

Committee Report

Application No:	DC/23/01045/FUL
Case Officer	David Morton
Date Application Valid	6 December 2023
Applicant	Mrs Louise Wilson
Site:	Land Between Queen Victoria Street Allotments and Wynn Gardens Felling
Ward:	Pelaw And Heworth
Proposal:	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 and 19/01/24).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:**1.1 BACKGROUND**

After considering the application on 21 February 2024, the Planning Committee (the Committee) decided to defer the application in order to undertake a site visit; this visit is scheduled to take place in advance of the Committee Meeting of 14 March 2024.

1.2 DESCRIPTION OF THE SITE

The site is located at the end of Portland Street, in Pelaw. The site is currently unused and unmanaged, with no public access. It is bordered by semi-detached houses on Wynn Gardens to the north, Jonadab Street to the east, Queen Victoria Street allotments to the south, and Nether Farm Road bungalows to the west.

1.3 Access to the site is from the southeast, where an existing road leads to a level area. The southern part is relatively flat, covered with dense shrubs, while the northern section features a steep slope with mature trees and shrubs.

1.4 The surrounding roads showcase a mix of architectural styles, ranging from Victorian terraces to 60's and 70's houses and bungalows.

1.5 The application site is not allocated for any purpose within the Local Plan.

1.6 DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for 20 self-contained residential properties, a communal hub, parking, landscaping, and associated works.

- 1.7 The proposed development seeks to offer supported housing for vulnerable adults, with support and housing needs (it is likely these individuals have experienced homelessness), featuring a communal hub with dedicated spaces for development, progression activities, and support services from external agencies.
- 1.8 The two-storey properties are arranged in terraces, forming an 'L' shape.
- 1.9 The accommodation includes:
- 20 self-contained 1-bedroom apartments
 - Two multi-use spaces for counselling and resident activities
 - Two 1-to-1 rooms for individual counselling
 - Office space for six staff members, including a staff kitchen, manager's office, reception space, store room and two accessible WCs
- 1.10 The applicant has submitted several documents in support of the application, including:
- Design and Access Statement: Provides information on the proposed design and accessibility aspects of the application.
 - Ground Investigation Documents: Presents results of the site's ground investigation, including surveys and assessments of soil and geological conditions.
 - Ecological Assessment (including Biodiversity Net Gains Assessment): Evaluates the ecological impact of the proposed development, including its effect on biodiversity. It also includes an assessment of potential net gains in biodiversity resulting from the project.
 - Planning Statement: Addresses planning policy matter, specifically issues relating to the Supplementary Planning Guidance for Specialist and Supported Housing.
 - Drainage Assessment: Examines the drainage strategy to ensure effective water management.
 - Transport Statement: Outlines the transportation considerations and plans related to the development.
 - Affordable Housing Statement: Addresses aspects related to the affordability of housing within the development.
 - Tree Survey: Provides information on existing trees and preservation/protection measures.
 - Sunlight Assessment: Evaluates the impact of the development on sunlight exposure, specifically in regard to existing residents.
 - Land Stability Assessment: Assesses the stability of the land, seeking to ensure safety and structural integrity.

1.11 **PLANNING HISTORY**

There is no planning history associated with the application site.

2.0 Consultation Responses:

Northumbria Police

No objection.

The Coal Authority	No objection.
Natural England	No objection.
Tyne and Wear Archaeology	No objection.
Tyne and Wear Fire and Rescue	No objection.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, including advertisement in the press and the erection of site notices.
- 3.2 A total of 55 objections, including one from a Ward Councillor (Councillor Amanda Wintcher) and one letter of support have been received.
- 3.3 The letters of objection are summarised as follows;
- The proposed heat pump, generator and other maintenance facilities would be out of keeping with the cul-de-sac where they will be located;
 - The proposed development would cause noise pollution;
 - The proposed building would dominate over neighbour properties due to their elevated position.
 - There are already issues of anti-social behaviour which would be worsened as a result of the development;
 - The development would lead to increased traffic around the estate;
 - The proposal would lead exacerbate onstreet parking issued caused by St Albans School and Metro parking;
 - It would be difficult for commercial vehicles to navigate Jonadab Street;
 - The proposed building work would result in noise disturbance;
 - The proposed development would result in a loss of privacy for existing occupiers;
 - The proposed development is located eight metres higher than those properties in Wynn Gardens, giving the impression of it being four stories. The attempts to break up the building are not adequate in either design and/or amenity terms;
 - The proposal would result in a perception of being overlooked, with a loss of privacy for many;
 - The proposed development would not comply with the requirements of the
 - Householder Alterations and Extensions SPD;
 - The number of spaces proposed within the development fails to comply with Gateshead parking standards;
 - The proposed development would result in the significant loss of sunlight for surrounding properties;
 - The existing sewers are not adequate and there are currently issues with runoff from the site;
 - The proposed development would have significant impact on ecology;

- The developments design presents a stark contrast to the surrounding area and is inappropriate in its form and scale;
- It is considered that the location of the proposal near to St Alban's School is inappropriate;
- The proposed lighting associated with the development would impact on amenity;
- The site is potentially contaminated;
- The proposed development would result in increased levels of vermin;
- There was a lack of community involvement in the formulation of the plans;
- The proposed development would result in the loss of trees;
- The development would result in decreased property values;
- Access to the site could be difficult due to parked cars;
- The development would lead to an increased fear of crime;
- There are vulnerable people housed close to the development;
- Local GPs and Dentists are full and can't accommodate additional people;
- Access to and from the development would impact on residential amenity;
- Works have already commenced on site;
- 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; and
- The development would have a detrimental impact on electricity infrastructure.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

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

MSGP11 Housing for Specific Groups

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

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The main planning issues to be considered include the following: the suitability of developing this site for housing, the acceptability of the proposed design and its impact on the character and appearance of the area, the impact on residential amenity, the impact on highways and parking, ecology, drainage, land conditions, and any other emerging issues.
- 5.2 **PRINCIPLE OF THE DEVELOPMENT**
The site is not allocated for any specific purpose in the Local Plan for Gateshead and is therefore to be determined on the basis of its own merits.

- 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). The proposed development would not help to meet the above target. However, it is acknowledged that the target is Plan-wide and for the duration of the Plan period, and is not a requirement for every site, especially small sites. Given the nature of the intended occupiers, the creation of larger family units is not appropriate. Therefore, the proposal would not conflict 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 **Accessibility and adaptable dwellings**
Policy MSGP10 sets out 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. This would mean that five out of the total 20 homes would need to meet this standard.
- 5.6 **Policy CS11 seeks to encourage the provision of Lifetime Homes and Wheelchair-Accessible Homes.**
- 5.7 **The planning statement indicates that all units will be built to M4(3) standard. Homes which meet the M4(3) standard would also meet the M4(2) standard as well, as such the proposal would comply with Policy CS11 and MSGP10 in this regard.**
- 5.8 **Affordable Housing**
Policy CS11(5) requires the provision of 15% affordable homes on all developments of 15 or more dwellings subject to development viability. The submitted plans indicate that the scheme is for social rent by a housing association, therefore all units will be affordable. Given it is intended to secure the tenure of the units by planning condition (Condition 3), the development would comply with Policy CS11 in this regard.
- 5.9 **Specialist Accommodation**
Policy MSGP11 (Housing for Specific Groups) in the Local Plan requires specialist and supported accommodation to offer convenient access to shops, services, community facilities, and open spaces tailored to the needs of occupants. Section 4.6 of the Specialist and Supported Housing Supplementary Planning Document (SSH SPD) outlines standards for housing other adult groups, emphasising purpose-built accommodation with integrated support.

- 5.10 The wider Council has collaborated with Tyne Housing to secure funding from the Department for Levelling Up Homes and Communities' Single Homelessness Accommodation Programme (SHAP) for a new build scheme at Queen Victoria Street. This initiative, endorsed by Housing, Environment, and Healthy Communities, aims to provide 20 self-contained units for vulnerable adults (aged over 25) with multiple and complex supporting and housing needs with accompanying intensive, tailored support.
- 5.11 Aligned with Gateshead's strategic priorities, the project supports the Thrive Agenda, Housing Strategy, and Homelessness and Rough Sleeping Strategy. The site's selection near Pelaw retail centre and Pelaw Metro and the bus links from Shields Road adheres to policy MSGP11, ensuring proximity to amenities and public transport. The brownfield location aligns with the Council's goal to utilise such sites for housing, and the proposal promises to revitalise an unused area after prolonged period of inactivity.
- 5.12 In conclusion, it is considered that the proposed development complies with the requirements of Policy MSGP11 and the SSH SPD.
- 5.13 DESIGN ISSUES
The scheme's design is, to some degree, dictated by the proposed use of the site. The applicant has stated in their Design and Access Statement that;
'The apartments themselves needed to be minimal in size in order to keep costs for the project low, and allow for space efficiency across any site. Minimum space standards were followed when setting out the accommodation and access to apartments is private if on the ground floor, and shared if on any other floor.
- Once apartment sizes and layouts were fixed, they were arranged with their circulation spaces to create blocks which could be placed on any site.*
- The communal facilities were developed in a similar fashion...'*
- 5.14 Consideration has been given to building relationships, spaces between them, and dwelling elevations. The design aims to create an appealing and safe living environment, featuring parking, secure bike storage, refuse areas, and paved pathways. Existing trees will be preserved, and the landscape enhanced, including a central rain garden. Maintenance access from Jonadab Street is designated for the north and west of the site.
- 5.15 The design integrates with the streetscene, drawing inspiration from neighbouring Victorian buildings in proportion and materiality. Material choices, like red brick and standing seam metal for roofs, which align with the local vernacular.
- 5.16 Overall, the scale, design, and materials are appropriate for the site and surrounding area. Specific material details can be regulated through planning conditions (Conditions 4 and 5).

- 5.17 Subject to the above conditions it is considered that the proposed development accords with the aims and objectives of the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.18 **RESIDENTIAL AMENITY**
The application proposes to construct the dwellinghouses on the upper plateau south of the application site, with its surroundings delineated by semi-detached houses on Wynn Gardens at a lower land level to the north, Jonadab Street to the east, Queen Victoria Street allotments to at a higher level to the south, and Nether Farm Road bungalows at a similar level on the west.
- 5.19 Properties on Wynn Gardens stand significantly lower than the proposed development. The application outlines a minimum 29-meter separation from the nearest property to the south (41 Wynn Gardens). In general, a development would be expected to achieve a minimum 21-meter separation distance between main elevations. However, given the changes in land levels, an increased separation distance of 29 meters is proposed by the applicant. The reasoning is that this extended separation would adequately account for the approximate 8-meter change in levels, ensuring no unacceptable loss of privacy, daylight, or sunlight. Additionally, the development is designed to 'splay' away from existing properties, and there is substantial existing planting between the development and Wynn Gardens, intended to be retained and enhanced leading to added/increased privacy and screening.
- 5.20 The application is supported by a Daylight and Sunlight Assessment (DSA), which follows the methodology outlined in the BRE's "Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice" by PJ Littlefair. The analysis examines the impact on existing dwellings on Wynn Gardens, adjoining the development site, indicating that overshadowing only occurs during midday in winter months with negligible adverse effects. Both the Vertical Sky Component (VSC) and Sky View results highlight negligible impact, with Annual Probable Sunlight Hours (APSH) values above 25%, indicating minimal overall reduction. Therefore, it is considered that the development would not result in an unacceptable loss of sunlight or daylight, nor have any other unacceptable amenity impact on neighbouring properties on Wynn Gardens.
- 5.21 Moving eastwards, properties on Jonadab Street are located at a lower land level than the proposed development. Nevertheless, the arrangement is such that these properties would interface with the gable elevation of the community facilities and the proposed substation. The assessment suggests that this configuration would not result in any unacceptable loss of amenity for the properties on Jonadab Street.
- 5.22 Heading south, Queen Victoria Street allotments are situated at a higher land level. Given the nature of the uses to the south and the change in land levels, the proposed development is anticipated not to result in any unacceptable loss of amenity.
- 5.23 To the west, bungalows on Nether Farm Road sit at approximately the same land level as the proposed development. Those properties directly interfacing

with the development, specifically 15 and 16 Nether Farm Road, would be in excess of 13 meters from the proposed development. Notably, the applicant has designed House Type 1A with high-level windows within the rear elevation at both ground and first floor levels to mitigate potential overlooking. It is considered that this variation in house type plans, coupled with a separation distance in excess of 13 meters in all instances, is adequate to ensure that the development would not appear over-dominant, result in any unacceptable overlooking or any other loss of amenity. Consequently, it is considered that the development would not have any unacceptable impact on the properties located on Nether Farm Road.

- 5.24 Beyond the physical development, officers have taken into account residents' concerns regarding the potential for increased crime, anti-social behaviour, and noise. The applicant has submitted a Planning Statement alongside their application, addressing the requirements of the Supplementary Planning Guidance for Specialist and Supported Housing. The statement outlines robust security measures and demonstrates collaboration with Northumbria Police. The applicant emphasises the operator's rigorous management procedures in place to mitigate security risk, anti-social behaviour, and general disturbance, including a commitment to 24-hour staffing. It must be noted that Northumbria Police, after consultation, have not raised any objections to the proposed development.
- 5.25 Given these considerations, it is deemed necessary to condition that the site be operated in full accordance with the management regime set out in the submitted Planning Statement to ensure the long-term positive management of the development (Condition 6).
- 5.26 Moreover, anticipating some noise and disturbance during the construction phase, it is proposed to address this through the requirement for a Construction Management Plan (CMP) as a condition of the planning approval (Condition 7).
- 5.27 In conclusion, the officers are of the opinion that, subject to the recommended conditions, the proposed development would not negatively affect the living conditions of adjacent residential properties or future occupants. 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.
- 5.28 **HIGHWAY ISSUES**
The application proposes the utilisation of the unadopted section of Portland Street for vehicle access, over which there appears to be a legal right of access. Additionally, the application proposes pedestrian access through Portland Street's adopted footway, with an extension proposed into the site. Another access point via Jonadab Street is outlined for maintenance purposes but would remain closed in most instances. This access strategy is considered appropriate, connecting to the broader community, retail, and transport facilities. Given that a part of Portland Street is unadopted, there's a requirement for the developer to repair any construction-phase damage, to be secured via planning conditions (Conditions 8 and 9).

- 5.29 In terms of the site layout, it is evaluated to provide ample space for vehicle circulation, accommodating the turning of smaller refuse vehicles allowing egress in a forward gear. The layout also incorporates two-metre-wide pedestrian footpath within the site, aiming to eliminate potential conflicts between pedestrians and vehicles. However, due to the need to use a smaller refuse collection vehicle, it's deemed necessary to condition the submission of a servicing plan for consideration (Conditions 10 and 11).
- 5.30 Addressing car parking levels, it's acknowledged that the proposed levels fall short of the Council's parking standards. However, significant weight is given to the nature of the intended occupants. Given the nature of the development's occupants, who are unlikely to own or have access to cars, parking is primarily designated for on-site staff. The proposed level of staff parking is considered entirely appropriate in both number and form. Nevertheless, as mentioned earlier in the report, conditioning the tenure of the units is deemed necessary (Condition 3).
- 5.31 Furthermore, the application includes a proposal for cycle storage, but detailed plans are not provided. Full details are expected to be submitted and clarified through a planning condition (Condition 12 and 13). Additionally, it is crucial to condition that the proposed pedestrian route along Portland Street must be installed and available for use before the occupation of the development (Conditions 14).
- 5.32 Subject to the above conditions, the proposal would comply with the aims and requirements of the NPPF and Policies CS13 and MSGP15 of the Local Plan.
- 5.33 **FLOOD RISK**
The application includes a flood risk and drainage assessment, as required by Policies CS17 and MSGP40 of the Local Plan for Gateshead. It addresses various flooding types, follows the drainage hierarchy, and considers water quality. The drainage scheme proposed to discharge surface and foul water into a NWL combined sewer on Jonadab Street. The drainage design is considered to be acceptable and it's delivery can be secured via a drainage verification report condition (Condition 15).
- 5.34 For construction, a Drainage Construction Method Statement is needed (Conditions 16 and 17) to prevent drainage issues at this phase. Ongoing maintenance requires a Drainage Maintenance Plan, secured via conditions (Conditions 18 and 19).
- 5.35 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.
- 5.36 **ECOLOGY**
The planning application has been supported by an appropriate level of ecological assessment including a Biodiversity Net Gain (BNG) assessment. The submitted Ecological Impact Assessment (EclA) considered the site to be

of low value for bats, nesting birds, reptiles and priority species (wall brown, dingy skipper, small heath and hedgehog). Officers are in agreement with the conclusions of the EclA and consider that that mitigation measures set out in the EclA.

5.37 The Biodiversity Net Gain (BNG) assessment provided states that the proposed development will lead to a gain in both Biodiversity Units and Hedgerow Units, showing increases of 10.08% and 100% respectively. The ecology report acknowledges that there is ample opportunity to replace suitable habitat on-site given a large portion of the site, to the north would remain undeveloped and can therefore be supplemented.

5.38 In addition, planning conditions are recommended to further mitigate any potential harm to biodiversity, specifically protected and priority/notable species, arising from the development and ensure the implementation and future maintenance of an acceptable landscaping scheme. These conditions are set out below:

- Construction environmental management plan (Condition 7);
- Landscape/habitat creation (Conditions 20);
- Landscape/habitat maintenance (Conditions 21 and 22);
- External lighting (Conditions 23 and 24);
- Bat and bird boxes (Conditions 25 and 26); and
- Mammal friendly boundary treatments (Conditions 27 and 28).

5.39 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.

5.40 TREES

An Arboricultural Impact Assessment (AIA) has been submitted in support of the planning application. The AIA sets out that most trees within the site will be retained, with only those sitting within or close to the building and/or carpark footprint being removed. It is considered by officers that the level of tree removal is minimal and when considered against the landscaping scheme which would include replacement/enhancement of landscaping, it is considered to be acceptable.

5.41 Subject to a condition pertaining to the undertaking of the development in accordance with submitted tree protection plan (Condition 29), it is considered that the proposed development would comply with the NPPF and Policies CS18 and MSGP36 of the Local Plan.

5.42 CONTAMINATED LAND

The site, assessed under the Council's Contaminated Land Strategy, is potentially contaminated due to previous historic use - part occupied by a potential scrapyards, and the southern boundary by an infilled quarry, allotment gardens, and a depot. As a result, the development area might be impacted by ground contamination. A preliminary risk assessment, phase II risk assessment, remediation strategy and gas protection measures form part of the application and their conclusions, are deemed reasonable and proportionate.

The development is considered acceptable in terms of contaminated land considerations, subject to a number of conditions (Conditions 30 to 32).

5.43 Subject to the above conditions, the development is considered to comply with the requirements of Policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.44 LAND STABILITY

The site is not within a Coal Authority defined "Development High Risk Area," indicating lower potential for land instability from former coal mining activities. No known mine entries exist within or near the site boundaries. The submitted Coal Mining Risk Assessment states that, given the site's location outside a High-Risk Area and recorded seam depths, further investigation is unnecessary.

5.45 Although officers agree with this recommendation above, the applicant has included a Land Stability Assessment in their planning application. The assessment outlines in its current state the slope does pose some level of risk, however during the construction process and beyond is it possible to mitigate these risks, through implementation and management of appropriate works design. It is also noted that the scheme will be supported by piles to solid bedrock, minimising slope stability concerns. Further, the intention to retain trees and shrubs on the slope adds additional support. Officers concur with the conclusions within the assessment.

5.46 The development would comply with the aims and requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.47 OTHER MATTERS

Noise production from the plant: Equipment associated with the development has been discussed with the Council's Environmental Health Department, who confirmed no objections to this aspect of the proposal.

5.49 Existing sewers inadequacy: A pre-development inquiry indicates agreement from NWL to utilise existing drainage. The proposed drainage scheme is designed to provide better on-site control, limiting flows to below the existing green field rate.

5.50 Location in relation to St Albans School: The operator's expertise in housing schemes near schools, coupled with thorough risk assessment, supports the acceptability of the development. The recommendation includes adherence to the submitted Planning Statement and management plan (condition 6).

5.51 Increased vermin levels: A refuse management plan will control the proposed development, reducing the likelihood of increased vermin. Environmental Health hasn't objected to the proposal.

5.52 Property value: Loss of property value isn't a material planning consideration and holds no weight in the decision-making process.

- 5.53 Works commencement: Confirmed that on-site works haven't begun. Some site investigation works occurred but don't constitute a development commencement.
- 5.54 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.
- 5.55 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.
- 5.56 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.
- 5.57 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.
- 5.58 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.

- 5.59 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.
- 5.60 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.
- 5.61 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.
- 5.62 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.
- 5.63 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.
- 5.64 Member site visit: the Committee have elected to visit the site and this visit will take place on 14 March 2024.
- 5.65 Impact on electricity infrastructure: this isn't a material planning consideration, however the applicant has provided a letter indicating that Northern Powergrid are willing to provide an electrical connection to the site and the development would be fitted with solar panels to reduce impact/draw on the network.
- 5.54 All other objections: The main report comprehensively addresses all remaining material planning considerations raised by objectors.

6.0 CONCLUSION

- 6.1 The proposed development would result in the redevelopment of previously developed land and is considered to fully comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan for Gateshead.
- 6.2 Beyond this, the development would have a broader positive impact by creating housing and support for those who have potentially encountered homelessness, supporting the Council's Thrive Agenda, Housing Strategy, and Homelessness and Rough Sleeping Strategy.

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 -

Location Plan - (2-)001 P03
Existing Site - (2-)002 P03
Proposed Site - (2-)003 P07
Ownership Plan - (2)004 P01
Proposed Boundary Treatment - (2)005 P01
Proposed GF - (2-)010 P04
Proposed FF - (2-)011 P04
Proposed Roof - (2-)012 P02
NDSS Layout: Type 1 - (2-)013 P02
NDSS Layout: Type 1A - (2-)014 P02
NDSS Layout: Type 2 - (2-)015 P02
NDSS Layout: Type 3 - (2-)016 P02
Proposed Elevations - (2-)020 P04
Proposed Elevations - (2-)021 P02
Proposed Site Section - (2-)030 P03
Proposed Site Section B - (2-)031 P01
Proposed Site Section C - (2-)032 P01

Design and Access Statement - Nov 2023
Arboricultural Impact Assessment v1.1
Transport Statement
NDSS and Part M Statement
Affordable Housing Statement
Planning Statement
S170919 Phase 1 Desk Study Queen Victoria Street, Gateshead
Queen Victoria St SI Report amended may 2018
Ph II Geo-Environmental Site Assessment - 23-1806-r01/RevA
Remediation and Enabling Works Strategy - 23-1806-REM/ RevA
Gas Verification Strategy - 23-1806-REM
Soft Landscape Masterplan - VEC474.01 V2
Planting Plan - VEC474.02
Ecological Impact Assessment (BioC23-019 V1.1)

Biodiversity Net Gain Assessment (BioC23-019 V1.1)
Biodiversity Metric 4.0 Calculation Tool (Bio23-019 V1.1)
BioC23-019 Tyne Housing Pelaw HMMP V1.2
Construction Ecological Management Plan (BioC23-019 V1.1)
Tyne Housing Statement - Construction Management Plan - February 2024 (Submitted 03 February 2024)
Daylight and Sunlight Report - February 2024
Flood Risk Assessment & Drainage Strategy, Portland Consulting, ref 2023056, Rev C, 14th February 2024
Road Coring Works - Land at Portland Street, Pelaw, Portland Consulting, Ref: 23-1806-LR1, 15 February 2024.

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 proposed tenure of the dwellinghouses here by approved shall be limited to adults (aged over 25) with a long history of rough sleeping and/or with complex needs to help them recover from rough sleeping and its underlying causes.

Reason

In the interests of providing an appropriate level of affordable housing and in the interests of highway safety in accordance with the NPPF, policies CS11, CS13 and MSGP15 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

4

The development hereby approved shall not progress above damp proof course until an external materials schedule has been submitted to and approved in writing by the Local Planning Authority and where requested samples of the materials, colours and finishes to be used on

the external surfaces have been made available for inspection on site and subsequently approved in writing by the Local Planning Authority.

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.

5

The development hereby approved shall be undertaken in accordance with the materials schedule approved at Condition 4.

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.

6

The development hereby approved shall be managed in full accordance with Appendix A (Management & support statement for proposed project) of the approved Planning Statement (Sadler Brown, November 2023) for the lifetime of the development.

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

7

The development hereby approved shall be undertaken in full accordance with the Tyne Housing Statement - Construction Management Plan - February 2024 (Submitted 03 February 2024), other than Section 19 - Surface Water Management Plan.

Further, 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 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

8

No later than one month after practicable completion of the development hereby approved, a road condition assessment and a

schedule of repair works, including a timetable for implementation for the unadopted portion of the Portland Street access road shall be submitted to and approved in writing by the Local Highway Authority.

Reason

In the interests of highway safety and in order to accord with NPPF, and policies CS13 and MSGP15 of the Local Plan for Gateshead.

9

Any works approved to the unadopted portion of the Portland Street access road under Condition 8 shall be undertaken in full accordance with the approved details and timescale for implementation.

Reason

In the interests of highway safety and in order to accord with NPPF, and policies CS13 and MSGP15 of the Local Plan for Gateshead.

10

Notwithstanding the approved plans, prior to the first occupation of any unit hereby approved a servicing plan shall be submitted to and approved in writing by the Local Planning Authority. This shall clearly set out but not be limited to:

- Routing within the site
- Maximum size of vehicle
- Number and location of private and public bins
- Frequency of litter collections

Reason

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of highway safety in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.

11

The development shall be serviced in full accordance with the servicing plan approved under Condition 10 for the lifetime of the development.

Reason

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of highway safety in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.

12

Notwithstanding the submitted details, prior to the first occupation of any unit hereby approved final details of cycle storage include details of the locking mechanism, anchor point and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with NPPF, and policies CS13 and MSGP15 of the Local Plan for Gateshead.

13

The cycle storage provision shall be installed in accordance with the details and timetable for implementation approved under Condition 12.

Reason

In the interests of sustainable development and in order to accord with NPPF, and policies CS13 and MSGP15 of the Local Plan for Gateshead.

14

Prior to the first occupation of any unit hereby approved the pedestrian access linking the site to the existing adopted highway on Portland Street (show on approved plan Site Layout Plan - Proposed (TGP-(2-003_P06)) shall be completed in full. Unless otherwise approved in writing by the Local Planning Authority.

Thereafter the footpath shall remain open to pedestrians at all times. No barriers or other physical impediments to the use of this road by pedestrians shall be put in place without the prior written consent of the Local Planning Authority.

Reason

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of highway safety in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.

15

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.

16

Prior to the commencement of development hereby approved a detailed Drainage Construction Method Statement for the development shall be submitted to and approved by the Local Planning Authority in consultation with the LLFA.

Reason

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

17

The development shall be undertaken in full accordance with the Drainage Construction Method Statement approved as part of Condition 16.

Reason

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

18

Prior to first occupation of any unit hereby approved a Drainage Maintenance Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The DMP should include a site plan identifying ownership and responsibility for all drainage components together with a maintenance schedule and inspection checklist. The DMP should identify any drainage components that may require replacement within the lifetime of development and a strategy for their renewal.

Reason

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

19

The approved drainage scheme shall be maintained in full accordance with the DMP approved as part of condition 18.

Reason

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

20

The soft landscaping and areas of habitat creation/enhancement listed in the onsite habitat creation/enhancement sections of the submitted biodiversity net gain assessment shall be completed in full accordance with the approved landscaping plans (Soft Landscape Masterplan - VEC474.01 V2 & Planting Plan - VEC474.02) prior to the first occupation of any unit hereby approved.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

21

Prior to the first occupation of any unit hereby approved, a detailed Ecological and Landscape Management, Maintenance and Monitoring Plan, which includes arrangements to address any defects/issues adversely impacting the biodiversity value and function of the soft landscaping and/or habitats provided on/off site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the landscaping and habitats are appropriately maintained and achieve their required BNG condition scores in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

22

The Ecological and Landscape Management, Maintenance and Monitoring Plan, approved under Conditions 21, shall be implemented in full for the lifetime of the development.

Reason

To ensure the landscaping and habitats are appropriately maintained and achieve their required BNG condition scores in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

23

No external lighting shall be provided until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity, including bats; 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 clearly be demonstrated that areas to be lit will not prevent bats and other wildlife using their territory or having access to their resting places

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

24

The ecology method statement approved at condition 23 shall be provided for each phase of the development in accordance with the approved details and the approved timetable for implementation and retention.

Reason

To avoid harm to bats and other light sensitive species and to ensure the maintenance of the 'local' bat population at or above its current status in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

25

Prior to the first occupation of unit hereby permitted full details including the number, specification and precise location (including an elevational detail) of integrated to be installed on site (including a timescale of installation), shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

26

The bat and bird box details approved at Condition 25 shall be implemented in full prior in accordance with the approved timescale.

Reason

To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF, and policies CS18, MSGP31 and MSGP37 of the Local Plan for Gateshead.

27

Prior to the first occupation of any unit hereby permitted an updated boundary treatment plan, allowing hedgehog access and including a timescale for implementation, has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of protected mammal species and residential amenity in accordance with the NPPF, and policies CS14, CS18, MSGP17, MSGP31 and MSGP37 of the Local Plan for Gateshead.

28

All boundary treatment shall be installed in full accordance with the detailed approved under Condition 27.

Reason

In the interests of protected mammal species and residential amenity in accordance with the NPPF, and policies CS14, CS18, MSGP17, MSGP31 and MSGP37 of the Local Plan for Gateshead.

29

The approved Arboricultural Method Statement Tree Protection Plan (Ref. 230901.002 - Drawing 3: Tree Protection Plan) shall be adhered to throughout the construction period and the approved measures shall be retained for the full duration of the construction works on that phase of the development and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, and policies GV6, CS18, MSGP24, MSGP31, MSGP32, MSGP36 and MSGP37 of the Local Plan for Gateshead.

30

The development hereby approved shall take place in full accordance with the approved contaminated land mitigation scheme detailed below;

- Remediation and Enabling Works Strategy - 23-1806-REM/RevA
- Gas Verification Strategy - 23-1806-REM

Further, the Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works and the gas protection works.

Reason

To ensure that any risks from land contamination are minimised in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

31

Following completion of the remediation measures approved under condition 30 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in

writing by the Local Planning Authority, prior to the first occupation of any unit hereby approved hereby approved.

Reason

To ensure that any risks from land contamination are minimised in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

32

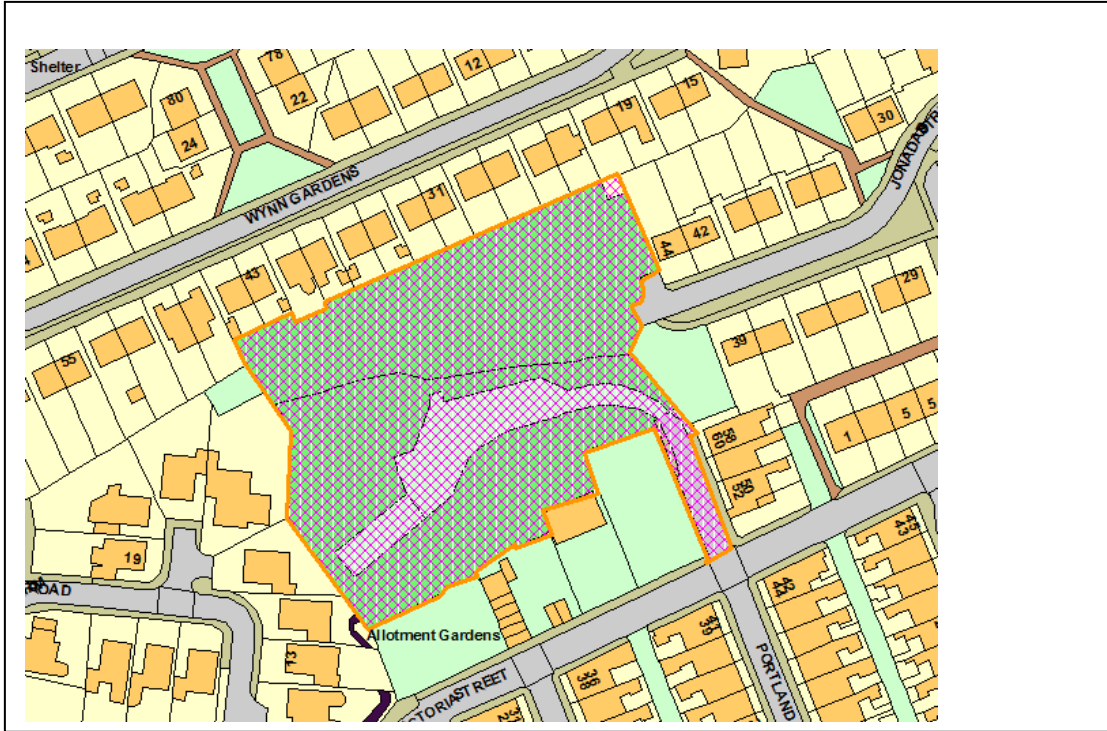
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Reason

To ensure that any risks from land contamination are minimised in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.



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