

Committee Report

Application No:	DC/19/00213/OUT
Case Officer	Andrew C Softley
Date Application Valid	14 March 2019
Applicant	Gateshead Council
Site:	Former Clasper Village Site Tyne Road East Gateshead
Ward:	Dunston And Teams
Proposal:	Development of 6.6ha of land for residential (use class C3) comprising erection of 191 residential units with associated drainage, highway works and landscaping (amended 10/04/19, 06/06/19 and 08/07/19).
Recommendation:	GRANT
Application Type	Full Application

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

The application site is the cleared former Clasper Village, which is situated adjacent to the southern bank of the River Tyne and is bounded by Askew Road West, the A184 and the East Coast Main Line to the south, Morrison Street to the west, the Redheugh Bridge approach and associated road infrastructure to the east and Rose Street/Tyne Road East and the wooded slopes down to the River Tyne to the north (Riverside Park). Teams Children's Centre is located to the north west of the site. The site was originally developed for residential purposes in Victorian times, with those terraced properties demolished to make way for the Clasper Village development of the 1970s, which itself was demolished in stages between 2013 and 2017.

1.2 The land slopes downwards from south to north across the site towards the River Tyne, which creates constraints within the site due to the varied topography and ground conditions.

1.3 DESCRIPTION OF THE APPLICATION

This application proposes development of 6.6 hectares of land for residential (use class C3), with detailed permission requested for the erection of 191 residential units, with associated drainage, highway works and landscaping. The scheme has been amended on 10/04/19, 06/06/19 and 08/07/19.

1.4 The proposal comprises the erection of 191 residential units, comprising 86 x 2-bedroom, 75 x 3 bedroom and 30 x 4-bedroom properties, of which 29 would be affordable units for rent. 8 of the 2-bedroom properties would also be bungalows. The existing road "Tyne Road East" encloses the site and

would continue to form the perimeter of the development, with new estate roads constructed as part of the new development, including a central arterial route running south to north through the site. A range of landscaped open spaces, which will incorporate SuDS features would be provided, along with off-street parking and good quality public realm.

1.6 The application was submitted as a hybrid application that also included retail development on part of the site, in outline. During the course of the application, the outline/retail element of the scheme has been omitted, so that this is now a purely residential scheme.

1.7 RELEVANT PLANNING HISTORY

DC/16/01188/DEM - DETERMINATION OF PRIOR APPROVAL: Demolish former dwelling properties consisting of 8 flats in a block 17-24, 25-32 inclusive Pamerston Walk, 9-16, 17-24 inclusive Chadwick Walk, 1-8,9-16, 25-32 inclusive Shaftsbury Walk. Approved 29.11.2016.

DC/13/01580/DEM - DETERMINATION OF PRIOR APPROVAL: Demolition of flats at Wilberforce Walk (Nos1-8, 25-32, 41-48, 57-64 and 73-80 inclusive), Shaftesbury Walk (nos 49-56 inclusive), Lovett Walk (nos 1-8 and 17-24 inclusive), Palmerston Walk (nos 17-24 inclusive), garage blocks adjacent Community Centre and 1-8 Lovett Walk and Community Centre. Approved 23.01.2014.

DC/13/00281/DEM - DETERMINATION OF PRIOR APPROVAL: Demolition of dwellings Palmerston Walk (9-16, 33-40, 41-48, 49-56), Wilberforce Walk (65-72), Tyne Road East, Gateshead. Approved 02.04.2013.

2.0 Consultation Responses:

Coal Authority	No objection, subject to conditions.
Environment Agency	No objections.
Northumbria Police	No objections.
Northumbrian Water	No objection, subject to condition.
Port Of Tyne	The lighting from the proposed buildings should not cause any backscatter that could impact on the ability to identify a vessel's navigation lights. This can be addressed by conditions.
Tyne And Wear Archaeology Officer	No archaeological work is required.

3.0 Representations:

3.1 No representations have been received.

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

MSGP Making Spaces for Growing Places

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

H9 Lifetime Homes

H10 Wheelchair Housing

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, play and open space provision, design, landscape, highway safety, drainage, contaminated land, coal mining legacy, refuse, residential amenity and CIL.

5.2 PLANNING POLICY

Local Plan

The Council's Draft Making Spaces for Growing Places (MSGP) document allocates the former Clasper Village site as a housing site via policy MSGP10, which looks to allocate 104 hectares of additional land across Gateshead to assist the Council in satisfying policy CS10 of the Core Strategy and Urban Core Plan (CSUCP) that seeks to deliver approximately 30,000 new homes over the plan period (2010-2030).

5.3 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 plans show the proposal is for the development of 191 dwellings, comprising 86 x 2-bedroom, 75 x 3 bedroom and 30 x 4 bedroom. That equates to 105 houses of 3 bedrooms or more, which is 55% of the development. Therefore, it is considered that the proposal does have regard to borough-wide policy CS11(1).

5.4 Affordable Homes

The development proposal includes 15% affordable units, which is in accordance with Policy CS11(5). The affordable homes would be pepper-potted around the site and of an intermediate tenure. The affordable housing provision can be secured by condition (condition 52).

5.5 Lifetime Homes and Wheelchair accessible homes

Although no specific provision has been made to meet the Lifetime Homes and Wheelchair standard, the application does include 50 homes that will be built to Building Regulations Part M4(2) standards, which equates to 26% of the overall development. This exceeds the requirements of saved policies H9 and H10 of the UDP and accords with the aspirations of CSUCP policy CS11.

5.6 Suitable accommodation for the elderly

The proposal indicates that 10% of dwellings would be suitable for and attractive to the elderly, including the provision of 8 x 2-bedroom bungalows. This provision accords with CSUCP policy CS11(3), which seeks to increase the choice of suitable accommodation for the elderly population.

5.7 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 adequate space and therefore complies with policy CS11.

5.8 Open space

The application site is not located within a neighbourhood that is deficient in open space provision; therefore, there would be no requirement for this development to provide any. Furthermore, whilst this redevelopment of the site would see the loss of some public open space within the site boundary, it would also see the creation of new public open within a well considered and planned out landscape strategy. Therefore, any loss of open space is mitigated by the new development. It is also worth noting that the site previously contained 280 dwellings and the new scheme is proposing 191 dwellings and apartments. Therefore, the reduction of 89 properties compared is considered to further reduce any possible impact upon local open space provision.

5.9 Play provision

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

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

5.11 With regard to 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.

5.12 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area. Therefore, the Council cannot seek any further obligations in respect of these matters.

5.13 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.

5.14 TREES/BIODIVERSITY

The line of existing mature trees opposite the entrance to the Riverside Park and along towards the existing properties on Rose Street are considered offer a high level of visual and residential amenity value, as well as landscape value. As a result, they are to be retained and integrated into the new development.

5.15 Across the wider site there are several trees of relatively low amenity value, some of which are proposed to be removed. A tree removal/retention plan has been submitted, which is considered to be acceptable, subject to conditioning appropriate protection for the trees to be retained, and that the tree clearance works take place outside of the bird breeding season (conditions 3, 4 and 5).

5.16 In addition to the above, a comprehensive landscape strategy is proposed for the new housing development that will enhance the landscape and amenity value of the area, which will improve the level of biodiversity value across the site.

5.17 Overall, subject to the conditions referred to above, the proposed development accords with the NPPF, policies CS17 and CS18 of the CSUCP, saved policy ENV44 of the UDP and draft MSGP policy 33.

5.18 CONTAMINATED LAND

The site is situated on potentially contaminated land based on previous historic development use, which terraced houses in Victorian times that were demolished to make way for the 1970s Clasper Village development, which itself has been demolished and cleared over recent years.

5.19 In view of the sensitive end use proposed (housing) and the close relationship between the two portions of the site, and following discussions at pre-application stage, the planning application is supported by a Preliminary Risk Assessment (PRA) and a Phase 2 Site Investigation Report that addresses the whole site.

5.20 A number of samples at the site have been subject to chemical analysis and they have highlighted the need for a remediation strategy. This can be addressed by conditions (conditions 8-10).

5.21 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 11).

5.22 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.

5.23 COAL MINING LEGACY

The application site is partially within a Coal Authority Development High Risk Area with, 4 reported capped shafts, and therefore a comprehensive Coal Mining Risk Assessment (CMRA) has been submitted with the application. The CMRA concludes that coal mining legacy potentially poses a risk to the proposed development and that remedial works should be undertaken prior to development, which is supported by the Coal Authority. It is considered that the additional work can be addressed by condition and subject to it the proposal would accord with the NPPF and policy CS14 of the CSUCP (conditions 12 and 13).

5.24 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 through a comprehensive SuDS system that has followed the SuDS hierarchy.

5.25 The principle of the drainage strategy is considered to be acceptable, but a number of further details are deemed necessary to ensure that the development accords with the NPPF and policy CS17 of the CSUCP. These further details can be dealt with via conditions (conditions 14-17).

5.26 Furthermore, Northumbrian Water have offered no objection, subject to conditioning that the scheme comes forward in accordance with the submitted drainage scheme report (condition 18).

5.27 DESIGN AND VISUAL AMENITY/LANDSCAPING AND BOUNDARY TREATMENT

The approach to this very difficult site has been well thought through and many of the challenges and constraints of the site have been turned into opportunities to create good placemaking features and provide overall a high-quality residential environment.

5.28 Therefore, the design, scale, layout, height, density and appearance of the proposed development is considered to have responded well to the difficult topography on site and the constraints that creates, and thus is considered to be sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result.

5.29 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 implementation of the details submitted to ensure visual amenity is protected (condition 19).

5.30 With regard to landscaping, a comprehensive landscape strategy and maintenance scheme has been submitted, which is considered to be

sympathetic and appropriate. Therefore, subject to conditioning implementation and maintenance of the submitted details, visual amenity will be preserved (conditions 20 and 21).

5.31 Furthermore, some details of the boundary treatments proposed have been and the approach shown is considered to be acceptable. Therefore, it is considered appropriate to condition that the final details of the boundary treatment be submitted. This can be addressed by conditions (conditions 22 and 23).

5.32 Subject to the above the development would accord with the NPPF, policy CS15 of the CSUCP, saved policies ENV3 and DC1(c) of the UDP and draft MSGP policy 25.

5.33 TRANSPORT AND HIGHWAYS

The principle of residential development on this site is considered to be acceptable and, subject to the following paragraphs, there is no objection to the scheme on transport and highways grounds. This is an on-balance decision based on the fact that this is a Council lead regeneration scheme that is in effect reinstating housing into an area that has been a residential area since Victorian times, as opposed to a green field site that has never been developed.

5.34 The Transport Assessment (TA) submitted in support of the application includes a level of junction assessment and concludes that all junctions tested except the Cuthbert Street/Askew Road roundabout would operate within capacity with the residential development in place. The Cuthbert Street/Askew Road West junction has been shown to operate over capacity with and without development under a future year scenario. The TA suggests potential mitigation, however on review of the additional traffic the development would generate at this junction, it is evident that the residential proposals would only generate a limited number of additional trips at this junction when compared to existing flows. Taking this into account, and additional factors, including the previous use on the site, the ability for vehicles to reroute and access the site from the Askew Road West/Team Street junction to the west, an on-balance judgement has been made that the need for a mitigation scheme to be delivered at this junction is unreasonable in the context of the proposal. This is subject to some more detailed design changes being incorporated into the scheme, as detailed below, together with commitment to future travel planning on site, all of which can be secured by condition.

5.35 The final scheme is to include off site highway works, which will manage the change in demands on the local road network, road safety and connections to public transport, the final details of these works are to be secured by condition and should include the following (conditions 24 and 25):

- Change to existing traffic and proposed new traffic calming on Palmerston Road and Tyne Road East/Rose Street
- Bus stop relocation on Palmerston Road

- Visitor parking on Palmerstone Road
- Amendments to footways
- Introduction of 20MPH zone
- Amendments to junction radii
- Introduction of waiting restrictions

The final delivery of the scheme will be done through section 278 agreement.

- 5.36 The internal layout generally meets transport requirements to ensure priority is given to the movement of people by none motorised modes of transport, there are though some changes that will need to be secured by condition to ensure the final design meets the needs of all users.
- 5.37 The final footway details adjacent to plots 143 and plot 102 are required to ensure continuity of pedestrian routes (conditions 26 and 27).
- 5.38 Overall numbers of visitor parking spaces are lower than the preferred ratio of 1:3 but are accepted. The distribution is also less than ideal, but is acceptable subject to the following changes being secured by condition:
- An additional space should be added to the layby opposite plot 98 (conditions 28 and 29).
 - The 2 spaces in the turning head adjacent to plot 119 should be reduced to one, in addition the footpaths either side should be realigned to provide improved continuity (conditions 30 and 31).
 - 2 VP's should be provided opposite plots 153-154/151+190 (conditions 32 and 33).
 - The bin store area should be removed from the head of the turning head and relocated closer to the access to the apartments (conditions 34 and 35).
- 5.39 The internal layout has been designed to accommodate a 20MPH zone, this includes the introduction of traffic calming features. The final details of the traffic calming needs to ensure there is no conflict with driveways, particularly in relation to plots 63, 55/56 and 114. The final details can be secured by condition (conditions 36 and 37).
- 5.40 The nature of the design around plots 164-173 means that parking will be detached from the individual properties, the need for good quality pedestrian routes between the parking and the properties is therefore important. Consequently, a widening of the private footpaths is deemed necessary. The final details can be secured by condition (conditions 38 and 39).
- 5.41 The orientation of plots 104-110 and 186 are deemed to make manoeuvring of vehicles associated with them difficult, consequently changes should be made. The final details can be secured by condition (conditions 40 and 41).
- 5.42 Secure and weatherproof cycle parking is to be provided either by way of a shed in the rear garden or within garages. These should have a lockable door mechanism and a means of securing a bicycle internally. The final details can be agreed by condition (conditions 42 and 43).

- 5.43 Electric vehicle charging should be provided on site, the details of which can be addressed by condition (conditions 44 and 45).
- 5.44 A street lighting scheme must be developed for the purposes of highway and personal safety. This would form part of the Section 38 process when adopting the internal roads and footways. This can be finalised via condition (conditions 46 and 47).
- 5.45 A final travel plan is to be agreed and implemented prior to first occupation, this can be addressed by condition (conditions 48 and 49).
- 5.46 Construction Control measures can be conditioned to manage the risk of debris being transferred from the site on to the highway, routing of construction vehicles and contractor parking. (conditions 6 and 7).
- 5.47 The Port of Tyne have expressed that lighting from the proposed development should not cause any backscatter that could impact on the ability to identify a vessel's navigation lights on the River Tyne. To mitigate this possible issue they have suggested the addition of 2 conditions, the first being for the glazing specification of the windows to be submitted for approval; and the second being for no lighting, except construction lighting, shall be installed unless otherwise approved in writing by the LPA and maintained as such thereafter.
- 5.48 The LPA considers both these conditions to be unreasonable and unnecessary for two reasons. The first being the significant change in land level down from the application site to the river; and the second reason being the tall, dense and mature screen planting that makes up the Riverside Park, which screens the site from river level. Therefore, light intrusion onto the river is not considered to be a significant issue.
- 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/NOISE/AIR QUALITY
It is considered that, the layout that has been developed for the site, including considering the topography, thereby minimising the height of retaining walls and car parking as well as the orientation of windows, should help to safeguard residential amenity to neighbouring properties, both existing and proposed. Furthermore, the separation distances to the nearest properties in Rose Street are 40m at the nearest point and the new properties would be orientated at 45 degrees to the existing properties. Therefore, a loss of privacy is not considered to be an issue in terms of existing properties.
- 5.51 In terms of the residential amenity of the new residents, the layout proposed is considered to be sympathetic and as such the living conditions of future occupiers has been assessed and is considered to be acceptable, taking into account changes in land level and orientation across the site.

- 5.52 The application is supported by a noise assessment, the content of which has been assessed and is considered to be appropriate. The report concludes that uprated ventilation will be required in certain plots, due to the background noise levels created by the nearby road network and railway, and also acoustic barriers/fencing for certain properties to ensure a satisfactory level of amenity for garden spaces. The details of which can be addressed by condition (condition 50 and 51).
- 5.53 It is 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. 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 in order to safeguard residential amenity. These points can be addressed by conditions (conditions 6, 7 and 53).
- 5.54 Overall, subject to the conditions referred to above, the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.
- 5.55 **REFUSE**
Each residential plot has either an enclosed bin store in which to keep their bins secure or sufficient space in an enclosed garden, with minimal distances required for the resident to pull their bins out for collection and the road layout reduces the need for reversing for the 26 tonne HGV waste collection vehicles. Therefore, it is considered that the proposal accords with the NPPF and saved policy MWR28 of the UDP.
- 5.56 **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.

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.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director 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 -

Plan list to follow as an update

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

Before any materials are brought onto site or any development is commenced, all existing trees to be retained shown on plan reference 33477-ALA-00-XX-DR-L-0003 S2 Revision P01 (Tree Retention Removal Plan) shall be protected by suitable protective fencing, the specification and location of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the trees to be retained on the site are adequately protected from damage during the development works in accordance with the NPPF, saved policies DC1 and ENV44 of the Unitary Development Plan and CSUCP Policies CS17 and CS18.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

4

The fencing details approved under condition 3 above must remain in place for the duration of the development and shall not be moved or removed until all equipment; machinery and surplus materials have been removed from the site, unless otherwise and firstly approved in writing by the Local Planning Authority. No materials, plant or equipment or temporary buildings or structures shall be stored or located within the fenced areas.

Reason

To ensure that the trees to be retained on the site are adequately protected from damage during the development works in accordance with the NPPF, saved policies DC1 and ENV44 of the Unitary Development Plan and CSUCP Policies CS17 and CS18.

5

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.

6

No development shall commence (except for tree protection measures and vegetation clearance works) until a construction control plan including the phasing of the development, 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.

Reason for prior to commencement condition

The construction control plan must demonstrate that the residential amenities of adjacent properties will be protected during construction of the development.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

7

The construction control plan approved under condition 6 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.

8

No development shall commence (except for tree protection measures and vegetation clearance works) until 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, has been 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 and phasing 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 garden / 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.

Reason for prior to commencement condition

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.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

9

The details of remediation measures approved under condition 8 shall be implemented in accordance with the approved phasing details of works approved by condition 8 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.

10

Following completion of the remediation measures approved under condition 8 a verification report that demonstrates the effectiveness of the remediation carried out within each phase must be submitted for the written approval of the Local Planning Authority prior to first occupation of each phase 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.

11

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.

12

No development shall commence (except for tree protection measures and vegetation clearance works) until a scheme for remedial works for the shallow mine workings and for the mine entries, including the phasing of any remedial works, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from coal mining 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.

Reason for prior to commencement condition

The mitigation works to address shallow unrecorded mine workings must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

13

The details to address coal mining legacy approved under condition 12 shall be implemented in accordance with the phasing approved under condition 12 and maintained for the life of the development.

Reason

To ensure that risks from coal mining 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.

14

Development shall not commence in respect of the SuDS and drainage system until the following construction details have been submitted to and approved in writing by the Local Planning Authority:

1. Details of raingardens and swales including cross sections, dimensions, falls, underdrainage layers, and connections to drainage system. Compliance with CIRIA SuDS Manual (C753) Tables B14 and B12 shall be demonstrated.
2. Details of geocellular storage include maintenance access, and connections.
3. Cross sectional detail of permeable paving including connection to the drainage system.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

15

The details approved under condition 14 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.

16

Prior to the first occupation of each phase of the development (as per plan ref. 9101-9105) hereby approved a SuDS and drainage maintenance plan including maintenance details of all hard and soft SuDS features including permeable paving, geocellular, hydrobrakes, swales and raingardens shall be submitted to and approved in writing by the Local Planning Authority. The plan shall also set out details of the arrangements for the ongoing maintenance of the drainage system over the lifetime of the development, and set out clearly where responsibility lies for the maintenance of all drainage features including underground storage, oversize pipes, permeable paving, flow control and water treatment devices.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

17

The details approved under condition 16 shall be implemented prior the first occupation of each phase 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.

18

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Proposed Drainage Layout Plan" dated March 2019. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 3812 and ensure that surface water discharges to the surface water sewer at manhole 3814. The surface water discharge rate shall not exceed the available capacity of 200l/sec that has been identified in this sewer.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

19

The development shall be completed using the materials shown on plan reference 4001 Proposed Materials Plan and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

The landscaping scheme shown on plan references "ares Landscape Architects 33477-ALA-00-XX-DR-L-0001 to 0006 Revision P01" submitted with the application shall be completed in full accordance with the approved plans during the first planting season (October to March) following commencement of the development unless otherwise approved in writing by the Local Planning Authority. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

To ensure that the approved landscaping scheme is completed within a reasonable time scale in the interests of the visual amenity of the area and in accordance with Policies DC1 and ENV3 of the Unitary Development Plan.

21

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.

22

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, materials and a timetable for implementation 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.

23

The boundary treatment details approved under condition 22 shall be implemented wholly in accordance with the approved details 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.

24

No part of the development hereby approved shall be occupied until final details of all works within the adopted highway have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- Change to existing traffic and proposed new traffic calming on Palmerston Road and Tyne Road East/Rose Street
- Bus stop relocation on Palmerston Road
- Visitor parking on Palmerstone Road

- Amendments to footways
 - Introduction of 20MPH zone
 - Amendments to junction radii
 - Introduction of waiting restrictions
- and a timetable for their implementation.

Reason

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

25

The details approved under condition 24 shall be implemented in accordance with the agreed timetable 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.

26

Notwithstanding the details shown on the submitted plans, final details for the footway adjacent to plots 143 and plot 102 shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said footway.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

27

The details approved under condition 26 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

28

Notwithstanding the details shown on the submitted plans, details showing an additional parking space within the layby opposite plot 98 shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said parking space.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

29

The details approved under condition 28 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

30

Notwithstanding the details shown on the submitted plans, revised details showing that the 2 parking spaces in the turning head adjacent to plot 119 are reduced to one, and that the footpaths either side have been realigned, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on said works.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

31

The details approved under condition 30 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

32

Notwithstanding the details shown on the submitted plans, details showing two additional VP bays opposite plots 153-154 and opposite 151/190 shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said parking space.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

33

The details approved under condition 32 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

34

Notwithstanding the details shown on the submitted plans, details showing the removal of the bin store area serving plots 155-163 from the head of the turning head and relocated closer to the access to the apartments shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said bin store.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

35

The details approved under condition 34 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

36

Notwithstanding the details shown on the submitted plans, details of the traffic calming necessary to ensure there is no conflict with driveways in relation to plots 63, 55/56 and 114 shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said works.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

37

The details approved under condition 36 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

38

Notwithstanding the details shown on the submitted plans, final details of the pedestrian routes between the parking spaces and the properties on plots 164-173 shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said pedestrian routes.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

39

The details approved under condition 38 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To ensure continuity of pedestrian routes to safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

40

Notwithstanding the details shown on the submitted plans, final details showing the orientation of plots 104-110 and 186 to ensure safe manoeuvring of vehicles to and from driveways shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of said works.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

41

The details approved under condition 40 shall be implemented wholly in accordance with the approved details and retained as such thereafter.

Reason

To safeguard highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

42

Notwithstanding the details on the submitted plans, final details of secure and weatherproof cycle storage shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

43

The details approved under condition 42 shall be implemented prior the first occupation of the respective property and maintained as such for the life of the development.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

44

Prior to the first occupation of the development hereby approved, the following details in respect of electric vehicle charging shall be submitted to and approved in writing by the Local Planning Authority:

1. Details to demonstrate that all affordable units have an appropriate charging unit.
2. The other dwellinghouses shall, as a minimum, be provided with a spur for units can be fitted as demand requires.
3. The blocks of apartments, a minimum of a charging point for each block, with all bays having passive infrastructure for future conversion.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

45

The details approved under condition 44 for that property shall be implemented prior the first occupation of the respective property and maintained as such for the life of the development.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

46

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.

47

The street lighting details approved under condition 46 shall be implemented in accordance with the timetable approved under condition 46 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.

48

Prior to the construction of any dwelling above damp course level a final travel plan shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include but should not be limited to:

- o Welcome packs
- o Travel plan co-ordination with agreed annual budget for running initiatives and promotion of sustainable travel.
- o Promoting electric vehicle use through provision of charging infrastructure at every property
- o Pre loaded Pop card for each property to encourage public transport use
- o Details of appropriate cycle parking facilities in line with Gateshead Council's Cycling Strategy.
- o Car sharing initiatives

- o Setting of modal shift targets
- o Monitoring and review regime

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

49

The Travel Plan shall be implemented in accordance with the details and timescales approved under condition 48 and retained as such thereafter unless otherwise first approved in writing by the Local Planning Authority.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

50

Prior to the first occupation of the properties identified in the submitted Noise Assessment as requiring uprated ventilation and/or also acoustic barriers/fencing, details of said measures shall be submitted to and approved in writing by the Local Planning Authority.

These properties being:

uprated ventilation – 14-60; 62; 68-103; 117-119; 126-130; 143-185; 190-191.

acoustic barriers/fencing – 20-24; 49; 81-84; 91-92; 117; 174-184.

Reason

To safeguard the amenities of future residents and in accordance with policies DC1, 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.

51

The details approved under condition 50 shall be implemented wholly in accordance with the approved details prior to the units identified under condition 50 being occupied and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of future residents and in accordance with policies DC1, 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.

52

Prior to any of the residential units hereby approved being occupied details of an affordable scheme for the development which identifies

- which 29 units in the development will be affordable
- what type of affordable housing they will be, and
- the selection criteria to live in the units
- timetable for delivery

shall be submitted to and approved in writing by the Local Planning Authority. The approved affordable housing units shall be provided on site in accordance with the approved scheme and timetable and retained in perpetuity.

Reason

To ensure affordable housing provision in accordance with the NPPF and policy CS11 of the Core Strategy and Urban Core Plan.

53

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.

