

**Committee Report**

<b>Application No:</b>	<b>DC/22/00744/OUT</b>
<b>Case Officer</b>	<b>Rebecca Norman</b>
<b>Date Application Valid</b>	<b>27 July 2022</b>
<b>Applicant</b>	<b>Ms L Miller</b>
<b>Site:</b>	<b>Former Miners Welfare Hall Crawcrook Lane Ryton NE40 4PA</b>
<b>Ward:</b>	<b>Crawcrook And Greenside</b>
<b>Proposal:</b>	<b>Outline permission for redevelopment of site including demolition of former Miners Welfare Hall, workshop and store and erection of up to 6no. dwellings with associated parking areas and access (all other matters reserved) (amended and additional plans 21.11.2022, 01.02.2023, 28.02.2023, 01.03.2023).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Outline Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

The application site is situated to the south east of the junction of Crawcrook Lane and Chesters Gardens, Crawcrook.

1.2 The northern part of the site is occupied by a building known as the former Clara Vale Miners' Welfare Hall. The building is currently vacant but was previously occupied as a furniture restoration business. To the western boundary alongside Crawcrook Lane sits a two storey/single storey building currently used as a workshop and for storage. To the centre of the site is a single detached residential property and to the southern boundary are a pair of semi-detached residential properties; the eastern property of the pair is outwith the red line boundary.

1.3 Vehicle access into the site is from Crawcrook Lane to the western boundary between the former Miners' Hall and workshop/storage building, which serves the residential and commercial uses. Land levels fall to the north west, and the site access slopes up from the road.

1.4 The site is located within an established residential area with commercial/retail uses to the south and east along Main Street (B6317). The site is bordered by Chesters Gardens and residential properties to the north and east. To the west is Crawcrook Lane with terraced dwellings known as Greenwell Terrace beyond and the junction with St. Agnes Gardens. The site is bordered immediately to

the south by a residential property known as Paygate House with Crawcrook Social Club beyond.

1.5 The former Miners' Hall is a locally listed building. The site falls outside of the Crawcrook Area of Special Character but is adjacent to its boundary.

1.6 DESCRIPTION OF APPLICATION

This application is seeking outline planning permission for the redevelopment of the site including the demolition of the former Miners' Hall and workshop/storage building and construction of up to 6no. dwellinghouses with associated access.

1.7 Access is being considered as part of this application and is proposed to be taken from the north from Chesters Gardens, which would require the demolition of the former Miners' Hall building. A plan showing the proposed site access has been submitted.

1.8 An illustrative site layout plan has also been provided to support the application, to show how 6no. dwellings and associated gardens and car parking could be facilitated within the site. This shows the closure of the existing vehicle access from Crawcrook Lane and an indicative layout for the site comprising two blocks of 3no. dwellings to the north and west boundaries, with access and parking to the eastern side of the site.

1.9 Matters relating to layout, appearance, landscaping and scale are reserved for subsequent reserved matters approval.

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

- Phase I Risk Assessment and Coal Mining Risk Assessment
- Bat Survey report
- Planning Statement
- Heritage Statement
- Additional heritage report
- Building Assessment report
- Proposed Site Entrance plan
- Indicative site layout plan

1.11 RELEVANT PLANNING HISTORY

DC/21/00811/OUT – Redevelopment of site including demolition of former Miners' Welfare Hall and adjacent workshop for proposed 8 dwellings including terraced housing and apartments with associated parking areas and improved access (amended plans 23.09.2021, 05.10.2021, 28.03.2022) (amended description 05.10.2021). Application withdrawn 16.06.2022.

1113/92 - CERTIFICATE OF LAWFULNESS OF AN EXISTING USE:  
Use of premises as builders yard. Certificate granted 08.03.1993.

263/90 - Development for residential purposes (use class C3). Outline  
planning permission granted 08.06.1990.

19/88 - Change of use from vacant plastics factory to furniture  
restoration, storage and retail showroom. Planning permission  
granted 08.02.1988.

837/87 - Change of use from production of glassfibre components to  
production of wooden patterns for foundry use, models and  
signboards etc. Planning permission refused 02.10.1987.

## **2.0 Consultation Responses:**

The Coal Authority	No objections, subject to conditions
Tyne and Wear Archaeologist	Whilst the retention and reuse of the building would be preferable, based upon the condition and suitability of the building for conversion, no objections are raised, subject to conditions

## **3.0 Representations:**

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

3.2 Two letters of objection have been received from Councillor Haran which raise the following matters:

- Objection to loss of local heritage building
- Objection to anything that isn't appropriate conversion or refurbishment
- Historical context needs to be taken into consideration
- Overdevelopment
- Development too close to the junction
- There are existing parking/access complaints relating to the school and the proposed development would make the access route worse
- The junction is currently constantly covered with lots of parked cars, it is unclear how it would cope with 6 additional dwellings
- The junction is difficult to enter and exit and an additional access from Chesters Gardens would make it difficult

3.3 4no. objections have been received which are summarised below:

### Heritage/visual amenity

- The loss of the Miners' Hall would not conserve the heritage of the village and its historical assets
- The conversion/retrofit of the Miners' Hall would benefit the development and the character and historic narrative of the surrounding area
- Out of character with Conservation Area
- Out of character with streetscene
- Overdevelopment
- Objection raised to contents and conclusion of Building Report; the information to justify the demolition of the Miners' Hall is inadequate
- Loss of locally listed structure in an area of limited buildings of historical significance; there are no listed buildings within the urban areas of Crawcrook, Clara Vale or Barmoor and none as visible as the Miners' Hall
- Proposals do not offer any wider community benefit to counteract the loss of the important locally listed structure
- Yet another building with historic interest destroyed to make way for more unnecessary housing that local people cannot afford

### Residential amenity

- Residential amenity concerns
- Additional noise
- Health concerns
- Cooking smells and odours
- Disturbance early mornings/late evenings
- Loss of light
- Loss of privacy
- Overbearing impact

### Highway safety and parking

- Inadequate car parking
- Increase in traffic

### Climate change

- The Council have declared a climate emergency: should there be a retrofit-first approach to development, which have a lower embodied carbon footprint

### Other matters

- Lack of detail regarding boundary wall shared with Paygate House; this wall should be retained as it is the garage and utility room wall for Paygate House and provides privacy and security for the outdoor space
- Concerns that the existing drainage system will not be able to cope with 6no. additional properties

- The roof of the garage next to Paygate House is believed to be asbestos, what will happen to the occupiers of Paygate House when this is removed?
- The bin area proposed to be located adjacent to Paygate House may attract vermin and odours
- The grass area adjacent to Paygate House could potentially attract vandals to climb on the roof, encroaching on privacy

3.4 1no. letter of support has been received which is summarised below:

- The building and surrounding area need rejuvenation and repair
- The replacement of the Miners Hall with housing is supported
- The properties will attract families, which will promote community spirit and improve the general area

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

MSGP8 Digital Infrastructure

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP23 Areas of Special Character

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP27 Archaeology

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP39 Protecting Open Space/Sport/Recreation

MSGP40 Provide/Enhance Open Space/Sport/Rec

MSGP48 Waste Management Facilities - New Dev

GPGSPD – Gateshead Placemaking Guide SPD

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

5.1 The key planning matters to be taken into consideration in the assessment of this application are the principle of the development, heritage assets, visual amenity, area of special character, residential amenity, highway safety and parking, ecology, trees, ground conditions, digital infrastructure, CIL, open space and play, and any other matters.

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

#### **5.3 Housing demand and policy**

Policy CS10 of the Local Plan for Gateshead states that 11,000 new homes (excluding purpose-built student accommodation) will be built in Gateshead over the period April 2010 to March 2030. The proposal would contribute to local housing stock in the Borough and is therefore in accordance with Local Plan policy CS10.

5.4 The latest results of the Housing Delivery Test (HDT) show that 87% of homes required are being delivered in the Borough. The proposed development therefore has the potential to increase housing delivery, which is a positive factor

5.5 The site is not allocated for any specific purpose and is therefore classed as a windfall housing site. Having regard to the circumstances of the site, which is in an established residential area with public transport links close to Crawcrook Local Centre, which has recreational and community facilities and is easily accessible, this is considered to be an appropriate location for new residential development in principle.

5.6 Housing mix

Policy CS9 of the Local Plan for Gateshead seeks to ensure that existing communities will be sustainable places of quality and choice which should be achieved by, amongst other things, maintaining a range of housing types and sizes throughout the plan area.

- 5.7 Local Plan policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families, with a minimum target of 16,000 new homes to have three or more bedrooms.
- 5.8 Officers consider that, in principle, the use of the site for residential development is acceptable and the illustrative site layout indicates that the development would be capable of providing family homes, pursuant to policies CS9 and CS11(1).
- 5.9 Residential space standards  
Local Plan policy CS11(4) requires new residential development to provide *“adequate space inside and outside of the home to meet the needs of residents”*. This is supported by policy MSGP12, which states that *“new homes should be built in accordance with the Nationally Described Space Standards (NDSS), or equivalent successor standards, as a minimum”*.
- 5.10 The number of bedrooms per dwelling is not included within the application description however the indicative site layout describes a scheme for 6no. 3-bed houses (90sqm each). This would fulfil the minimum gross internal floor area for either a 2 storey or 3 storey 3-bed 4-person dwelling including 2.5sqm built-in storage (84sqm or 90sqm). Whilst the building footprints shown on the indicative plan fall slightly short of that which would be required to illustrate two storey dwellings, Officers are satisfied that the application demonstrates that an appropriate scheme for up to 6no. dwellings of an appropriate layout and scale could be delivered which would comply with Local Plan policies CS11(4) and MSGP12 and would fulfil policy CS11(1).
- 5.11 Conclusion  
It is considered that the proposed redevelopment of the site for residential development is acceptable in principle in accordance with the NPPF and Local Plan policies CS9, CS10 and CS11(1) and that Officers are satisfied that the submitted indicative plan demonstrate that the site could deliver a scheme of up to 6no. dwellings that would meet NDSS and would therefore comply with Local Plan policies CS11(4) and MSGP12.
- 5.12 IMPACT ON HERITAGE ASSETS  
The former Clara Vale Miners’ Welfare Hall to the northern boundary of the site is on the Council’s Local List, as referred to by Local Plan policy MSGP25. This is therefore a non-designated heritage asset, as defined by the NPPF.

- 5.13 The Historic Environment Record (HER) describes the building as an orange-red brick single storey former Miners' Hall with a slate roof and multipane green-painted metal windows in original arched openings, with an unfortunate flat roofed porch that obscures the original arched entrance doorway. The building is noted to be of historical importance as the Clara Vale Miners' Hall – the pit having been the origin of the village itself – despite its location in Crawcrook. The building is noted to be a good, representative example of a type of building which was once commonplace in the whole of the north east, with its character having been retained and the few visible alterations such as the porch being reversible.
- 5.14 Paragraph 197 of the NPPF states that *“in determining applications, local planning authorities (LPAs) 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”.*
- 5.15 The application proposes the demolition of the former Miners' Hall, which would facilitate the creation of the proposed access pursuant to the erection of up to 6no. dwellings on the site. Whilst layout is a reserved matter, the submitted indicative layout plan illustrates a scheme for the site whereby the footprint of the former Miners' Hall and existing workshop/storage building are predominantly occupied by new dwellings.
- 5.16 In terms of considering applications affecting non-designated heritage assets, NPPF Paragraph 203 states that:
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.*
- 5.17 NPPF Para. 203 does not refer explicitly to the demolition of non-designated heritage assets and requires a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset. In this instance, the significance of the building would be completely lost through its demolition.
- 5.18 Comments have been received which state that the proposals do not offer any public benefit to counteract the loss of the locally listed



building. There is however no requirement in heritage policy terms to achieve public benefit when considering the loss of a non-designated heritage asset; such a requirement is only necessary in relation to development which leads to less than substantial harm, substantial harm or loss of a designated heritage asset. Further, the NPPF does not offer any differentiation between different harms as is the case with designated heritage assets, and only refers to the scale of harm.

- 5.19 Local Plan policy CS15 requires development to contribute to the conservation and enhancement of the historic environment. This will be achieved by taking a proactive approach to sustaining the historic environment in a manner appropriate to the significance of the asset and requiring development to support and safeguard the historic environment by, where appropriate, positively adapting heritage assets to ensure the continued contribution to quality of place.
- 5.20 The application is accompanied by a Heritage Statement which describes the Miners' Hall and identifies that it is of local significance, noting that the building is of a design and appearance that was once typical for the area and therefore that this serves as an interpretation of the history of the local area which is likely to have local value to surrounding settlements and residents. Whilst having previously been used by the local community, the Heritage Statement does however note that the building has been in private ownership for some time and is therefore no longer of community value.
- 5.21 The submitted Heritage Statement also identifies that the Miners' Hall and other buildings on the site are in poor condition, and therefore suggests that the building would not be safe for use by the public. The views raised relating to the condition of the building are reiterated in an independent Building Assessment report that was carried out to advise on the feasibility of converting the Hall to a single dwelling or multiple apartments. The Assessment concludes that the building is not capable of conversion and raises areas of concern including:
- The absence of a damp proof course
  - The cavity wall being full of mortar
  - The complete erosion of wall cavity ties, which is visible as the eastern gable wall has collapsed, leaving the inner wall exposed
  - Evidence of subsidence at the chimney stacks which indicates the failure of the foundations and suggests that any future conversion would be structurally unsound
  - Asbestos throughout all ceilings
  - Storm damage
- 5.22 As there is no evidence of any later alterations to the Hall, the Building Assessment assumes that the entire building is of the same construction as noted above, and therefore considers that it may be necessary to demolish and re-build the building to ensure conformity to current Building Regulations prior to any further construction. In

particular, the report raises concerns that the collapse of external brickwork demonstrates that the building is not suitable for conversion.

- 5.23 The Building Assessment comments further on the feasibility of converting the Hall without altering its external appearance. This is due to the low roof space above the windows and positioning of the windows, which would make the building difficult to partition into apartments.
- 5.24 The application recognises that the Miners Hall is of local significance and that the loss of the building is unfortunate. However, taking into consideration the findings of the Building Assessment, the Heritage Statement concludes that the building is not suitable or viable for conversion and that its condition and lack of use has resulted in the building falling into a state of disrepair. Further, the Heritage Statement concludes that the demolition of the building would enable the provision of new housing development that would bring both economic and social benefit, which would outweigh the loss of the building.
- 5.25 Whilst a comprehensive structural report has not been submitted Council Officers concur that the building is in a deteriorating condition, and consider that its significance and heritage value have declined over time and continue to do so, both because of the physical state of the building and because this is no longer in community use as per its intended purpose as a Miners' Welfare Hall, having been used as a factory and then as a furniture workshop.
- 5.26 As identified by the applicant, the proposed development would result in the creation of up to 6no. dwellings on a previously developed site and would also facilitate the replacement of the dilapidated workshop buildings to the western boundary along Crawcrook Lane. Further, the demolition of the Miners' Hall is necessary to enable the creation of an access from Chesters Gardens to serve the proposed development on the site.
- 5.27 Therefore, whilst the loss of the locally listed building is regrettable, Officers consider that on balance, the harm resulting from the loss of the non-designated heritage asset would be outweighed by the benefits of new development on the site.
- 5.28 It is considered that a suitable scheme for the site could be developed at reserved matters stage to be reflective of the form and materials of the existing building and/or those within the site and surrounding area, in order to retain some reference to the heritage significance of the site. Whilst the indicative layout provided is only illustrative of a scheme which could be proposed at reserved matters stage, Officers note that the layout shown would fit appropriately onto the site with a

similar placement to the existing buildings and would relate appropriately to the retained sandstone dwellings on the site.

- 5.29 Furthermore, Officers also note the fallback position available to the applicant to apply to the LPA for a determination of prior approval for the demolition of all buildings on the site. This type of application does not include any consideration of the principle of the demolition and the LPA is only able to consider whether their prior approval will be required as to the method of demolition and any proposed restoration of the site.
- 5.30 The Tyne and Wear Archaeologist has raised no objections to the application including the demolition of the building. In order to ensure that an archive record of the building is made, a condition is recommended to be imposed for historic building recording prior to its demolition, pursuant to the requirements of Local Plan policies MSGP25 h) and MSGP27.
- 5.31 Having regard for the above, and on taking a balanced judgement in terms of the loss of the non-designated heritage asset, it is therefore considered that the proposed development is acceptable in heritage terms and accords with the NPPF and policies CS15, MSGP25 and MSGP27 of the Local Plan for Gateshead.
- 5.32 VISUAL AMENITY/LOCAL CHARACTER  
NPPF Paragraph 126 makes clear that *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”*. It goes on to state that *“good design is a key aspect of sustainable development”*.
- 5.33 Paragraph 131 further states that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*.
- 5.34 Policy CS15 of the Local Plan for Gateshead 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, as supported by Local Plan policy MSGP24.
- 5.35 The existing workshop buildings and Miners’ Hall are situated to the north and western boundaries and provide a built frontage onto Crawcrook Lane and Chesters Gardens.
- 5.36 Officers are satisfied that the indicative site layout plan illustrates that a development of up to 6no. dwellings could be accommodated in the site alongside the existing dwellings and the proposed access to relate appropriate to the existing dwellings and afford sufficient private

amenity space and parking facilities for future occupiers without resulting in overdevelopment.

- 5.37 The indicative layout plan illustrates that the proposed dwellings would be positioned to the north and western boundaries of the site, replicating the position of the existing buildings on the site, which Officers consider would be acceptable in broad terms. As the application has been submitted in outline form the final design would be considered through a reserved matters application. It is however considered that a scheme for the appearance, scale, layout and landscaping of the development could be developed for the site which would respond appropriately to the appearance and character of the surrounding area.
- 5.38 Land levels within the wider area fall to the north west and there is a levels difference within the site. It is therefore necessary to impose conditions requiring final details of levels within the site, in order to ensure that the proposed development appears as an appropriate addition to the site relative to the surrounding properties.
- 5.39 Subject to the inclusion of the above conditions the proposal is considered to accord with the design aims and objectives of the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.40 **AREA OF SPECIAL CHARACTER**  
Local Plan policy MSGP23 requires a high level of importance to be given to the design of development within or affecting the setting of Areas of Special Character. Development should maintain or enhance the character of the area and inappropriate development will be resisted.
- 5.41 The Crawcrook Area of Special Character, as defined by the Gateshead Placemaking SPD, is predominantly a linear area focussed around Main Street, with clusters of terraced streets and some older buildings. The design guidance set out within the SPD states that any development along Main Street and Old Main Street be of a high architectural standard, and that alterations or extensions which would have an adverse impact on the quality and appearance of existing buildings should be resisted.
- 5.42 The application site is located adjacent to the Crawcrook Area of Special Character, the boundary of which is to the south and west of the site. Officers consider that a final scheme for the site could be submitted at reserved matters stage which would maintain or enhance the identified character of the area, in accordance with the Placemaking SPD and Local Plan policy MSGP23.
- 5.43 **RESIDENTIAL AMENITY**  
Whilst the application has been submitted in outline form, it is considered that the indicative plans demonstrate that the site could

accommodate 6no. dwellings which would allow for adequate separation distances without unacceptable detriment to privacy, or resulting in an overbearing impact, unacceptable overlooking, loss of light or overshadowing to the existing dwellings within and adjacent to the site (including Existing Units 1-3 and Paygate House).

- 5.44 Concerns have been raised in relation to a lack of detail about the boundary wall to the northern side of the yard of Paygate House, which is formed from the existing workshop building which the indicative plans show would be demolished. Given the nature of this outline application no details of the final site layout have been provided however Officers are satisfied that a final scheme could be submitted at reserved matters stage which would ensure adequate privacy for occupiers of Paygate House.
- 5.45 Concerns have been raised regarding the proximity of the bin store associated with Proposed Unit 6 and Paygate House and potential issues with vermin and odour. Final details of the development would be considered at reserved matters stage however Officers consider that there is no evidence that the bin store of a single residential property would result in such issues occurring.
- 5.46 Officers further consider that the indicative information submitted demonstrates that the site could accommodate a development of up to 6no. dwellings which would provide adequate internal and external space and maintain an acceptable level of amenity for future occupiers of the proposed development.
- 5.47 Officers consider that the demolition and construction works associated with the development could impact on the living conditions of neighbouring occupiers. Conditions are therefore recommended to be imposed in respect of the hours and management of construction.
- 5.48 Having regard to the above, Officers consider that the proposed development could be undertaken without harm to the living conditions of nearby residential properties and that a scheme could be delivered which would afford acceptable living conditions for future occupiers, in accordance with the NPPF and Local Plan policies CS11, CS14 and MSGP17.
- 5.49 **HIGHWAY SAFETY AND PARKING**  
The application site is situated within an established residential area with nearby public transport links and there are a number of nearby shops and amenities in Crawcrook Local Centre that can be reached on foot. Officers therefore consider the site to be sustainable in transport terms.
- 5.50 The application site has an existing access to the western boundary from Crawcrook Lane which serves both vehicles and pedestrians.

- 5.51 The application proposes the creation of a new access to serve the site which would be from the northern boundary with Chesters Gardens, as shown on the 'Proposed Site Entrance' plan. The new access would include a pedestrian footway into the site and the creation of a traffic calming feature at the entrance. The indicative layout illustrates how the proposed access could connect with development in the site and shows the closure of the existing access to the western boundary together with the creation of a new pedestrian access onto Crawcrook Lane.
- 5.52 Officers consider that the location of the proposed access is acceptable in highway safety terms and represents an improvement on the existing access, being located further away from the junction between Crawcrook Lane and Chesters Gardens and sited on a lower classification of road. The submitted plans also demonstrate that the proposed access would provide appropriate visibility and accessibility for pedestrians. Final details of the proposed access and reinstatement of the existing access are recommended to be sought by conditions. The applicant would also be required to enter into a S278 Agreement for the works within the highway.
- 5.53 Whilst the final layout of the development would be considered at reserved matters stage, Officers are satisfied that the indicative site layout and vehicle swept path analysis demonstrate that the scale of development proposed by the application could be accommodated within the site in respect of turning for cars and vans, parking for existing and proposed residents and visitors, cycle parking and refuse storage, and that an acceptable final scheme could be achieved at reserved matters stage. In demonstrating that car parking can be achieved in accordance with MSGP standards, Officers are satisfied that the proposed development would not impact upon any existing or perceived on-street parking issues around the site.
- 5.54 In order to ensure that the final layout of the site is acceptable, conditions would be imposed to ensure that details of parking, turning and refuse storage are included as part of any reserved matters submission. Conditions would also be imposed to ensure that a pedestrian route is maintained to the western boundary to Crawcrook Lane, as indicated on the submitted illustrative layout, and in respect of surface water drainage within the site to ensure that this is intercepted prior to it entering the highway.
- 5.55 Officers consider that the demolition and construction phase of the development may impact upon the public highway and also access for existing properties within the site and therefore conditions would be imposed to secure the provision of a Demolition and Construction Management Plan.
- 5.56 Subject to the imposition of the above conditions, Officers consider that the proposed development is acceptable in highways terms and

would accord with the aims and objectives of the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

5.57 TREES

There are a small number trees and shrubs within the application site which offer a limited contribution to the amenity of the wider area. As the scheme is for outline approval final details of landscaping would be submitted at reserved matters stage which Officers consider is acceptable, and that compensatory planting could be achieved to replace any lost trees and shrubs. Therefore, the scheme is considered to be acceptable in respect of trees and accords with the NPPF and policies CS18 and MSGP36 of the Local Plan for Gateshead.

5.58 ECOLOGY

The proposed development site is not located within or immediately adjacent to a designated nature conservation site or Wildlife Corridor, and no significant adverse impacts are anticipated in relation to any such features.

5.59 The application is supported by a Bat Survey which confirms the presence of at least 3no. day roosts within the detached dwelling to the centre of the site containing individual or small numbers of non-breeding crevice dwelling bats. Other buildings within the site are assessed as being of low or negligible suitability for roosting bats and no other roosts were identified during survey works. No evidence of maternity roosts was recorded. Buildings within the site are considered suitable for use by nesting birds although no evidence of nesting was recorded.

5.60 The proposed development may result in the loss of bat roosts and has the potential to cause harm/disturbance to roosting bats if they are present at the time of works. In order to ensure that the proposed development provides appropriate avoidance, mitigation, compensation and enhancement measures the following conditions are recommended to be imposed:

- Submission and implementation of a bat and breeding bird method statement and details of integrated bat and bird boxes
- Submission of updating bat surveys if works not commenced within 24 months
- Submission and implementation of an ecological lighting strategy

5.61 A Protected Species Mitigation Licence may be required from Natural England to facilitate the proposed development. As this is governed under a separate regime, an informative would be attached regarding this.

5.62 Subject to imposition of the above conditions it is considered that the proposed development would not result in unacceptable harm to

ecology and would comply with the aims and objectives of the NPPF and policies CS18, MGP36 and MSGP37 of the Local Plan for Gateshead.

#### 5.63 GROUND CONDITIONS

##### 5.64 Coal Mining Legacy

The site falls in the Coal Authority defined Development High Risk Area. A Coal Mining Risk Assessment has therefore been submitted with the application. The Coal Authority agree with the recommendations of the submitted assessment, and it is recommended that conditions be imposed requiring the submission of a report of further site investigations relating to coal legacy, remediation scheme where required, the implementation of approved remediation measures and the submission of verification report(s) demonstrating their effectiveness.

##### 5.65 Contaminated Land

The application is accompanied by a Phase I Preliminary Risk Assessment (PRA) and has been assessed as being situated on potentially contaminated land based on previous historic use. Conditions are recommended to be imposed requiring final details of intrusive site investigations (Phase II Detailed Risk Assessment), and where required, remediation measures and gas monitoring, and the implementation of approved remediation measures and the submission of verification report(s) demonstrating their effectiveness.

5.66 Subject to the above conditions the development would comply with the aims and requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

#### 5.67 DIGITAL INFRASTRUCTURE

Local Plan policy MSGP8 states *that “the necessary physical infrastructure to enable access to information and digital communication networks will be integrated into all appropriate new developments”*. The supporting text clarifies that all proposals for new dwellings and new business premises will be required to demonstrate that engagement has taken place with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development.

5.68 A condition is recommended to be imposed requiring the submission of a statement explaining the outcome of this engagement, subject to which the application complies with policy MSGP8 of the Local Plan for Gateshead.

#### 5.69 COMMUNITY INFRASTRUCTURE LEVY (CIL)

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the



development is CIL chargeable development as it is housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. The development would therefore be charged accordingly.

**5.70 OPEN SPACE AND PLAY PROVISION**

Policy MSGP40 of the Local Plan for Gateshead states that new development will ensure that the provision of open space, sports and recreation facilities is able to meet identified needs and seeks to achieve this through the provision of open space and play facilities on new housing developments of 10 dwellings or more. As the application is for less than 10 dwellings there is no requirement to provide open space or play facilities as part of the development.

**5.71 ANY OTHER MATTERS**

Concerns have been raised that the existing drainage system serving Paygate House will be unable to cope with the proposed development. It is considered that this matter would be addressed at Building Regulations approval stage.

5.72 Further concerns have been raised as to what would happen to occupiers of Paygate House during works to dismantle the adjacent garage, including the suspected asbestos roof. Conditions are recommended to be imposed to require details of demolition and construction management in order to protect the amenity of local residents. Matters relating to the safe removal and disposal of asbestos would be governed under the Building Regulations regime. Issues surrounding the use of the yard during the course of works and consent for works to take place are not planning matters would be addressed under separate legislation.

5.73 There is no evidence that the proposed development would result in issues of vandalism.

5.74 Comments raised in relation to the subsequent affordability of the proposed dwellings are not a material planning consideration.

5.75 Whilst comments received which suggest that the Council adopts a retrofit-first approach to development to lower carbon footprint are noted, such an approach does not form part of current planning policy and the matter to be determined by this application is the acceptability of the proposed scheme.

5.76 It is considered that all other material planning considerations have been addressed within the body of the report.

**6.0 CONCLUSION**

6.1 The proposal would result in the demolition of a locally listed building however Officers are of the view that information has been submitted

to justify the loss of the building, which would contribute to housing stock within the Borough and is necessary to facilitate the creation of a new access into the site, which represents betterment in highway safety terms relative to the existing access. Furthermore the development would remove the existing dilapidated buildings to the western boundary of the site which would improve the appearance of the wider area.

6.2 Taking all the relevant issues into account and having regard for the representations received it is considered that, on balance, the proposal for outline planning permission is acceptable in principle subject to conditions and would comply with the aims and objectives of the NPPF and the relevant policies of the Local Plan for Gateshead.

6.3 It is therefore recommended that outline planning permission be granted subject to conditions.

**7.0 Recommendation:**

That outline planning permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport 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 (Dwg. No. 01)  
Proposed Site Entrance (Dwg. No. 005)

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) Appearance
- (2) Landscaping
- (3) Layout
- (4) 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 (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

Prior to the commencement of the development hereby approved, a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:

- A) Hours of operation
- B) Details of types of vehicles to be used, including turning facilities within the site and access routes for vehicles
- C) Details of restrictions to be placed on the movement of large vehicles, including deliveries, in relation to school pick up and drop off times
- D) Location and layout of material and plant storage within the site
- E) The parking of vehicles of site operatives and visitors
- F) Measures to control the emission of dust and noise during demolition and construction
- G) Measures to prevent mud/debris/detritus from entering the public highway

Reason

In order to protect the amenities of local residents and the wider environment during construction and in the interests of highway safety, in accordance with the NPPF and policies CS13, CS14, CS15, MSGP15, MSGP17 and MSGP24 of the Local Plan for Gateshead.

Reason for pre-commencement condition

The construction management plan must be submitted and approved in writing before the development commences in order to ensure that an appropriate scheme can be implemented prior to works starting on site which may have a detrimental impact upon the amenity of local residents.

5

The Demolition and Construction Management Plan approved under condition 4 shall be implemented and complied with in full during all stages of construction, until completion of the development hereby approved.

Reason

In order to protect the amenities of local residents and the wider environment during construction and in the interests of highway safety, in accordance with the NPPF and policies CS13, CS14, CS15, MSGP15, MSGP17 and MSGP24 of the Local Plan for Gateshead.

6

Notwithstanding the information submitted, the development hereby approved shall not commence until a detailed Bat and Breeding Birds Method Statement has been submitted to and approved in writing by the Local Planning Authority.

The Method Statement shall include full details of measures to be implemented on site to avoid/minimise potential adverse impacts on bats and their roosts and breeding birds.

Reason

To avoid/minimise harm to protected species and their habitats and to maintain the favourable conservation status of the local bat population(s) at or above current levels, in accordance with the NPPF and policies CS18 and MSGP37.

Reason for pre-commencement condition

To satisfy the Local Planning Authority that the development can be carried out in a manner which avoids harm to bats. This information is fundamental to the development and requires approval before development starting on site as the commencement of works and the manner in which they are undertaken could be harmful to bats.

7

The Bat and Breeding Birds Method Statement approved under condition 6 shall be implemented in full at all times during the construction stage.

Reason

To avoid/minimise harm to protected species and their habitats and to maintain the favourable conservation status of the local bat population(s) at or above current levels, in accordance with the NPPF and policies CS18 and MSGP37.

8

In the event of works not commencing on site within 24 months of the date of the submitted E3 Ecology Ltd 'Bat Survey' (7 June 2021) an updating bat survey shall be undertaken and a copy of the report

including an updated Bat and Breeding Birds Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

Thereafter, the approved updated Bat and Breeding Birds Method Statement shall be implemented in full at all times during the construction stage.

**Reason**

To avoid/minimise harm to protected species and their habitats and to maintain the favourable conservation status of the local bat population(s) at or above current levels, in accordance with the NPPF and policies CS18 and MSGP37.

**Reason for pre-commencement condition**

To satisfy the Local Planning Authority that the development can be carried out in a manner which avoids harm to bats. This information is fundamental to the development and requires approval before development starting on site as the commencement of works and the manner in which they are undertaken could be harmful to bats.

9

No demolition of the Clara Vale Miners' Hall shall commence until a report of the results of a programme of archaeological building recording of the building (which shall be at Historic England Level 3) has been submitted to and approved in writing by the Local Planning Authority.

**Reason**

To provide an archive record of the historic building/structure, in accordance with paragraph 205 of the NPPF and policy MSGP27 of the Local Plan for Gateshead.

**Reason for pre-commencement condition**

This information is required prior to demolition of the building, as the commencement of demolition/construction works without this information would result in the loss of historic remains prior to recording.

10

Following demolition, no further development shall commence until details of final existing and proposed levels throughout the site and finished floor levels have been submitted to and approved in writing by the Local Planning Authority.

The new access hereby approved shall not be steeper than 1 in 20.

**Reason**

To ensure an appropriate form of development in the interests of good design, in the interests of highway safety and in the interests of

residential amenity, in accordance with the NPPF and policies CS13, CS14, CS15, MSGP15, MSGP17 and MSGP24 of the Local Plan for Gateshead.

Reason for pre-commencement condition

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

11

The levels approved under condition 10 shall be implemented in full accordance with the approved scheme before first occupation of the development hereby approved.

Reason

To ensure an appropriate form of development in the interests of good design, in the interests of highway safety and in the interests of residential amenity, in accordance with the NPPF and policies CS13, CS14, CS15, MSGP15, MSGP17 and MSGP24 of the Local Plan for Gateshead.

12

Prior to the commencement of the development hereby approved, (excluding the demolition of the existing buildings) a report of intrusive site investigations in relation to coal mining legacy, and where required, measures and timescales for remediation, monitoring, and verification reports shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure there is adequate land stability in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

Reason for prior to commencement condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation scheme suitable for appropriate land stability is identified and approved prior to commencement of the development.

13

The recommendations of the intrusive site investigation and the remediation, mitigation and monitoring measures approved under condition 12 shall be implemented in accordance with the timescales within the approved remediation scheme and in full accordance with the approved details

Reason

To ensure there is adequate land stability in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

14

The development hereby approved shall not commence (excluding the demolition of the existing buildings) until an intrusive site investigation is undertaken and a Phase 2 Risk Assessment report of the findings is submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, soil sampling, chemical laboratory testing, to assess potential contamination issues.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, any requirement for gas monitoring of the site and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to the environment, future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Reason

In order to ensure the land is suitable for its sensitive end use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

Reason for pre-commencement condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

15

Prior to the commencement of development hereby approved (except for site investigations and demolition of the existing buildings) where remediation is identified under condition 14, a detailed 'Remediation Scheme' to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment shall be submitted to and approved in writing by the Local Planning Authority.

The 'Remediation Scheme' must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

#### Reason

In order to ensure the land is suitable for its sensitive end use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

#### Reason for pre-commencement condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

#### 16

The remediation works detailed in the 'Remediation Scheme' approved under condition 15 shall be wholly undertaken within the timescales set out within the approved scheme.

The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

#### Reason

In order to ensure the land is suitable for its sensitive end use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

#### 17

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

In order to ensure the land is suitable for its sensitive end use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

18

The amended remediation and monitoring measures approved under condition 17 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) being undertaken and maintained for the life of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

In order to ensure the land is suitable for its sensitive end use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

19

Where remediation is required (under conditions 14-18), following completion of the approved remediation and monitoring measures, the development hereby approved shall not be first occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure the land is suitable for its sensitive end use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

20

Notwithstanding the information submitted, prior to any dwellinghouse hereby permitted progressing beyond damp proof course level, full details including the specification and precise location of bat and bird boxes to be integrated into the fabric of the buildings on site shall be submitted to and approved in writing by the Local Planning Authority.

The bird box details shall cater for swift, house sparrow and starling.

Reason

To maintain and enhance the value and function of the site for roosting bats and nesting birds and to provide biodiversity enhancements, in accordance with the NPPF and policies CS18 and MSGP37.

21

The bat and bird boxes approved under condition 20 shall be installed prior to first occupation of the development hereby approved and shall be retained as such for the lifetime of the development.

Should any feature become damaged or removed, a replacement feature of the same or similar specification shall be provided as soon as is practicably possible.

Reason

To maintain and enhance the value and function of the site for roosting bats and nesting birds and to provide biodiversity enhancements, in accordance with the NPPF and policies CS18 and MSGP37.

22

Notwithstanding the information submitted, the following details shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application relating to layout:

- A) The number and location of car parking spaces within the application site sufficient to serve visitors, the proposed dwellings and 3no. existing dwellings (indicated on the Proposed Site Plan Dwg. 002 Rev. P07 as 'Existing Unit 1', 'Existing Unit 2' and '3')
- B) The number, specification and location of secure and weatherproof cycle parking
- C) Provision of a direct pedestrian connection from the the site to Crawcrook Lane
- D) Details of how surface water would be intercepted prior to it entering the public highway
- E) Details of refuse storage, including collection points
- F) Information to demonstrate that there is adequate turning space within the application site for cars and vans

Reason

To ensure the safe and effective operation of the development in the interest of highway safety, to promote sustainable travel, to ensure that adequate transport facilities are provided and to ensure adequate cycle storage provision in accordance with the NPPF, policies CS13, MSGP15 and MSGP48 of the Local Plan for Gateshead and the Council's Cycling Strategy.

23

The approved layout including the details approved under condition 22 shall be provided on site prior to the first occupation of the development hereby approved.

Reason

To ensure the safe and effective operation of the development in the interest of highway safety, to promote sustainable travel, to ensure that adequate transport facilities are provided and to ensure adequate cycle storage provision in accordance with the NPPF, policies CS13, MSGP15 and MSGP48 of the Local Plan for Gateshead and the Council's Cycling Strategy.

24

Prior to the installation of any new external lighting associated with the development hereby approved an external lighting strategy for the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent harm to roosting bats, in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan for Gateshead.

25

The external lighting installed at the development hereby approved shall be in accordance with the lighting strategy approved under condition 24.

Reason

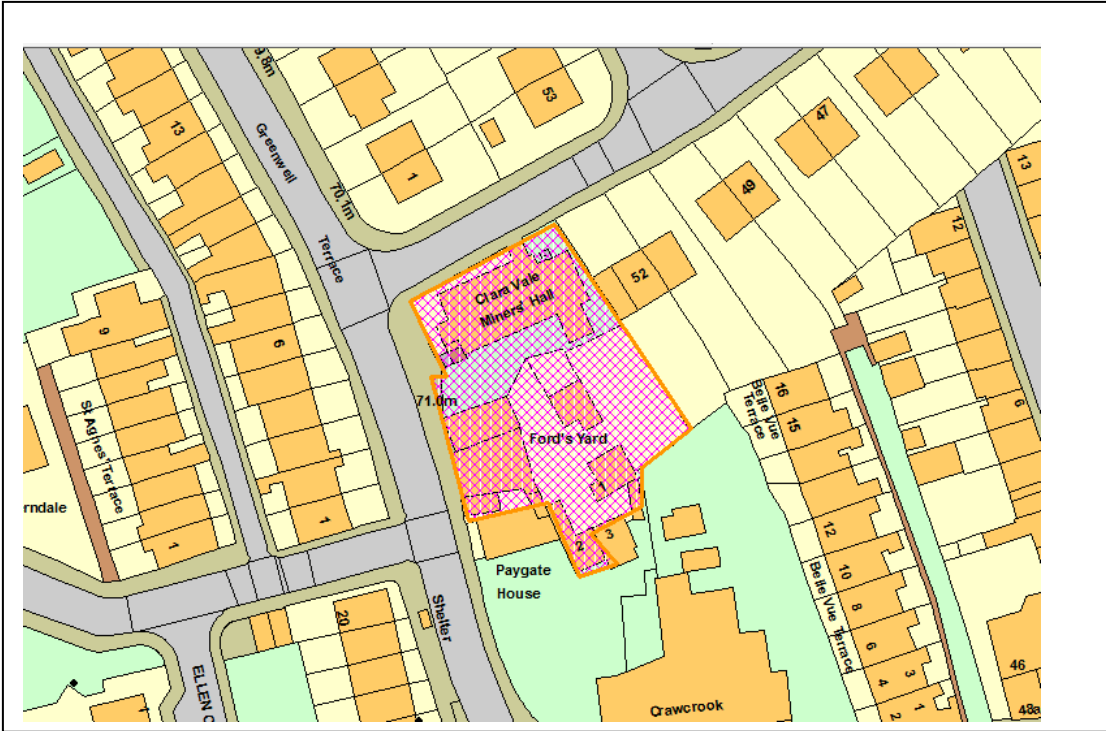
To prevent harm to roosting bats, in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan for Gateshead.

26

Prior to the first occupation of any dwelling hereby approved a statement explaining the outcome of engagement with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure necessary physical infrastructure to enable access to information and digital communication networks at the new development, in accordance with the NPPF and policy MSGP8 of the Local Plan for Gateshead.



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