

Committee Report

Application No:	DC/23/00094/FUL
Case Officer	Josh Kenolty
Date Application Valid	8 February 2023
Applicant	Mr John Plummer
Site:	Oakfield House Gateshead Road Sunniside Newcastle Upon Tyne NE16 5LQ
Ward:	Whickham South And Sunniside
Proposal:	Erection of a single two-storey dwelling-house (Use Class C3) with associated access, and surrounding gardens and curtilage areas across remaining parts of site with detached garage block (resubmission with revised highways work and ecology assessments). (Additional information received on 20/04/23 and 09/05/2023. Amended site location plan received 04/07/2023)
Recommendation:	Grant with Section 106 Agreement
Application Type	Full Application

1. Background:

- 1.1 The application was reported to the meeting of the Planning and Development Control Committee on 14 July 2023, with a recommendation to refuse planning permission due to the unacceptable impact of the development on highway safety.
- 1.2 The Committee considered the technical information that had been submitted to support the application, including a Transportation Advisory Note, a Visibility Splays Plan and an Access Swept Path Analysis, as well as additional 'Highways Rebuttal' Technical Notes, and determined that the development would not have an unacceptable impact on highway safety.
- 1.3 The Committee resolved that they were 'minded to grant' the application subject to conditions.
- 1.4 A Section 106 Agreement is also required to deliver an appropriate offsite biodiversity net gain compensatory scheme as per paragraphs 5.53 of the original Officer report.
- 1.5 This report seeks Committee approval for the conditions recommended below and the recommendation is as follows:

2. Recommendation

2.1 That permission be granted subject to the completion of a Section 106 Legal Agreement to secure an obligation towards off site biodiversity net gain improvements (£1,680); and the following condition(s); and that the Strategic 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 -

- Site Location Plan (04/07/2022)
- Drawing Number 2B/10 House Elevations
- Drawing Number 2B/11 Floor Plans
- Drawing Number 1B/12 Garage Elevations, Site Plan/ Roof Plan
- Drawing Number JG01 Visibility Splays
- Drawing Number JG02 Access Swept Path Analysis

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 to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The external facing materials of the development shall be completed in accordance with the approved plans and documents as detailed below-

- Application Form
- Drawing Number 2B/10 House Elevations
- Drawing Number 1B/12 Garage Elevations, Site Plan/ Roof Plan

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the National Planning Policy Framework and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

4

The width of the access road, inclusive of pedestrian visibility splays, to serve the application site shall be retained in accordance with the details/ dimensions as shown on the approved plans 'Drawing Number JG01 Visibility Splays' and 'Drawing Number JG02 Access Swept Path Analysis' and shall be kept clear of any obstructions including vegetation at all times.

Reason

In the interests of highway safety in accordance with the aims and objectives of the National Planning Policy Framework and policies CS13 and MSGP15 of the Local Plan for Gateshead.

5

Prior to their installation on site, full details of any new vehicular gates to be installed along the private driveway serving the development shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed wholly in accordance with the approved details and maintained as such thereafter.

Reason

In the interests of highway safety in accordance with the aims and objectives of the National Planning Policy Framework and policies CS13 and MSGP15 of the Local Plan for Gateshead.

6

No works shall commence on site unless in accordance with the Method Statement for Contractors as submitted within Appendix 1 of the Preliminary Ecological Appraisal, Biodiversity Metric and Mitigation Strategy (RH Ecological Services, 2023 (Version 2)) submitted and hereby approved in writing by the Council.

Reason

In order to avoid/minimise harm to protected species and their habitats and to maintain the favourable conservation status of the local bat population(s) at or above current levels in accordance with the National Planning Policy Framework and policies CS18 and MSGP37.

7

No exterior lighting shall be installed on site without a Lighting Design Strategy for Biodiversity (prepared in consultation with a SQE) for the site being submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site or adjacent to site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places (including any bat roost features installed as part of the proposals) or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To maintain the value and function of the site for roosting, foraging and commuting bats, and maintain the ecological functionality of adjacent areas of priority habitats and designated Local Wildlife Site (LWS), in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan, and the National Planning Policy Framework.

8

Notwithstanding the submitted information, the development hereby approved shall not progress above ground floor level until full details including the specification and precise location (as identified on a plan and elevation drawing of the property) of the proposed integrated bat roost features (minimum 1no) and integrated bird nesting features (minimum 1no), suitable for priority species such as house sparrow, starling and swift, have been submitted to and approved in writing by the LPA Ecologist.

All integrated bat roosting/bird nesting features shall be installed in accordance with the specifications and locations set out in the approved plan and elevation drawings, as confirmed by a statement prepared by a suitably qualified ecologist including photographs of the features in situ, submitted and approved by the LPA Ecologist prior to first occupation.

Thereafter, the features shall be maintained thereafter in accordance with the approved plans.

Reason

In order to provide replacement/enhanced potential roosting opportunities for bat and maintain the favourable conservation status of the local bat population(s) at or above current levels in accordance with the National Planning Policy Framework and policies CS18 and MSGP37.

9

Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason

To maintain the ecological functionality of adjacent areas of priority habitats and designated Local Wildlife Site (LWS) (by preventing the spread of non-native species and those of no local provenance to conserve and enhance biodiversity), in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan, and the National Planning Policy Framework.

10

Prior to the commencement of development, gas monitoring of the site shall be carried out to provide monitoring data sufficient to allow prediction of worse case conditions and so enable the full assessment of risk and characterisation of pollutant linkages and subsequent design of appropriate gas protection schemes. The findings of the gas monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure that risks from land contamination are minimised in accordance with the National Planning Policy Framework and policies MSGP20 and Policy CS14 of the Local Plan for Gateshead.

Reason For Pre Commencement Condition

This pre commencement condition is required as it may not be possible to carry out the gas monitoring after development has commenced and the result of the monitoring works will influence the subsequent design of appropriate gas protection measures for the development.

11

If required by the findings of the gas monitoring required under condition 10, the construction of the proposed development shall take account of the results of site investigations for gas emissions

from underground. The detailed design and method of construction shall incorporate the gas protection measures required, the details of which shall first be submitted to and be approved in writing by the Local Planning Authority. All approved gas protection measures shall be fully implemented in accordance with the approved details before the development is first occupied or brought into use.

Reason

In order to ensure that risks from land contamination are minimised in accordance with the National Planning Policy Framework and policies MSGP20 and Policy CS14 of the Local Plan for Gateshead.

12

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odours, abnormally coloured or suspected contaminated ground are encountered during development works then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure that risks from land contamination are minimised in accordance with the National Planning Policy Framework and policies MSGP20 and Policy CS14 of the Local Plan for Gateshead.

13

No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

In order to ensure that the site is made safe and stable for the development in accordance with the requirements of the National Planning Policy Framework.

Reason For Pre Commencement Condition

This pre commencement condition is required as it may not be possible to carry out the site investigations works after development has commenced.

14

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

In order to ensure that the site is made safe and stable for the development in accordance with the requirements of the National Planning Policy Framework.

15

The detached garage hereby approved and as shown on the approved plan 'Drawing Number 1B/12 Garage Elevations, Site Plan/ Roof Plan' shall only be used for a purpose ancillary to the dwellinghouse hereby approved and shall not be occupied or used independently at any time.

Reason

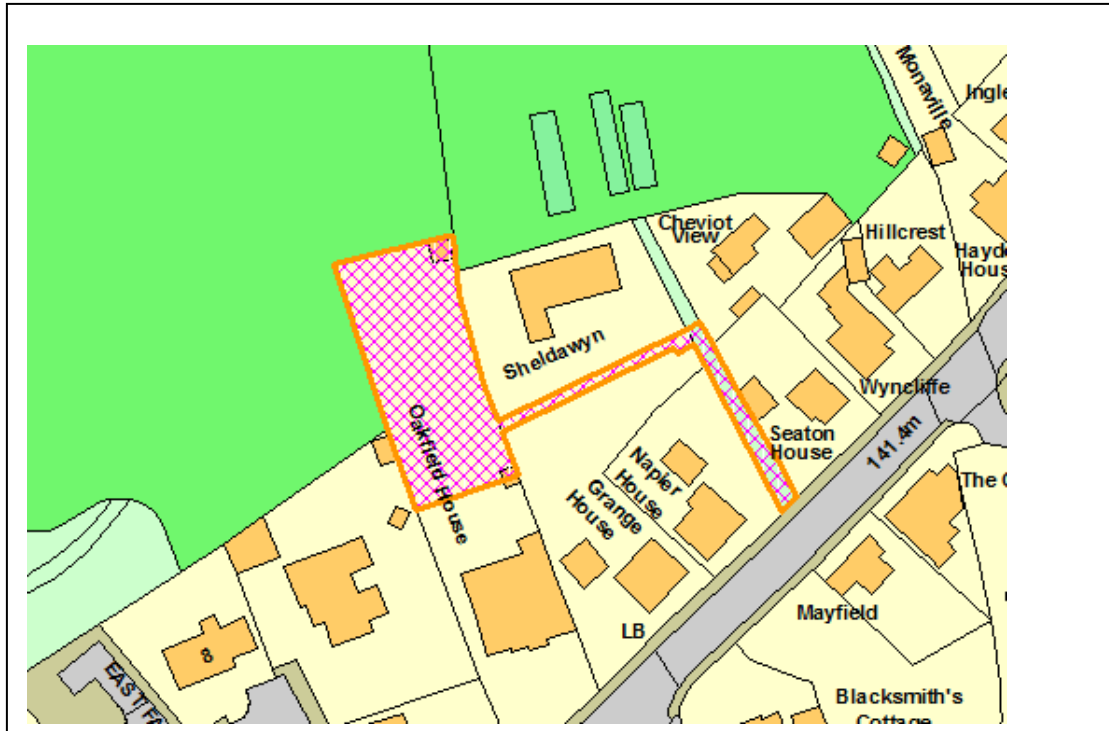
In the interests of protecting residential amenity in accordance the National Planning Policy Framework and policies MSGP17 and CS14 of the Local Plan for Gateshead.

16

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF and policies CS14 and MSGP 17 of the Local Plan for Gateshead



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