

**Committee Report**

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<b>Application No:</b>	<b>DC/18/00704/FUL</b>
<b>Applicant</b>	<b>Avant Homes, Buckley Burnett Ltd and S and B T Douglas</b>
<b>Date Application Valid</b>	<b>9 July 2018</b>
<b>Site:</b>	<b>Land West of Pennyfine Road Sunniside Newcastle Upon Tyne NE16 5EP</b>
<b>Ward:</b>	<b>Whickham South And Sunniside</b>
<b>Proposal:</b>	<b>Construction of 89 residential dwellings, including access to Pennyfine Road and associated infrastructure and landscaping (amended 18/07/18, 28/08/18 and 04/09/18 and additional information received 31/07/18, 04/09/18 and 14/09/18).</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO A SECTION 106 AGREEMENT</b>
<b>Application Type</b>	<b>Full Application</b>

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**1.0 The Application:****1.1 DESCRIPTION OF THE SITE**

The application site is located to the west of Pennyfine Road and south east of the Tanfield Railway bridlepath in Sunniside. The site comprises 3.885ha of land and is a mix of greenfield and brownfield land across three adjoining parcels of land.

- 1.2 There are three distinct areas defined by ownership boundaries. The northern part of the site is greenfield. It shares a boundary with the Tanfield Railway path to the north and the curtilage of the residential property Carraig Thura to the south. The north eastern corner includes a dense area of woodland between the site and the Tanfield Railway path, including a public footpath connection which lies outside of the red edged plan. A barn that lay in the eastern area of the site has recently been demolished.

- 1.3 The central area comprises the large residential curtilage of Carraig Thura although historically accommodated a series of dairy buildings which were demolished around 2012. The central area is predominantly brownfield. The boundaries of the central area are defined by substantial tree belt including leylandii to the north.

- 1.4 The southern area of the site is the largest and incorporates existing buildings and former growing areas that formerly supplied fresh vegetables for the shop, a bungalow and extensive hardstanding associated with the Douglas Brothers Koi carp business. The area is predominantly brownfield.

- 1.5 The boundaries to the wider site are well defined by well established mature trees and hedgerows along the Tanfield Railway Path to the north with the Local Centre and main settlement of Sunnyside beyond
- 1.6 There is a mix of gappy hedgerow and mature trees to the western boundary with Green Belt land beyond and the southern boundary also has gappy hedgerow and mature trees however there are residential properties that share the boundary including Invercauld, Linniefine House and The Cottage.
- 1.7 The eastern boundary to Pennyfine Road is defined by a mix of hedgerows, trees, fences and open areas. On the opposite side of the road is a single row of dwellings fronting Pennyfine Road extending the full length of the application site.
- 1.8 A number of the trees on the site are the subject of a Tree Preservation Order (TPO).
- 1.9 There are currently a number of vehicular accesses from Pennyfine Road serving the Douglas Brothers business, Carraig Thura, and a number of agricultural access points.
- 1.10 The Tanfield Railway bridlepath provides safe and convenient off road connections to Gateshead via Watergate Park to the north east and to the Sustrans Regional Route 11 to the south, which follows the route of the Bowes Railway Cyclepath. The Path provides a link between The Birches and Burdon Lodge.
- 1.11 The junction to the north of Pennyfine Road with Gateshead Road (A692) is a simple priority junction, whilst to the south it provides access to a number of farmsteads and Westacres Stables, eventually connecting to Lamesley.
- 1.12 **DESCRIPTION OF THE PROPOSAL**  
The application is a detailed planning application for 89 dwellings accessed from a single vehicular access from Pennyfine Road. The proposed development is largely aligned with the boundaries defined by Policy GV7 allocation, however, the existing dwelling Carraig Thura and an element of its curtilage and the private access from Pennyfine Road are to remain.
- 1.13 The proposed vehicular access is located in the northern part of the application site, between the Tanfield Railway Path and Carraig Thura. The access initially serves a row of eight semi and detached properties along the northern boundary and a combined footway / cyclepath connection to the Tanfield Railway Path, with a sub station adjacent to the path to the east, and a play area and SuDS basin to the west of the proposed path.
- 1.14 The access road turns south through the site serving a series of smaller cul de sac with shared drives at the end of each.
- 1.15 The proposed dwellings comprise a mix of two (6 No.), three (32 No.), four (46 No.) and five (5 No.) bedroom family style properties (89 in total). Eleven

house types are proposed, providing a mix of types and sizes. The proposals include 15% on site affordable housing provision (equating to 13 dwellings).

- 1.16 The dwellings proposed along the eastern (Pennyfine Road) boundary have direct pedestrian access to Pennyfine Road, however, vehicular access is through the proposed development.
- 1.17 Off street car parking is proposed including 165 on plot parking spaces, 67 garage parking spaces and 21 visitor parking spaces (253 total spaces). Cycle storage is proposed within garages.
- 1.18 The supporting documents include:
  - A Design and Access Statement
  - A Landscape Strategy
  - Planning, Sustainability and Affordable Housing Statement
  - Archaeological Trenching Report
  - Ecological Impact Assessment
  - Bat Survey
  - Flood Risk Assessment
  - Ground Investigation Documents
  - Noise Impact Assessment
- 1.19 PLANNING HISTORY  
There is no relevant planning history.

## **2.0 Consultation Responses:**

Northumbrian Water

Surface water should be dealt with in accordance with the submitted strategy. A condition is required to deal with foul water.

Tyne and Wear  
Archaeologist

In the first phase of investigation a possible late Neolithic structure was revealed in the northern part of the site.

The second phase of investigation (central area of the site) comprised five evaluation trenches targeting anomalies identified through geophysical survey. No significant archaeological features were located.

The only archaeological feature to be identified lies in the northern part of the site. This possible structure will need to be recorded fully through a process of strip, map and record. No further archaeological mitigation is required for the remainder of the site.

Conditions are required to secure:  
archaeological fieldwork to record the feature,  
a report to be prepared on the findings; and  
publication of the report.

### **3.0 Representations:**

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. Letters were sent on 29th August 2018 and the 12th September 2018.
- 3.2 A press notice was published in The Journal on 12th July 2018 and the 25th July 2018.
- 3.3 Site notices were posted on 25th July 2018.
- 3.4 20 representations have been received. 16 letters of objection and one letter of support. The concerns raised relate to:
  - Inadequate car parking
  - Increase of traffic

- Danger for horseriders and cyclists accessing bridleways
- Loss of privacy - by the homes proposed overlooking us and as they are family homes we can expect much more noise and many more cars as most families have at least two or more. The land behind will be public open space people will be able to stand just beyond my fence and see into all of my previously completely private garden;
- Loss of trees
- Out of character with Streetgate
- Overbearing
- Overdevelopment
- Proposal will attract potential vandals
- Residential Amenity
- Increased Traffic
- during the winter Pennyfine Road becomes blocked by snow
- road is too narrow for the cars and commercial vehicles that use it already
- Gateshead Road already has tailbacks at certain times this will add to disruption and tailbacks will occur in Pennyfine Road when cars can only join the main road one at a time
- Which school will the children from this development attend as the nearest school in Marley Hill has been closed
- Increase in noise and disturbance due to comings and goings from 89 dwellings much greater than the few vehicles using Douglas Brothers car park at present
- Outlook onto large fencing/trees also
- Blocking out natural light
- The environment will be greatly effected - wildlife all around and in some cases endangered species such as bluebells
- Loss of peace and quiet
- Red edge included land that is not in applicant ownership – rectified by submission of amended red edge plan by applicant
- Nuisance from exhaust fumes and vehicles just the other side of my hedge;
- Amenities in Sunnyside village are already overstretched and the GP and local schools would not be able to cope
- Bought houses on Pennyfine Road because it is currently a semi rural road with properties not being overlooked
- Properties could lose value
- Dog walkers, cyclists and walkers enjoy the countryside and it is well used
- This proposal if passed could lead to many more builders applying to build around us
- Need to preserve our green fields and trees and the wildlife

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

GV7 Sunnyside

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

CS21 Waste

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1P Contamination, derelict land, stability

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV28 Green Corridors

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

GPGSPD Gateshead Placemaking Guide SPG

H1 Rate of Housing Provision

H10 Wheelchair Housing

H13 Local Open Space in Housing Developments

H14 Neighbourhood Open Space-New Housing Dev

H15 Play Areas in Housing Developments

H5 Housing Choice

H9 Lifetime Homes

MWR28 Provision of Facilities in new Developments

CFR28 Toddlers' Play Areas

DEL1 Infrastructure/Developer Contributions

PO2 Planning Obligations – Employment/Training

## **5.0 Assessment of the Proposal:**

- 5.1 When determining this application the main planning issues to be considered are the principle of residential development, impacts on highway safety, archaeology, ground conditions, flood risk and drainage, biodiversity, landscape, trees, urban design, residential amenity, noise and visual amenity.

### **5.2 PRINCIPLE**

The application site is allocated for residential development under policy GV7 of the CSUCP having been deleted from the Green Belt. The policy allows for approximately 90 dwellings on this site (Sunniside South East) with a further approximate 48 dwellings on the Sunniside North East site. Being an allocated site the proposal is in accordance with the Spatial Strategy for Growth set out within CSUCP policy CS1 and the Spatial Strategy for Rural and Village Area set out within policy CS4.

- 5.3 It is expected that the development will take 3.5 years from commencement to completion making a contribution to housing supply in accordance with Saved UDP policies H1 and H2 and CSUCP policy CS10.

### **5.4 RANGE AND CHOICE OF HOUSING**

#### **5.5 Family Homes**

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). Policy GV7(1) states that this allocated site should provide a mix of predominantly family housing. The plans show the proposal is for the development of 89 dwellings comprising 6 x 2 bedrooms, 32 x 3 bedroom, 46 x 4 bedroom and 5 x 5 bedroom dwelling houses which satisfies the above policy requirements.

#### **5.6 Affordable Housing**

The NPPF at Annex 2 of the revised NPPF (July 2018) amends the definition of affordable housing and makes it clear that affordable housing is housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).

- 5.7 Policy CS11 of the CSUCP requires developers to provide 15% affordable homes on all developments of 15 or more dwellings, subject to development viability. The applicant is committed to providing the required 15% of affordable homes within the planning application site. The tenure of these homes has been agreed as 65% affordable rent and 35% subsidised home ownership. The proposed affordable units are defined on the layout plans and comprise two and three bedroom Cranford and Ashton housetypes. The affordable housing requirement will be secured through s.106 legal agreement and subject to this is considered to be policy compliant.
- 5.8 Lifetime Homes and Wheelchair accessible homes  
CSUCP Policy CS11 (2) and saved UDP policies H9 and H10 require Lifetime Homes and Wheelchair Standard housing, within developments of 25 or more dwellings, or on sites of 1.0 ha or more.
- 5.9 The proposal does not indicate whether there is provision of Wheelchair Housing and Lifetime Homes, as required by CSUCP Policy CS11 (2), and saved UDP policies H9 and H10, for 2% of dwellings to meet Wheelchair Housing Standards, and 10% Lifetime Homes, within developments of 25 or more dwellings. To accord with policy, the development should contain 2 houses that meet Wheelchair Housing Standards, and 9 houses that meet the Lifetime Homes Standard. These can be secured by condition.
- 5.10 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 that based on the submitted information that the application meets the above requirements, providing an acceptable level of internal and external space.
- 5.11 OPEN SPACE AND PLAY
- 5.12 The site is a village growth area allocated by the Core Strategy and Urban Core Plan policy GV7, which states inter alia that development is required to provide open space, sport and recreation facilities where necessary.
- 5.13 The site is located within a residential neighbourhood that is deficient in open space provision. The proposed layout includes the provision of amenity space within the application site. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.
- 5.14 Pooling restrictions were introduced by the Community Infrastructure Levy 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.
- 5.15 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.

- 5.16 Therefore, whilst the proposal is not in total accordance with open space and play policies it is also not possible to require any contribution for offsite play or open space provision in this case, based on the above assessment.

5.17 SITE SPECIFIC REQUIRMENTS REQUIRED BY POLICY GV7

- 5.18 Whilst the site is allocated for residential development within the CSUCP the policy GV7b does set out a series of requirements that need to be considered as part of any development proposal and these are:

- o Mitigation of cumulative traffic impacts;
- o Contribution towards local school provision;
- o Evidence of foul and surface water drainage capacity;
- o Mitigation of effects on biodiversity;
- o An adequate landscape buffer; and
- o A positive response to the potential to use SuDS.

- 5.19 Each of the above matters are considered below.

5.20 HIGHWAYS

The application is supported by a Transport Assessment (TA) and Interim Travel Plan. The principle of the development is acceptable.

- 5.21 The layout comprises a spine road into the site from a single access point from Pennyfine Road with several cul-de-sacs running off it leading on to a number of shared private drive. The layout has been designed to reduce speeds to 20MPH by the introduction of table tops and build outs into the carriageway. The adoptable surface treatment of the table tops are required to be in a contrasting material to the black asphalt road finish and a condition is recommended to secure all surface treatment materials.

- 5.22 As originally submitted the layout included an insufficient number of visitor parking (VP) bays that were unevenly spread across the site. The layout has been amended and the number of VP bays has been increased (one per three dwellings) and are now considered to be acceptable.

- 5.23 A number of the VP bays are provided within the carriageway with buildouts to protect the bays. The final details of the build outs are to be agreed in relation to the suitability to sustain trees/shrubs and the requirement to ensure the design of the feature is acceptable from a road safety point of view. Details can be secured by condition.

- 5.24 The site is to be designed as a self enforcing 20 MPH zone. Final construction details can be secured by condition. A calming measure is proposed near to Pennyfine Road to slow traffic and to create a raised feature and road narrowing that is designed to give pedestrians priority from the estate to the link path to the Tanfield Railway path. The inclusion of the footpath linking the

Tanfield Railway path with the site is supported however the final design of the link is required and can be secured by condition.

- 5.25 There are some visibility concerns across the site that need to be addressed for example the drawings submitted show a tree and hedgerow to the northwest of the access, these are likely to fall within the visibility splay and should be removed. Also the boundary treatment plan identifies a number of potential conflict areas. Splays of 2mx2m should be maintained either side of driveways. These can be achieved by imposition of a condition requiring low level planting only.
- 5.26 Some provision of electric vehicle charging points is proposed by the applicant. The details provided suggest that only 11 plots will have EV charging points. A condition is considered to be reasonable to secure an acceptable scheme for EV charging point provision.
- 5.27 Cycle parking proposals are proposed for each plot as a shed inclusive of Sheffield stand, and this approach is acceptable. Full details are required including locking mechanism and can be secured by condition.
- 5.28 ACCESS TO SITE  
The applicant has demonstrated that a suitable visibility splay of 2.4m x 90m can be achieved at the site access, and the long sections demonstrate this is achievable in the vertical as well as horizontal plain. Achieving the required visibility is subject to a significant amount of vegetation clearance to the south, as a large proportion of the hedges that require removal are under private ownership, a management plan will need to be developed and agreed to ensure this can be achieved and maintained at a suitable level going forward. This can be secured by condition.
- 5.29 The tie in of the site to existing pedestrian infrastructure is considered to be unacceptable as proposals to provide an extension of the footway on the western side of Pennyfine Road to the site entrance are required. It has been demonstrated by officers that based on highway adoption and council land ownership records, there is no reason why this fundamental piece of infrastructure improvement cannot be delivered. This is seen as fundamental to the accessibility of the site and can be secured by condition.
- 5.30 Speed surveys carried out in the vicinity of the access demonstrate that 85%ile speeds at 37-38MPH are significantly higher than the 30MPH speed limit, while the characteristics of Pennyfine Road will change as a result of the proposed development concerns remain about the recorded speeds. As a consequence a traffic calming scheme is required to be developed to encourage slower speeds along this section of the network. Linked to this is the desire to improve connections to the Tanfield Railway Path where it crosses Pennyfine Road. The traffic calming scheme and required visibility splays along Pennyfine Road would need to be implemented prior to the site access being brought in to use. A stage 1 road safety audit is required to be undertaken and will be covered by an update report. The final details of the scheme and delivery timetable can be secured by condition.

- 5.31 Traffic surveys, covering turning counts and queue lengths were carried out in order to facilitate modelling of key junctions along the A692. The Transport Assessment concludes, in paying reference to the NPPF that the impact of the proposed development cannot be described as severe. It should be noted however that the results of the modelling clearly demonstrates that the network is running over capacity, in both the without and with development scenarios, and any additional traffic adds to the significant levels of delay being experienced both now and under the future design year projections.
- 5.32 Considering the above, it would be appropriate for the application to deliver mitigation that addresses even the restrained additional impact the model identifies the development has on the network. However, the Council has recently carried out a period of review, investigating measures to improve the flow of traffic in this area. This resulted in an upgrade to existing signalised junctions. Beyond this the Council's engineering design team consider there to be little scope for further improvement without significant investment, which on its own would be outside the scope of this development. On this basis it is felt the most appropriate approach would be for the application to include additional measures which enhance accessibility to the site and wider area, to further promote trips by non motorised modes of travel. This would also tie in with the claims made within the TA around the level of accessibility the site holds.
- 5.33 The measures deemed essential to improve the accessibility of the site and necessary to determine the application acceptable in transport terms are as follows:
- o New link from the site directly on to the Tanfield Railway as proposed as part of the submission. The final details of the proposals are to be secured by condition;
  - o New footway linking the site with the existing footway on the western side of Pennyfine Road (Condition or S106 Legal Agreement);
  - o Improvements to the Tanfield Railway Path between Pennyfine Road and the A692, including the introduction of a facility on Pennyfine Road to tie in with the wider traffic calming scheme and aid crossing.(Condition or S106 Legal Agreement); and
  - o An agreed residential travel plan that contains measures and initiatives that will suitably encourage modal shift, including a suitable budget and monitoring regime. This can be secured by condition.
- 5.34 As noted within the application, there are ongoing discussions in association with development proposals at Dunston Hill to improve the junction of the A692 and Whickham Highway, and associated works on Lobley Hill Bank. Improvements to this junction are also a policy requirement of this site. Given the additional traffic that will be generated at this part of the network as a result of this development, the Council would not be seeking for a contribution

towards a future scheme, subject to agreement to implement the other works identified as part of these comments.

- 5.35 Given the above and subject to the recommended conditions and s106 it is considered that the proposal is acceptable and in accordance with CSUCP policies CS13 and GV7.

5.36 ARCHAEOLOGY

An archaeological geophysical and evaluation reports have been submitted in support of the application. Evaluation trenching was undertaken in advance of this application. A geophysical survey (magnetometry) followed on from earlier archaeological work on land immediately to the north and south of the current site, with evidence for a Neolithic structure being identified in a field to the north.

- 5.37 No significant archaeological features were located in the central part of the site, the western 20th half of which has been extensively disturbed during the demolition of late Century structures. No further archaeological work would be appropriate in this central sector of the site, with the focus of a strip, map and record being in the field to the north where evidence for the Neolithic structure was located. This can be secured by condition.

- 5.38 Given the above the proposal is considered to be acceptable and in accordance with the NPPF and Saved UDP policies ENV21 and ENV22.

5.39 GROUND CONDITIONS

The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is considered that there is a potential low to medium risk of some soil contamination being present from a range of previous site uses. A Phase 1 Desk Top Study (PRA) has been provided.

- 5.40 The site was formerly agricultural land with private houses until development of the nursery (agriculture) during the 1980s. A railway, sidings and coal depot was previously present adjacent to the northern site boundary.

- 5.41 Officers agree with the findings of the submitted report and the requirement for Phase 2 site investigations to investigate the potential for contamination and to inform foundation design and to undertake a Phase 2 risk assessment to assess risks from ground contamination. This can be secured by appropriate conditions.

- 5.42 Following the Phase 2 risk assessment a Remediation Statement and Verification Report will be required and conditions are recommended to secure the reports.

5.43 Coal Mining

There is a low risk of the site being affected by shallow unrecorded mine workings. No remedial measures are considered to be required.

- 5.44 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV54 and CSUCP policy CS14.
- 5.45 FLOOD RISK, DRAINAGE AND WATER QUALITY
- 5.46 Flood Risk  
A Flood Risk Assessment has been submitted in support of the application. The site lies within flood zone 1 which is appropriate for residential use. The assessment considers the flood risk of the site itself as well as surface and foul water drainage proposals.
- 5.47 There is an area within the south-western part of the site which is at high risk of surface water flooding based on the Environment Agency's Flood Map for Surface Water and Gateshead's Strategic Flood Risk Assessment. The development has followed a sequential approach, avoiding the location of more vulnerable dwellings in the area at high risk of surface water flooding, and maintaining the existing surface water flow route through the play space within the layout of development, which is in accordance with Core Strategy Policy GV7.7 and NPPF paragraph 163a.
- 5.48 In the submitted Flood Risk Assessment and Drainage Strategy it states that surface water from the proposed development will discharge to the existing watercourse-Black Burn.
- 5.49 SuDS  
It is important to ensure that the development maintains the existing greenfield runoff rates up to 1 in 100 year event including climate change allowances, using SuDS, in accordance with Core Strategy Policy GV7.7/9iii and the SuDS technical standards. The SuDS design should be in accordance with the Lead Local Flood Authority's advice reflecting NPPF paragraph 165a.
- 5.50 Culvert  
Whilst the development follows the drainage hierarchy and is proposing to discharge surface water into a watercourse in accordance with Core Strategy Policy CS17:4 and the NPPG (ID: 7-080), this surface water discharge route has not been adequately demonstrated. The drainage strategy paragraph 5.3 states 'a condition assessment of the culvert is required to be carried out at the earliest opportunity with the detailed design of the site to assess the culvert condition, capacity and maintenance requirements' A condition is recommended requiring a thorough assessment of the culvert including: CCTV, watercourse tracing, structural inspection, hydraulic assessment and repair and/ or maintenance strategy.
- 5.51 Drainage  
A drainage layout drawing is required that includes a cross section across the detention basin that defines the extents of surface water flooding as identified on the Gateshead Strategic Flood Risk Assessment and demonstrate that the extents of the drainage basin (and any other groundworks) lie outwith this

zone. An updated drainage assessment is required with confirmed final discharge rates and volumes and a survey of the condition of the existing culvert. The final design of the SuDS scheme including: storage volumes, discharge rates, and maximising the amenity and ecological benefits is also required. It is recommended these details be secured by condition.

5.52 The final drainage scheme and SuDS management plan will need to be the subject of appropriate conditions to ensure that the SuDS are maintained over the lifetime of the development.

5.53 Given the above and subject to the recommended conditions, the measures set out within the FRA and the Drainage Strategy are considered to be acceptable and in accordance with CSUCP policies CS17 and GV7, paragraphs 163 and 165 of the NPPF and the National Planning Practice Guidance (ID 7) and (ID 34).

#### 5.54 BIODIVERSITY

5.55 The proposed development site is located within 2km of several designated nature conservation sites, including Lottie's Wood Local Wildlife Site (LWS) c. 125m north west and Sunnyside Wood LWS 350m south west. Extensive areas of open countryside comprising agricultural fields bound by hedgerows, woodland and forestry are located immediately south and east of the proposed development site. The Tanfield Railway Path is located immediately north west of the proposed development site.

5.56 The application is accompanied by an Ecological Impact Assessment, Bat Survey and Breeding Bird Survey dated July 2018. Habitats on site were assessed as being of low to parish conservation value. 2no. invasive non-native plant species listed in Schedule 9 of the Wildlife & Countryside Act, 1981 (as amended) were recorded on site (i.e. small leaved cotoneaster and yellow archangel).

5.57 Detailed survey work has confirmed the presence of roosting, foraging and commuting bats utilising the proposed development site. Common toad were recorded to the north of the site within terrestrial habitat. Hedgehog is considered likely to forage and potentially breed on site. Of the 33 species of bird occupying 82 breeding territories within the study area (i.e. the proposed development site incorporating a 50m buffer), 12 species are recognised as being of conservation importance. These include 7 Birds of Conservation Concern (BoCC) red listed species and 5 BoCC amber listed species. Of these 10 are listed as a National priority species. The most valuable habitats for nesting and foraging birds are the boundary hedgerows, scrub, scattered trees and areas of grassland.

5.58 The proposed development will result in the direct loss of the majority of existing habitats/features and their associated interest from within the core of the site. The construction phase of the development has the potential/is likely to result in the temporary disturbance/displacement of wildlife from within retained areas of habitat including immediately outwith the red line boundary.

Occupation of the site has the potential/is likely to result in various direct/indirect impacts on wildlife, including disturbance/displacement resulting from increased light, noise and activity levels; disturbance/predation by pets and increased recreational pressure on nearby designated sites. The construction and operational phases of the development are likely to result in reduced ecological connectivity.

- 5.59 In accordance with the mitigation hierarchy enshrined within the NPPF the proposed development has sought, where possible, to avoid impacts on biodiversity and ecological connectivity. This includes retention of the existing hedgerow and hedgerow trees along the south west boundary of the site. Where impacts on biodiversity are predicted/unavoidable, measures have been proposed to minimise/reduce the risk of harm, including to individual species. In some instances the provision of on-site compensatory measures are proposed (e.g. provision of replacement potential bat roost features). However, despite the provision of mitigation and onsite compensation measures, it is considered that the construction and operational phases of the development will result in significant residual impacts on biodiversity, including priority habitats and species, and ecological connectivity. In such instances the provision of off-site ecological compensatory measures are generally required to address the significant residual impacts of the development on biodiversity and ecological connectivity; and ensure the no net loss of biodiversity. This is to be secured by a s.106 legal agreement contribution.
- 5.60 It is recommended that a Biodiversity Method Statement, a Lighting Design Strategy, a Landscaping Scheme are secured by way of a planning condition(s) and the offsite ecological compensation is secured by way of a planning obligation to ensure that the proposed development can be delivered within acceptable ecological limits, and in accordance with both national and local planning policies:
- 5.61 Given the above, and subject to the recommended conditions and s106, the proposal is considered to be acceptable and in accordance with Saved UDP policies DC1(d), ENV44, ENV46, ENV47, ENV49 and ENV51, CSUCP policy CS18 and the NPPF.
- 5.62 **LANDSCAPE AND VISUAL IMPACT**  
The application is supported by a Landscape and Visual Impact Assessment although the principle of development of this site has already been established through the CSUCP allocation. The LVIA provides detail of the main change in relation to the Landscape Character of the site and that is it will change from a mix of pastoral and commercial use to a residential development, infilling the existing residential areas to the north and east of the site.
- 5.63 The proposed reinforcements to the existing landscaped boundaries and buffer to the green belt, landscaped areas and open spaces seek to ameliorate the negative changes on the landscape character with an overall improvement by removal of large scale commercial buildings and hardstanding areas.

- 5.64 Structural and low level planting is proposed in the submitted landscape strategy to maximise habitat creation on site and it is recommended that this be secured by a series of conditions.
- 5.65 Information on proposed and existing ground levels is required along with an amended Landscape Strategy drawing. These details can be secured by condition.
- 5.66 Given that the site is largely contained by existing topography and vegetation and as such the development is considered will integrate into the southern settlement edge of Sunnyside and is in accordance with Saved UDP policy DC1 and CSUCP policies GV7, CS18 and CS15.
- 5.67 TREES  
A number of the trees on the western and southern boundaries of the site, and one tree on the eastern part of the site within the Carraig Thura curtilage are subject to a Tree Preservation Order. The layout has respected the constraints of the Root Protection Areas of all trees on site. An Arboricultural Impact Assessment has been submitted in support of the application and includes measures for the protection of trees during the construction period and it is recommended that these be secured by condition.
- 5.68 Given the above the proposal is considered to be acceptable and in accordance with the CSUCP policy CS18 and Saved UDP policy ENV44.
- 5.69 URBAN DESIGN  
The proposal is for a low-density development form of mainly detached dwellings. It seeks to deliver one less than the approximate number referred to in CSUCP policy GV7.
- 5.70 The layout accommodates a 10m wide buffer of retained and enhanced mature tree planting to the green belt edge, retained and enhanced tree belt planting to the Pennyfine Road boundary to the east, to the north the back drop to the SuDS detention basin / open space and toddler play area is the mature planting that lines the Tanfield Railway Path and to the south existing mature tree planting all of which provides a sylvan foil to the site.
- 5.71 The SuDS basin whilst adequate to fulfil its function as indicated has an engineered appearance however it is considered that it should have a more naturalistic design and a condition is recommended for the final detail.
- 5.72 The proposed scheme comprises in the main two storey detached dwellings with 12 link terraced properties. The proposed house types are from the applicants contemporary design using a mix of brick and render. Final materials will be secured by condition. Final boundary treatment details will also be secured by condition.



- 5.73 Elevationally, the housetypes Cranford and Ashton are somewhat bland and should include comparable architectural embellishments similar to those seen on other house types. This can be secured by condition.
- 5.74 Given the above the layout, house types, boundary treatments and proposed landscaping are considered will create an acceptable development in accordance with CSUCP policy CS15 and Saved UDP policy ENV3.
- 5.75 **RESIDENTIAL AMENITY**  
There are four existing residential properties that share a common boundary with the application site. They are Curraig Thura, Linniefine House, Invercauld and The Cottage.
- 5.76 There are also residential properties on the opposite side of Pennyfine Road that face the application site.
- 5.77 The property and curtilage of Curraig Thura are proposed to be bound on all sides by the proposed development and Pennyfine Road. The curtilage is generous and gives no concerns in respect of overlooking or loss of privacy.
- 5.78 The application site bounds the rear and northern boundaries of Linniefine House. Plot 83 shares the rear boundary. The proposed gable end of the dwelling is some 10m from the rear elevation of the existing dwelling. A gated access from Linniefine House onto the shared surface serving plots 79 - 82 is included in the proposals.
- 5.79 The resident who occupies Invercauld also has a leylandii hedge on the northern boundary. The layout has taken this into account as the hedge provides a pleasant foil to the proposed development.
- 5.80 The fourth property that shares a boundary with the application site is The Cottage. The existing tree belt that runs along the shared boundary with The Cottage is not to be disturbed.
- 5.81 The properties that face the application site on the opposite side of Pennyfine Road are some 30m from the nearest proposed dwelling and there is no opportunity for harmful overlooking or loss of privacy or any overbearing impact on existing residential amenities. The tree belt that forms the boundary of the site with Pennyfine Road is to be retained and enhanced with further planting that will soften the outlook of the existing residents by screening the development.
- 5.82 The proposal is considered to be acceptable in terms of its impact on existing residential amenities.
- 5.83 The layout as proposed has been assessed in terms of the impact on the residential amenities of the future residents of the proposed dwellings. Adequate separation distances are provided, there is no opportunity for overlooking, each dwelling has private garden space, bin and cycle storage, and either a private drive or a garage and drive. The proposal is considered to

be acceptable in terms of its impact on residential amenities of future residents.

- 5.84 Given the above the proposal is considered to be acceptable and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.

5.85 NOISE

A Noise Survey has been submitted in support of the application. The report indicates that prevailing noise levels (road noise from Pennyfine Road) have been measured in detail and assessed according to representative "worst case" conditions. Detailed noise measurement has been carried out on a typical weekday.

- 5.86 On the basis of the proposed layout, noise amelioration measures are given in Section 6 of the report. These relate to the inclusion of additional sound insulation measures in the building envelopes at those facades affected by road traffic noise. These would afford, the residents of the proposed dwellings with acceptable internal and external (private amenity areas) noise environments. It is recommended that the measures be secured by an appropriate condition.

- 5.87 In order to protect the residential amenities of existing residents and future occupants of the early completions on the site it is considered necessary to condition a construction methodology statement that should include details of the compound, car park and a further condition restricting the hours of construction.

- 5.88 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV61 and CSUCP policy CS14.

5.89 STATEMENT OF COMMUNITY INVOLVEMENT

A public consultation event was held in June 2018 at Sunnyside Social Club. The event was well attended. A total of 43 comments forms were completed. Only 5 recorded an objection whilst 11 recorded support in particular the quality of the design, landscaping and layout as well as positive contribution to supporting vitality and viability of local services and facilities within Sunnyside. The remainder identified concerns. The most recorded concern related to the capacity of the local road network to accommodate the additional traffic associated with the development. 74% of comments identified highways as a concern. Delays at signalised junctions as well as queues on the A1692 from Lobley Hill and Pennyfine Road being used as a rat run if there were delays on the A1.

5.90 Community Infrastructure Levy (CIL)

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 application site is within Residential Zone A and the levy is £60 per sqm for market housing with an exception provided for the onsite affordable housing. The CIL contribution is

likely to be in the region of 500k but the final figure will not be calculated until the decision is issued.

**5.91 OTHER MATTERS**

Objectors have made reference to loss of property value. This is not a material planning consideration. Objectors also felt that housing should not be built on this land. The site is an allocated housing site that was removed from the Green Belt.

**5.92 A section 106 legal agreement is required to secure the requirements of CSUCP policy GV7 and these are:**

Affordable housing in perpetuity  
Highway mitigation works  
Biodiversity mitigation  
Local workforce commitments

**5.93 In addition, the proposed development would comprise approximately £160,00 in annual council tax receipts and £640,000 in New Homes Bonus receipts from the Government to be spent by the local authority where it is most needed.**

**6.0 CONCLUSION**

**6.1 The proposed development is consistent with the allocation of the site delivering 89 family homes that includes 15% affordable on site housing. The development as proposed integrates with the surroundings linking to the Tanfield Railway Path and the centre of Sunnyside. The design is sympathetic to the site constraints and character of the area and includes open space and landscape buffers to lessen the visual impact. The proposed development will make a significant contribution to the local economy.**

**7.0 Recommendation:**

**GRANT SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT**

**1) The agreement shall include the following obligations:**

Affordable housing in perpetuity  
Highway mitigation works  
Biodiversity mitigation  
Local workforce commitments

**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:**

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

Site Layout Plan 1013-AVA 100 Rev O  
Boundary Treatment 1013-AVA 101 Rev C  
Surface Treatment Plan 1013-AVA 102 Rev C  
Adoption Plan 1013-AVA 103 Rev C  
Landscape Strategy 1052\_100 Rev C  
Road Cross Sections N17197-903\_P2  
Long Sections N17197-210\_P1  
Long Sections N17197-211\_P1  
Long Sections N17197-212\_P1  
Long Sections N17197-213\_P1  
Construction Plan SUN\_CP\_01B

TPP. Pennyfine No.1,  
TPP.Pennyfine.South.No.1,  
TPP.Pennyfine.North.No.1,  
Pre Development BS5837 Arboricultural Implications Assessment  
Pennyfine Road 2018 prepared by Jim Richardson dated 18th June  
2018

FRA N1719 Rev 2 July 2018 Dan Hodgson Patrick Parsons  
Interim travel plan A089225-1 by David Groves of WYG dated 4th July  
2018  
LVIA Part 1, 2, 3, 4 and 5  
Noise Impact Assessment LA Environmental "Proposed Residential  
Development at Pennyfine Road, Sunnyside, Assessment of Noise  
Levels and Noise Amelioration Measures" prepared By Louise  
Anderson dated 27th June 2018  
Construction Method Statement Rev A  
Flood Risk Assessment and Drainage Strategy Rev 2 (28.08.2018)  
Landscape Strategy 1052\_100 Rev A

West boundary sections 1052\_110

Drainage Strategy Plan N17197-901\_P3

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.

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 development approved by this Planning permission shall be commenced until a Phase 2 intrusive site investigation is undertaken, (based on the findings of the Patrick Parsons Phase 1 report dated April 2018), and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, insitu testing, groundwater and ground gas monitoring, soil sampling, chemical laboratory testing, and geotechnical testing of samples to assess potential contamination issues and to inform foundation design.

The site investigation and Phase 2 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 the environment, 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, where applicable, recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Ground gas monitoring shall be undertaken at the site and a Gas Risk assessment report produced and submitted to the Local Authority with, where relevant, recommendations for ground gas mitigation measures.

The site investigation and Phase 2 report should also include, where applicable, Permeability tests and an assessment of potential contamination issues in relation to any proposed / required SUDS features.

Reason

In order to ensure the land is suitable for its sensitive 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.

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 3 shall be implemented prior to commencement of the development hereby permitted.

**Reason**

In order to ensure the land is suitable for its sensitive 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.

**5**

Prior to commencement of the development hereby permitted, where required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

NB The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in any proposed soft landscape areas.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, 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 National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

**6**

The details of remediation measures approved under condition 5 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, 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 National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

7

Following completion of the remediation measures approved under condition 5 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted and maintained for the life of the development.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, 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 National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

8

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. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local 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.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

9

Unless otherwise approved in writing by the Local Planning Authority, all works, demolition and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Internal works within dwellings shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1700 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays

**Reason**

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan and CS14 of the CSUCP.

**10**

Prior to commencement of the development hereby permitted (except for remediation works and tree protection measures) a Surface Water Drainage Scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and a Foul Water Drainage Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the scheme shall also include details of maintenance and management responsibilities for all components of the scheme for the design life of the development.

**Reason**

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and in order to comply with CSUCP policy CS17 and the NPPF.

**11**

Prior to first occupation of the development hereby permitted the details approved under condition 10 shall be wholly implemented in accordance with the approved details and retained for the life of the development thereafter.

**Reason**

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and in order to comply with CSUCP policy CS17 and the NPPF.

**12**

No development approved by this Planning Permission shall be commenced until a drainage layout drawing with accompanying cross section(s) through the flood zone and basin has been submitted. This



shall define the extents of surface water flooding as identified on the Gateshead Strategic Flood Risk Assessment and demonstrate that the extents of the drainage basin (and any other groundworks) lie outwith this zone.

**Reason**

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

13

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until an updated drainage assessment has been submitted showing the final drainage scheme, with confirmation of final discharge rates and volumes and including full Microdrainage modelling results. The assessment shall contain existing culvert condition survey, proposed repair or replacement works, and evidence of agreement with landowner and Northumbrian Water of the acceptability of the maintenance proposals. The assessment shall demonstrate the drainage hierarchy has been followed with evidence of site investigation in accordance with the CIRIA SuDS Manual (C697) has been submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until the culvert has been repaired and/ or replaced to the satisfaction of the Lead Local flood Authority, Northumbrian Water, and the Landowner.

**Reason**

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until an updated drainage assessment has been submitted. This shall include:

- o Demonstration that the final drainage scheme conforms with the DEFRA Non-Technical Standards for SuDS, and that the drainage

hierarchy has been followed with evidence of site investigation in accordance with the CIRIA SuDS Manual (C753).

- o An existing culvert condition survey, details of proposed repair or replacement works, and evidence of agreement with landowner and Northumbrian Water of the acceptability of the repair or maintenance proposals.
- o Detailed drawings of the drainage network showing clearly numbered pipes, falls, diameters, invert and cover levels that correspond with the submitted drainage model. Proposed contours, highway levels and finish floor levels should be submitted along with: existing and proposed site sections and levels; long and cross sections of the proposed drainage system; detailed drawings of all SuDS features and connections; detailed landscape plans showing proposed planting, seeding, hardworks and play features in and around SuDS features, including planting schedules.
- o SuDS Health and Safety Assessment where appropriate consideration and management of any health and safety issues relating to the SuDs system is required.
- o All necessary consents required for off-site works.

#### Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The details of SuDS measures approved under condition 15 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted and maintained for the life of the development

#### Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

17

A standalone drainage maintenance document is required that shall include confirmation of expected lifespan of underground storage, treatment device, and flow control, and detailed specification and methodology for their replacement if within the lifespan of the development. The maintenance document shall define the SuDs and drainage features, include specification of maintenance tasks; and schedule of tasks and inspections for the lifetime of the development. Confirmation of parties responsible for the system maintenance is required. The report shall include required maintenance to make the basin play area safe and useable after any inundation.

#### Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

18

The details approved under condition 17 shall be wholly implemented prior to first occupation of any of the dwellings hereby permitted in accordance with the approved details and retained thereafter for the life of the development

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

19

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until a drainage construction method statement has been submitted containing:

- o Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place.
- o Description of any construction methodologies to protect the SuDS functionality including the provision of any required temporary drainage systems, and methods for temporary protection of infiltration features, permeable surfaces, erosion prevention, pollution control, and de-silting prior to completion of works.

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

21

The development hereby permitted shall be undertaken wholly in accordance with the Construction Method Statement prepared by Amy McFaulds dated 25th September and construction plan SUN\_CP\_01 Rev B for the duration of the construction period

Reason:

To ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity in accordance with Saved UDP policies ENV3, DC2 and CSUCP policies CS13, CS14, CS18 and National Planning Policy Framework.

22

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until the developer has provided a positive response to the requirements of policy GV7.9.iii. by submission of details for the formalisation of drainage along the former railway line to mitigate flood risk to Burdon Park for the consideration and written approval of the Local Planning Authority.

Reason

To provide a positive response to the potential to manage surface water flood risk in the Burdon Park area in accordance with GV7.9.iii.

23

The details approved under condition 22 shall be wholly implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and retained for the life of the development thereafter

Reason

To provide a positive response to the potential to manage surface water flood risk in the Burdon Park area in accordance with GV7.9.iii.

24

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until full details of finished floor level and finished ground levels have been submitted for the consideration and written approval of the Local Planning Authority

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

25

The details approved under condition 24 shall be implemented wholly in accordance with the approved details prior to first occupation of the relevant plot and retained thereafter for the life of the development

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

26

Notwithstanding the drawings SUNN/CRD/001 and ASN/001 full details of the elevations of the housetypes Ashton and Cranford shall be submitted for the consideration and written approval of the Local Planning Authority. The details shall include comparable architectural embellishments similar to those seen on other house types

**Reason**

In the interests of the appearance of the development and to create an acceptable development in accordance with CSUCP policy CS15 and Saved UDP policy ENV3.

27

The details approved under condition 27 shall be wholly implemented in accordance with the approved details prior to first occupation of the relevant dwelling of the development hereby permitted

**Reason**

In the interests of the appearance of the development and to create an acceptable development in accordance with CSUCP policy CS15 and Saved UDP policy ENV3.

28

The noise amelioration measures detailed at Section 6 of a report entitled "Assessment of Noise Levels and Noise Amelioration Measures" by LAEnvironmental dated 27th June 2018 shall be wholly implemented prior to the first occupation of the relevant plot and retained for the life of the development

**Reason**

To protect the residential amenities of future occupants 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.

29

The development hereby permitted shall not progress above damp proof level, until final details of kerb edging materials, colours and finishes to be used have been submitted for the consideration and subsequent written approval by the Local Planning Authority.

**Reason**

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

30

The surface materials approved under condition 30 shall be fully implemented prior to first occupation of the relevant part of the development and retained thereafter for the life of the development

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with Saved Policies DC1 and DC2 of the Unitary Development Plan and policies CS13 and CS14 of the CSUCP.

31

Prior to the development hereby permitted progressing above damp proof course on the first dwelling commenced full details of the link between the sub station adjacent to plot 8 and the Open Space to the west connecting the site access road to the Tanfield Railway Path shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure the sustainability of the site and in accordance with CSUCP policy CS13 and the NPPF.

32

The details approved under condition 32 shall be wholly implemented in accordance with the approved details prior to first occupation of the first dwelling hereby permitted and retained thereafter for the life of the development.

Reason

To ensure the sustainability of the site and in accordance with CSUCP policy CS13 and the NPPF.

33

Prior to commencement of construction (except for tree protection measures and site investigations) details of a scheme to maintain a 20 MPH speed limit shall be submitted for the consideration and written approval. The proposals should allow for legal orders, signs and road markings.

Reason

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

34

The details approved under condition 34 shall be fully implemented prior to first occupation of the development hereby permitted and retained thereafter

Reason

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

35

Each driveway shall have a minimum visibility splay of 2m x 2m with no obstruction above 600mm

Reason

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

36

Prior to the first occupation of any dwelling hereby permitted final details of Electric Vehicle charging points for a minimum of 100% of the dwellings hereby permitted shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP

37

The details approved under condition 37 shall be implemented wholly in accordance with the approved details prior to the first occupation of each relevant dwelling and retained for the life of the development

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP

38

Prior to the first occupation of any dwelling hereby permitted final details of cycle storage for each plot to include details of the locking mechanism and anchor point to be located in each garage or shed shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

39

The details approved under condition 39 shall be implemented wholly in accordance with the approved details prior to the first occupation of each relevant dwelling and retained for the life of the development

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

40

Notwithstanding the housetypes hereby permitted, full details of two plots that meet Wheelchair Housing Standards, and nine plots that meet the Lifetime Homes Standard shall be submitted prior to the construction of foundations of any of the dwellings hereby permitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure provision of wheelchair and lifetime homes and in accordance with CSUCP policy CS11(2) and saved UDP policies H9 and H10.

41

The details approved under condition 41 shall be wholly implemented in accordance with the approved details prior to occupation of the relevant dwellings and retained for the life of the development

Reason

To ensure provision of wheelchair and lifetime homes and in accordance with CSUCP policy CS11(2) and saved UDP policies H9 and H10.

42

Prior to commencement of construction (except for tree protection measures and site investigations) details of:

- a scheme to introduce traffic calming measures on Pennyfine Road including improvements where the Tanfield Railway Path crosses Pennyfine Road;
- visibility splay details;
- footway connection along the western edge of Pennyfine Road;
- together with a timetable for delivery shall be submitted for the consideration and written approval.

The proposals should allow for legal orders, signs and road markings.

Reason

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

43

The details approved under condition 43 shall be wholly implemented in accordance with the approved details prior to the new access being brought into first use and retained thereafter for the life of the development

Reason

To ensure highway safety and in accordance with CSUCP CS13 and the NPPF.

44



No dwellings hereby approved shall be occupied until the submission of a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- Clearly defined objectives, targets and indicators.
- Details of proposed measures.
- appointment of a travel plan co-ordinator and their allocated budget
- Detailed timetable for implementing measures.
- Proposals for maintaining momentum and publicising success.
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Evidence of the implementation of the hereby approved Framework Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

**Reason**

In order to accord with the NPPF and policy CS13 of the CSUCP.

**45**

The Travel Plan approved under condition 45 shall be wholly implemented in accordance with the approved details for the life of the development

**Reason**

To ensure sustainable travel and in accordance with CSUCP CS13 and the NPPF.

**46**

The development hereby permitted shall not commence (except for intrusive site investigations) until samples have been made available for inspection and subsequent approval in writing by the Local Planning Authority.

**Reason**

To ensure that the proposed development does not have an adverse effect upon the appearance 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.

47

The development hereby permitted shall be undertaken wholly in accordance with the details approved under condition 50 and retained for the life of the development thereafter.

Reason

To ensure that the proposed development does not have an adverse effect upon the appearance 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.

48

All vegetation clearance works will be undertaken outside the bird breeding season (March to August inclusive), and in accordance with the agreed careful working method as recommended in the Mount Pleasant Road, Birtley Extended Phase 1 Ecology Survey report dated January 2015. Where this is not possible a checking survey will be undertaken by a suitably qualified person immediately prior to the commencement of works on site. Where active nests are present these will remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

To avoid/minimise harm to protected/priority species in accordance with the NPPF, Policy CS18 of the CSUCP, and saved policies of the UDP DC1(e) and ENV46.

49

Notwithstanding the information submitted and avoiding duplication with any activities and mitigation subject to licencing; a Biodiversity Method Statement covering:

- o habitats/ecological features to be retained on site
- o protected and priority species including bats, breeding birds, hedgehog, badger and common lizard, and;
- o invasive non-native species

shall be submitted to and approved in writing by the Council prior to the commencement of works on site. The content of the method statement shall including details of measures to be implemented to avoid/minimise the residual risk of harm to individual species during the construction and operations phases of the development; and to ensure, where possible, local populations are maintained at or above their current levels.

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with

CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

51

The Biodiversity Method Statement approved under condition 55 shall be implemented in full and retained thereafter for the life of the development.

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

52

Prior to first occupation of the development hereby permitted, a lighting strategy for biodiversity for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- o identify those areas/features on site that are particularly sensitive for biodiversity, including bats; and
- o 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.

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

Reason

To avoid harm to bats and ensure the maintenance of the 'local' bat population at or above its current level in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

53

The details approved under condition 53 shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter

Reason

To avoid harm to bats and ensure the maintenance of the 'local' bat population at or above its current level in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

54

Development hereby permitted shall not above progress above damp proof level, until final details of a fully detailed scheme for the play on the way equipment and its location has been submitted for the consideration and written approval of the Local Planning Authority

Reason

In the interests of residential amenity and in accordance with policies CFR28, CFR29 and ENV2 of the UDP and policy CS14 of the CSUCP.

55

The details approved under condition 57 shall be implemented in full prior to first occupation of the dwellings on plots 6, 17, 30 and 31 hereby permitted

Reason

In the interests of residential amenity and in accordance with policies CFR28, CFR29 and ENV2 of the UDP and policy CS14 of the CSUCP.

56

The development hereby permitted shall only be carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy Revision " dated 1 July 2018

Reason

To reduce the risk of flooding to the proposed development and future occupants and in order to accord with the NPPF and policy CS17 of the CSUCP

57

Prior to commencement of the development hereby permitted details of measures to improve the visibility splay of the access to Linniefine House shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

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

58

The details approved under condition 58 shall be wholly implemented prior to commencement of construction including site remediation

Reason

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

59

Development hereby permitted shall not above progress above damp proof level, until final details of a fully detailed scheme for the landscaping of the site detailing the retention, creation, enhancement and management of biodiversity and wildlife habitats within the site has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (except for the erection of tree protection measures, site security hoardings and site investigation) on site.

The landscaping scheme shall include details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

**Reason**

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e) , ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

60

The details approved under condition 22 shall be fully implemented in accordance with the approved details within the first available planting season following the approval of details.

**Reason**

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e) , ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

61

No groundworks or development shall commence until a programme of archaeological fieldwork (strip, map and record) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

**Reason:**

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

62

The dwellings hereby permitted shall not be first occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 62 has been submitted to and approved in writing by the Local Planning Authority.

**Reason**

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

63

The dwellings hereby permitted shall not be first occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

**Reason**

The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF.



