

**Committee Report**

<b>Application No:</b>	<b>DC/22/01336/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>1 December 2022</b>
<b>Applicant</b>	<b>DAMF (NE) Ltd</b>
<b>Site:</b>	<b>Land At Highfield Road Rowlands Gill</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Proposal:</b>	<b>Variation of Condition 1 of application DC/20/00069/REM to introduce amended plans as approved plans and documents, resulting in changes to layout and housetypes (additional information received 17/01/23, 19/01/23, 22/02/23 and 12/04/23 and amended plans received 18/01/23, 22/02/23 and 12/04/23).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:****1.1 BACKGROUND**

After considering the application on 14 June 2023, the Planning Committee (the Committee) decided to defer the application to seek further clarification and, if necessary, additional information.

1.2 The Committee's specific concerns were related to the necessity of removing trees T28, T29, and T31, as well as the potential impact on occupants of existing dwellings to the south. They sought answers to the following questions:

1. Does the current proposal require the removal of the trees?
2. Can an amended drainage scheme allow the trees to be retained?
3. If the trees must be removed, can an alternative landscaping scheme be proposed?

1.3 After a thorough review, officers can now provide clarity on these matters.

1.4 Based on the current proposal, it is now clear that trees T28 (Sycamore), T29 (Swedish Whitebeam), and T31 (Sycamore) cannot be retained. These trees have been classified as Category C1 (T28 and T29) and C2 (T31), meaning they are of limited landscape quality with a remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm.

1.5 The proposed amendment to Plots 8 and 9, which involves making them split-level, requires amendments to the proposed drainage strategy. It is proposed that Surface water from the dwellings will be drained using 'traditional' methods, such as from rooftops, roads, footpaths, and hard-standing areas, and conveyed via gravity. All flows will be directed through the drainage network and won't infiltrate the ground. Most flows will be drained to a new surface water

drainage/pipe network, which will then discharge to the existing NWL combined water sewer in Highfield Road. However, the split-level design of Plots 8 and 9 has led to changes to the approved drainage system, meaning that the hard area drainage (roofs and patios) within the rear half of these properties will be discharged to the existing NWL combined sewer in Wellfield Road. As a result, additional underground pipework is needed in the rear curtilages of these properties.

- 1.6 The proposed amendment to Plots 8 and 9 also requires raising and contouring the land levels to accommodate overland flows. This is to ensure surface water above ground, flows away from proposed and existing properties. This alteration, combined with the proposed underground drainage system, would encroach upon the trees, making their survival almost impossible.
- 1.7 The possibility of re-routing the drainage system around the trees has been considered during the assessment of the application. However, it was established that:
  1. The drainage scheme didn't function appropriately, and any acceptable modification would still lead to the trees being lost due to land level changes.
  2. The underground drainage, while designed to avoid trees as much as possible, would still impact the trees, and designing a scheme with no impact on the trees would be challenging, according to the Arboricultural Officer's view.
- 1.8 In addition, the applicant has indicated they are not willing to explore alternative drainage solutions at this time due to the time required for detailed drainage designs to be drawn up and assessed.
- 1.9 However, as compensation for the loss of trees T28, T29, and T31, the applicant provided an amended landscaping scheme. This scheme involves replanting two trees for each tree removed, using native species such as Wild Cherry, Bird Cherry, Apple, Whitebeam, Hazel, and Plymouth Pear. Officers agree that these native species are more suitable for domestic gardens and as boundary trees compared to the varieties proposed for removal. Furthermore, these replacement trees would offer some level of screening to existing and future occupants.
- 1.10 The applicant has also submitted further information to demonstrate that new trees and drainage can work together. The submitted planting plan clearly shows that the trees proposed to be planted would be located outside of the drainage easements suggested in appropriate guidance.
- 1.11 Considering the above information, the Officer's recommendation remains unchanged. It is considered that the proposals are acceptable, subject to appropriate planning conditions.
- 1.12 It is considered that the proposed scheme is better than the approved scheme as it would require less reprofiling of the land, providing a better arrangement

for the occupiers of Plots 8, 9, and 10, while improving the outlook from the existing properties to the south.

- 1.13 In addition, the Committee may consider attaching a planning condition requiring the completion and maintenance of the submitted landscaping scheme within a specified period. Such conditions could be drafted as follows:

10

The replacement tree planting scheme for Plots 8, 9 and 10 shown on drawing number A1 1-250 0009027 Rev 2 – Replacement Planting Scheme submitted with the application shall be completed in full accordance with the approved plans prior to the first occupation of any residential unit hereby permitted unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual and residential amenity and in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP33 of the Local Plan for Gateshead.

11

The landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual and residential amenity and in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP33 of the Local Plan for Gateshead.

- 1.14 The full Committee Report (including the Update Report) as presented in June is set out below.

1.15 DESCRIPTION OF SITE

The application site is located to the north of Wellfield Road, Rowlands Gill. The application site was formally occupied by Highfield School, the site has been cleared and the applicant has begun construction housing approved under applications DC/19/00279/OUT and DC/20/00069/REM.

- 1.16 Highfield Road itself bounds the site to the west, Smailes Lane is to the north and to the east there are the gardens of the neighbouring properties. The site is uneven, a clear slope can be seen to be directed from the northeast corner down to the southeast of the site; this slope is also reflected in the surrounding streets.

- 1.17 The site is located within an established residential area with the surrounding streets largely characterised by private residential dwellings.
- 1.18 Following the grant of planning approval (DC/20/00060/OUT & DC/20/00069/REM), planning conditions have been discharged by the applicant and the development has commenced and large number of dwellings are approaching completion. The properties located furthest to the south of the site have not yet been commenced.
- 1.19 An adjacent development site is located to the northwest, there is an extant planning approval on this land (DC/20/00060/OUT).
- 1.20 DESCRIPTION OF APPLICATION  
Following consideration by Planning and Development Committee outline planning permission was granted on this site for the erection of 13 dwellings, with all matters reserved - reference DC/20/00060/OUT granted October 2019 (the outline application).
- 1.21 Further, reserved matters approval relating to access, appearance, landscaping, layout and scale was granted in July 2020 following consideration by the Planning and Development Committee (DC/20/00069/REM (the reserved matters application). It is this reserved matters application that the current application seeks to amend.
- 1.22 The outline application included an indicative layout and the reserved matters application does not deviate significantly from the indicative layout. The application seeks to provide a mix of three (5no.) and four (8no.) bedroomed properties.
- 1.23 This application seeks approval of changes to the approved house types for plots 8 and 9. The amendments remove the ground floor single storey living area; and introduce of a lower ground floor area, to the rear elevation i.e. they would create a split-level living arrangement. However, there would be no changes to the front elevation, access or ridge height.
- 1.24 Further to the above, the application also seeks approval for a number of changes which have occurred during the construction process, these are summarised as follows;
- House Type 01 proposed amendments:
    - Removal of small window to upper floor bathroom on front elevation.
    - Addition of rooflight to upper floor bathroom on front elevation.
    - Repositioning of 2no. rooflights on rear elevation to be in line with dormer windows.
    - Increase width of chimney stack on side elevation.
  - House Type 02 proposed amendments
    - Removal of small window to upper floor bathroom on front elevation.

- Addition of rooflight to upper floor bathroom on front elevation.
- Repositioning of 2no. rooflights on rear elevation to be in line with dormer windows.
- Increase width of chimney stack on side elevation.
- House Type 03 proposed amendments plots 8 and 9
  - Remove ground floor single storey living area
  - Include lower ground floor area to rear elevation

1.25 This application also seeks approval for a revised site layout plan to accommodate the proposed amendments to the house types. This indicates where it is proposed to reposition some of the houses within the plots and amend the plot boundaries and the 'handing' house type 02 on plot 3, plot 12 and plot 13.

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

- Design and Access Statement;
- A Flood Risk Assessment and Drainage Strategy;
- A Phase II Contaminated Land Risk Assessment; and
- Arboricultural Impact Assessment & Method Statement.

#### 1.27 RELEVANT PLANNING HISTORY

The relevant planning history associated with the application site is summarised as follows;

- DC/04/00622/GB0; Outline planning permission granted for 'Development of 1.08 ha of land for residential purposes.' Date; 16 July 2004.
- DC/07/00958/REM; Planning permission granted for 'Erection of 33 semi-detached and town houses and 56 flats in a four storey block with associated car parking and landscaping (amended 12/10/07, 7/11/07, 21/11/07 and 5/12/07).' Date; 20 December 2007.
- DC/19/00279/OUT; Outlined planning permission granted for 'Proposed erection of thirteen dwellings.' Date; 17 October 2019.
- DC/20/00060/OUT; Outline planning permission sought for 'Proposed 5 no. townhouses and 10 no. apartments with associated works (amended plans and additional information received 19/05/20).' Date; 31 July 2020.
- DC/20/00069/REM; Planning permission granted for 'APPROVAL OF RESERVED MATTERS: for planning application DC/19/00279/OUT relating to access, appearance, landscaping, layout and scale (amended plans and additional information received 19/05/20).' Date; 31 July 2020.



MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

## **5.0 Assessment:**

5.1 The key considerations to be taken into account when assessing this application are the impact the proposal will have on visual amenity, residential amenity, ecology, highway safety and parking, ground conditions and flood risk.

### **5.2 PRINCIPLE**

The principle of the development is firmly established through the approval of DC/19/00279/OUT and DC/20/00069/REM and has commenced on site. As set out above, the application seeks amendment to the approved layout and house types.

### **5.3 Range and Choice of Housing**

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 (i.e. homes with three or more bedrooms). It is considered that the proposed mix provides a good range and choice of accommodation, and all properties would be comprised entirely of family homes, with a mix of three and four bed roomed properties. Therefore, the layout complies with policy CS11(1).

### **5.4 Space standards**

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

### **5.5 VISUAL AMENITY**

As stated above, the proposed site layout largely mirrors that of the outline planning approval and the reserved matters approval. Further to this, the application offers what could only be proposed what could be considered minimal

changes to the extant reserved matters application. Further, the scale and appearance of the proposed dwellinghouses is considered appropriate when considered alongside dwelling immediately adjacent to the application site. Final details of materials have been provided as part of the discharge of condition process, it is considered that a condition securing the use of the approved materials will need to be imposed (Condition 2).

5.6 Subject to the above condition it is considered that the development is acceptable in regard to its appearance, landscaping, layout and scale and the development is considered to comply with the aims and requirements NPPF, and policies CS15 and MSGP24 of the Local Plan.

#### 5.7 RESIDENTIAL AMENITY

The most significant amendments to the scheme are those changes proposed to plots 8 and 9 located to the southern boundary of the property. It is proposed for these properties to be split level i.e. two storey properties when viewed from the front elevation and three storey when viewed from the rear. The applicant has indicated that the reasoning behind this change is to limit the level of terracing required to the rear of these properties and in order to better deal with changes in land levels. Land levels do fall away from the rear of plot 8 and 9 with falls of 1:4 and 1:5, respectively, within rear gardens. It is considered that the level of separation proposed between plot 8 and 9 and those properties to the south (5 - 8 Wellfield Road), is adequate to ensure that no unacceptable impact on outlook and/or privacy would occur.

5.8 Further to the above, given the separation distances afforded between the existing adjacent houses and the proposed development it is considered that the development, even taking into consideration the amendments proposed, would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion. It is considered the proposed internal layout is acceptable and would allow future residents to experience acceptable living conditions.

5.9 Conditions were attached to the outline approval requiring the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise; these conditions have been discharged.

5.10 Officers are therefore of the opinion that subject to the condition attached to the outline and the above assessment, the proposed development would not have an unacceptable impact on the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, and Policies CS14 and MSGP17 of the Local Plan.

#### 5.11 HIGHWAY SAFETY AND PARKING

The proposed access, and highway and parking arrangements remain the same as the approved reserved matters approval.



- 5.12 It is considered that the location of the indicated site access is appropriate, and the final design of the site access is acceptable. Further the layout of the development is considered to provide an appropriate level of parking and would allow the turning of large vehicles i.e. refuse collection vehicles.
- 5.13 Details of weatherproof cycle storage and facilities for electric charging for each property were secured via the outline planning approval, these conditions have been discharged.
- 5.14 The proposal would comply with the aims and requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.
- 5.15 **TREES**  
An amended Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and tree protection plan have been submitted in support of the application.
- 5.16 The application now proposes that the only trees to be retained are those located to the southern boundary of the site. However, the applicant has indicated that additional tree planting will be provided within garden areas to compensate for the loss of five additional trees within the boundaries of plots 8 and 9.
- 5.17 Officers consider the compensatory planting to be proportionate and acceptable. It is considered that the proposed development is acceptable in terms of impact on the existing trees and accords with the aims and objectives of the NPPF and Policies CS18 and MSGP36 of the Local Plan.
- 5.18 **ECOLOGY**  
At outline stage, an appropriate/proportionate scheme of on and offsite mitigation and compensation measures were approved by way of planning conditions and obligations (S106).
- 5.19 The planning condition required the submission of a biodiversity method statement. The S106 agreement required the creation of circa 0.35ha of species rich early successional brownfield habitat and the restoration/enhancement of circa 0.08ha of early successional brownfield habitat/species poor semi-improved grassland on land to the southeast of Derwenthaugh Road, Swalwell.
- 5.20 On the basis of the above, the proposal would comply with the aims and requirements of the NPPF and Policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.
- 5.21 **GROUND CONDITIONS**  
An appropriate level of contaminated land information has been provided at outline and discharge of condition stage in the form of a Phase II site investigation and a remediation strategy. As such, no further information is required. The proposal would comply with the aims and requirements of the NPPF, and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

## 5.22 FLOOD RISK/DRAINAGE

To prevent the increased risk of flooding from the development, conditions pertaining to drainage were attached to the original outline application. Further to this, an amended/updated drainage assessment based on the amended layout has been submitted in support of the application.

5.23 The assessment determined that infiltration drainage is not feasible for the development due to impermeable conditions. The closest watercourse, Low Spen Burn, is located approximately 150m north of the site. However, due to the significant level of development surrounding the site, it is not deemed suitable for surface water discharge. Instead, it is proposed to discharge surface water flows at a maximum rate of 5 l/s to the existing NWL combined water sewer located west of the site on Highfield Road. Additionally, surface water from the rear half of dwellings 8 and 9 will be discharged to the existing NWL combined water sewer on Wellfield Road. The implementation of SuDS (Sustainable Drainage Systems) source control will involve the use of permeable paving, with attenuation being provided through voids within the permeable paving sub-base and attenuation crates. The information submitted by the applicant has been interrogated by officers and by NWL, it is considered that the drainage scheme provided is acceptable and in accordance with national and local planning policy.

5.24 In addition to the above, the applicant has provided an overland flow drainage model, this was required to predict the behaviour of surface water runoff if a failure of the drainage system were to occur. The model has assessed the flow patterns and potential flood risk associated with surface water runoff across the site and changes to land and dwelling finished floor levels have occurred to direct any potential flooding away from existing or proposed dwellings. Again, the detailed provided by the applicant is considered to be acceptable and demonstrates that the proposed development does not pose an unacceptable flood risk impact.

5.25 In order to ensure the effectiveness of the proposed drainage system, it is considered necessary for a Drainage Verification Report for the installed surface water drainage to be submitted to and approved in writing by the LPA (Condition 5).

5.26 Subject to the conditions set out above, it is considered that the proposal would comply with the aims and requirements of Policies CS17 and MSGP29 of the Local Plan for Gateshead.

## 5.27 OPEN SPACE/PLAY PROVISION

The neighbourhood area to which the application site belongs is identified as having an adequate level of open space, and the relevant accessibility standards are also met given the location nearby areas of public open space. As such this is in accordance with the policy requirements of MSGP40 and it is unlikely that open space contributions would be required.

- 5.28 It is considered that the proposed development provides links to the wider area and also provides adequate opportunity within the site for small areas of play as well as generous garden areas.
- 5.29 An area of amenity green space has been provided on site, this is considered adequate in order to address the requirements for Policy MSGP40 of the Local Plan.
- 5.30 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.
- 5.31 **OTHER MATTERS**  
It is noted that one objection references the time taken to complete the development. This matter is not a material planning consideration and as such cannot be afforded any weight in the decision-making process. This being said, the development has indicated that subject to the approval of planning permission, it is their intention to complete the development this year.
- 5.32 It is considered that all other material planning consideration raised by objectors has been addressed within the main body of the report.

## **6.0 CONCLUSION**

- 6.1 The proposal would result in the redevelopment of previously developed land that would contribute to the Borough's housing stock. Further, consideration has been offered to the development proposed on the wider housing allocation (DC/20/00060/OUT) and it is considered this proposal would not inhibit the development proposed.
- 6.2 Taking all the relevant issues into account, it is considered that the proposal is acceptable in terms of visual and residential amenity, highway safety and parking, ecology, flood risk, ground conditions, trees, and open space/play provision, and would comply with the aims and objectives of the NPPF, and the Local Plan for Gateshead.

## **7.0 Recommendation:**

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

- 25830 5100 P01 - HT01 - Proposed Elevations
- 25830 5200 P01 - HT02 - Proposed Elevations

- 25830 3315 P01 - HT02 - Proposed Floor Plans
- 25830 3215 P01 - HT02 - Proposed Ground Floor Plan
- 25830 3300 P01 - Proposed House Type 3
- 25830 3105 P09 - Proposed Landscape & Roof Plan
- 25830 3100 P10 - Proposed Site & Location Plan
- Pre-Development BS5837 Arboricultural Implications Assessment Former Highfields School - Woodsman Arboricultural Consultancy - 05 April 2022
- Highfield Road, Rowlands Gill Drainage Strategy (JCC19-225-C-02 Rev 14) - James Christopher Consulting - April 2023

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

#### Reason

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

2

The development hereby permitted shall be constructed entirely of the materials detailed and approved as part of 20/00069/DOC1 (Approved 12 September 2022).

#### Reason

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

3

Prior to the occupation of any unit hereby approved a SuDS information and communication plan, including an information pack for residents shall be submitted to and approved in writing by the LPA.

#### Reason

In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site in order to comply with the NPPF, and policies CS17 and MSGP29 of the Local Plan for Gateshead.

4

At the point of occupation of any unit hereby approved, the SuDS information and communication plan approved under condition 3, shall be provided to the occupants of each dwelling.

#### Reason

In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site in order to comply with the NPPF, and policies CS17 and MSGP29 of the Local Plan for Gateshead.

5

No dwellinghouse hereby approved shall be occupied until a Drainage Verification Report (DVR) for the installed surface water drainage system based upon the approved Drainage Strategy (Highfield Road, Rowlands Gill Drainage Strategy (JCC19-225-C-02 Rev 14) - James Christopher Consulting - April 2023) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority (LPA). The DVR shall include:

- i. Demonstration that any minor departure from the approved design complies with the approved principles and that the modelled volumetric capacity has been achieved;
- ii. Appropriate evidence to demonstrate the preferential exceedance flow path between plots 9 and 10 has been created and that the crated tank has been formed in accordance with manufacturer's literature;
- iii. Results of any performance testing undertaken; and
- iv. Copies of any Statutory Approvals e.g. Land Drainage Consent for Discharges.

Reason

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

6

No boundary treatment(s) shall be provided until final details of all boundary treatments and a timetable for implementation have been submitted to and subsequently approved in writing by the LPA.

Reason

To ensure the satisfactory appearance of the development upon completion in accordance with the NPPF, and policies CS14, CS15 and MSGP24 of the Local Plan for Gateshead.

7

All boundary treatments shall be installed in accordance with approved details and timetable for implementation approved under Condition 6.

Reason

To ensure the satisfactory appearance of the development upon completion in accordance with the NPPF, and policies CS14, CS15 and MSGP24 of the Local Plan for Gateshead.

8

Notwithstanding the approved Drainage Assessment, within one month of the approval of planning permission, the details and specification of

temporary measures to be employed during each construction phase for the management of runoff from site areas that have not yet received final soft landscaping or have not yet been connected to the new development drainage system shall be submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

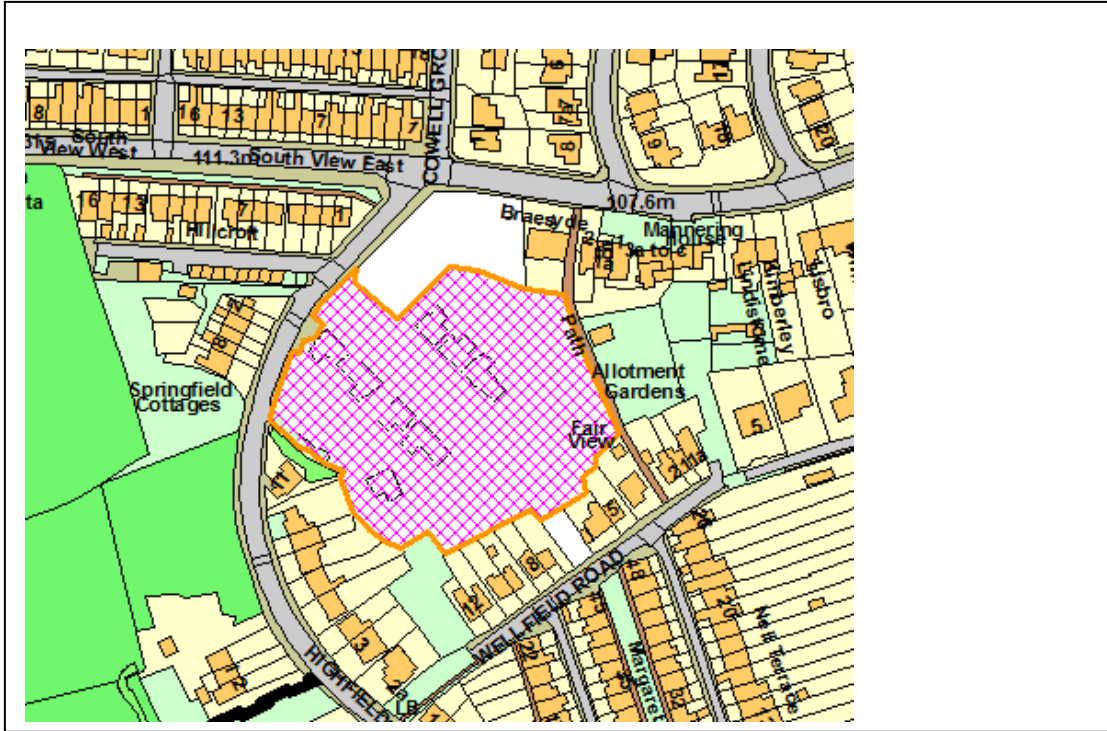
To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or to adversely affect the permanent drainage system for the development in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.

9

Construction shall take place in full accordance with the temporary drainage measures approved at condition 8 prior to any of the houses hereby approved being occupied.

Reason

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or to adversely affect the permanent drainage system for the development in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.



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