

**Committee Report**

<b>Application No:</b>	<b>DC/18/00745/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>18 July 2018</b>
<b>Applicant</b>	<b>Tyneside Investments Ltd</b>
<b>Site:</b>	<b>Land At Hepburn Gardens Cross Row Gateshead</b>
<b>Ward:</b>	<b>Felling</b>
<b>Proposal:</b>	<b>Proposed erection of 30, two and three bed two-storey houses (amended 07/11/18).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application relates to an area of land located at Hepburn Gardens, Felling. The application site is previously developed land having previously been used as a scrap metal dealers premises.

1.2 The application site is bound by the metro line and associated retaining structure to the south, highway verge to Hepburn Gardens to the east, back Pensher Street East to the north and open space (which is the subject to a separate planning application which is to be covered elsewhere on this agenda) to the west. Land levels on site are largely flat.

**1.3 DESCRIPTION OF THE PROPOSAL**

The application seeks consent for the erection of 30 dwellings and associated works.

1.4 The housing proposed on site is broken down as follows;

- 16 X 2 bed houses (53%); and
- 14 X 3 bed houses (47%).

1.5 It is proposed that the development will be made up entirely of two-storey properties, the majority of the houses are to be provided in a series of three terraces to the north of the application site. The remainder of the properties would be located to the south of the site in four pairs of semi-detached properties. All properties are to be of traditional brick and tile construction.

1.6 The application proposes the provision of a number of areas of open space, with the most significant areas located around the site access. Further, the application proposes the creation of a pedestrian link to the north west of the site linking the site with the wider highway network. Improvements to the highway access at Pensher Street East are also proposed.

1.7 It should also be noted that application DC/18/00746/FUL has been submitted alongside the current application. Application DC/18/00746/FUL seeks consent for the erection of six two and three bedroomed properties. This application will take place on an adjacent application site and form part of the wider development of the land. The current application would represent Phase One which would deliver the road structure and the first 30 dwellings (Phase Two would complete the overall redevelopment of the site with the final run of 6 terraced dwellings to the west of the development.)

1.8 The application is accompanied by the following documents:

- Planning Statement;
- Affordable Housing Statement;
- Viability Assessment;
- Design and Access Statement;
- Contaminated Land Preliminary Risk Assessment;
- Acoustic Design Statement and;
- Flood Risk and Drainage Assessment.

## 1.9 PLANNING HISTORY

1.10 The planning history relevant to the current application is set out below;

- Application DC/07/00970/FUL for residential development was withdrawn.
- Application DC/07/01712/FUL for 34 dwellings was approved subject to conditions, one of which (condition 10) related to affordable housing.
- Appeal APP/H4505/A/08/2084455, against condition 10. That appeal was allowed, finding that the condition failed the fundamental test of need, and did not demonstrate that it was necessary in the interests of meeting the need for affordable housing in the area.
- Application DC/18/00746/FUL for the erection of six two and three bedroomed properties is under consideration.

## 2.0 Consultation Responses:

Northumbrian Water No objection subject to condition.

Northumbria Police No objection.

The Coal Authority No objection.

## 3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. No representations have been received.

## 4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H9 Lifetime Homes

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

MSGP Making Spaces for Growing Spaces (Submission Draft)

## **5.0 Assessment:**

5.1 The detailed planning considerations are the principle of the proposed development, visual amenity/design, residential amenity, transport, ecology, flood risk/drainage, contaminated land, open space and play and CIL.

### **5.2 PRINCIPLE**

The application site is not specifically allocated for housing in the UDP, however the site is allocated for housing under the emerging Making Spaces for Growing Places LPD (MSGP). MSGP indicates a capacity of 22 units for the site; MSGP is at Submission Draft stage and as such cannot be afforded full weight.

5.3 The proposal would provide more than the suggested number of dwellings (a total of 36 across both applications). Subject to satisfying all other material considerations the proposed numbers are considered to be acceptable given the highly sustainable location of the site at 300 metres from a Metro Station and links to existing bus networks and previous planning approvals on the site.

5.4 On the basis of the above, the proposal needs to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.

5.5 It is considered that the site meets the saved criteria set out in policy H4 in relation to its highly sustainable and accessible location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result, the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.

### **5.6 Housing Mix**

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).

5.7 Policy CS11 of the CSUCP sets out the mix of housing that should be provided as part of any new development and aims to promote lifetime neighbourhoods with a good range and choice of accommodation. Additionally, saved Policy H5 of the UDP requires developments to offer a range of housing in terms of sizes and types for different groups.

5.8 As such the development provides the following mix of dwellings, this mix is based upon the development experience/perception of the need and demand in the area:

- 16 X 2 bed houses (53%); and
- 14 X 3 bed houses (47%).

5.9 It is considered that the proposed mix provides a range, choice of accommodation and provides family homes in accordance with policy CS11 of the CSUCP and saved UDP policy H5.

5.10 Affordable Housing

Policy CS11 requires that where there is evidence of a need for affordable housing, the Council will seek the provision of a proportion of affordable housing on all housing developments of over 15 units or more or on sites of 0.5 hectares or more in size (subject to development viability).

5.11 A Viability Assessment has been submitted by John Watson Consulting on behalf of applicant in accordance with RICS Professional Guidance Note: Financial Viability in Planning; the assessment has been assessed and verified by officers. The key factor considered within the report is the build cost, specifically including the site remediation costs.

5.12 The submitted Viability Assessment demonstrates that the scheme is marginal based upon the costing provided (assuming a 0% affordable housing provision). In assessing the viability assessment, the Property and Assessment Management team within the Council concluded;

*"In summary appraisal spreadsheet inputs are reasonable for this type of residential development and its location within Gateshead and supports the view of no affordable housing product within the scheme."*

5.13 Officers have afforded significant weight to the viability assessment provided by the applicant and therefore are of the view that the scheme could not realistically proceed with an affordable housing element included.

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

5.15 Residential space standards

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

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

5.17 DESIGN ISSUES

The NPPF at Paragraph 124 makes it clear that *'the creation of high quality buildings and places is fundamental to what the planning and development*

*process should achieve.'* It goes on to make clear that *'good design is a key aspect of sustainable development...'*

- 5.18 Further, Paragraph 130 states that;  
*"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."*
- 5.19 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.20 The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area. The proposed development would lead to a significant improvement in terms of design quality, the proposed development provides a positive response to the site constraints and includes the use of quality materials and detailing including the use of brick heads and canopies.
- 5.21 Further, the proposal would allow for a good quality environment with open space and landscaping punctuating well-functioning parking areas. The proposal also includes a strongly defined site entrance with bespoke corner turner units. All the above helps provide a development with a strong and distinctive character while also respecting existing development within the area.
- 5.22 Full details of the external materials need to be approved prior to their use, this can be secured via planning conditions (Condition 3 and 4).
- 5.23 With regard to landscaping, hard landscaping has been submitted as part of the application and are considered acceptable; it is considered necessary to condition the use of these materials (Condition 5). While a general landscaping scheme has been provided, it is considered necessary to condition the submission of final landscaping details, implementation, maintenance and retention in accordance with the submitted details (Conditions 6, 7 and 8).
- 5.24 Furthermore, the boundary treatment details submitted in support of the application are considered to be acceptable. It is considered necessary to condition the installation and retention of the proposed boundary treatments (Condition 29).
- 5.25 It is considered that the application handles development and site constraints in a positive manner, resulting in a development which offers a significant improvement to the area.

5.26 The proposed development has successfully demonstrated that it has achieved a high standard of design that will contribute to the site and its surrounding context. The scheme is considered to offer a significant design improvement and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.

#### 5.27 RESIDENTIAL AMENITY ISSUES

Given the distances between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.

5.28 It is considered that the internal separation distances within the site strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. On this basis, the internal layout is considered to be acceptable and would provide a quality environment for the future occupiers of the proposed houses.

5.29 Further, it is considered that the proposed development would not impact unacceptably on the development proposes to be considered under application DC/18/00746/FUL, conversely that application will not impact on the proposed development.

5.30 Noise from the railway line has potential to impact on amenity levels for future occupiers. The applicant within their Acoustic Design Statement has set out a number of mitigation measures (ventilation and insulation specifications) to help limit impact; it is considered the installation of these measures should be secured by condition (Condition 9). Whilst It is accepted that the occupiers would experience a level of disturbance from this relationship, the proposed mitigation would help to ensure that the resultant noise environment would be acceptable.

5.31 Construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 10 and 11).

5.32 Officers are therefore of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and it would secure appropriate living conditions of the future occupiers of the proposed houses. It is considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.

#### 5.33 TRANSPORT ISSUES

The layout of the scheme is acceptable in highways terms offering a legible layout. As reference above the hard landscaping will be secured through a condition (Condition 5).

5.34 The development further aids connectivity through the provision of footpath links to the wider highway network and will result in improvements with the junction of Pensher Street East; the delivery of these works can be secured via planning conditions (Condition 12 and 13).

5.35 The application site provides for an appropriate level of both resident and visitor parking within the application site. Further, secure and weatherproof cycle parking is to be provided by way of a shed in the rear garden of each property; the provision of these sheds will be secured through condition (Condition 14). All properties have an external route which allows bins and cycles to be transferred from rear to front.

5.36 Subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.

#### 5.37 ECOLOGY ISSUES

When considering the ecological impact of this scheme policy guidance is offered in the NPPF, Policy CS18 of the CSUCP and saved UDP Policies DC1, ENV46 and ENV47.

5.38 Paragraph 118 of the NPPF sets out the ecology 'mitigation hierarchy' as follows;

- Avoidance - can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts.
- Mitigation - where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations.
- Compensation - where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity.

5.39 The application is not supported by an ecological survey, assessment and mitigation report; based on visits to the site Officers are of the view that the proposal is likely to result in the loss of short perennial ephemeral grassland, semi-improved grassland, areas of impeded drainage (shallow seasonal wetland), tall ruderals and scattered scrub. It is considered likely that the proposal will result in a loss of biodiversity.

5.40 Given the proposed development, it is not considered possible to avoid the loss of biodiversity. It is, however, possible to mitigate the impact to some extent through the control of the proposed landscaping scheme (Conditions 6, 7 and 8) and the submission of an ecological method statement (Conditions 15 and

16). However, it is the view of Officers that a residual impact would remain; the only mechanism for dealing with this impact would be through offsite compensation.

5.41 There is no offsite mitigation proposed as part of the development, further it is the view of Officers that it would not be possible to provide any offsite mitigation owing to the marginal viability of the scheme.

5.42 Based on the above, it is considered that the proposal would fail to comply with the aims and objectives of the NPPF, saved policies DC1(d), ENV46 and ENV47 of the Council's UDP and policy CS18 of the Council's CSUCP. This non-compliance would count against the application; this would need to be considered against other material planning considerations and more specifically the positives of the scheme.

#### 5.43 FLOOD RISK/DRAINAGE

The application site is located within Flood Zone 1 (least risk at a 1:1000 year chance of flooding) and adjacent to a Critical Drainage Area as such a Flood Risk Assessment (FRA) which includes a drainage strategy has been submitted as part of this planning application. The FRA has identified any potential risks and the layout of the development by locating properties outside of any potential flow routes and integrating SuDS; the development integrates rain gardens and permeable paving within the proposed layout.

5.44 The proposed drainage layout is considered to be broadly acceptable and allows for an appropriate level of discharge and water quality from the application site, however additional information is required in regard to the final design of the proposed scheme. It is considered necessary to condition that the final details of the scheme should be submitted to and approved in writing by the council (Condition 17 and 18).

5.45 Additional information is required in regard to the construction of the proposed SuDS and also in regard to the long-term maintenance, these details can be secured via planning conditions (Conditions 19, 20, 21 and 22).

5.46 Subject to these planning conditions the proposal is considered to positively enhance the management of water across the site both in terms of flows and water quality. It is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.

#### 5.47 LAND CONTAMINATION

Given the levels of contamination on site arising from the former uses of the site, a Contaminated Land Risk Assessment and Remediation Strategy have been submitted in support of the application. It is considered that the submitted Remediation Strategy does not form an acceptable method of remediation in its current form. However, it is considered that the contamination on site can be dealt with through the imposition of conditions requiring the submission of a

phase II risk assessment, remediation strategy and subsequent verification report (Conditions 23, 24, 25 and 26).

5.48 Further, it is considered necessary to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (Conditions 27 and 28).

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

#### 5.50 OPEN AND PLAY SPACE

The proposed development will deliver an area of public open space within the application site. Further, the proposed layout provides pedestrian links to the wider area. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

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

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

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

#### 5.54 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.

## 6.0 CONCLUSION

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

economic benefits from construction jobs and the bringing back into use a currently vacant, heavily contaminated site.

- 6.2 Taking all other relevant issues into account including the net loss of biodiversity, it is considered that the proposed development is acceptable; the proposal (subject to planning conditions) is considered to accord with the aims and objectives of both national and local planning policies.
- 6.3 Given the above, it is recommended that planning permission be granted subject to the planning conditions set out below.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary:

1

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

CPT-240A PL-02 Rev F – Site Location Plan  
CPT-240A PL-02 Rev F – Proposed Site Plan  
CPT-240A PL-03 Rev D – Site Plan – Colour  
CPT-240A PL-05 Rev B – Proposed Materials Plan  
CPT-240A PL-06 Rev B – Proposed Materials Plan  
CPT-240A PL-07 – Proposed Surface Materials Plan  
CPT-240A PL-10 Rev A – Plans and Elevations  
CPT-240A PL-11 Rev A – Plans and Elevations  
CPT-240A PL-12 Rev A – Plans and Elevations  
CPT-240A PL-13 Rev A – Plans and Elevations  
CPT-240A HT-3B5P-01 Rev B – Plans and Elevations  
CPT-240A HT-2B4P-01 Rev A – Plans and Elevations  
CPT-240A HT-3B6P-02 – Plans and Elevations  
CPT-240A HT-3B5P-02 Rev A – Plans and Elevations  
810.01 A – Planning Information

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

### **Reason**

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

2

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

Reason

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

3

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

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

4

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

Reason

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

5

All hard landscaping shall be undertaken in accordance with the details on approved plan CPT-240 PL-07 – Proposed Surface Materials Plan and in accordance with a schedule of implementation which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwellinghouse hereby permitted.

Reason

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

6

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

Reason

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

7

The landscaping details approved under Condition 6 shall be implemented in accordance with the timings approved under Condition 6.

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.

8

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 6.

Reason

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

9

The noise mitigation measures (for each respective property hereby approved) set out within the submitted Noise Assessment (Acoustic Design Statement 18-51-621) shall be implemented in full prior to the occupation of each respective property hereby approved and shall be retained as approved for the lifetime of the development.

Reason

To ensure that the noise impacts are controlled in the interests of the amenity of nearby residents, 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.

10

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

Reason

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

11

The construction control plan approved under condition 10 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.

12

A pedestrian footpath shall be created between the site and the existing footpath network (to the rear of 31 Pensher Street East) within a timescale to be approved by the LPA prior to the occupation of any dwellinghouse hereby permitted.

Reason

In the interest of improving pedestrian permeability and in accordance with the NPPF and CSUCP policy CS13.

13

The highway works at the junction with (Back) Pensher Street East (identified on approved plan CPT-240 PL-01 Rev D 0 Site Plan – Colour) shall be completed in full within a timescale to be approved by the LPA prior to the occupation of any dwellinghouse hereby permitted.

Reason

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

14

The cycle parking facilities associated with each individual property (shown on approved plan CPT-240 PL-01 Rev D 0 Site Plan - Colour) shall implemented in full accordance with the submitted details prior to first occupation of each respective unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

Reason

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

15

No development shall take place on site until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The Biodiversity Method Statement shall include details of measures required to:

- avoid adverse impacts on retained ecological habitats and features within and immediately outwith the proposed development site (incl. the partially vegetated retaining wall adjacent the southern boundary) during the site clearance, construction and operational phases of the development, and;
- minimise the residual risk of harm to individual species during the site clearance, construction and operational phases of the development.

**Reason**

To avoid/minimise the risk of harm, including long-term adverse impacts on retained habitats and features in accordance with policies CS18, DC1(d), ENV46 & ENV47.

16

The Biodiversity Method Statement approved under condition 15 shall be implemented in full.

**Reason**

To avoid/minimise the risk of harm, including long-term adverse impacts on retained habitats and features in accordance with policies CS18, DC1(d), ENV46 & ENV47.

17

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

**Reason**

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

18

The final drainage scheme shall be carried out in full accordance with the details approved under condition 18 (including timings for implementation).

**Reason**

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved

Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

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

Reason

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

20

The drainage scheme shall be constructed in full accordance with the construction management plan approved under condition 19.

Reason

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

21

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

Reason

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

22

The drainage scheme shall be managed in full accordance with the management plan approved under condition 21 for the lifetime of the development.

Reason

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

23

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

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

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

Reason

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

24

Following completion of the site investigation and Phase II Risk assessment site investigation works (condition 23), and following approval by the Council, if the findings of the Phase II investigation require remediation works to be undertaken then a 'Remediation Strategy' statement document is required to be produced and submitted to the Council for approval. The 'Remediation Strategy' (including timescales) must detail objectives, methodology and procedures of the proposed remediation works. This must be submitted to the Council, for approval, before any remediation works commence.

Reason

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

25

The remediation works detailed in the 'Remediation Strategy' submitted and approved by the Council in respect of Condition 24, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason

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

26

Upon completion of the remediation works detailed in the approved Remediation statement and prior to the occupation of any dwellinghouse hereby permitted, under condition 24, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy Statement, and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.

Reason

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

27

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

Reason

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

28

Any works deemed to necessary following testing (as part of condition 27) shall be carried out in full within the timescale approved as part of Condition 28.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning

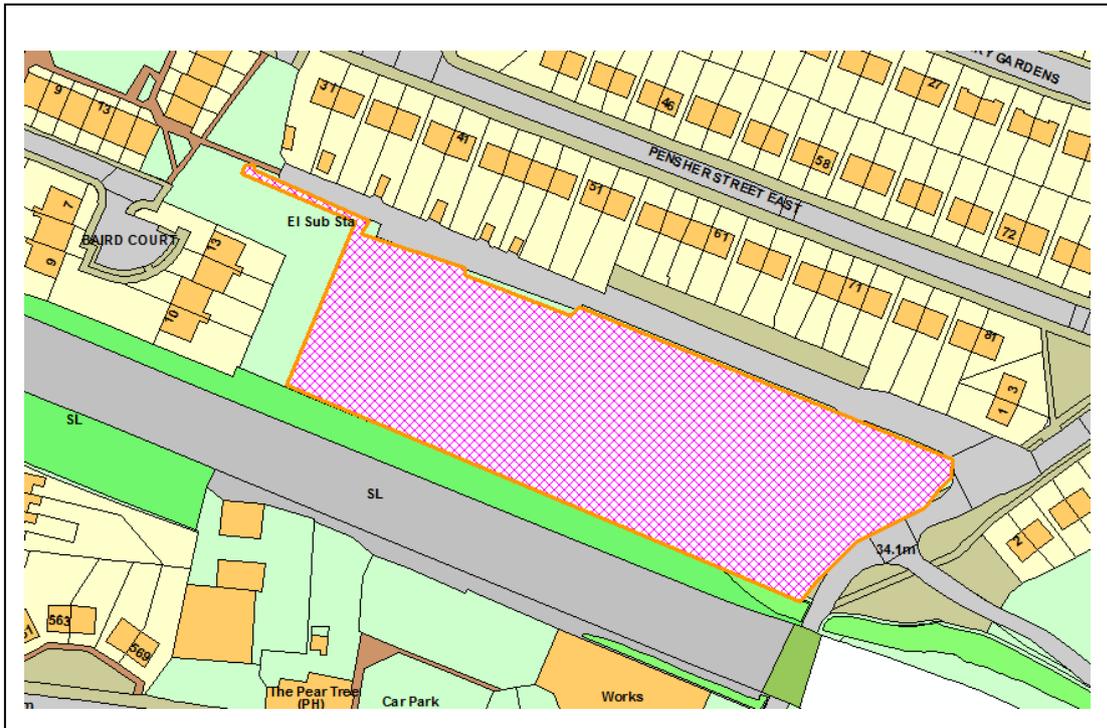
Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

29

The boundary treatment associated with each respective property hereby approved shall be installed, in accordance with approved plans CPT-240 PL-05 – Boundary Treatments Rev B and CPT-240 PL-05 – Proposed Boundary Types, prior to the occupation of each respective property.

Reason

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



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