

Committee Report

Application No:	DC/18/00764/FUL
Applicant	Mr Bernard Carney
Date Application Valid	23 July 2018
Site:	Land At Church Road Gateshead
Ward:	High Fell
Proposal:	Erection of twelve dwellinghouses with associated accesses, parking and landscaping (amended and additional information received 09/10/18).
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 a vacant area of land of approximately 0.4 hectares in area on Church Road, Gateshead that slopes downwards from south to north. The site was formerly occupied by Ravenswood Care Home that was demolished in 2008 and it has been vacant since then. The site defined by a stone wall along 3 sides that ranges in height from approximately 0.5m at the junction with Church Road and climbs to approximately 2.5m in height at the northwest corner of the site. However, the majority of the wall is less than 2m in height. The front (southern) boundary of the site onto Church Road is defined by a tall hedge in excess of 2m in height.

1.2 The site is located between Church Lane to the east, Sourmilk Hill Lane to the west, the rear of properties on Egremont Gardens to the north and Church Road to the south. The site has a pedestrian access gate from Church Road and a vehicular access gate from Church Lane. The site previously also had vehicular access from Sourmilk Hill Lane, but this was removed as part of the demolition works.

1.3 The site has several trees on site, a mature hedge along the front boundary and has developed into a high quality grassland habitat due to being left undeveloped since 2008. The site is located in Sheriff Hill Conservation Area, is close to the QE Hospital, Sheriff Hill Local Centre and Low Fell District Centre. The character of the area is made up residential properties of differing sizes and types, with a mixture of stone, brick, render, slate and tiles being the predominant materials.

1.4 DESCRIPTION OF THE APPLICATION

This application proposes the erection of twelve dwellinghouses with associated accesses, parking and landscaping (amended and additional

information received 09/10/18). The scheme involves 8 semi-detached 3 bed two-storey houses, 2 detached 4 bed houses and 2 detached 5 bed houses. The semi-detached houses are to be constructed from red brick with slate roofs and the detached properties are to be built from stone with slate roofs. The properties would be laid out in 2 rows of six, with plots 1-6 facing onto Church Road and 7-12 behind. All the properties will have off-street parking provision, with plots 1-6, 7 and 12 also having garages. Plots 2-5 access their off-street parking and garages from Church Road, plot 6 access their garage of Church Lane and plots 1 and 7-12 access their off-street parking and garages off Sourmilk Hill Lane. Sourmilk Hill Lane is to be widened to 5m as part of the development by removing the existing boundary wall to the application site along its western boundary and giving over a section of the site for the road expansion.

- 1.5 The development would provide 4 visitor parking bays, landscaping and open space/drainage provision.
- 1.6 RELEVANT PLANNING HISTORY
DC/08/00071/CON: CONSERVATION AREA CONSENT issued for demolition of residential care home.

2.0 Consultation Responses:

Coal Authority No objection subject to conditions.

Tyne And Wear Fire And Rescue Service No comments received.

Northumbria Water No objections subject to a condition.

3.0 Representations:

- 3.1 Neighbour notification letters were issued on 02/08/2018 and a site notice was displayed.
- 3.2 A 16 name petition was received from local residents on the back of the August 2018 notification process, raising concerns regarding highway safety and flood risk associated with Sourmilk Hill Lane.
- 3.3 12 letters of objection were also received from local residents and raise the following concerns:
- Increase in traffic.
 - Problems with drainage.
 - Streetlighting.
 - Loss of light.
 - Visual intrusion.
 - Overlooking.
 - Loss of trees.
 - Parking issues.

- Out of keeping with the area.
- Impact on bats.
- Refuse storage.

3.3 1 letter of support was also received from a local resident.

3.4 Following the submission of amended plans, further neighbour notification letters were issued on 09/10/2018 and 7 letters of objection have been received from local residents raising similar concerns to those listed above.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

DC1D Protected Species

DC1P Contamination, derelict land, stability

H4 Windfall and Small Housing Sites

H9 Lifetime Homes

H10 Wheelchair Housing

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

MWR28 Prov of Facilities in new Developments

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues to be considered are the principle of the development, CIL, play and open space provision, design, landscape, ecology, trees, highway safety, drainage, contaminated land, coal mining legacy, refuse and residential amenity.

5.2 PLANNING POLICY

5.3 Windfall housing

As the application site is not specifically allocated for housing in the UDP (2007), proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP.

5.4 The site forms a windfall site. The National Planning Policy Framework (NPPF) states that "... housing applications should be considered in the context of the presumption in favour of sustainable development."

5.5 With regards to sustainable development, this is a largely residential area, which is also close to Sheriff Hill Local Centre. It is considered that this proposal would not be at odds with the established character of the area and the amenity of future residential occupiers can be safeguarded. This will be discussed in more detail later in the report. 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 Notwithstanding the above, as part of the emerging Making Spaces for Growing Places (MSGP) document it is proposed that this site becomes an allocated housing site. Therefore, should policy MSGP10 become adopted, this proposal would comply with the principle of the policy.

5.7 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 proposal is for the development of 8 x 3 and 4 x 5 bedroom dwelling houses, which satisfies this policy objective.

5.8 Affordable Homes

This proposal falls below the policy threshold within CSUCP CS11 (5) and therefore no affordable housing provision or contribution is required.

5.9 Lifetime Homes and Wheelchair accessible homes

This proposal falls below the policy threshold within CSUCP CS11 (2) and saved UDP policies H9 and H10.

5.10 Residential space standards

Policy CS11 of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". This proposal is considered to provide good size properties that would provide more than adequate space inside and outside of the home and therefore complies with policy CS11.

5.11 Open space

The application site has developed an informal status as an open space due to the site being vacant since 2008. However, given its informal status and the emerging MSGP10 policy, which allocates the site for housing, it is not considered that the site should be considered to contribute to the public open space provision of the Sheriff Hill area. Therefore, there would be no requirement for this development to provide any.

5.12 Play provision

Saved UDP Policies CFR28, CFR29 and CFR30, relating to the provision of play facilities is considered to apply to the current application.

5.13 The application includes an area of land adequate to meet the requirements of an on-site toddler play area that would also serve as an open space and SuDS feature. Therefore, the proposal does accord with saved policy CFR28 of the UDP.

5.14 Regarding off-site contributions towards junior and teenage provision, 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.

5.15 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area and the contribution generated by this development would not be sufficient to fund the improvements required at the sites referred to above or provide new facilities. Therefore, the Council cannot seek any further obligations in respect of these matters.

5.16 Consequently, while it cannot be concluded that the proposed development would comply with saved policies CFR29 and CFR30 of the UDP it is

considered that it is not possible to require any contribution for play provision in this case, based on the above assessment.

5.17 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a 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 housing related. However, the development is located within Charging Zone C, which has a levy of £0 per square metre for this type of development. As such no CIL charge is liable.

5.18 DESIGN AND VISUAL AMENITY/CONSERVATION AREA/LANDSCAPING AND BOUNDARY TREATMENT

The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area, including the character and appearance of Sheriff Hill Conservation Area and would not appear out of keeping with the existing housing stock and other buildings as a result.

5.19 Furthermore, the design of the properties would create sufficient amenity space and prevent the site from being overdeveloped. Precise details of the materials to be used as part of the development (facing bricks and stone, roof slate, door and window frames, etc.) have been submitted and are considered to be acceptable in terms of preserving visual and residential amenity. Therefore, it is considered appropriate to condition that final details of materials should be submitted for approval (conditions 9 and 10).

5.20 Some boundary treatment information has been submitted showing a combination of brick walls, timber fencing and hedging, which is broadly considered to be acceptable in terms of preserving visual and residential amenity. Therefore, it is considered appropriate to condition that the final boundary treatments are submitted for approval (conditions 11 and 12).

5.21 Regarding landscaping, some details of soft and hard landscaping have been submitted but it is considered that more information is required to ensure that an appropriate landscaping scheme comes forward. This is particularly relevant in respect of replacing the hedge on the Church Road boundary and the new trees and other planting to replace the number of trees to be lost as part of the development. Therefore, it is considered necessary to condition their final approval to ensure visual amenity is preserved (conditions 13-15).

5.22 Subject to the above the development would accord with the NPPF, policy CS15 of the CSUCP and saved policies ENV3, ENV7 and DC1(c) of the UDP.

5.23 TREES

The site has several trees on it and there is also a mature hedge along the front boundary of the site with Church Road. The site is in a conservation area and hence the trees have statutory protection and cannot be removed without first requesting consent from the Local Planning Authority. This application proposes to keep only one of the existing trees, which is towards the north-east

corner of the site and proposes the remove the hedge from the front boundary too. A tree survey has been submitted, which sets out that all but two of the trees are of limited amenity value and hence should be removed and one of the two good quality trees cannot be retained, as it would unduly impact on the site layout. The report also concludes that the hedge is of poor quality and should be removed and that a high-quality landscaping scheme with replacement planting would be better than retaining the existing soft landscaping.

5.24 The submitted tree survey has been assessed and the works proposed are accepted, subject to a good quality landscaping scheme being submitted, including replacement tree planting and appropriate tree protection measures be installed for the tree to be retained. This can be controlled by conditions (conditions 3-5) and subject to them the proposed development accords with the NPPF, policy CS18 of the CSUCP and saved policy ENV44.

5.25 ECOLOGY

The proposed development site is dominated by an area of semi-improved (neutral) grassland with individual/scattered self-sown and semi-mature trees and a beech/hawthorn hedge along the southern boundary. The proposed development will result in the direct loss of most habitats on site, as is set out in the submitted ecology report, which confirms the development will result in residual impacts on biodiversity, including the direct loss of habitat for which no onsite compensation is provided/possible. In accordance with the mitigation hierarchy/NPPF the report acknowledges the requirement for suitable ecological compensation (to be delivered offsite) to ensure no net loss of biodiversity.

5.26 The Council's ecologist has identified an appropriate/proportionate biodiversity offset to be delivered on Council land near (i.e. less than 1.5 kilometres) to the proposed development site. This comprises the restoration and enhancement of an existing area of grassland requiring:

- Preparation of a concise management plan/annual maintenance programme
- Scrub clearance/control including herbicide treatment
- Annual mechanical cutting and removal/disposal of arisings offsite
- Periodic monitoring to ensure conservation objectives are achieved
- Maintenance of offset for a period of no less than 20yrs.

5.27 The provision of an appropriate biodiversity offset is secured through a S106 agreement, which means the proposed development can be delivered within ecologically acceptable limits and achieving no net loss of biodiversity and thus according with the NPPF and the relevant Core Strategy policy CS18 and saved UDP policies DC1(d), ENV44, ENV46 and ENV47.

5.28 The site is also likely to support bat activity and therefore the loss of several trees, which will support bat activity, should be mitigated against by the addition of bat roost features within the new buildings. This can be addressed by conditions (conditions 16-17).

- 5.29 An invasive non-native species plant (Cotoneaster) was identified on site during the site visit and should be dealt with appropriately in accordance with Schedule 9 of the Wildlife & Countryside Act, 1981 (as amended). An informative to that effect has been added to this recommendation.
- 5.30 Vegetation clearance should not take place during the bird breeding season wherever possible and thus a condition to that effect is recommended (condition 6).
- 5.31 **FLOOD RISK AND DRAINAGE**
The application has been submitted with a flood risk assessment that has assessed all sources of flooding in accordance with policy CS17 of the CSUCP. It has identified any potential risks and the layout of the development reflects this by locating the main SuDS feature and recreational area in the part of site most likely to suffer surface water flooding and likewise the houses are positioned to help minimise the risk of being flooded.
- 5.32 The principle of the drainage strategy is acceptable, but several 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 18-19).
- 5.33 Furthermore, Northumbrian Water have offered no objection, subject to conditioning that the scheme comes forward in accordance with the submitted drainage scheme report (condition 20).
- 5.34 **CONTAMINATED LAND/COAL MINING LEGACY**
The site is situated on potentially contaminated land based on previous historic development use and from contamination existing in imported made ground used as a historic development platform and from contamination present in the ground from building materials/demolition arisings.
- 5.35 In view of the sensitive end use proposed and following discussions at pre-application stage the planning application is supported by a Preliminary Risk Assessment (PRA), a Phase 2 Site Investigation Report and a Remediation Statement.
- 5.36 Only a limited number of samples at the site have been undertaken over and above the 2010 report, which recommended further sample testing. Furthermore, no soil vapour monitoring has undertaken, which is also recommended in the submitted report.
- 5.37 Therefore, further ground investigation and remediation work is required to be submitted for approval by the LPA and this can be addressed by conditions. It is considered that these conditions can also address any outstanding coal mining legacy issues (conditions 21-23).

- 5.38 It is also considered necessary to apply a condition, should planning permission be granted, to address the necessary course of action if unexpected contamination not previously identified is discovered during construction (condition 24).
- 5.39 Subject to the conditions referenced above the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies ENV54 and DC1(p) of the UDP.
- 5.40 **TRANSPORT AND HIGHWAYS**
The principle of residential development on this site is acceptable and subject to the following paragraphs there is no objection to the scheme on transport and highways grounds.
- 5.41 The location of the access off Church Road is acceptable and a suitable visibility splay has been demonstrated. The proposed dropped kerb access is acceptable for such a small private drive serving 4 dwellings, although due to the parking which takes place on Church Road, it is considered that a white H-bar marking be installed over the access to reduce the likelihood of obstruction, which can be dealt with through a Section 38 agreement between the developer and the Council's Highway Authority.. The low boundary treatment either side will allow inter-visibility between emerging vehicles and pedestrians on the footway.
- 5.42 The access off Sourmilk Hill Lane is also acceptable given the proposed widening of the lane from 3.25m to 5m, which will enable two vehicles to pass.
- 5.43 The kerbed radii on the existing junction with Church Road will need to be reconfigured accordingly and dropped kerbs and tactile paving installed. Drainage of the Lane should be assessed as part of the widening with gullies relocated and new gullies installed where needed. Street lighting and road signs should also be relocated/upgraded at the Sourmilk Hill Lane junction. Roadside gullies and streetlighting can be addressed by conditions (conditions 25-28).
- 5.44 The 2m footway alongside the lane, the visitor parking bays and a section of the access road will also be adopted up to a point where a refuse vehicle would reverse into the site, which is 5m wide over the adopted section. Vehicle tracking of a refuse collection vehicle has been provided and is considered acceptable. Given that the access only serves 4 dwellings and vehicle tracking of a refuse vehicle has been proven the width of the proposed access as shown is accepted.
- 5.45 Any further development off Church Lane is undesirable given that it is an unadopted road already serving 5 dwellings (the maximum typically permitted) and there is poor visibility when emerging onto Church Road. However, it is considered unreasonable to object to a single additional dwelling, given that the site previously had a vehicular access off this road and as such there is a presumably a right of access. Dwelling 6 will also have a pedestrian access

onto Church Road and the visibility to the right when emerging onto Church Road will be improved by the development.

- 5.46 The car parking provision for residents is acceptable, averaging between 1 and 2 spaces per property. The provision of 4 visitor bays is also acceptable and equates to a space for every 3 dwellings.
- 5.47 Refuse collection for dwellings 1 to 6 can take place from Church Road.
- 5.48 Secure and weatherproof cycle parking for bicycles has been provided for each dwelling in the form of garages and sheds.
- 5.49 Overall, subject to the conditions set out above the proposal would safeguard highway safety and hence would accord with the NPPF and policy CS13 of the CSUCP.
- 5.50 **RESIDENTIAL AMENITY**
It is considered that the orientation of windows, the layout of the site, including car parking, and the sympathetic design approach should help to safeguard residential amenity to neighbouring properties, both existing and proposed. Furthermore, the separation distances to all the nearest neighbouring properties exceeds the relevant minimum recommendation distances of 13m and 21m respectively, and therefore visual intrusion, overshadowing, loss of light and overlooking are not considered to be issues.
- 5.51 In addition to the comments above, it is considered reasonable to condition that construction works should only take place during typical daytime hours of 8am-5pm Monday to Saturday to safeguard residential amenity (condition 29).
- 5.52 It is also necessary to condition the submission of a construction control plan to further help safeguard the amenity of nearby residents by minimising the impact of the construction phase (conditions 7-8).
- 5.53 Subject to these conditions the proposal would accord with the NPPF, policy CS14 of the CSUCP and policies DC2 and ENV61 of the UDP.
- 5.54 **REFUSE**
Each plot has sufficient rear garden space for the storage of wheeled bins, with easy access to wheel them out for collection, the road layout is good and the provision of a refuse collection area for plots 7-12 reduces the need for reversing for the 26 tonne HGV waste collection vehicles and would rationalise the bins on collection day. Therefore, it is considered that the proposal accords with the NPPF and saved policy MWR28 of the UDP.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation

is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

- £15,600 off-site ecological mitigation works

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

3) That the Service Director of Development, Transport and Public Protection 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 -
PL-01; PL-02 Rev B; PL-03 Rev B; PL-04 Rev A; PL-05 Rev A; PL-06 Rev B;
PL-07 Rev A; HT-3B5P-1-01 Rev B; HT-5B9P-01 Rev A; HT-5B10P-01
Rev B; HT-5B10P-02 Rev B; GAR-01; AIA TPP Rev A dated 8/10/2018.

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

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

Reason

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

3

The details shown on approved tree protection scheme plan ref AIA TPP Rev A dated 8/10/2018 for the protection of tree "T10A" shall be implemented on site, and the Local Planning Authority notified in writing, prior to all other development or other operations commencing on site.

This includes soil moving or any operations involving the use of motorised vehicles or construction machinery. Once implemented the fencing must be retained intact for the full duration of the construction of the development and there shall be no access, storage, ground disturbance or contamination within the protected areas without the prior written approval of the Local Planning Authority.

Reason

In order to maintain the health and visual amenity of the tree concerned in the interests of the visual amenity of the area and in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV44 of the Unitary Development Plan.

4

The approved tree protection plan ref AIA TPP Rev A dated 8/10/2018 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 Local Planning Authority 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

In order to maintain the health and visual amenity of the tree concerned in the interests of the visual amenity of the area and in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV44 of the Unitary Development Plan.

5

Notwithstanding the submitted information, no development or other operations of any kind in connection with the construction of plot 7 shall commence on site until a site-specific manufacturers construction specification for the area shown as hatched green on the approved Tree Protection Plan AIA TPP Rev A dated 8/10/2018 has been submitted to and approved in writing by the Local Planning Authority. The design must be based on the principles recommended in the All About Trees Arboricultural Impact Assessment revision A.

Reason

In order to maintain the health and visual amenity of the tree concerned in the interests of the visual amenity of the area and in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV44 of the Unitary Development Plan.

6

No vegetation clearance works shall be undertaken during the bird breeding season (i.e. March to August inclusive). Where this is not possible a breeding bird checking survey will be undertaken by a suitably qualified ecologist immediately prior (i.e. no more than 48hrs) to the commencement of works on site. Where active nests are confirmed these must be retained undisturbed until the young have fledged and the nest(s) is no longer in use.

Reason

To safeguard biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy DC1(d) of the Unitary Development Plan.

7

Save for the tree protection works and vegetation clearance works, the development hereby approved shall not commence until 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.

8

The construction control plan approved under condition 7 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.

9

Construction of the new development hereby approved shall not proceed beyond damp proof course until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are 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, ENV3 and ENV7 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

The development shall be completed using the materials approved under condition 9 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, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

The development hereby approved shall not be occupied until a fully detailed scheme for the boundary treatment of and within the site 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 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.

12

The boundary treatment details approved under condition 11 shall be implemented wholly in accordance with the approved details prior to the development being occupied and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of 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.

13

The development hereby approved shall not 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 details and proposed timing of hard landscaping, the

proposed replacement tree and hedge planting scheme, which shall include numbers, location, size and species proposed, ground preparation and planting plans noting the species, plant sizes and planting densities for all other new planting.

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.

14

The landscaping scheme approved under condition 13 shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

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.

15

The approved landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

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.

16

Prior to the first occupation of the development, information detailing a minimum of 3no. potential bat roost features incorporated within the fabric of the new buildings shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV46 of the Unitary Development Plan.

17

The 3 potential bat roost features approved under condition 16 shall be implemented prior to the first occupation of the respective properties and retained as such thereafter.

Reason

To safeguard biodiversity in accordance with the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policy ENV46 of the Unitary Development Plan.

18

Save for the tree protection works and vegetation clearance works, the construction of the development hereby approved shall not be commenced until a final SuDS scheme and detailed drainage assessment (including modelling results) has been submitted to and approved in writing to the Local Planning Authority. The scheme and assessment shall include detailed drainage layout and detail designs of the SuDS components; drainage maintenance plan for the lifetime of the development; drainage construction method statement; and evidence to demonstrate that there is adequate foul and surface water public sewerage capacity based upon NWL's agreed discharge volumes and rates before connecting to the public sewerage system. All submitted information shall be in accordance with the Gateshead Council Interim SuDS Guidelines (V2).

Reason

To ensure appropriate drainage and the exploration as to sustainable drainage systems 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.

19

The details approved under condition 18 shall be implemented prior the first occupation of the development and maintained as such for the life of the development.

Reason

To ensure appropriate drainage and the exploration as to sustainable drainage systems 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.

20

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk & Drainage Impact Assessment Revision B (18N2004/Rep001/RevisionB) by Billingham George & Partners for Church Road, Gateshead for New Forest Developments" dated "18 July 2018". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 4505 and

ensure that surface water discharges at a restricted rate to the combined water sewer at manhole 4505. The surface water discharge rate shall not exceed 5l/s into this sewer.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

21

Save for the tree protection works and vegetation clearance works, the development hereby approved shall not be commenced until a reassessment of the contamination / ground gas findings and recommendations provided in the Atkins 2010 phase 2 report shall be undertaken, and where necessary further Phase 2 site investigations undertaken. The findings are to be provided in a Remediation Statement with proposals for remedial mitigation measures to deal with soil contamination, coal mining legacy and ground gas related issues at the site and should be submitted for the written approval of the Local Authority.

The remediation scheme shall 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 and the Coal 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.

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.

22

The details of remediation measures approved under condition 21 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.

23

Following completion of the remediation measures approved under condition 21 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.

24

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.

25

Prior to works commencing on the widening of Sourmilk Hill Lane details where the existing roadside gullies are to be relocated to and details of new gullies to be installed where needed shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

26

The roadside gullies approved under condition 25 shall be implemented prior to the first occupation of the development and shall be retained as such thereafter.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

27

Prior to the first occupation of the development hereby approved full details of the proposed street lighting scheme, including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

28

The street lighting details approved under condition 27 shall be implemented in accordance with the timetable approved under condition 27 and maintained as such for the life of the development.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

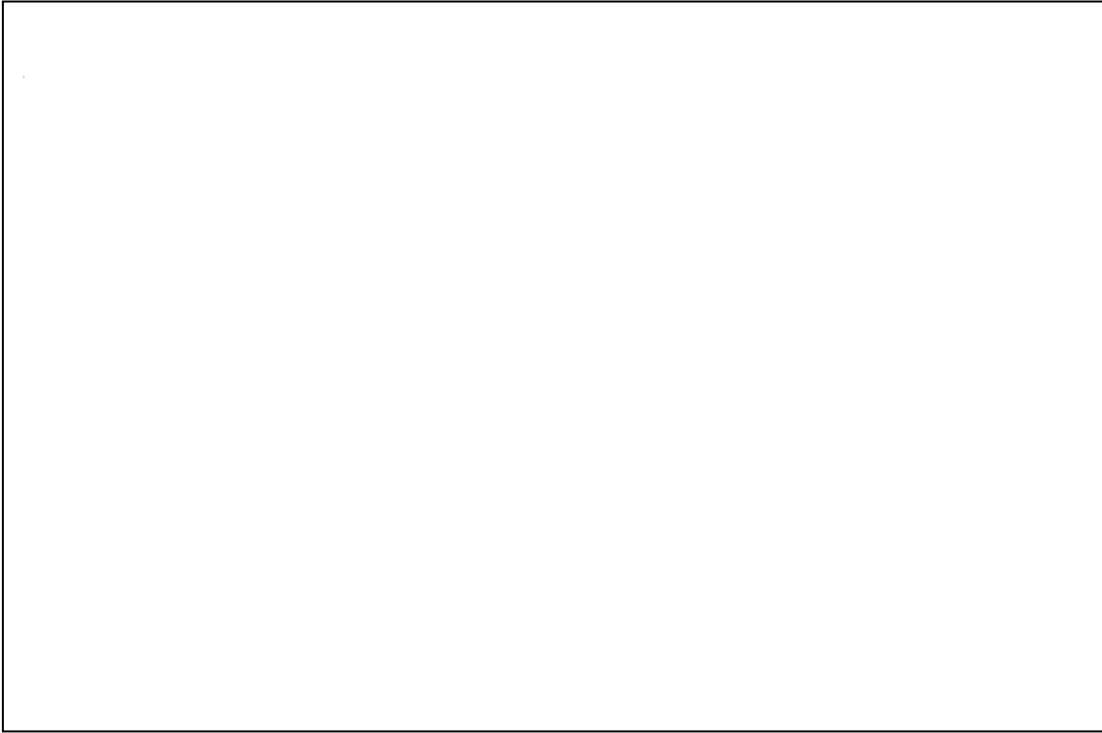
29

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved policies DC1(h), 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.



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