Providing good access for all to health and social care facilities, and
 - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.

5.51 Paragraph 127 of the NPPF seeks to ensure that developments [amongst others]:

‘(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.’

5.52 It is understood that the wider site contains a mix of residential and commercial uses, although it is predominantly the latter. Given the distance from dwellings at 10 Telford Close and Joicey House and that there are commercial uses between these and the specific proposal site, it is considered that the proposed development would not result in noise, loss of light, loss of privacy, loss of outlook or have an overbearing impact that would result in an unacceptable impact on residential amenity at these neighbours.

5.53 It is also considered that the proposal would not have an unacceptable impact on the amenity of occupiers of commercial units on site, including the nursery, in relation to the material considerations within planning. That said the proposed ‘Juliet’ balconies on the western gable end would not be ideal in terms of proximity to the nursery site and perception of overlooking, however, this could be addressed by conditions if the application was to be granted.

5.54 Similarly, given the change in levels, screening from trees and distance from the site, it is considered that the proposed development would not result in an unacceptable impact on residential amenity for occupiers of dwellings to the south and east.

5.55 If the application was to be granted, a condition could be imposed restricting hours of construction, to ensure noise and disturbance from the construction phase would not result in an unacceptable impact on neighbouring occupiers.

- 5.56 In terms of living conditions for future residents, whilst it is considered that overall the proposal would provide adequate space for the day to day living needs of residents, there are significant concerns regarding the proposed arrangement including lightwell windows on the south and east facing elevations of the building at ground floor level.
- 5.57 As the site levels steeply slope down from east to west, the proposed retaining wall, would be over 2m high. The resulting distance between the windows and the retaining wall would be approximately 1.5m, when typically a 13m distance would be expected, in addition, there is existing cover/shading from trees, and the windows in question would be the primary ones serving the bedrooms (habitable rooms).
- 5.58 The lightwells would not allow for appropriate levels of light in the relevant bedrooms, and it is considered that the proposed arrangement would result in an unacceptable level of outlook for occupiers. As such, the proposal is contrary to the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.59 **CONTAMINATED LAND/COAL MINING**
The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. It is possible that the development area will be affected by ground contamination, possibly through in any historic made ground deposits present, from imported fill materials and material used to construct a development platform for the site and buildings, and from materials e.g. asbestos used in former buildings.
- 5.60 A preliminary risk assessment has been submitted with the application and officers agree with the recommendations of the report as to the requirement for a Phase II site investigation to investigate potential contamination issues at the site. If the application was to be approved, conditions would be recommended to require details of further site investigations, Phase II Risk Assessment and remediation measures where required, the implementation of approved remediation measures and the submission of a verification report(s) demonstrating their effectiveness.
- 5.61 A Coal Mining Risk Assessment has also submitted with the application. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and if the application was to be approved, conditions would be recommended to, require further site investigations and remediation measures where required, to be submitted for consideration, and implementation of approved remediation.
- 5.62 Subject to conditions, the proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

5.63 DRAINAGE AND FLOOD RISK

Whilst the site is in flood zone 1, it is also within a critical drainage area and the Team Valley catchment area. Paragraph 165 of the NPPF states that:

'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.'

5.64 The application is supported by a Flood Risk Assessment and a Drainage Strategy, however, there are concerns relating to both sets of information as submitted.

5.65 In terms of the Flood Risk Assessment, until intrusive ground investigation is undertaken, it cannot be concluded that there is a low risk of groundwater flooding occurring at the site and that no further assessment is required with respect to groundwater flooding. Also, a detailed assessment of how overland runoff is routed is required to demonstrate that exceedance has been adequately considered (i.e. clearly demonstrating that runoff will be safely managed within the site).

5.66 In terms of the proposed drainage strategy, the extent of proposed runoff areas needs to be clarified, and more specific detail relating to this is required. An assessment of overland flow routes would also be required to determine whether there could be an adverse consequence to lower lying land and property and therefore whether any mitigation measures are needed to reduce or adequately manage the residual flood risk.

5.67 In addition to this, clear justification of the use of combined drainage within the site is required. Whilst it is appreciated that the sewers under the main public highway are combined, it is understood that the on-site systems are separate. The initial site access road area does not appear to be drained into the proposed attenuation and it is unclear how runoff from this area would be managed.

5.68 Whilst Northumbrian Water have recommended a condition requiring further details of the disposal of foul and surface water to be submitted (if the application was to be granted), officers assessing the more detailed impact on-site are not confident that the proposed strategy would safely and adequately manage runoff on site and are not satisfied that the information submitted is sufficient to determine the application, in accordance with policy CS17 of the CSUCP and the NPPF.

5.69 ECOLOGY

The proposal site is located within 2km of several Local Wildlife Sites (LWS) including Saltwell Park Lake LWS located approx. 670m to north west. The site is also located partially within a designated Wildlife Corridor. Aerial photography indicates the site comprises area(s) of grassland, hardstandings, ornamental hedging/shrub planting, individual and groups of trees. Built development incorporating existing buildings and hardstanding is located immediately to the north and west of the site. Habitats within and immediately adjacent the site have the potential to support statutorily protected and priority/notable species.

5.70 Paragraph 170 of the NPPF states:

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;’

5.71 Paragraph 175 of the NPPF continues:

‘When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused’

5.72 The planning application is not supported by an ecological survey, assessment, mitigation and enhancement report. Whilst it is considered the proposed development is unlikely to have a significant adverse impact on designated nature conservation sites, it is likely that the proposed development in its current form would result in a net-loss of biodiversity.

5.73 In the absence of an appropriate level of ecological information it is not possible to fully determine the impacts of the development on biodiversity and ecological connectivity. Therefore, insufficient information has been submitted with the application and it is recommended that the application be refused for this reason, in accordance with saved policies DC1, ENV44, ENV46, ENV47, ENV49 and ENV51 of the UDP, policy CS18 of the CSUCP and the NPPF.

5.74 TREES

Trees on site are protected by TPO157 and are also benefit from protection by being within the Conservation Area. The application is unclear in terms of whether one or two trees are proposed to be removed, as there are conflicting proposals within the Tree Survey details and the proposed layout plans submitted.

- 5.75 The proposed tree removal is in the south east corner of the site and would facilitate the installation of parking spaces. The submitted tree survey refers to the beech tree on the inside bend of the road (T209) as a moderate quality tree in fair condition, and new tree planting proposed further into the site.
- 5.76 The beech tree on the outside of the bend (T208) is described as high quality and in good condition. Whilst the submitted layout plan proposes its removal, the tree survey recommends protection during the proposed works and consideration of foundation design and protective surfacing.
- 5.77 Although the proposed removal of the moderate quality tree on the inside of the bend (T209) is not ideal, on balance, this is considered acceptable. The removal of the beech tree on the outside of the bend (T208) would be unacceptable, and even if this was to be retained, it is considered that the proposed parking spaces on the outside of the bend would likely result in increased pressure to remove trees in this location over time, which would not be ideal. However, it is acknowledged that this arrangement (the parking on the outside of the bend) was accepted in permission DC/13/00596/FUL, and tree protection measures could be secured by conditions.
- 5.78 Therefore, it is considered that on balance, the proposal would not have an unacceptable impact on trees that would warrant refusal of this application. The proposal would not conflict with the aims and requirements of saved policy ENV44 of the UDP, policy CS18 of the CSCP and the NPPF.
- 5.79 **SUSTAINABILITY**
The site is not near a decentralised energy scheme or any planned scheme, the next option would be to install renewable energy solutions. In addition, in accordance with policy CS16 of the CSUCP, all development is required to use a good standard of building fabric, passive design and landscaping measures to minimise demand and achieve a good level of sustainability, as required by national standards and also reduce its whole life CO2 emissions.
- 5.80 The applicant has submitted a sustainability statement, which refers to some building/materiality measures. If the application was to be granted, it is considered that the sustainability requirements could be secured by appropriate conditions.
- 5.81 **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 B, which has a charge of £30 per sqm.
- 5.82 **OTHER MATTERS**
The ownership status (i.e. commonhold, leasehold etc) of proposed units, loss of property value, impact on views from neighbouring occupiers, and the

subscription/capacity of local nurseries are not material planning considerations.

- 5.83 Planning cannot control adeptness of drivers using the road and whether damage would occur (outside of overall highway safety impact of the proposal).
- 5.84 Existing issues with anti-social behaviour at the business park are also not a planning matter, and in terms of a potential increase, overall, the proposal does not raise significant concerns relating to the perception of safety on site that could not be controlled by condition.
- 5.85 The proposal includes provision for waste management and it is considered that it would not result in an unacceptable increase in rubbish or rodents.

6.0 CONCLUSION

- 6.1 The proposal would contribute to housing stock in the borough and the principle of residential use on site is acceptable. However, the proposal would not provide affordable homes on site and in the absence of any clear and convincing justification, it is contrary to saved policy H5 of the UDP and policy CS11 of the CSUCP.
- 6.2 The proposed amount of hardstanding/loss of green space and the proposed intrusive and dominant appearance of the building (whereby the scale and massing, with the verticality, materials and overall design compounding this, resulting in the scheme not relating to, interacting with, integrating with or complementing the existing site) would result in less than substantial harm to designated heritage assets, which would not be clearly outweighed by public benefits, and is contrary to the aims and requirements of saved policies ENV3, ENV7, ENV11, ENV19 and ENV27 of the UDP, policy CS15 of the CSUCP, Gateshead Placemaking Supplementary Planning Document (SPD), the National Design Guide and the NPPF.
- 6.3 The very close proximity of ground floor, south and east facing habitable room windows and the retaining structure, would not allow for appropriate levels of light in these rooms. In addition, it is considered that the proposed arrangement would result in an unacceptable level of outlook for occupiers. As such, the proposal is contrary to the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 6.4 The highway layout as submitted is not acceptable for the scale of residential development proposed. As part of the proposed build, there is scope to introduce more sections of two-way road and/or passing places than is currently shown on the site layout plan, particularly to the east of the proposed main residential block/on approach to the existing dance school. As such, the proposal is contrary to the aims and requirements of policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle and the NPPF

6.5 Additionally, insufficient information has been submitted to determine the application in relation to the following:

- Road gradients
- Appropriate parking arrangement
- Pedestrian Access
- How groundwater flooding and overland runoff would be safely managed within the site
- The impacts of the development on biodiversity and ecological connectivity

6.6 For the reasons above, it is recommended that the application be refused.

7.0 Recommendation:

That permission be REFUSED for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary

1

The proposal would not provide affordable homes on site and in the absence of any clear and convincing justification, it is contrary to saved policy H5 of the Unitary Development Plan and policy CS11 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle.

2

The loss of urban green space and resultant increased amount of hardstanding, coupled with the intrusive and dominant appearance of the building, which does not relate to or integrate with its setting results in less than substantial harm to designated heritage assets, which would not be clearly outweighed by public benefits. The development is contrary to the aims and requirements of saved policies ENV3, ENV7, ENV11, ENV19 and ENV27 of the Unitary Development Plan, policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle, Gateshead Placemaking Supplementary Planning Document, the National Design Guide and the NPPF.

3

The close proximity of the retaining structure and habitable room windows, at ground floor level, on the south and east facing elevations would fail to provide either adequate outlook or light levels for future occupiers, to the detriment of their living conditions. As such, the proposal is contrary to the aims and requirements of saved policy DC2 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle and the NPPF.

4

The proposed highway layout as submitted is not appropriate for the scale of residential development proposed and would result in an unacceptable impact on highway safety, contrary to the aims and

requirements of policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle and the NPPF.

5

Insufficient information has been submitted to allow the Local Planning Authority to properly assess the application in relation to road gradients, appropriate parking arrangements or pedestrian access, contrary to the aims and requirements of policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle and the NPPF.

6

Insufficient information has been submitted to allow the Local Planning Authority to properly assess the application in relation to the safe management of groundwater flooding and overland runoff within the site, contrary to the aims and requirements of policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle and the NPPF.

7

Insufficient information has been submitted to allow the Local Planning Authority to properly assess the application in relation to the impacts of the development on biodiversity and ecological connectivity, contrary to the aims and requirements of saved policies DC1, ENV44, ENV46, ENV47, ENV49 and ENV51 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle and the NPPF.



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