

MINOR UPDATE

Application No:	DC/23/01045/FUL
Site:	Land Between Queen Victoria Street Allotments and Wynn Gardens
Proposal:	Felling Proposed erection of 20 self-contained, one-bedroom apartments (Use Class C3) to provide supported housing, including dedicated space for support work, external landscaping and associated works (amended/additional information received 12/01/23, 16/01/24, 18/01/24, 19/01/24, 25/01/24, 02/02/24, 06/02/24, 08/02/24 and 15/02/24).
Ward:	Pelaw And Heworth
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Conditions amended/removed & further representations made

Conditions

Following the publication of the Committee Report, additional drainage and highway information has been submitted, in the form of an amended drainage strategy and a highway condition survey.

In regard to drainage, based on the information submitted, officers are of the view that an acceptable drainage scheme design has been submitted by the Applicant.

On the basis of the above, it is recommended that Condition 1 (Approved Plans), is updated to include the following documents;

- Flood Risk Assessment & Drainage Strategy, Portland Consulting, ref 2023056, Rev C, 14th February 2024.
- Proposed Site Plan, Sadler Brown, 2230022-TGP-(2-)003-P07, 14/02/2024

It is also recommended that Conditions 16 and 17 (Final Drainage Scheme) be removed from the recommendation.

Further, in order to ensure that land levels are laid out and maintained in accordance with the approved details, it is considered necessary to add a further planning condition requiring the submission of a Drainage Verification Report . The proposed wording is set out below;

Prior to the first occupation of any unit hereby approved a Drainage Verification Report (DVR) for the installed surface

water drainage system for the site based on the approved Flood Risk Assessment & Drainage Strategy, (Portland Consulting, ref 2023056, Rev C, 14th February 2024) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Demonstration that any departure from the agreed design is in keeping with the approved principles and that the modelled volumetric capacity has been achieved.*
- b) Evidence that the pervious road surfacing provides sufficient infiltration capacity as demonstrated via in-situ testing with results compared to inflow rates derived from the contributing catchment area and allowing loss in permeability over the lifetime of the development in accordance with best practice guidance.*
- c) Topographical survey evidence that finished ground levels across the proposed fruit tree area in proximity to the proposed rain gardens to mitigate the risk of flooding to adjacent apartments have been achieved.*
- d) Copies of any relevant approvals, such as for Sewer Adoption, Sewer Connection, etc.*
- e) Confirmation that the system is free from defects, damage and foreign objects.*

Reason

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

In regard to highways, a Highway Condition Report has been submitted as additional information. This document has been reviewed and is considered to be acceptable.

On the basis of the above, it is recommended that Condition 1 (Approved Plans), is updated to include the following documents;

- Road Coring Works – Land at Portland Street, Pelaw, Portland Consulting, Ref: 23-1806-LR1, 15 February 2024.

It is also recommended that Condition 8 (Pre-development Road Condition Assessment) be removed from the recommendation.

Additional Neighbour Representations

Following the publication of the Committee Report, a further four letters of objection have been received. The objections raised in these letters are summarised below;

- Concerns have been raised in regard to the handling/assessment of the planning application, specifically in regard to the issuing of a Committee Report while neighbours are still being consulted and new material matters are being added by the applicant.

- Slope stability concerns: The development may impact upon the integrity of the slope and existing properties.
- Lack of information on mitigating risks to neighbouring properties.
- Geo-environmental assessment inadequately addressed in design documents.
- Negative effects on residents due to overshadowing and loss of sun/daylight.
- Increased noise impact on the neighbourhood.
- Loss of privacy for residents, including windows facing Nether Farm Road
- Inappropriate scale and character within the area.
- Concerns about night-time lighting.
- Insufficient parking provision.
- Lack of adoption of access roads.
- Lack of meaningful community involvement.
- Construction Disturbance
- Invitation for Planning Committee members to visit the site.

Officers would issue the following responses to the above;

- Procedural objections and complaint: the issuing of a Committee Report prior to the expiry of a neighbour notification period is common. It is possible for both written and verbal updates to Planning Committee to be made, as is the case in this instance. Further, it is considered that an appropriate amount of time to make comment on the application has been afforded to residents in accordance with the Town and Country Planning (Development Management Procedure) Order 2015.
- Slope stability concerns: in considering land stability government guidance is clear that when dealing with land that may be unstable, the planning system works alongside several other regimes, including Building Regulations, which seek to ensure that any development is structurally sound. The submitted land stability report suggests various options for ensuring land stability, the applicant has indicated that the preferred choice is the temporary removal of the unstable area's crest to facilitate the construction of a retaining wall. Once the wall is built, the fill material will be reinstated, supported by the wall. The applicant has lodged a building regulations application with the Council and these measures can be controlled via this regime. Landscaping is controlled via planning condition and any amendments to this would require an amendment to the planning approval, however no ecological impact is expected from the land stability measures.
- Sunlight and daylight: as referenced in the Committee Report, the application has been supported by Daylight and Sunlight Assessment (DSA). While some objectors disagree with the findings of the report, officers consider the findings to be appropriate. The report evaluates Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) to assess the impact of the proposed development on daylight levels. All windows facing the development maintain a VSC of 27% or higher, indicating that annual daylight levels will not be affected. Two windows with lower VSC are existing side windows of conservatories

shaded by neighbouring dwellings, not the proposed development. Table 5 of the report shows that all windows receive more than 25% APSH annually and more than 5% between September 21st and March 21st, meeting BRE guidelines. While overshadowing occurs during midday in winter months, the VSC and APSH results align with BRE recommendations, indicating negligible impact and compliance with good practice standards. Therefore, while some impact on sunlight and sky view, for properties on Wynn Gardens would occur, the report's conclusions remain valid.

- Noise: the issue of plant/compound noise has been considered within the Committee Report. Again, some residents disagree with the conclusions of the report, however the findings remain valid.
- Amenity: it is acknowledged that there are two windows in the western elevation of the development which aren't high level. However, given the location of these windows, it is considered they would not interface directly with properties on Nether Farm Road and therefore would not cause an unacceptable level of overlooking. However, it would be possible for the Committee to condition these windows to be high level, were they minded to grant consent.
- Non-compliance with Householder Alterations and Extensions SPD: as set out in the Committee Report the SPD is not relevant to the development proposed in that it does not relate to a householder extension. Further, the SPD offers guidance and non-compliance with this guidance does not prevent the granting of planning permission. It remains the view of officers would not negatively affect the living conditions of adjacent residential properties or future occupants to an unacceptable degree.
- Design: the design and scale of the development is considered in full within the main Committee Report. However, officers would add that the design and scale of the development is largely driven by the proposed use. However, the scale, form and materiality of development in the area is eclectic. As set out in the Committee Report, officers are of the view taking inspiration from the Victorian buildings adjacent to the site is appropriate and the overall design is appropriate in the context of the site and wider area.
- Night-time lighting: it is acknowledged that there may be some lighting present given the 24-hour presence of staff. However, given the separation afforded between the development and existing properties the impact would not be unacceptable and/or sufficient to warrant refusal of the application.
- Lack of adoption of access roads: the long-term maintenance of the non-adopted part of Portland Street cannot be controlled via the planning application. It would be unreasonable to require the applicant/operator to maintain the highway given there are multiple users of this section of roadway.
- Lack of community involvement: the applicant has elected not to undertake pre-development engagement with residents. However, residents have been formally consulted as part of the application process and the applicant has issued a response to the concerns raised.

- Member site visit: whether a site visit takes place is a decision for the Committee.
- The issues of parking levels, impact on privacy, construction noise and disturbance, and all other material planning considerations have been considered and addressed within the Committee Report.

SEE MAIN AGENDA FOR OFFICERS REPORT.