

Committee Report

Application No:	DC/17/01267/FUL
Applicant	Gentoo Homes Ltd
Date Application Valid	20 November 2017
Site:	Land North Of Gullane Close Bill Quay Gateshead
Ward:	Pelaw And Heworth
Proposal:	Erection of 30 dwellings (Use Class C3) and associated access, landscaping and associated engineering works (resubmission) (amended 04/04/18).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is located within Bill Quay, approximately 4.5km east of Gateshead town centre. The A185 is located to the east of Bill Quay, whilst the River Tyne runs to the west.

1.2 The application site comprises of a rectangular parcel of vacant agricultural land. The Metro line runs along the eastern boundary of the site, to the south and west, the site directly adjoins the existing residential properties of Gullane Close and Marian Drive. To the north is open agricultural land, beyond which lies Cutthroat Dene.

1.3 Land levels on site are largely flat with a slight slope from south to north. Access to the site can currently be gained to the north or via a access gate at the head of Gullane Close.

1.4 The application site is located within a Wildlife Corridor as defined by saved UDP Policy ENV51 of the UDP and part of the site is located within an Area of Archaeological Importance as defined by saved UDP Policy ENV21.

1.5 The Metro line to the east of the application site and Cutthroat Dene to the north are the defined boundaries between Gateshead and South Tyneside. The River Tyne to the west of the site is the defined boundary with Newcastle.

1.6 DESCRIPTION OF THE PROPOSAL

The application seeks consent for the erection of 30 dwellings and associated works. It is proposed that the dwellings would be two to four bedroomed private dwellings.

- 1.7 The scale of the development is proposed to be predominately two storey in height with the exception of the one storey bungalow which is located at the entrance of the development.
- 1.8 The housing proposed on site is broken down as follows:
- 1 X 2 bed bungalow (3%)
 - 11 X 3 bed houses (37%)
 - 18 X 4 bed houses (60%)
- 1.9 The application also makes provision for:
- Landscaping and public open space - provision is made for areas of public open space to the south east and north east of the application site;
 - Access - vehicular and pedestrian access will be created from Gullane Close to the south of the application site and;
 - Drainage - the development includes a single SUDs area in the north west corner of the site.
- 1.10 The application also seeks to provide additional offstreet parking with the creation of a parking area adjacent to the access point of the site to the south.
- 1.11 The application is accompanied by the following documents:
- Affordable Housing Statement;
 - Archaeology Assessment;
 - Arboricultural Impact Assessment;
 - Arboricultural Method Statement;
 - Contaminated Land Preliminary Risk Assessment;
 - Design and Access Statement;
 - Ecology Assessment;
 - Flood Risk and Drainage Assessment;
 - Noise Impact Assessment;
 - Statement of Community Involvement and;
 - Transport Statement.
- 1.12 **PLANNING HISTORY**
The planning history relevant to the current application is set out below;
- 00740/98; Outline planning permission refused for 'Development of 1.6ha of agricultural land for residential purposes.' Date; 26 November 1998. The application was refused for a single reason pertaining to the amenity and highway safety issues caused by increased access at a 'substandard access' which would be 'seriously detrimental' to existing occupiers.
 - 688/99; Planning permission refused for 'Erection of 18 detached dwellinghouses (use class C3) (revised application).' Date; 21 September 1999. The application was refused for three reasons;
 - the first reason citing that the proposal would have an unacceptable impact on residential amenity by changing the character of the cul-de-sac, through the increase of vehicular and pedestrian traffic, the loss of 'a safe on-street play environment' for children and a 'loss of general quietude and privacy;

- the second reason being the proposal would result in unsatisfactory vehicle access arrangements by virtue of the 'substandard' access road specifically in regard to road width, lack of visitor on-street parking bays, road geometry and parked vehicles and;
- the third reason being that the proposal would lead to the loss of an area of agricultural land and wildlife habitat within a defined wildlife corridor.

The refusal of the application was appealed to the Planning Inspectorate with the refusal being upheld (it should be noted refusal reason 2 (highway safety) was withdrawn/conceded by the Council prior to consideration by the Inspector).

2.0 Consultation Responses:

Northumbrian Water	No objection subject to imposition of planning condition.
Tyne And Wear Fire and Rescue Service	No objection subject to compliance with Building Regulations.
South Tyneside Council	Object to the proposal based upon the severe adverse impact on the actual and potential movement of wildlife through the designated wildlife corridor effecting biodiversity within and beyond South Tyneside. STC also raise comments in regard to parking and SuDS.
Network Rail	No objection subject to planning conditions.
Nexus	No objection subject to planning conditions.
Coal Authority	No objection subject to planning condition.
County Archaeologist	No objection subject to planning conditions.
Northern Powergrid	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.

- 3.2 A total of 272 objections have been received.
- 3.3 Two from Ward Councillors (Councillor Ian Patterson and Councillor Jill Green) have been received and are summarised as follows:
- The proposed one-way access in Bill Quay cannot accommodate plant equipment and associated vehicles;
 - The proposal would result in heavy congestion;
 - Planning permission has previously been refused on highway safety grounds;
 - The proposal would lead to the loss of wildlife corridor and agricultural land;
 - The proposal would fail to comply with Policy CS19 of the CSUCP (Green Belt);
 - The development would impact upon existing residents of Gullane Close;
 - The proposal would worsen the existing situation with Bill Quay School and;
 - The development of the site would result in the loss of a 'green area' which the east of the borough is 'not inordinately blessed with.'
- 3.4 A total of 269 from local residents including an 'Objection Report' submitted on behalf of residents. The objection report is summarised as follows:
- The development is not required to achieve housing and land supply requirements;
 - The access into the site is inadequate;
 - The objector has sought to demonstrate that the road network servicing the site is inadequate and ultimately unsafe for emergency vehicles;
 - The site cannot be described as having good access to, or being within a reasonable walking distance of, local facilities;
 - Given the limited frequency of bus services the site cannot be described as being well served by public transport;
 - The proposal would impact unacceptably in the amenities of neighbouring occupiers;
 - The proposal would impact upon a wildlife corridor and;
 - No material planning considerations exist which would outweigh the harm as set out above.
- 3.5 A letter has been submitted by Member of Parliament (Stephen Hepburn MP), this letter report the objections of a constituent and require the objections to be considered as part of the decision process. A number of other letters from constituents were also forwarded to the Council; these letters are counted in the 265 reference above and are included in the summary below.
- 3.6 The remaining resident objections are summarised as follows:
- The streets are too narrow for emergency vehicles;
 - The proposal represents overdevelopment;
 - The Council should stop notifying residents of the proposal;
 - The proposal would increase the level of traffic moving past Bill Quay School;

- The site is Green Belt land;
- The proposal would result in a threat to wildlife through the loss of a wildlife corridor;
- The proposal would lead to noise and pollution;
- The development would impact upon the health of elderly residents;
- The roads within the Bill Quay area would struggle with the additional traffic;
- Traffic calming has been added to the area by the Council and therefore there are clearly road safety issues;
- The submitted plans are too vague in regard to surface water drainage;
- The plan to drain into Cutthroat Dene is untenable;
- Surveys undertaken by developers in South Tyneside indicate that roe deer, badger and fox move across the railway line;
- The development would hamper the movement of wildlife;
- The proposal would result in a number of access roads accommodating more than 200 properties and would not comply with the Council's 'Making Development Happen guidance;
- Gullane Close would turn into a thoroughfare;
- These properties are not required given 650 homes are being constructed close by;
- The proposal would impact upon the living conditions of occupiers on Marian Drive and Gullane Close;
- The proposal would impact upon schools and health facilities;
- Commercial vehicles would impact on children travelling from school;
- The development would impact on the density of Bill Quay;
- The granting of planning permission would allow developers to develop further areas of Bill Quay;
- No community consultation was carried out on the proposal;
- The submitted TA is deficient;
- The developer should focus on brown field land elsewhere;
- South Tyneside Council have objected to the proposal based on its impact on the wildlife corridor;
- The Ecology Report fails to mention a number of species;
- The application site is unsustainable, is inadequately serviced by busses, schools, doctors and dentist and there is insufficient accessibility via sustainable means;
- Previous planning applications have been refused and dismissed at appeal;
- The proposal would result in air pollution;
- The proposal would have an impact on the riverside;
- The proposed development would spoil the village spirit;
- The development would encourage the use of private vehicles;
- There have been two accidents at Bill Quay School in the last 15 months;
- The granting of more than 50 units via a cul-de-sac could set a precedent;
- The accessing of 200 properties via Brunton Way is unacceptable;
- The proposal is unsafe for emergency vehicles;

- The access to the application i.e. Gullane Close is not 4.8 metres wide as is required for new development;
- An objector has queried whether funding is a reason for the Council choosing not to recommend refusal of the application and;
- The Council is willing to break its own highway guidelines to allow the development to take place.

3.7 Neighbours and other interested parties have been re-notified following the submission of amendments and additional information; the amended plans propose the relocation of the proposed housing and drainage pond. This re-notification will expire on 03 May 2018; any additional responses (over and above those listed above) will be reported to the Committee via an Update Report.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Importance – Known

ENV22 Sites of Archaeological Importance – Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

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

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The detailed planning considerations are the principle of the proposed development, visual amenity/design, residential amenity, transport issues, trees and landscaping, ecology, flood risk and drainage, land contamination, land stability, archaeology, play provision, CIL and any other matters arising.

5.2 PRINCIPLE

5.3 Housing demand and policy

As the application site is not specifically allocated for housing in the UDP, proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.

5.4 The site forms a windfall site. The NPPF states that "*... housing applications should be considered in the context of the presumption in favour of sustainable development.*"

- 5.5 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.6 **Family Homes**
Core Strategy and Urban Core Plan (CSUCP) 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 provide 29 additional family homes (or 97% of the development); the development would therefore be in compliance with Policy CS11 in this regard.
- 5.7 **Housing Mix**
Policy CS11 of the CSUCP sets out the mix of housing that should be provided as part of any new development and aims to promote lifetime neighbourhoods with a good range and choice of accommodation. Additionally, saved Policy H5 of the UDP requires developments to offer a range of housing in terms of sizes and types for different groups.
- 5.8 As such the development provides the following mix of dwellings, this mix is based upon the development experience/perception of the need and demand in the area:
- 1 X 2 bed houses (3%)
 - 11 X 3 bed houses (37%)
 - 18 X 4 bed houses (60%)
- 5.9 It is considered that the proposed mix provides a good range and choice of accommodation in accordance with policy CS11 of the CSUCP and saved UDP policy H5.
- 5.10 **Affordable Housing**
Policy CS11 requires that where there is evidence of a need for affordable housing, the Council will seek the provision of a proportion of affordable housing on all housing developments on sites of 0.5 hectares or more in size (subject to development viability).
- 5.11 A Viability Assessment has been submitted by GVA on behalf of applicant in accordance with RICS Professional Guidance Note: Financial Viability in Planning; the assessment has been assessed and verified by officers. There are two key factors when considering viability for this proposed development. The first is the impact of S106 contributions (discussed below) and the second is the abnormal site development costs set out within the submitted assessment.
- 5.12 The submitted Viability Assessment demonstrates that the scheme is marginal for the reasons set out above. Any additional requirement in respect of affordable housing would make the scheme unviable. Officers are therefore

satisfied in this case that the scheme could not realistically proceed with an affordable housing element included.

5.13 Residential space standards

Policy CS11(4) requires that new residential development provides "*adequate space inside and outside of the home to meet the needs of residents*". It is considered based upon the submitted information that the application meets this requirement providing adequate space both internally (by meeting the Government's nationally described space standards) and externally.

5.14 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5 and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.

5.15 DESIGN ISSUES

The NPPF encourages design quality and sets the scene for building a strong and competitive economy. Good design is identified specifically as being important in establishing a strong sense of place. New development should optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. The NPPF states that new development should respond to local character and history, reflecting the identity of local surroundings.

5.16 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.

5.17 The NPPF requires that development should 'make a positive contribution to local character and distinctiveness' (paragraphs 126 and 131). This is reinforced by paragraphs 58, 60, 61 and 64. These require development to respond to local character by promoting or reinforcing local distinctiveness, reflect the identity of local surroundings and materials and promote good architecture and appropriate landscaping. Development of poor design which fails to respond to opportunities for improving the character and quality of an area should be refused.

5.18 The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area and would appear in keeping with the existing housing stock and other buildings as a result. Furthermore, the design of the properties would create sufficient amenity space and prevent the site from being overdeveloped.

5.19 No final details of the materials to be used on the external of the properties have been provided as part of the application. It is therefore considered necessary to condition that final materials be submitted to and approved by the Council (conditions 3 and 4).

- 5.20 With regard to landscaping, some details of soft and hard landscaping have been submitted as part of the application. Notwithstanding this information, it is considered necessary to condition the submission of final details, implementation, maintenance and retention in accordance with the submitted details (conditions 5, 6, 7, 8 and 9).
- 5.21 Furthermore, the boundary treatment details submitted in support of the application are considered to be acceptable. It is therefore considered necessary to condition the final details, installation and retention of the proposed boundary treatments (condition 10 and 11).
- 5.22 It is considered that the proposed development has successfully demonstrated that it has achieved a good standard of design. The proposed development is considered to be acceptable from a design point of view and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.
- 5.23 RESIDENTIAL AMENITY ISSUES
- 5.24 Existing Residents
It is considered that the main impacts on existing residents are likely to occur as a result of the physical built development, the construction phase of the development and vehicle movements associated with the development (once complete).
- 5.25 In regard to the physical development and more specifically the site layout, it is considered those properties impacted most would be located to the west of the application site on Marian Drive (106 - 144 even). For the large part these properties would have a rear to rear relationship with properties on the application site. All rear to rear separation distances would exceed 21 metres; the closest relationship, between 120 Marian Drive and Unit 6 of the development, would be 24.9 metres (excluding the proposed dwellings non-habitable garage).
- 5.26 There are two gable to rear relationships between proposed dwellings and existing properties (132/134 Marian Drive and Unit 1 and 110/112 Marian Drive and Unit 11); these separation distances are a minimum of 13 metres and 14 metres respectively.
- 5.27 The existing properties to the north-east of the application site (104, 106 and 108 Marian Drive) would be located adjacent to an area proposed to be used for open space and a drainage basin. It is considered given the nature of this area i.e. without physical development beyond a shallow depression any impact on these properties in amenity terms would be minimal.
- 5.28 There are also properties located to the south of the application site (8 and 9 Gullane Close) which could be impacted upon by the physical development. It is considered given 8 Gullane Close would be located to an area allocated for parking and a small area of open space minimal impact would occur. Further,

given the gable to gable relationship between 9 Gullane Close and Unit 30 the impact would be limited.

- 5.29 It is considered that the internal and external separation distances strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. On this basis, the layout is considered to be acceptable and would not cause any significant harm to the living conditions of existing or future occupiers in terms of loss of light, overshadowing or visual intrusion.
- 5.30 Construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require 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 (conditions 12 and 13).
- 5.31 In regard to vehicle movements associated with future occupiers, the Planning Inspector who dealt with the previously dismissed appeal (see planning history) stated;
- "The residents of this cul-de-sac say that it is a tranquil living environment, where the absence of through traffic gives pleasure to everyone and allow the children to play safely outside their houses."*
- The Inspector went on to state if the development was allowed then;
- "The road would be busier and noisier, and a more dangerous place for children. To my mind, this would worsen residential amenities, something that UDP policy H2 seeks to prevent."*
- 5.32 The current application, unlike previous applications and the dismissed appeal, has been supplemented by a full Noise Impact Assessment (NIA) and a Transport Statement (TA).
- 5.33 In assessing the impact of the additional traffic on existing occupiers the submitted NIA states:
- "The magnitude of impact associated with an increase in traffic on the local road network as a result of the proposed development is considered to be negligible. It is considered that the increase in vehicle numbers associated with 30 additional dwellings is not significant and is unlikely to contribute to an overall increase in the ambient noise climate. It would require a doubling of traffic [noise] to increase noise levels by 3dB(A)."*
- 5.34 Officers have reviewed the submitted NIA and are in agreement with the conclusions as set out above.
- 5.35 In addition to the above, the submitted TA suggests that there would be a total of 15 vehicle movements (both arrival and departures) between the AM peak (0800 - 0900) and the PM peak (1700 - 1800). The movements associated with the development is likely to be less than the figures suggested above at all other times.

- 5.36 When the above conclusion of the NIA is considered in conjunction with the anticipated vehicle movements associated with the proposed development it is considered that the vehicle movements associated with the proposed development could not be considered to cause an unacceptable impact. The issue of highway safety, as referenced in the Inspector's decision, is addressed further within the transport section of the main report.
- 5.37 **Future Occupiers**
The main amenity impact on future occupiers of the development is considered to be the impact of the noise produced by the railway line to the west of the application site.
- 5.38 The submitted NIA considers and seeks to address this impact and concludes:
"Subject to final definition and the subsequent provision of noise amelioration measures, as discussed above, the residents of the proposed dwellings will be provided with acceptable internal and external (private amenity areas) noise environments."
- 5.39 Officers are in agreement with the above recommendation and subject to planning conditions pertaining to noise amelioration (conditions 14 and 15), the application is considered to be acceptable in this regard.
- 5.40 To conclude, officers are of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of future occupiers. This view is taken whilst having regard to all material planning considerations including objections submitted by residents, the planning history of the site and information submitted in support of the planning application.
- 5.41 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, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.42 **TRANSPORT ISSUES**
- 5.43 **Impact on Existing Highway Network**
Whilst it is accepted that there are few shops and services within Bill Quay itself the area is served by buses which provide links to shops and nearby services. Regular bus services to Newcastle and South Shields can also be accessed on the A185 albeit slightly further than the desired walking distances. The bus services which stop on Davidson Road do however provide links to the Metro and rail network in Pelaw and Heworth, which then serve the aforementioned destinations. There are primary and secondary schools which can be reached by sustainable means.
- 5.44 The Council's guidance suggests a maximum of 50 properties should be served off a cul-de-sac. The provision of off carriageway parking will make access easier for residents, delivery vehicles, refuse vehicles and emergency services

by removing parking from the main carriageway and footway. Levels of on street parking within the area are already low due to the makeup of the area and the number of accesses (driveways) within the area. The proposed development would take the number to 62 (served via a single access); it is considered that the provision of additional visitor parking for the use of the existing properties on Gullane Close (at the site access) would provide proportionate mitigation against any minimal harm caused

- 5.45 The total number of properties served by Brunton Way (which links Davidson Road to Marian Drive) is already 200, Gateshead Council's 'Making It Happen' document states that no second access will be required for developments of between 200 and 300 dwellings if the internal link road is arranged in such a way as to form a loop with a short connection to the rest of the highway network, as is the case in this instance, with Marian Drive forming the 'loop'. Acceptable emergency access to Bill Quay can also be achieved via Davidson Road/Shields Road and emergency services have not raised any concerns in their consultation response.
- 5.46 The Transport Statement (TS) submitted in support of the application includes trip generation and distribution along with an assessment of the nearby junctions. Residents have raised concerns over the junction between Brunton Way and Davidson Road, particularly around school drop off and collection times. The TS indicates that there will be a negligible impact on queues at this junction as a result of the proposed development and that the junction would continue to operate well within capacity taking into account future traffic growth. Site visits (by officers) have confirmed this as being a true representation with traffic generally being free flowing and queues at the junction between Brunton Way and Davidson Road being no more than one or two vehicles during peak periods. Any highway issues around the junction between Brunton Way and Davidson Road are in the most caused by poor parking practices by parents dropping off and collecting from the school. Consideration has been offered to the introduction of waiting restrictions around this junction; however such a requirement is considered to be both disproportionate to the scale of the development and is also considered unlikely to succeed. Proposals of this nature were objected to by residents when proposed by the Council's Traffic Solutions Team a number of years ago.
- 5.47 The TS also includes an assessment of the junction between Station Road and Shields Road. Given the relatively low trip generation of the development the assessment shows that the development would have a minimal impact upon the operation of the junction. In the am peak the proposed development would only generated a vehicular movement through the junction every 5 minutes (on average) and during the PM peak this would be a vehicle every 4.5 minutes (on average). This level of trip generation could not be classed as significant or severe and outside of the peak periods the numbers of movements will be very low.
- 5.48 Only a single highway accident has been recorded within the Bill Quay Village (excluding Shields Rd) in the past five years (according to accident statistics up to June 2017). Only two recorded accidents occurred at the junction between

Station Road and Shields Road in the same period. The introduction of a 20mph Zone in recent years has also helped reduce vehicle speeds and make the area safer for highway users. The addition of 30 dwellings will not have any significant impact upon safety or traffic flows.

5.49 Paragraph 32 of the NPPF states:

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

5.50 Whilst concerns have been submitted by local residents over the transport impacts of the development officers do not consider this to be severe based on the scale, location and nature of the development and taking into account information contained within the submitted TA and responses received from objectors.

5.51 Based upon the above, it is considered that the proposed development would not create any unacceptable road safety issues or have a severe impact upon the operation of the highway network.

5.52 Internal Layout

The internal layout has been designed to promote lower speeds through road curvature in conjunction with 'pinch points'. This layout will encourage vehicle speeds in line with a 20mph zone. Further, the proposed footway width of 2 metres on either side of the carriageway is considered acceptable for the level of anticipated use.

5.53 The plans and TS indicate that landscaped kerbed buildouts and speed cushions are to be introduced in order to assist in the self-enforcement of the existing 20mph Zone, which would be extended into the development from the surrounding streets. The regularity of the buildouts in conjunction with the road geometry will promote low speeds and meet the regulatory requirements of a 20mph Zone. It is considered that the final traffic calming layout should be secured via planning conditions (conditions 16 and 17).

5.53 There are 11 visitor parking spaces proposed, with the five close to the site entrance are intended to be shared with the existing properties on Gullane Close this represents a marginal overprovision when compared with the Council's maximum standard of 1 space per 3 properties. A number of properties have double length driveways and garages this is acceptable as the average provision over the whole development is within the Council's maximum standard.

5.54 Secure cycle parking is to be provided within the garages associated with each individual property using internal brackets/wall fixings, this is considered to be an acceptable approach in this instance and the delivery of the cycle parking should be secured through a planning condition (condition 18).

5.55 To help promote sustainable travel choices it is considered that each house should be provided with a travel welcome pack that should include bus timetables along with information on the walking and cycling options available

in the area. Council officers consider that this issue can be covered by a planning condition (condition 19).

5.56 It is therefore considered that subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.

5.57 TREES/LANDSCAPING

An Arboricultural Impact Assessment and an Arboricultural Method Statement have been submitted as part of this planning application. The report recommends that a number of trees be removed as a result of the development or as a result of poor health/form.

5.58 All remaining trees within and abutting the application site would be protected through the use of the protective fencing, to this end a tree protection plan has been submitted as part of the application. The installation of the protective fencing and the display of the tree protection plan on site could be secured through further planning conditions (Conditions 20 and 21).

5.59 Subject to these planning conditions, 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, saved policies ENV44 of the Council's UDP and policy CS18 of the CSUCP.

5.60 ECOLOGY ISSUES

In considering the above application in regard to ecological impact regard is offered to the NPPF, ODPM Circular 05/2006: Biodiversity and Geological Conservation, Policy CS18 of the CSUCP and saved UDP Policies DC1, ENV46, ENV47, ENV49 and ENV51.

5.61 The proposed development site is located within a Wildlife Corridor and at its closest point lies approx. 200m south and east of Bill Quay Local Wildlife Site (formerly Site of Nature Conservation Importance). Wardley Manor Local Wildlife Site (which incorporates the former Pelaw Quarry Pond Site of Nature Conservation Importance) is located approx. 350m south east of the application site; separated by an active railway line and the A185.

5.62 The planning application is supported by an Ecological Impact Assessment and includes detailed survey work for the following species/groups: bats, amphibians, reptiles, invertebrates (i.e. priority butterflies) and breeding birds. A detailed assessment of the site was also undertaken to determine its value in supporting ecological connectivity. The survey concluded that generally the site is of low biodiversity value and that the proposed development is unlikely to have a significant adverse impact on designated sites and ecological connectivity.

5.63 The report recognises that the proposed development will result in the loss of an area of species poor neutral grassland which qualifies a local Biodiversity Action Plan (BAP) priority habitat, albeit in poor condition.

- 5.64 Paragraph 118 of the NPPF sets out the ecology 'mitigation hierarchy' as follows:
- Avoidance - can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts?
 - Mitigation - where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations?
 - Compensation - where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity?
- 5.65 The submitted report includes recommendations for measures that will avoid/minimise any potential residual impacts on protected and/or priority species during the construction and occupation phases of the development. These recommendations include limiting site clearance during the bird breeding season and the installation of bird boxes; it is recommended that the recommendations be secured via planning conditions (conditions 22, 23 and 24).
- 5.66 It is considered that the loss of Lowland Meadows and Pastures cannot be avoided or adequately mitigated against on site. Therefore, in accordance with the mitigation hierarchy set out above the applicant has proposed a programme of off-site compensatory measures to address the residual loss of BAP priority habitat (i.e. Lowland Meadows and Pastures). The off-site compensatory measures should be secured through the payment of a commuted sum (to be secured via a S106 agreement).
- 5.67 In regard to the development's impact on the wildlife corridor, officers are satisfied that the ecological survey undertaken by the applicant demonstrates that the proposed development site is of minimal value in supporting ecologically connectivity. The presence of significant barriers including a busy 'A' road, active railway line incorporating security fencing and existing built development, has served to compromise the functionality of the corridor, particularly for less mobile species. On this basis, it is considered that the creation of a landscaped buffer along the eastern boundary of the site, as proposed, would maintain the permeability of the site and the integrity of the wildlife corridor. It is considered important that the buffer be appropriately designed and maintained, therefore conditions requiring further details on the design, implementation and maintenance of the buffer are considered necessary (condition 25, 26 and 27).
- 5.68 Weight has been offered to the previous refusal on the application site, one of the refusal reasons pertaining to the loss of an area of agricultural land and wildlife habitat within a defined wildlife corridor. In dismissing the appeal, the Planning Inspector stated:
- "UDP policy E41 seeks to prevent development within these wildlife corridors. There are exception to this rule; for example, where*

development would result in habitats being enhanced, or where suitable replacement land is provided. However, I do not consider that the appellant's proposal falls into either of these categories"

- 5.69 The current planning application has sought to address the above deficiencies. This has been done through the undertaking of an appropriate level of survey work and the create of an acceptable mitigation/compensation scheme (as set out above).
- 5.70 Therefore, subject to the conditions cited above and completion of the S106 agreement, it is considered it that the proposal would comply with the aims and objectives of the NPPF, ODPM Circular 05/2006: Biodiversity and Geological Conservation, Policy CS18 of the CSUCP and saved UDP Policies DC1, ENV46, ENV47, ENV49 and ENV51.
- 5.71 **FLOOD RISK/DRAINAGE**
A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted as part of the planning application. The FRA has identified any potential risks and the layout of the development reflects this by locating the main SuDS feature in the part of site most likely to suffer surface water flooding and has been positioned so to reduce any impact on rail infrastructe by maintaining a 40 metres 'stand off' distance.
- 5.72 The principle of the drainage strategy is considered to be acceptable but a number of further details are deemed necessary to ensure that the development accords with the NPPF and policy CS17 of the CSUCP. These further details include detailed drawings, electronic drainage model, adoption plan, detailed health and safety and construction method statement to ensure the required discharge rate for the site is achieved. It is considered that these amendments can be dealt with via conditions (conditions 28, 29, 30, 31, 32, 33, 34 and 35).
- 5.73 Subject to these planning conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.
- 5.74 **LAND CONTAMINATION**
The site is considered to be situated on land which has not been identified as contaminated as part of the Council's Contaminated Land Strategy. However, given the sensitive end use a Contaminated Land Risk Assessment and Remediation Strategy have been submitted in support of the application. Further to the submitted report, it is considered that the contamination on site can be dealt with through the imposition of conditions requiring the submission of an appropriate phase II risk assessment, remediation strategy and subsequent verification report (conditions 36, 37, 38 and 39).
- 5.75 Further, it is considered necessary to condition that if any previously unidentified contamination is found is should be screened, removed and disposed of appropriately (conditions 40 and 41).

5.76 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.

5.77 LAND STABILITY

The application site falls within the defined Development High Risk Area and therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. As a result, the applicant has submitted a Coal Mining Risk Assessment, which has been assessed by the Coal Authority.

5.78 The Coal Authority is satisfied with the broad conclusions of the report, informed by the site investigation works; however it is considered necessary to condition that an intrusive investigation is undertaken to identify any potential remedial works required. Subject to appropriate conditions (Conditions 42 and 43), The Coal Authority does not object to the proposed application.

5.79 The development is, therefore, considered to comply with policy CS15 of the CSUCP and saved policy ENV54 of the UDP.

5.80 ARCHAEOLOGY

The application site belongs to an area of archaeological importance, on this basis a Archaeological Assessment has been submitted in support of the application. A geophysical survey and ridge and furrow survey was carried out on the site and no upstanding remains of the ridge and furrow were found to exist.

5.89 There is potential for prehistoric/Romano-British archaeology to survive beneath the ploughed out ridge and furrow as well as the potential for evidence of WWII defence structures, on this basis it is considered that a limited archaeological evaluation be carried out ahead of development. This will target areas considered to have the highest archaeological potential as well as areas which were unable to be surveyed, this requirement can be secured via planning condition (conditions 44, 45 and 46).

5.90 Subject to the above, it is considered that the proposed development complies with the requirements of the NPPF, saved UDP policies ENV21 and ENV22.

5.91 OPEN SPACE

Policy CFR20 requires that in each residential neighbourhood at least three hectares of Local Open Space should be available in sites of at least 0.01ha per 1,000 residents and no resident should have to travel more than 330m from home to find one. In this regard, the site will deliver an area of public open space of 0.23ha onsite ensuring that residents do not have to travel over 330m to access local open space. Further, the proposed layout provides pedestrian links to the wider area. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

5.92 PLAY SPACE

It is considered that the proposed amenity/open space within the application site provides for an acceptable level of toddler play space for future residents in accordance with Policy CFR28. In regard to junior and teenage play provision it is considered that the delivery on site is unachievable; policies CFR28 and CFR29 suggest that developments should contribute towards offsite provision.

5.93 Pooling restrictions were introduced by the Community Infrastructure Levy (CIL) Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.

5.94 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Whilst it cannot be concluded that the proposal would accord with saved UDP policies CFR28, CFR29 and CFR30, it is not possible to require any contribution for either play or open space provision in this case, due to the CIL Regulations considered above.

5.95 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 for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.

5.96 OTHER MATTERS

Most issues raised by objectors have been considered within the main body of the report; however those which have not been are addressed directly below.

5.97 Whether the development is required to aid in the delivery of the Council's housing targets is not significant in this case given the development is acceptable in planning terms.

5.98 Officers disagree that the proposal would represent over-development, the development strikes an appropriate balance between density, design and deliverability.

5.99 The application site is not located within the Green Belt and as such policy associated with the Green Belt would not apply.

5.100 The age of local residents is not a material planning consideration and as such cannot be afforded any additional weight over and above normal policy considerations.

5.101 A planning application is determined on its individual merit; the granting of planning permission would not set any form of precedent moving forwards.

5.102 The Council's budgets do not play any part in the decision making process as they are not material planning considerations.

6.0 CONCLUSION

6.1 It is considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the Local Plan.

6.2 Taking all other relevant issues into account, including the comments made by local residents, the planning history and information submitted in support of the application it is considered that the proposed development is acceptable subject to the conclusion of the neighbour notification and consultation period. The proposal (subject to planning conditions and obligations) is considered to accord with the aims and objectives of both national and local planning policies.

6.3 Given the above, it is recommended that planning permission be granted subject to planning obligations pertaining to ecological mitigation and the planning conditions set out below.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

- A financial contribution towards the provision of off-site compensatory measures to address the residual loss of BAP priority habitat (i.e. Lowland Meadows and Pastures).

2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include;

1

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

100-01 Rev 20 – Proposed Site Plan/Block Plan

100-11 Rev 2 – Existing Site Plan/Block Plan

100-22 Rev 3 – Proposed Site Sections

300-01 Rev 5 – House Tyne – Elder

300-02 Rev 3 – House Type – Elm

300-03 Rev 4 – House Type – Alnwick

300-04 Rev 3 – House Type – Spruce

300-05 Rev 4 – House Type – Sycamore
300-06 Rev 4 – House Type – Sage
300-07 Rev 3 – House Type – Hunter
300-10 Rev 2 – Typical Garage Plans and Elevations

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

No individual external materials shall be installed on site until a sample of the material to be used has 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 and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under Condition 3, and retained as such in accordance with the approved details thereafter.

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 NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

Notwithstanding the submitted plans, no unit hereby approved shall be occupied until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a fully detailed landscaping scheme (ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting), proposed timings for implementation and a scheme and maintenance of the landscaping (for a period of 5 years following planting).

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

6

The landscaping details approved under Condition 5 shall be implemented in accordance with the timings approved under Condition 17.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 5.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

No individual hard landscaping material shall be used on site until a detailed hard landscaping plan (including a timescale of implementation) has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan

and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

All hard landscaping shall be completed in full accordance with the details approved under Condition 8 (including timescales for implementation), and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

No boundary treatments shall be provided on site until a fully detailed scheme for the boundary treatment of and within the site (including a timescale for implementation) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

The development shall be implemented wholly in accordance with the approved boundary treatment details approved under condition 10 in accordance with the approved timescale.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

Prior to the commencement of the development hereby approved, a construction control plan including the hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access locations shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

13

The construction control plan approved under condition 12 shall be implemented and complied with in full during all stages of construction, until completion.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

14

No development hereby permitted shall take place until a noise amelioration scheme for Units 12 – 30 has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the impact of noise is limited in the interests of future occupiers, in accordance with the NPPF, saved Policies DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

Units 12 - 30 shall be constructed in full accordance with the noise amelioration scheme approved under condition 14.

Reason

To ensure that the impact of noise is limited in the interests of future occupiers, in accordance with the NPPF, saved Policies DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

Notwithstanding the approved plans no dwellinghouse hereby permitted shall be occupied until final details of the proposed traffic calming measures across the application site and a timetable for implementation have been submitted and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

17

The traffic calming measures across the site shall be implemented in full in accordance with the details and timescales approved under Condition 16.

Reason

In the interests of highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

18

The cycle parking facilities associated with each individual property (shown on approved plan 100-01 Rev 20 - Proposed Site Plan) shall implemented in full accordance with the submitted details prior to first occupation of each respective unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

Reason

In order to ensure adequate provision for cyclists and in accordance with policy CS13 of the Core Strategy and Urban Core Plan.

19

At the point of occupation of any unit hereby approved, a Travel Plan, or 'Welcome Pack' shall be provided to the occupants of each dwelling, to encourage the use of alternative modes of travel to the site other than by private vehicle. This must include local cycle maps, bus stop locations, bus timetables and maps showing pedestrian routes to local amenities.

Reason

To encourage sustainable travel to and from the development in accordance with the NPPF and CSUCP policy CS13.

20

No development shall commence on site until the tree protection measures set out on approved plan AMS TPP Rev A have been installed in the locations identified in protection plan. The approved scheme shall remain in situ until completion of the development.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the National Planning Policy Framework, policy CS18 of the CSUCP and saved policy ENV44 of the Unitary Development Plan.

21

The approved tree protection plan (AMS TPP Rev A) shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked daily with a record of the daily checks being kept on file in the site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the LPA being obtained all construction

operations should stop until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the National Planning Policy Framework, policy CS18 of the CSUCP and saved policy ENV44 of the Unitary Development Plan.

22

All vegetation clearance works must be undertaken outside the bird breeding season (March to August inclusive). Where this is not possible a breeding bird checking survey, undertaken by a qualified ecologist, will be required immediately prior to the commencement of works on site. Where the presence of breeding birds is confirmed, the nest must remain undisturbed until the young have fledged and the nest is no longer in use, and that this is confirmed by a qualified ecologist.

Reason

To accord with the principles of the NPPF and UDP policy DC1

23

No development shall take place until the details and location of bird boxes to be installed site (including a timetable for implementation) have been submitted to and approved in writing by the Local Planning Authority.

Reason

To limit the impact of the development on birds in accordance with the NPPF, saved UDP policy DC1(d), ENV46, ENV47, ENV47 and ENV49 and Policy CS18 of the CSUCP.

24

The bird boxes approved under condition 23 shall be erected in the approved locations in accordance with the timetable approved under condition 23.

Reason

To limit the impact of the development on birds in accordance with the NPPF, saved UDP policy DC1(d), ENV46, ENV47, ENV47 and ENV49 and Policy CS18 of the CSUCP.

25

No development shall commence on site until the final details of the proposed ecological landscape buffer to the east of the site have been submitted to and agreed in writing by the Council.

The details shall include the following:

- Purpose and conservation objectives for the proposed works
- Design and conservation objectives for the proposed works
- Type and source of materials to be used

- Timetable for implementation
- Persons responsible for implementing the works
- Details of initial aftercare and long-term maintenance
- Details for monitoring and remedial measures

In the interests of providing adequate ecological compensation for the harm caused as a direct result of the development in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

26

The ecological landscape buffer approved under condition 26 shall be carried out in full in accordance with the timetable approved under condition 25.

Reason

In the interests of providing adequate ecological compensation for the harm caused as a direct result of the development in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

27

The approved ecological landscape buffer shall be maintained in accordance with the details approved under condition 25.

Reason

In the interests of providing adequate ecological compensation for the harm caused as a direct result of the development in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

28

No development shall take place until the final details of the drainage scheme has been submitted and approved in writing by the LPA. The scheme shall include detailed drainage drawings, electronic model, adoption arrangements, timetable for implementation and health and safety assessment in accordance with the Council's SuDS Guidelines

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

29

The final drainage scheme shall be carried out in full accordance with the details approved under condition 28 (including timings for implementation).

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

30

No work in relation to any proposed drainage features shall take place until a long-term management plan for the drainage scheme approved under condition 28 has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

31

The drainage scheme approved under condition 28 shall be managed in full accordance with the management plan approved under condition 30 for the lifetime of the development.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

32

No work in relation to any proposed drainage features shall take place until a construction management plan for the drainage scheme approved under condition 28 has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

35

The drainage scheme approved under condition 28 shall be constructed in full accordance with the construction management plan approved under condition 32.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

34

Prior to the occupation of any unit hereby approved a SuDS information and communication plan, including 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, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

35

At the point of occupation of any unit hereby approved, the SuDS information and communication plan approved under condition 34, 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, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

36

No development approved by this planning permission shall be commenced until a site investigation is undertaken and a Phase II Risk Assessment report of the findings submitted to the Council for approval. The site investigation will consist of a series of boreholes and trial pits, in situ testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

The site investigation and Phase II Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

37

Following completion of the site investigation and Phase II Risk assessment site investigation works (condition 36), and following approval by the Council, if the findings of the Phase II investigation require remediation works to be undertaken then a 'Remediation Strategy' statement document is required to be produced and submitted to the Council for approval. The 'Remediation Strategy' (including timescales) must detail objectives, methodology and procedures of the proposed remediation works. This must be submitted to the Council, for approval, before any remediation works commence.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

38

The remediation works detailed in the 'Remediation Strategy' submitted and approved by the Council in respect of Condition 37, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

39

Upon completion of the remediation works detailed in the approved Remediation statement and prior to the occupation of any dwellinghouse hereby permitted, under condition 36 and/or condition 37, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy Statement, and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

40

During development works, any undesirable material observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. An amended risk assessment of the development (including a timescale for implementation) should then be undertaken, to determine whether remedial works are necessary.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

41

Any works deemed to necessary following testing (as part of condition 40) shall be carried out in accordance with the timescales approved as part of condition 40.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

42

Prior to the commencement of the development hereby approved intrusive site investigation works shall be undertaken in order to establish coal mining legacy issues on site. The findings of the intrusive site investigations works in relation to coal mining legacy issues along with details of any remedial works (and timescales) required shall be submitted and approved by the LPA prior to the commencement of the development hereby approved.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1 of the Unitary Development Plan.

43

Any remedial works identified under Condition 42 shall be implemented in accordance with the timescale set out in the approved findings.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1 of the Unitary Development Plan.

44

No development shall commence until a programme of archaeological fieldwork (to include evaluation, where appropriate mitigation excavation and timescales for implementation) has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

45

The programme of archaeological fieldwork shall take place in accordance with the approved programme and timescale approved under condition 44.

Reason

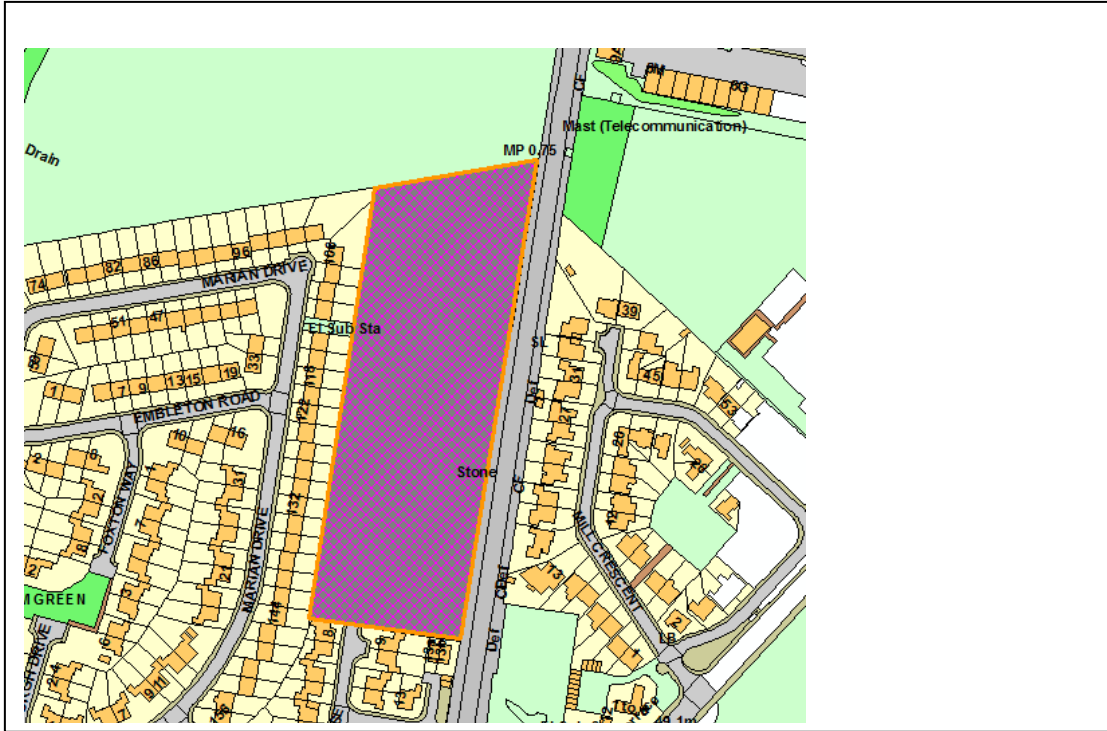
To ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

46

No dwellinghouse hereby approved shall be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 44 has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.



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