

**Committee Report**

<b>Application No:</b>	<b>DC/22/01326/FUL</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>29 November 2022</b>
<b>Applicant</b>	<b>Vistry Partnerships</b>
<b>Site:</b>	<b>Hookergate School Spenn Lane High Spenn Rowlands Gill Gateshead NE39 2BX</b>
<b>Ward:</b>	<b>Winlaton And High Spenn</b>
<b>Proposal:</b>	<b>Demolition of former Hookergate Secondary School and construction of 49 residential units and associated highways and drainage infrastructure. Units consisting of 13no, 3-bedroom dwellings, 24no, 4-bedroom &amp; 12no, 5-bedroom, semi-detached and detached dwellings (amended plans and information received 20 Feb 2023).</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO REFERRAL TO SECRETARY OF STATE</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF APPLICATION SITE**

1.2 The application site comprises the former Hookergate Secondary School and grounds and part of the adjacent playing field area to the south and east of the school site. The majority of the application site currently contains the buildings of the former school and large areas of hardstanding. The school closed in 2012 and the playing fields have not been used since the school closed. The site has since been used on an adhoc basis for filming by the BBC.

1.3 The site is located to the southeast of the settlement of High Spenn. The site topography slopes towards the south and east of the site. The site is surrounded by open playing fields to the south and east, woodland and Spenn Banks local wildlife site to the north, with Spenn Lane and further fields to the west.

1.4 In the Making Spaces for Growing Places Document (MSGP) which is part of the Council's Local Plan, the former school buildings and associated hardstanding areas and tennis courts, are an allocated housing site for up to 50 houses under policy MSGP9 reference MSGP9.94. The area to the south

and east of the allocated housing site is an area of playing field, where part of the playing fields to the east and south of the housing allocation are protected under policy MSGP.39 of the Council's Local Plan for outdoor sports facilities.

1.5 Within the Council's Local Plan, the school site and adjacent playing fields are both within the Green Belt, within a high/very high landscape sensitivity area. The MSGP (part 3 of the Local Plan) was adopted on 20 January 2021.

## 1.6 DESCRIPTION OF APPLICATION

1.7 This planning application seeks full planning permission for the demolition of all the existing school buildings on the site and the erection of 49 houses (ranging from 3-5 bedrooms) with access, landscaping, sustainable drainage and associated infrastructure. Vehicle access to the housing development will be provided by a single access point off Spen Lane to the west of the site.

1.8 It is proposed that the development is brought forward by Gateshead Regeneration Partnership (GRP) – a joint venture initiative between Gateshead Council, Vistry and the Home Group, to deliver homes on sites that would previously have been difficult to deliver in terms of site constraints and/or viability issues.

1.9 The application has been submitted with the following supporting information:

- Application Form
- CIL Application Form
- Planning Statement
- Green Belt Assessment
- Arboricultural Impact Assessment (AIA)
- Bat Report
- Ecological Impact Assessment (ECIA)
- Biodiversity Net Gain Assessment (BNG)
- Invasive Species Management Plan
- Geo-environmental Appraisal (ground conditions)
- Ground Gas Risk Assessment
- Mines and Minerals Statement
- Flood Risk Assessment
- Drainage Strategy
- Playing Fields Statement
- Design and Access Statement
- NDSS Assessment (Nationally Described Space Standards)
- Affordable Housing Statement
- Noise Assessment
- Transport Statement
- Travel Plan
- Proposed Cycle Storage Details
- Existing and proposed plans including proposed landscaped drawings

## 1.10 AMENDED PLANS / DOCUMENTS 20 Feb 2023

1.11 Amended plans and documents were submitted on 20 February 2023. The amended / additional documents relate to flood risk, drainage, ecology, transport, trees and noise. Amended plans have been submitted which show a number of changes to the layout of the proposed housing site, including a road widening along the frontage of the site. However, the principle of the development relating to the proposed demolition of the existing school buildings and the erection of 49 houses on the site remains the same.

## 1.12 RELEVANT PLANNING HISTORY

1.13 There have been several applications on this site relating to the previous school use. However, Officers consider that none of these previous applications are relevant to the consideration of this planning application.

## 2.0 Consultation Responses:

Archaeologist	The site has low archaeological potential.
Coal Authority	No objection subject to conditions.
Environment Agency	Advised they did not need to be consulted as there are no Environment Agency constraints.
Fire Authority	No objection.
Forestry England	Require clear road access along Spen Lane past the site to periodically manage the adjacent Spen Bank forest.
Northern Gas Networks	No objection
Northumbria Police	The design is adequate from a crime prevention perspective.
Northumbrian Water	No objection subject to conditions to control the drainage scheme.
Natural England	No objection.
Nexus	Made comments to ensure that sustainable transport is more accessible at the site including the provision of a bus stop/shelter on School Lane, upgrades to active travel within the immediate vicinity of the site and travel information for the new residents.
Sport England	<b>OBJECTS</b> as the proposal impacts on the playing field directly and indirectly.

### **3.0 Representations:**

- 3.1 On 1st December 2022 the Council sent letters to 42 properties surrounding the site. In addition 14 site notices were displayed in the surrounding area on 2<sup>nd</sup> December 2022. A notice also appeared in the Newcastle Journal on the 7th December 2022.
- 3.2 26 letters of representation were received from surrounding residents:
- 24 objections
  - 2 comments neither objecting or supporting
- 3.3 On 20th February 2023 amended plans and documents were received. On 22<sup>nd</sup> February 2023 the Council sent further letters to all the neighbours originally consulted as well as all those who previously made comments on the planning application – giving interested people until 8 March 2023 to make comments on the amended plans and information should they wish to do so.
- 3.4 4 letters of objection were received from local residents in response to this additional publicity.
- 3.5 In total 30 letters of representation have been received from surrounding residents in respect of this application:
- 28 objections
  - 2 comments neither objecting or supporting
- 3.6 The objections and comments are summarised below:

#### Principle of Development

- there is no need for more housing
- lack of amenities/facilities/ infrastructure to accommodate more housing
- no social housing is being provided locally on this site for local people

#### Green Belt

- infringement / impact on the Green Belt
- is this good use of Green Belt land

#### Ecology / Trees

- impact on the local wildlife
- loss of trees
- the surrounding woods and fields will become a general playground

### Highways, Access, Parking

- the TS is strewn with errors/omissions and does not reflect local knowledge
- the traffic flows in the submitted documents are not realistic
- environmental damage cause by vehicles
- road system is inadequate, will prejudice highway safety
- increase in traffic / congestion
- ongoing pressure to roads / highway
- roads to and from development too narrow
- School Lane isn't suitable for extra traffic
- no pavements on the roads / harm to pedestrian safety
- a footway or cycle path should be provided on Spen Lane
- inconvenience for pedestrians
- speed calming / reduction measures necessary
- bus connections and public transport is poor
- the roads in the village are in a state of disrepair
- loss of access rights (one objector states that they have an established and long standing legal right of access to fields through the site)
- should ban HGV's from using Spen Lane

### Flood Risk / Drainage

- there is not adequate sewage facilities to accommodate more housing
- possible flooding as green area covered by concrete

### Residential Amenity

- harm to residents living conditions
- noise and pollution of the development
- disturbance early mornings / late evenings
- loss of natural light
- loss of privacy
- concern over health issues
- light pollution for existing surrounding residents

### Design / Heritage

- overbearing development
- overdevelopment
- out of character with the Conservation Area
- out of character with the street scene
- dominating nearby buildings
- poor relationship with adjoining buildings
- visually damaging in the landscape / setting
- conflict with the pattern of development
- shame for the school buildings to be demolished
- loosing historic street pattern

- loss of open spaces
- why is the play area only indicative

#### Other Issues

- lack of consultation, lack of information
- the proposal will attract potential vandals
- trespass, arson and criminal damage
- crime rates have been rising in the area
- current ongoing anti social behaviour
- the telephone reception is poor/ internet connection is slow
- there are frequent power cuts
- value of property will go down
- adverse affect on the rural economy
- adverse affect on economy / businesses
- loss of employment
- failing to meet housing needs
- creating imbalance between jobs and homes
- better alternative sites available
- threat to viability / vitality of town centre
- should be used as an academy or sports college
- the site should be used for something to benefit the village
- shocked that the intention is to build houses only for the Jewish community
- what has the Hyde Park development got to do with this village
- the profits from the development should be invested into High Sen village not the Hyde Park development

3.7 Of the representations which neither supports nor objects state that:

- the principle of the development is supported
- will bring high quality homes to the local area but 49 homes is excessive

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

MSGP8 Digital Infrastructure

MSGP9 Housing Sites Allocation

MSGP10 Accessible and Adaptable Dwellings

MSGP12 Housing Space Standards

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP33 Countryside/Landscape Protection

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

- 4.1 The policies within the Core Strategy (CS) and Making Spaces for Growing Places (MSGP) documents form part of the Local Plan for Gateshead (parts 1 and 3). The Core Strategy and Urban Core Plan (CSUCP) document was adopted on 26 March 2015 and form parts 1 and 2 of the Local Plan. The MSGP was adopted on 20 January 2021 and forms part 3 of the Local Plan. The MSGP had a submission Draft Plan which was published for consultation for 6 weeks from 29<sup>th</sup> October until 9 December 2018. The MSGP was submitted for inspection for the Secretary of State on 12 April 2019. An examination in public was held between 1 and 11<sup>th</sup> October 2019, before the document was adopted in January 2021.

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

5.1 The main planning issues are considered to be housing policy, visual amenity/design, residential amenity, highway safety, ecology, flood risk/drainage, ground conditions and impact on playing field / sports provision.

## **5.2 HOUSING POLICY**

### 5.3 Housing Sites Allocation / Growth

5.4 The former school site (buildings, associated hardstanding and tennis courts) is allocated for housing (up to 50 houses) in Policy MSGP 9.94 of the Local Plan. This site therefore forms an important component to delivering the Council's housing requirements over the Local Plan period.

5.5 The Local Planning Authority can only demonstrate a 3.83 years supply of homes (as of March 2022) and only 87% in the Housing Delivery Test (2021 measurement). Without the houses on this allocated housing site being developed this figure would reduce to 3.76 years. The proposed development would provide 49 additional dwellings which would be a positive factor.

### 5.6 Range and Choice of Housing

5.7 Part 1 of policy CS11 of the Local Plan requires 60% of new private housing across the plan area to be suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms.

5.8 The submitted house type schedule indicates that the scheme would contribute positively to meeting the above target, providing 13 3-bedroom dwellings, 24 4-bedroom dwellings and 12 5-bedroom dwellings.

### 5.9 Space Standards

5.10 Policy CS11(4) of the Local Plan requires adequate space inside and outside of the home to meet the needs of residents. Policy MSGP12 of the Local Plan sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS).

5.11 A NDSS Assessment has been submitted as part of this planning application which confirms that all of the proposed house types meet the National Described Space Standards.

### 5.12 Accessible and Adaptable Dwellings

5.13 Policy CS11 of the Local Plan seeks to encourage the provision of Lifetime Homes and Wheelchair-Accessible Homes. Whilst there is no explicit requirement, any contribution would be welcomed.



5.14 Policy MSGP10 of the Local Plan relates to accessible and adaptable dwellings and requires that on housing developments of 15 or more dwellings, 25% of dwellings will be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards. The applicant has confirmed that all of the proposed house types are M4(2) compliant.

5.15 Affordable housing

5.16 Policy CS11 of the Local Plan requires 15% affordable homes on all developments of 15 or more dwellings subject to development viability.

5.17 No affordable housing is to be provided as part of the proposed development on this site. The submitted Affordable Housing Statement explains that the proposed development is directly linked with a development at Hyde Park Street (planning application reference: DC/22/01114/FUL for 62 homes, which was approved on 21 December 2022), where 100% affordable housing will be delivered – all 62 units.

5.18 Council officers have taken the view that the proposed development does however assist in delivering the wider policy objectives of housing in general and providing affordable housing across a series of sites collectively, which might not otherwise be provided in Gateshead. This approach to the provision of affordable housing has also been accepted previously on other joint venture (JV) sites/development and is therefore considered to be appropriate.

**5.19 GREEN BELT**

5.20 A Green Belt Openness Assessment has been submitted as part of this planning application. The application site (the allocated housing site and adjacent playing field area) to the south and east are both within the Green Belt and an area of high / very high landscape sensitivity.

5.21 National Green Belt planning policy is contained in Section 13 of the National Planning Policy Framework (NPPF). Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green are their openness and their permanence.

5.22 Paragraph 138 of the NPPF explains that the Green Belt serves five purposes

- a- to check the unrestricted sprawl of large built up areas
- b- to prevent neighbouring towns merging into one another
- c- to assist in safeguarding the countryside from encroachment
- d- to preserve the setting and special character of historic towns and
- e- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 5.23 Paragraph 147 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.24 In setting out what is not inappropriate development in the Green Belt paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a- buildings for agriculture and forestry
  - b- the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
  - c- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
  - d- the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces
  - e- limited infilling in villages
  - f- limited affordable housing for local community needs under policies set out in the development plan
  - g- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development or
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the areas of the local planning authority
- 5.25 Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include item b which relates to engineering operations.
- 5.26 Council officers consider the allocated housing site to be previously developed land, where as set out in paragraph 147 (g) of the NPPF the limited infilling or partial or complete redevelopment which would not have a greater impact on the openness of the Green Belt than the existing development is not inappropriate development. Council officers are also of the opinion that the SuDs basin and associated drainage works, including the pumping

station, outside of the allocated housing site, within the adjacent playing field area comprises engineering operations which would not be inappropriate development provided these works preserve the openness of the Green Belt

- 5.27 Policy CS19 of the Local Plan for Gateshead states that Green Belt will be protected in line with the five purposes set out in the NPPF.
- 5.28 The submitted Green Belt Openness Assessment explains that openness in terms of the Green Belt (as interpreted by case law) has two separate components, a spatial component and a visual component. The spatial component is a consideration of the footprint of proposed development compared with the footprint of existing built form. The visual component however requires the likely visibility of the proposals from the wider Green Belt and from public viewpoints to be compared and contrasted with the baseline visibility of the site and site context.
- 5.29 The submitted report states that the residential development of the site would change the character of the site itself, changes to the immediate local landscape character would be limited and could over time enhance the local landscape character. The report further states that the buildings on site are of a substantial size and cover a sizeable part of the footprint of the site. The site area is however very contained in terms of views from publicly accessible viewpoints, particularly the wider Green Belt.
- 5.30 The report further considers that the changes to the existing available views from the demolition of the existing built form of the school and the construction of the new houses would result in the perception of a lowering and redistribution of built form. The existing large scale school building on the site would be replaced with smaller scale, domestic buildings distributed across the site area. The new housing development would include garden areas and areas of open space to the north and southeast.
- 5.31 Reference is made within this submitted report that the landscaping scheme proposed as part of the housing development could potentially enhance the perceived openness of the site. The planting proposals would also serve to integrate the proposal into the setting of the wider Green Belt.
- 5.32 The report states that the proposed development would introduce 49 houses over a footprint of 3,555m<sup>2</sup>, which is smaller than the existing overall area of built development of 4,715m<sup>2</sup>. The proposed built development will be spread evenly throughout the site which will ensure that the built form does not dominate the site and it is more open from a spatial perspective, particularly when compared to the block of existing school buildings on the site.
- 5.33 The submitted report concludes by stating that the existing and substantial buildings on site currently make a limited contribution to the spatial openness of the Green Belt in this location. This is to be replaced by built development on a smaller footprint, which is more evenly distributed on the site. The proposed built form will also be interspersed by areas of open space, SuDs and front and rear garden areas. The submitted report thereby concludes that

the proposed development would not have a greater impact on the openness of the Green Belt than the existing development.

5.34 Council officers agree with this Green Belt and landscape assessment and conclusion. It is therefore considered that the proposed development is appropriate development within the Green Belt which would not have a greater impact on the openness of the Green Belt or landscape than the existing development.

5.35 Overall it is therefore considered that the proposed development is acceptable from a Green Belt and landscape point of view and therefore accords with both national and local Green Belt and landscape planning policies.

### **5.36 IMPACT ON PLAYING FIELDS**

5.37 Part of the red line application site boundary where the proposed SuDs basin, pumping station and landscape/ecology buffer is proposed to the east and south of the housing allocation is identified for outdoor sport comprising two adult and one youth football pitch in the Council local plan under policy MSGP 39.

#### 5.38 National Planning Policy

5.39 Paragraph 99 of the NPPF states that :

5.40 Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

(a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

(b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

(c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

#### 5.41 Local Planning Policy

5.42 Policy CS14 of the Council's Local Plan which relates to Wellbeing and Health states that the wellbeing and health of communities will be maintained and improved by:

1(v) promoting access for all to green spaces, sports facilities, play and recreation opportunities.

5.43 Policy CS18 of the Council's Local Plan which relates to Green Infrastructure and Natural Environment states in the accompanying text that policy CS18 intends to protect and enhance the Green infrastructure Network and natural

environment. This include the provision of adequate open space, sport and recreational facilities.

- 5.44 Policy CS18 states that a high quality and comprehensive framework of interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife will be achieved by (5) protecting and enhancing open spaces, sport and creational facilities in accordance with agreed standards in line with National Policy
- 5.45 Policy MSGP 39 of the Council's Local plan which relates to protecting outdoor sports facilities states that open space, sports and recreational facilities will be protected to ensure they continue to meet quantitative and qualitative needs and to optimise the multifunctional benefits they can provide.
- 5.46 The policy also states that development or changes of use proposals that would result in the loss of open space, sports or recreational facilities will only be considered acceptable if the site can be demonstrated to be surplus to requirements, or if the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- 5.47 Sub section (ii) of policy MSGP 39 states that sport facilities may be considered surplus if development of the site would be compatible with the Council; s up to date Playing Pitch Strategy or Built Sports Facilities Strategy.
- 5.48 Sport England Objection
- 5.49 Sport England have objected to this planning application as they consider that the proposed housing development impacts on the adjacent playing field directly and indirectly.
- 5.50 Firstly in terms of direct impact Sport England have stated that the proposed SuDs area is to be created on the playing field. Secondly in terms of indirect impact Sport England have stated that the demolition of the school and redevelopment of the site for housing will result in the loss of ancillary facilities such as parking, toilets and changing and equipment storage which helped the playing fields be used for sport.
- 5.51 Direct Impact
- 5.52 Sport England explain that in their view the proposed SuDs area leads to the loss of the playing field.
- 5.53 Indirect Impact
- 5.54 The second aspect of Sport England's objection relates to the redevelopment of the school buildings. Sport England have stated that when the whole site was in school use there was an interrelationship between the school buildings and the playing field. The playing field provided the pitches for school PE curriculum to be delivered whilst the school buildings provided the changing, toilets and car parking needed for curriculum and community users. The

management and maintenance of the playing fields as well as storage of equipment would have been at the school too.

- 5.55 Sport England state that the cessation of education use and redevelopment of the school's footprint means that all supporting elements for the playing field's continued use (which previously were associated with the school building) need to be re-established.
- 5.56 Sport England in their objection letter state that The Football Foundation have advised Sport England that:

*“Clubs such as Winlaton Community Youth and Swalwell Juniors could potentially use the site. Durham FA has spoken with a local multi team club to get their input to potentially using this site in the future if it were to be made available and they have said they would, as they are desperate for more pitches.*

*Clubs in Gateshead are, many reluctantly and hesitantly, having to take on licence use and upkeep of Gateshead Council pitches. Many sites have poor quality and unusable / unsafe pavilion buildings which we would not recommend clubs take responsibility or liability for. The prospect of multi pitch site with suitable ancillary facilities would be attractive to most clubs in the area.”*

- 5.57 Sport England have stated in their objection that they have repeatedly advised the Council of its opposition to the housing site being brought forward for development without the following matter being clarified:
- Where will football pitch users park
  - Where will pitch users change or be able to access toilet facilities
  - How will the pitches be maintained
  - Where will equipment such as goals, nets, flags, cones and balls be kept
  - When will pitches be brought into use
- 5.58 The objection from Sport England goes on to state that regrettably the Council has made no progress on these matters, and therefore the loss of the school buildings (and redevelopment of the site for housing) must be considered to prejudice the use of the playing field.
- 5.59 Sport England also raise concerns that the bringing of the housing development forward before the potential resumption of the playing fields and the development needed for them to function independently is likely to be problematic. Sport England state that experience from elsewhere suggest new residents are likely to consider the playing field as their open space and likely to be resistant to the noise disturbance and disruption associated with its formal sporting use.

5.59 Sport England have concluded their objection stating that they object to the application as they consider it does not accord with any of the exceptions to Sport England's Playing Field Policy or with paragraph 99 of the NPPF.

5.60 Secretary of State Referral

5.61 Sport England have also stated at the end of their objection that should the local planning authority be minded to grant planning permission, contrary to Sport England's objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State via the Planning Casework Unit.

5.62 Planning Assessment

5.63 Sport England comment that there are clubs interested in using the playing fields. The Council is not aware of any requests from any organisation to use the pitches or bring them back into use since the school closed in 2012. The Council remains willing to work with any organisation that wishes to bring the playing fields back into use. The safeguarding of the site will be reassessed in an updated Playing Pitch Strategy which is due to be completed at the end of 2023, in association with Sport England.

5.64 The playing pitches are safeguarded from development in the short term under policy MSGP39 of the Council's Local Plan, until such a point as there is no evidence of unmet demand.

5.65 Direct Impact Objection

5.66 With regards to the proposed SUDS area it is not considered that this would reduce the site or prejudice the use of the 3 playing pitches in question which are allocated in the MSGP or listed in the Council's Playing Pitch Strategy (November 2016) which are to be safeguarded.

5.67 The allocation of the former school buildings and associated hardstanding areas for housing, and the separate designation of the area for outdoor sport means that they are designated for two separate land uses.

5.68 The land allocated for outdoor sport is owned by the Council and it has been demonstrated in an indicative layout in Appendix 1 of the submitted statement "Sustainable Drainage System on the former playing fields at Hookergate School" that there is sufficient land available for the SuDs and two adult and one youth football pitches (identified to be safeguarded in the Playing Pitch Strategy), vehicle and pedestrian access, car parking, changing room/ toilet facilities and storage for equipment.

5.69 This demonstrates how the SuDS and the demolition of the school buildings would not prejudice the use of 3 pitches allocated in the development plan and listed in the playing pitch strategy should they be identified as being required in the future.

#### 5.70 Indirect Impact Objection

5.71 Sport England object to the loss of ancillary sporting facilities at the School. The Hookergate School site is allocated for residential development in the Council's Local Plan by policy MSGP9. There is no requirement in the allocated housing site policy MSGP9 that when the site is developed for housing that the adjacent playing fields should be brought back into use with ancillary facilities.

5.72 Sport England were consulted on such proposals in the MSGP prior to its submission for examination. It is relevant that Sport England did not make representations on the allocation of the Hookergate School site and any potential impacts to playing fields and facilities. Sport England did respond to policies contained in the Local Plan and commented on other specific housing allocations.

5.73 The MSGP (including the sites allocation) has been subject to an independent examination where the plan was found to be sound by the Inspector and then formally adopted in February 2021.

#### 5.74 Bringing Playing Fields Into Use

5.75 Council officers have met with Sport England to discuss and understand their objection and to explore whether it is possible to address their objection. Sport England have advised that they may be willing to withdraw their objection subject to a planning condition which secures the adjacent playing fields being brought back into use.

5.76 Sport England have stated that the important triggers around the playing field being brought into active use would be :

1- Pitch Quality Assessment / ground condition report to establish the works needed to bring the pitches back to a playable standard, alongside site master planning of ancillary facilities needed to allow the playing field to function independently.

2- A delivery plan for implementation of the required works unless assessment work undertaken as part of the emerging Gateshead Playing Pitch Strategy shows that the site will not be used.

3- The playing pitches being brought into use

5.77 Sport England have stated that they would like to see the first two matters secured before commencement of dwelling construction. Sport England have also suggested that they would like to see the pitches brought into use prior to the occupation of the 26<sup>th</sup> dwelling (halfway point of the dwelling build out).

5.78 To enable Sport England to withdraw their objection, Council officers have reviewed and considered the suggested approach outlined above by Sport



England. However, Council officers do not consider that the proposed development compromises or prejudices the use of the adjacent sport pitches or that the safeguarding of the pitches is being compromised by the proposed development. Therefore, on this basis the above suggestion is considered not to meet the tests for planning conditions.

- 5.79 Paragraph 56 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant, enforceable, precise and reasonable in all other aspects.
- 5.80 It is clear from the submitted statement “Sustainable Drainage System on the former playing fields at Hookergate School” that the proposed SuDs and the demolition of the school would not prejudice the use of the 3 playing pitches allocated in the Council’s Local Plan and listed in the Playing Field Strategy.
- 5.81 With this in mind, a suggested condition requiring the sports pitches to be brought back into use with replacement ancillary facilities for the playing fields is not considered necessary to make the planning application acceptable in planning terms and therefore fails the condition tests set out in the NPPF.
- 5.82 Furthermore, Council officers consider that such a condition would be unreasonable because the land in question required to bring the sport pitches into use is outside of the red line application site boundary and outside of the applicant’s control. The Council own the adjacent land and therefore cannot enter into a S106 legal agreement with itself.
- 5.83 Therefore to conclude Council officers are of the opinion that the proposed development does not result in the loss of land allocated for outdoor sports in the MSGP and it has been demonstrated how they would be protected and could be brought back into use with appropriate facilities, if required. For the reasons set out above it is considered by Council officers that there are no impacts relating to the playing field which would significantly and demonstrably outweigh the benefits of the proposed development.
- 5.84 Playing Field Conclusion
- 5.85 When assessing the proposed development against the adopted development plan, policy MSGP39 states that open space, sports and recreational facilities will be protected to ensure that they continue to meet quantitative and qualitative needs, and to optimise the multifunctional benefits they can provide. The proposed application does not result in the loss of land allocated for outdoor sports in the MSGP and it has been demonstrated how they would be protected and could be brought back into use with appropriate facilities.
- 5.86 The MSGP and the allocation of the former Hookergate School site has gone through an independent examination and the plan found to be sound.
- 5.87 For the reasons set out above it is considered by Council officers that there are no impacts relating to the playing field which would significantly and demonstrably outweigh the benefits of the proposed development.

- 5.88 The proposed development shows that should the adjacent playing field be brought back into use by another party, there is sufficient land available for the Suds, pumping station and landscape / ecology buffer and the two adult and one youth pitches, plus land for vehicle and pedestrian access, car parking, changing room / toilet facilities and storage for equipment.
- 5.89 It is therefore considered that the proposed development is not prejudicial to the future use of the adjacent playing fields, or its ability to operate as a stand alone community use facility. Notwithstanding the objection from Sport England, Council officers are therefore of the view that the proposed development still safeguards the adjacent playing fields for future use if required and that the proposed development would not prejudice this future use.

### **5.90 HERITAGE ISSUES**

- 5.91 The Hookergate School buildings are not listed or locally listed buildings. The site is also not located within a Conservation Area. Given that the buildings are currently vacant and disused and have no formally identified heritage significance Council officers have no objection to the demolition of the existing buildings.
- 5.92 Historic England contacted the Council in early December 2022 to advise that they had received a listing application for the buildings on the site. Historic England have therefore carried out an initial assessment to consider whether the school buildings should be added to the List of Buildings of Special Architectural or Historic Interest.
- 5.93 The Council were advised on 9 March 2023 that the Secretary of State for Culture, Media and Sport has decided not to add the site to the list at this time.

### **5.93 ARCHAEOLOGY**

- 5.94 The Historic Ordnance Survey maps show that the site was in agricultural use and undeveloped until the school was built in 1932. The Council's Archaeologist has advised that Hookergate School itself is considered to be a utilitarian group of buildings. Whilst they clearly served the community well during the lifetime of the school, they are considered to have no architectural merit or interest.
- 5.95 The site is therefore considered to have low archaeological potential. The school itself is not considered to be of sufficient interest to merit archaeological building recording prior to its demolition.
- 5.96 It is therefore considered that the proposed development raises no archaeological issues and accords with the archaeology aims and objectives of both national and local planning policy.

## 5.97 TRANSPORT

5.98 A revised Transport Statement and revised Travel Plan were submitted on 20 February 2023.

### 5.99 Traffic Generation

5.100 The submitted revised Transport Statement includes a section on trip generation and explains that a trip generation analysis has been undertaken to consider whether the proposed development would raise any concerns in terms of capacity on the local highway and transport network.

5.101 The Transport Statement concludes that the predicted vehicle movements would not have a significant impact on the operation or safety of the surrounding highway and transportation network. Council officers agree with this conclusion.

### 5.102 Access Arrangements

5.103 Vehicle access to the site would be via a new proposed junction from Spen Lane along the western boundary of the site. The amended plans submitted on 20 February 2023 show the proposed widening of Spen Lane along the full frontage of the housing site to include a 5.5 metres carriageway and a 2metre footpath on the eastern boundary of the carriageway.

5.104 Pedestrian access to the site is proposed at the following four locations:

- the north east corner of the site adjacent to the playing field area to the east
- the south east corner of the site adjacent to the playing field area to the south east
- at the new vehicle access off Spen Lane along the western boundary of the site
- the north west corner of the site adjacent the junction with Spen Lane and School Lane.

### 5.105 Car Parking

5.106 The submitted revised Transport Statement explains that there is a total of 99 residential parking spaces proposed broken down as follows:

- 13 plots with a double driveway = 26 spaces
- plots with an integral garage and single driveway = 10.5 spaces
- 10 plots with a single garage and single driveway = 15 spaces
- 12 plots with a single garage and double driveway = 30 spaces
- plots with a double garage and double driveway = 17.5 spaces.

5.107 There are also a total of 14 visitor car parking spaces within the highway that are distributed across the housing site layout.

5.108 The submitted revised Transport Statement explains that including the garages the proposed development exceeds the maximum threshold in the Council's standards for residential parking by one space, whilst visitor parking spaces is between the Council's minimum and maximum standard. Therefore, on balance Council officers are of the opinion that an appropriate number of car parking spaces have been provided for the development.

#### 5.109 Electric Vehicle Charging

5.110 The submitted Transport Statement explains that each proposed house will be provided with an electric vehicle charging point. Planning conditions have been recommended to agree the details of the electric vehicle charging points to ensure that they are appropriate and require the provision of the charging points prior to the houses being occupied.

#### 5.111 Cycle Parking

5.112 The proposed site layout shows that each house has space within its garden for a shed which would provide secure cycle parking. Details of the proposed shed and cycle parking facilities have been provided upfront as part of the planning application and are considered to be acceptable. A planning condition has been recommended to ensure that the cycle parking facilities are provided for each house.

#### 5.113 Bin Storage / Collection

5.114 Each house has space within the rear garden area for 3 bins to be stored. Each housing plot also has access for the bins to be wheeled from the rear garden to the front of the property on bin collection day. The proposed housing layout would also allow vehicles to access the development and collect the bins.

#### 5.115 Connectivity / Sustainable Travel Measures

5.116 NEXUS have been consulted and made comments to ensure that sustainable transport is more accessible at the site including the provision of a bus stop/shelter on School Lane, upgrades to active travel within the immediate vicinity of the site and travel information for the new residents. All of these issues can be dealt with by planning conditions.

#### 5.117 Travel Plan

5.118 A revised Framework Travel Plan has been provided on 20 February 2023, which looks at ways of reducing the need to travel, especially by car and how to promote accessibility by all modes of travel in particular public transport, cycling and walking.

5.119 Council officers are of the opinion that further work is required to the submitted travel plan to ensure it is appropriate – which can be dealt with by a planning condition.

5.120 Outstanding Transport Issues

5.121 Council officers consider that further transport information and amendments are required including:

- The amended layout submitted on 20<sup>th</sup> February 2023 has severed direct pedestrian connectivity to the south west corner of the site (there is no longer a pedestrian connection between the proposed main entrance and the turning head outside plots 9-11). This is considered to be a step back for the design at the southern portion of the site has no desire line onto Spen Lane for pedestrians
- Linked to the above item a pedestrian link out of the south west corner of the site onto Spen Lane remains missing.
- Details relating to the 20mph zone within the housing site including final positions for raised plateaus / traffic calming features
- Changes are required to some of the proposed retaining structures within the site from a highway safety point of view.
- Final details required for the southern most termination point of the proposed carriageway widening and new footway to Spen Lane (to ensure the new layout ties into the existing rural lane in a safe manner)
- No clear list of sustainable travel measures have been submitted. Council officers consider the following measures should be considered and/or provided
  - a- a bus stop and shelter on School Lane or directly adjacent to the bus turning circle at the junction of Spen Lane and School Lane
  - b- the provision of a pedestrian crossing to the adjacent bus turning circle
  - c- the provision of a 20mph zone and/or traffic calming measures
  - d- the possible closure of Spen Lane to motorised vehicles and
  - e- the possible introduction of cycle lanes

5.122 It is considered that all of the above items could be considered and dealt with via planning conditions. Planning conditions have therefore been recommended to consider and address these outstanding issues to ensure

that the development is acceptable in transport terms and would accord with the transport aims and objectives of the NPPF and policies CS13, MSGP 14 and MSGP 15 of the local plan for Gateshead.

### **5.123 DESIGN**

- 5.124 An updated Design and Access Statement was submitted on 20 February 2023.
- 5.125 The proposed development includes associated amenity space, an internal road network, parking arrangements and pedestrian links. The development comprises a mix of house types including 3, 4 and 5 bedroom houses through a variety of house type designs cross the site. A mixture of 2 storey and 2 storey with living accommodation in the roof, modern houses are proposed in detached and semi detached designs. The submitted Design and Access Statement explains that the proposed houses will constructed from a mixture of 2 red bricks and 1 buff brick. The houses will also incorporate white coloured UPVC windows and soffits/facias and black rain water goods. The main roof of the houses will be pitched construction with a mixture of 3 grey and red roof tiles.
- 5.126 The scale, layout and design of the proposed buildings are all considered to be appropriate for a new housing development. The development also includes public open space and landscaping which will provide attractive living spaces for future residents. An area of public open space is located in the centre of the development which creates a focal point and creates a pleasant setting.
- 5.127 Details relating to the proposed external materials and the proposed boundary treatment have been provided upfront as part of the planning application. The proposed external materials are considered to be acceptable.
- 5.128 Planning conditions have been recommended to ensure that the details of the external materials and boundary treatments are controlled in the interest of good design.
- 5.129 Subject to these planning conditions, the proposed development is considered to be acceptable from a design point of view and accords with the design aims and objectives of the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

### **5.130 TREES / WOODLANDS**

- 5.131 There are a number of trees within this site. There are also a number of trees and a hedge running along the western boundary of the site, along the site frontage, adjacent to the road. The trees on the site are not protected. They are not covered by a Tree Preservation Order (TPO) are not situated within a Conservation Area. There is a dense woodland immediately adjacent to the northern boundary of the site, which is designated as an Ancient Woodland and a Deciduous Woodland.

- 5.133 In terms of the trees on and around the site, a revised / updated Arboricultural Impact Assessment (AIA) was submitted on 20 February 2023. The AIA states that 8 individual trees (T1 – T8) which are located within the site, 4 groups of trees (G1, G2, G4 and G5) which are located within the site and along the site frontage, as well as most of the existing hedgerow along the site frontage will need to be removed to allow the proposed development.
- 5.134 There is no objection to the removal of these existing trees and hedges as detailed landscaping plans have been submitted upfront as part of this planning application. The submitted landscaping plans show an appropriate amount of replacement landscaping to be provided as part of the housing development, to mitigate the loss of the existing trees and hedges. However, Council officers are of the opinion that some changes are required to the proposed landscaping scheme to ensure that it is also appropriate from an ecology point of view. Planning conditions have been recommended to ensure that the landscaping scheme is provided on site and is appropriately maintained.
- 5.135 In term of the relationship between the development and the ancient woodland off site, a landscaped / ecological buffer of around 15 metres is proposed along the northern boundary, immediately adjacent to the ancient woodland to the north of the site. The buffer is required to protect the woodland by moving the development and associated activities away from the woodland. The revised AIA states that the majority of the existing fencing present along the northern boundary of the site will protect the majority of the trees within the Ancient Woodland. However, that larger trees that have root protection areas that overlap onto the site will require additional fencing or ground protection.
- 5.136 It is therefore considered that the proposed development would not result in a direct adverse impact on the adjacent Ancient Woodland to the north, given that a landscaped/ecology buffer has been incorporated into the housing site layout adjacent the woodland. In addition, conditions have been recommended to ensure that the existing trees adjacent the site are protected during the demolition and construction phases of the development.
- 5.137 Furthermore, Forestry England have been consulted about the planning application due to the adjacent ancient woodland to the north of the site. Forestry England have stated that they have no comments regarding the proposed development except that they still require access along Spen Lane in front of the site to gain access to the adjacent woodland. This development does not prevent access to the adjacent woodland. However, this information will be passed onto the developer as an informative.
- 5.138 Subject to these landscaping and tree related planning conditions the proposed development is considered acceptable in terms of impact on trees and would accord with the aims and objectives of the NPPF and policies CS18 and MSGP36 of the Council's Local Plan.

## **5.139 RESIDENTIAL AMENITY**

### **5.140 Existing Residents**

5.141 The site is located some distance away from any existing housing. The development is therefore unlikely to impact the living conditions of any existing residents in terms of loss of light / overshadowing, visual intrusion or overlooking / loss of privacy. Planning conditions have been recommended to approve a construction management plan which would control the days and hours of the demolition and construction works, to limit the impact that these works could have on the living conditions of surrounding residents.

### **5.142 Future Residents**

5.143 The proposed site layout is considered to provide appropriate separation distances between the new houses to not result in an adverse impact on the living conditions of the future residents of the new houses through loss of light / overshadowing, visual intrusion or overlooking / loss of privacy.

5.144 An updated Noise Assessment along with a note considering the potential impact of any noise from the use of the adjacent playing fields to the east and south of the site on the future residents of the new housing development were submitted on 20 February 2023.

5.145 The updated Noise Assessment concludes that the site is acceptable from a noise perspective for residential development without the need for any specific noise mitigation measures. The Noise Assessment however acknowledges that there is a business called “Dog on the Tyne” to the west of the application site. This business provides daytime dog care in the fields in enclosed pen areas and has a shop which sells dog food, treats and associated goods.

5.146 Taking into account this adjacent business, the Noise Assessment recommends a scheme of glazing and acoustic ventilation be provided to the houses along the western boundary of the site as a precautionary approach. Planning conditions have therefore been recommended to approve the glazing and acoustic ventilation noise mitigation measures and their implementation in the interest of the living conditions of the future residents of the proposed housing.

5.147 Furthermore, the accompanying Noise Note examines the potential for the use of the adjacent playing fields to impact on the living conditions of the future residents of the new housing. The note concludes that as a result of the likely position of any new sport pitches that may be brought back into use in the future, the likely hours of use and the landscaping and boundary treatment provided as part of the proposed housing development, that the use of the adjacent playing field area is unlikely to have an unacceptable impact on the living conditions of the future residents.



- 5.148 However, taking into account the adjacent safeguarded playing fields, Council officers are of the opinion that a planning condition is required to provide noise mitigation measures for the proposed houses adjacent to the playing fields, to protect the living conditions of future residents from any noise and activity associated with bringing the playing fields back into use, as a precautionary approach. An informative is also being recommended by Council officers advising that the marketing information and any welcome pack for new residents should advise and clearly state/show that the adjacent playing fields are safeguarded for outdoor sport and could be brought back into use in the future if needed as sport pitches with associated ancillary facilities.
- 5.149 Subject to the above planning conditions and informative, the proposed development is considered to be acceptable from a residential amenity point of view and would accord with the aims and objectives of the NPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

### **5.150 ECOLOGY**

- 5.151 Revised ecology information has been submitted as part of the planning application on 20 February 2023. Council officers are of the opinion that the submitted ecology information allows for an adequate assessment to be made of the likely impacts of the proposed development on biodiversity and ecological connectivity.
- 5.152 The submitted bat survey identifies the presence of bats within some of the former school buildings on the site. Due to the presence of bats no demolition works should be undertaken in relation to 6 of the 7 buildings on the site (buildings 1-6 identified in the revised Bat Survey dated Feb 2023) during the bat hibernation period (November to March inclusive), which can be controlled through a planning condition.
- 5.153 The submitted revised Ecological Impact Assessment (Feb 2023) also identifies that an appropriate Natural England licence will be required if planning permission is approved to demolish the existing school buildings containing the bats / bat roosts.
- 5.154 The demolition and construction phases of this development have the potential to impact on protected / priority species on the site and in the area. A planning condition has therefore been recommended for a Construction Ecology Management Plan to be approved before any works commence on site, including demolition, to ensure that any impacts on ecology in the area can be avoided and/or mitigated.
- 5.155 A Biodiversity Net Gain (BNG) Assessment has been submitted as part of this planning application. This BNG Assessment states that the baseline habitats on site provide a total of 13.58 habitats units and 0.24 hedgerow units. The BNG Assessment then goes on to state that the habitats on site post development provide a total of 15.65 habitat units and 0.54 hedgerow units. The Assessment concludes that this leads to a net habitat unit change of

+2.07 equating to 15.21% net gain and a net hedgerow unit change of 0.30 equating to a 123.15% net gain.

5.156 Council officers however consider that further information is required to ensure that all elements of the proposed /post development, enhancement /ecological mitigation and Biodiversity Net Gain (BNG) measures are appropriate and deliverable. Council officers are of the opinion that this could be dealt with by planning conditions which would allow for further detail, discussion and agreement to be achieved in relation to these outstanding ecology issues, including where appropriate and necessary the provision of off site BNG measures.

5.157 Planning conditions have therefore been recommended relating to:

- A construction ecological management plan tba and implemented
- Revised landscape and ecology design strategy tba and implemented
- Revised landscape and ecology management plan tba and implemented
- Biodiversity net gain assessment and delivery plan tba and implemented
- External lighting strategy tba and implemented
- Boundary treatments tba and implemented
- Details bird / bat boxes tba and implemented

5.158 Natural England have been consulted and have confirmed that they have no objection to the proposed development.

5.159 Subject to the recommended ecology related planning conditions, Council officers are of the opinion that the proposal would not cause unacceptable harm to ecology and would comply with the ecology aims and objectives of the NPPF and policies CS18, MSGP36 and MSGP37 of the Council's Local Plan.

## **5.160 FLOOD RISK / DRAINAGE**

5.161 Flood Risk

5.162 A Flood Risk Assessment (FRA) and an updated Drainage Strategy / Drainage Management Plan were submitted on 20 February 2023.

5.163 The site is located within Flood Zones 1 on the Environment Agency's flood maps. Flood zone 1 is a low flood risk area. The proposed development is considered to be an appropriate use within flood zone 1.

5.164 Drainage

5.165 With regards to drainage, the submitted revised Drainage Strategy February 2023 explains that the surface water from the development will discharge into a new SuDs basin located on the adjacent playing field area to the south east

of the proposed houses, which will discharge into the existing watercourse by way of an existing private surface water pipe. The submitted Drainage Strategy further states that the Low Spen Burn is located around 850m to the south east of the site with a tributary of the Low Spen Burn located 115m to the east. The development is within the natural catchment of the watercourse. The Drainage Strategy states that there is an existing manhole with associated pipework flowing into the tributary.

- 5.166 The submitted revised Drainage Strategy February 2023 explains that the foul water from the development will discharge into an existing Northumbrian Water sewer to the south of the development, via a new pumping station that will be provided as part of the proposed development. The pumping station is positioned to the south of the proposed houses within the adjacent playing field area.
- 5.167 The revised Drainage Strategy February 2023 also explains that the main surface water and foul water network is proposed to be adopted by Northumbrian Water. However the SuDs basin that serves the development will be maintained by a private management company.
- 5.168 Council officers consider that the flood risk and drainage information submitted as part of this application demonstrates that there is sufficient space within the site to provide a suitable drainage system for the development. However, planning conditions are recommended to ensure detailed drainage designs are submitted for approval.
- 5.169 A Drainage Management Plan has also been submitted as part of this planning application. However, Council officers are of the opinion that a revised Drainage Management Plan will be required to ensure that this document is appropriate – which can be dealt with through a planning condition.
- 5.170 Northumbrian Water have been consulted and have confirmed during the first round of consultations that they have no objection to the proposed development and intended drainage strategy, subject to a planning condition which approves and control the final drainage design. Northumbrian Water were re-consulted regarding the revised Drainage Strategy submitted in February 2023 and confirmed that their original response still stands.
- 5.171 Planning conditions have therefore been recommended to approve the final detail of both the foul and surface water drainage systems, including the pumping station, as well as a drainage management plan.
- 5.172 Subject to these conditions, the development is considered to be acceptable from a flood risk and drainage point of view and would accords with the flood risk and drainage aims and objectives of the NPPF and policies CS17 and MSGP 29 of the local plan for Gateshead.

### **5.173 POTENTIAL FOR CONTAMINATED LAND**

- 5.174 The site is situated on potentially contaminated land based on previous historic uses. It is therefore possible that the development area may be affected by ground contamination. A preliminary risk assessment relating to ground conditions as well as a land gas assessment have been submitted as part of this planning application.
- 5.175 Council officers are of the opinion that additional site investigations will be required to fully characterise the whole site after the existing buildings have been demolished to determine the ground conditions and to devise a suitable detailed remediation strategy so that any contamination is dealt with in an appropriate manner.
- 5.176 The submitted land gas assessment concludes that there is a very low potential risk from ground gas and that no specific ground gas protection measures are considered necessary. Council officers agree and accept the findings of this report.
- 5.177 Planning conditions have therefore been recommended requiring further site investigations with a Phase II detailed risk assessment and where required that remediation, monitoring and verification reports are carried out. Subject to these planning conditions the development is considered to be acceptable in terms of contaminated land and accords with the aims and objectives of the NPPF and policies CS14 and MSGP20 of the Council's Local Plan.

#### **5.178 COAL MINING LEGACY ISSUES**

- 5.179 The application site is within a Coal Authority defined "Development High Risk Area" (formerly known as Coal Mining Development Referral Areas). Therefore within the site and surrounding area there are coal mining features and hazards which need to be considered.
- 5.180 A Coal Mining Risk Assessment Report (CMRA) has been submitted as part of this planning application. This report considers that there is a low to moderate risk of coal mining affecting surface stability at the site. The report recommends that an additional ground investigation with rotary boreholes is undertaken to investigate the potential presence of unrecorded working within the underlying Victoria coal seam.
- 5.181 The Coal Authority concur with this recommendation of the submitted Coal Mining Risk Assessment – that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development, in order to establish the exact situation regarding coal mining legacy issues at the site and inform any remedial works and /or mitigation that may be necessary.
- 5.182 The Coal Authority therefore has no objection to the development subject to planning conditions which require the further site investigations and any remedial works and /or mitigation that may be required, prior to the commencement of development.

5.183 Planning conditions have therefore been recommended to require the further site investigation works and any necessary remediation measures.

5.184 Subject to these planning conditions it is considered that the proposed development would not be at risk from past coal mining in the area and would accord with the aims and objectives of the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

### **5.185 DIGITAL INFRASTRUCTURE**

5.186 Policy MSGP8 of the Local Plan relates to digital infrastructure and states that the necessary physical infrastructure to enable access to information and digital communication network will be integrated into all appropriate new developments.

5.187 The accompanying text explains 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. No information has been provided as part of the planning application relating to digital infrastructure.

5.188 A planning condition has therefore been recommended to address this issue.

### **5.189 OPEN SPACE / PLAY PROVISION**

#### **5.190 Open Space**

5.191 The site is in a ward which is not deficient in open space, and the Council's relevant accessibility standards as set out in policy MSGP 40 of the Local Plan are also met given the location of nearby areas of public open space. Therefore, there is no policy requirement for this development to provide public open space.

#### **5.192 Children's Play Space**

5.193 Within the Winlaton and High Spennard ward there is a deficiency of play space, Policy MSGP40.1b of the Local Plan requires the provision of play facilities to the equivalent of 0.07ha per 1,000 residents, therefore there is a requirement for approximately 132sqm of play space when calculated using the Council's play space standard.

5.194 The area of open space proposed as part of the housing layout does not show children's play equipment. However, given the quantity of open space provision provided within this scheme, it should be feasible to accommodate an area of informal play equipment. A planning condition has been recommended to seek the approval and provision of children's play equipment (albeit informal) as part of the development.

5.195 Therefore to conclude Council officers are of the opinion that the proposed development does not result in the loss of land allocated for outdoor sports in the MSGP and it has been demonstrated how they would be protected and could be brought back into use with appropriate facilities, if required. For the reasons set out above it is considered by Council officers that there are no impacts relating to the playing field which would significantly and demonstrably outweigh the benefits of the proposed development.

#### **5.196 COMMUNITY INFRASTRUCTURE LEVY**

5.197 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. The site is located within CIL Residential Zone A where there is a levy of £60 per square metre of additional floor area for this type of development.

5.198 This may therefore result in a payment to the Council which could be used to help address strategic infrastructure requirements.

#### **5.199 OTHER ISSUES**

5.200 A number of issues have been raised by local residents which are not material planning considerations including - the loss of legal rights across the fields and site, the potential for trespass, arson and criminal damage and the impact on the value of property in the area.

5.201 Concerns have been raised that there is a lack of amenities / facilities and infrastructure to accommodate more housing. More housing is likely to bring more interest in the village from prospective businesses such as retailers and shopkeepers and hopefully encourage new amenities, facilities and infrastructure.

### **6.0 CONCLUSION**

6.1 The majority of this site is allocated in the Council's Local Plan for residential development. Therefore the principle of developing this allocated housing site for housing is considered to be acceptable. The proposed development would provide 49 additional dwellings which would be a positive factor.

6.2 The development has been assessed against national and local Green Belt policy. The submitted Green Belt Openness Assessment demonstrates that the proposed development is appropriate development within the Green Belt and would not give rise to harm to the Green Belt.

6.3 Whilst Sport England have objected to the proposed development, it is considered that the proposed development is not prejudicial to the future use of the adjacent playing fields, or its ability to operate as a stand alone community use facility. Notwithstanding the objection from Sport England,

Council officers are therefore of the view that the proposed development still safeguards the adjacent playing fields for future use if required and that the proposed development would not prejudice this future use.

- 6.4 Given that the proposed development would not cause any demonstrable harm to the Green Belt or impact on the potential to bring the adjacent playing field back into use, if required, Council officers are therefore of the opinion that weight should be given to the delivery and supply of housing on this allocated housing site.
- 6.5 It is therefore considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the Local Plan. The development would also have economic benefits during the construction period and beyond.
- 6.6 It is acknowledged that the development would have some impact on ecology. Further information and / or amendments are also considered necessary to address outstanding transport, ecology and drainage issues. However, Council officers consider that these impacts and further information / amended plans can be adequately mitigated and controlled/provided through planning conditions.
- 6.7 Taking all the relevant issues into account, including the comments made by consultees and local residents, including the objection by Sport England, it is considered that the proposed development is acceptable, subject to planning conditions and accords with the aims and objectives of both national and local planning policies.
- 6.8 It is therefore recommended that planning permission be granted subject to the conditions below.
- 6.9 A full list of conditions will be circulated in a written update.

#### **7.0 Recommendation:**

- 7.1 It is therefore recommended that planning permission be granted subject to referral to the Secretary of State and subject to planning conditions, and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, delete, vary and finalise the wording of the planning conditions (set out below as headings) as necessary.
- 7.2 If Members are minded to approve this planning application, it would need to be referred to the Secretary of State, via the Planning Casework Unit for consideration because Sport England have objected to the planning application and the land which is part of the application is local authority land.

#### **STANDARD CONDITIONS**

- List of approved plans

- 
- 3 year time limit to implement

### **PRIOR TO COMMENCEMENT CONDITIONS**

- Tree protection measures to be implemented
- Drainage investigation / survey works
- Demolition /construction management plan tba and implemented
- Demolition / Construction days/times

### **GROUND CONDITION CONDITIONS**

- Coal mining investigations and remediation measures tba and implemented
- Further site investigation tba and implemented
- Remediation measures tba and implemented
- Verification report to confirm remediation measures

### **DRAINAGE CONDITIONS**

- Drainage scheme tba and implemented
- Details of pumping station tba and implemented
- Drainage management plan tba and implemented

### **TRANSPORT CONDITIONS**

- Retaining wall and structures tba and implemented
- Access / pedestrian connectivity to the sw corner of the site tba and implemented
- Final details of the southern most termination point of the proposed carriageway widening and new footway to Spen lane tba and implemented
- 20mph zone within the site tba and implemented (including final details for positioning of raised plateaus / traffic calming within the site)



- Electric vehicle charging details tba and implemented
- Cycle parking to be implemented
- Sustainable travel measures / improvements tba and implemented including
  - a- a bus stop and shelter on School Lane or directly adjacent to the bus turning circle at the junction of Spen Lane and School Lane
  - b- the provision of a pedestrian crossing to the adjacent bus turning circle
  - c- the provision of a 20mph zone and/or traffic calming measures
  - d- the possible closure of Spen Lane to motorised vehicles and
  - e- the possible introduction of cycle lanes
- Revised travel plan tba and implemented
- Removal of existing external highway features associated with the previous school

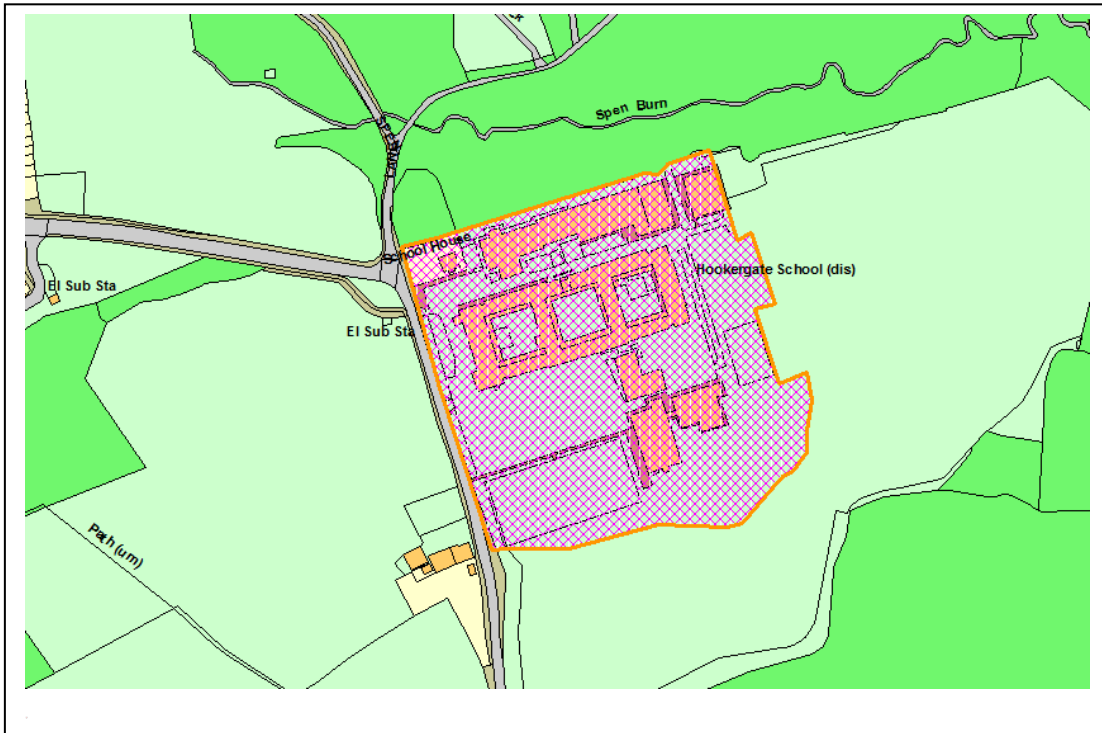
#### **ECOLOGY CONDITIONS**

- No demolition of buildings with risk of bats during Nov – March inclusive
- A construction ecological management plan tba and implemented
- Revised landscape and ecology design strategy tba and implemented
- Revised landscape and ecology management plan tba and implemented
- Biodiversity net gain assessment and delivery plan tba and implemented
- External lighting strategy tba and implemented
- Details bird/bat boxes tba and implemented

#### **OTHER CONDITIONS**

- External materials as submitted or otherwise approved
- Boundary treatment tba and implemented
- Noise mitigation measures tba and implemented
- Children's play equipment tba and implemented

- Digital infrastructure details tba and implemented



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