

**Committee Report**

<b>Application No:</b>	<b>DC/19/01232/OUT</b>
<b>Case Officer</b>	<b>Josh Woollard</b>
<b>Date Application Valid</b>	<b>27 January 2020</b>
<b>Applicant</b>	<b>Mr Peter Charlton</b>
<b>Site:</b>	<b>Land South Of Dodsworth Terrace Greenside Ryton</b>
<b>Ward:</b>	<b>Crawcrook And Greenside</b>
<b>Proposal:</b>	<b>Outline permission for the construction of four dwellinghouses with some matters reserved (description changed 18.03.2020, amended 02.03.2020)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Outline Application</b>

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

The application site comprises two, thin, rectangular pieces of land which are located to the rear of Dodsworth Terrace. The two parcels of land are maintained as private gardens, whilst a private garden in different ownership splits the two parcels.

1.2 Land to the rear of Dodsworth Terrace is predominantly private garden space whilst four dwellings have been or are in construction to the east of the application site. A number of private garages and sheds abut the private access road running along the northern boundary of the site. Beyond this access road runs Dodsworth Terrace, a residential terrace. To the west of the site is Elmtree Drive, with residential properties backing onto the application site. To the south is the green belt boundary.

1.3 Land levels on the site fall gently towards the green belt boundary.

**1.4 DESCRIPTION OF THE SITE**

This outline application proposes the construction of four dwellinghouses (Use Class C3) with associated access. Access and layout are to be considered with matters relating to appearance, landscaping, and scale to be reserved for subsequent reserved matters approval.

**1.5 RELEVANT PLANNING HISTORY**

- Land to the rear of 9 Dodsworth Terrace
  - DC/11/00924/FUL - Erection of detached garage – Granted 31.10.2011
- Land to the rear of 10-11 Dodsworth Terrace
  - DC/13/00621/OUT - Erection of detached dwellinghouse (use class C3) – Granted 23.09.2013

- DC/14/01337/REM - Erection of detached 1.5 storey dwellinghouse (use class C3) – Granted 09.02.2015
- DC/15/01191/FUL - Erection of detached dwellinghouse with detached double garage – Granted 03.02.2016
- Land to the rear of 12-14 Dodsworth Terrace
  - DC/10/00326/OUT - Erection of detached 1.5 storey dwellinghouse (use class C3) – Granted 05.04.2012
- Land to the rear of 13-15 Dodsworth Terrace
  - 911/93 - Erection of double garage/store on allotment at rear of dwellinghouse – Granted 18.10.1993
- Land to the rear of 16-17 Dodsworth Terrace
  - DC/08/01803/OUT - Erection of detached dwellinghouse (use class C3) – Granted 30.04.2009
  - DC/12/00229/OUT - Extension of time for implementation of planning application DC/08/01803/OUT for the erection of detached dwellinghouse (use class C3) – Granted 27.04.2012
  - DC/12/01191/REM - Erection of detached dwellinghouse (use class C3) – Granted 10.01.2013
  - DC/15/00367/HHA - Erection of detached garage – Granted 03.06.2015
- Land to the rear of 18 Dodsworth Terrace
  - DC/04/00563/FUL - Erection of three-bedroom dormer bungalow and construction of vehicular access – Granted 16.08.2004

## **2.0 Consultation Responses:**

The Coal Authority                      No objection subject to condition

## **3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 A site notice was placed on site on 03.02.2020.

3.3 6 representations have been received which object to the proposed development. The objections are summarized as follows:

- Loss of allotments and open space
- Inappropriate back land development and garden grabbing
- Overdevelopment
- Out of character
- Loss of light, privacy, outlook and view

- Noise and disturbance
- Poor visibility and unsafe access
- Back lane is in a state of disrepair
- Increased traffic
- Parking problems
- Impact on biodiversity
- Coal mining legacy issues
- Lack of consultation

#### 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

CS18 Green Infrastructure/Natural Environment

CFR20 Local Open Space

CFR27 Allotments

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1L Waste Management

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

ENV61 New Noise-Generating Developments

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

MSGP Making Spaces for Growing Places

MWR28 Provision of Facilities in new Developments

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

5.1 The key issues to be considered in the determination of this planning application are considered to be:

### 5.2 PRINCIPLE OF THE DEVELOPMENT

#### Loss of Allotment Land

5.3 The application site is allocated as allotment land in the adopted Unitary Development Plan.

5.4 On conducting a site visit, it was evident that many of the plots are used as recreational gardens (presumably under the ownership of nearby/adjoining dwellings), for car parking and to house sheds/garages, or are occupied by new-build dwellings. In the absence of evidence demonstrating that the land is tenanted by allotment holders, Council officers are of the opinion that the site does not contribute to allotment provision within this area of the Borough and it is unlikely to make such a contribution in the future.

5.5 Therefore, Officers consider that as the site is not used as allotments it would not be reasonable to assess the proposal against Policy CFR27 which seeks to protect allotments.

#### Windfall Housing

5.6 In order to promote the development of a good mix of sites, paragraph 68(c) of the NPPF advises that local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

5.7 It is considered that the site meets the criteria set out in policy H4 of the UDP in relation to its sustainable location, close to local services and public transport routes, and it would help sustain the local community.

#### Range and Choice of Housing

- 5.8 Policy CS11 sets out the Council's aims in relation to providing a range and choice of housing. The policy seeks 60% of new private housing to have three or more bedrooms in order to be attractive to families, it also seeks to ensure that adequate space is provided inside and out to meet the needs of residents.
- 5.9 Indicative drawings submitted by the applicant show the proposed dwellings to have four bedrooms and it is therefore considered that the proposed development would contribute to meeting the aims of policy CS11.
- 5.10 Based on the above assessments, the principle of housing on the site is considered to be acceptable and would help contribute to the aims and objectives of Saved policy H4, and policies CS10 and CS11.
- 5.11 Given the above assessment, it is considered the principle of developing the site for residential is acceptable subject to all other material planning considerations being satisfied.
- 5.12 VISUAL AMENITY  
The proposed dwellings would be built in a linear arrangement facing north towards Dodsworth Terrace. Each dwelling would be detached. There is no specific policy restricting backland development in this location and the submitted layout is considered to respect the established building line which has been created through the planning approval and subsequent construction of properties to the east. Further, the layout of the buildings allows for each plot to have ample private amenity space to the rear, whilst there would be an open feel to the approach to the dwellings as a result of the access roads and opportunities at the entrance for landscaping. The development would not therefore constitute an overdevelopment of the site and, in terms of layout, would be acceptable.
- 5.13 The indicative drawings show the dwellings to be two-storey in height, with simple gable roofs and a gable peak which is considered broadly acceptable and sympathetic to the design of residential properties in the area. It is considered that a scheme could be developed which would be in-keeping with the prevailing height of properties in construction to the east on land south of Dodsworth Terrace and a condition is recommended which limits the maximum height of the dwellings at reserved matters stage (condition 4).
- 5.14 Taking into account the above, it is considered that the proposed development would be acceptable, subject to condition, and would comply with the NPPF, policy CS15 of the CSUCP, and Saved policy ENV3 of the UDP.
- 5.15 RESIDENTIAL AMENITY  
The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 5.16 Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not cause undue disturbance to nearby residents and ensures a high quality of design and amenity for existing and future residents.

#### Existing Occupants

- 5.17 Separation distances between properties to the west and north are in excess of the minimum recommended distances of 13m and 21m respectively to ensure that there would be no unacceptable loss of privacy/outlook, overshadowing, or overbearing impact on nearby residential properties.
- 5.18 A single high-level window is located within the side elevation of the property being constructed to the east. This is not the primary window serving the room and it is not therefore considered that the proposed dwellings would have an unacceptable impact on amenity.
- 5.19 There are no residential properties to the south.
- 5.20 With regards to noise and disturbance from vehicles and construction works, it is considered necessary however to restrict the hours of operation (condition 5) to safeguard the residential amenity of nearby residents by minimising the impacts of the construction phase.

#### Future Occupants

- 5.21 Policy CS11(4) of the CSUCP requires new dwellings to provide adequate space inside and outside of the home to meet the needs of the residents.
- 5.22 It is considered that adequate internal and external amenity space is provided for the occupants of the proposed dwellings.
- 5.23 Bearing in mind the application seeks outline permission with some matters reserved, it is considered that the dwellings could be successfully accommodated on site without compromising residential amenity and would comply with the NPPF, policy CS14 of the CSUCP, and Saved policy DC2 of the UDP.
- 5.24 HIGHWAY SAFETY

#### Access and Trip Generation

- 5.25 The lane to the rear of Dodsworth Terrace is narrow but two-way traffic is possible at most points on the carriageway, including the western end of the lane where it forms a junction with Lead Road. It is acknowledged that the back lane is in a state of disrepair, with the surface of the road in particular being poor. As such, whilst the development would generate additional trips along the back lane, these could safely be accommodated, subject to a condition requiring improvements to the back lane including its resurfacing (condition 6-7).

- 5.26 Streetlights are already in place to the western end of the back lane and it is therefore considered that, subject to improvements to the back lane, it could function safely as a shared surface for pedestrians and vehicles.
- 5.27 In terms of the new vehicular accesses to the site, the submitted layout shows two accesses of a sufficient width with acceptable turning heads. It is considered that a 2.4m x 2.4m visibility splay at the entrance to the application site could be provided and final details can be secured via condition (condition 6-7).

#### Parking Provision

- 5.28 Whilst the proposed access points may result in the loss of some informal parking along the back lane, this would be limited and is not considered to warrant refusal of the application.
- 5.29 In terms of parking provision for the proposed dwellings, each dwelling would benefit from dedicated off-street parking whilst plots 3 and 4 would each benefit from a detached garage.

#### Cycle Parking

- 5.30 In the absence of 3m x 7m garages on site, final details of secure and weatherproof cycle parking are required for each plot. This can be secured via condition (condition 8-9).
- 5.31 Taking into account the above, it is considered that the proposed development would be acceptable and would comply with the NPPF and policy CS13 of the CSUCP.

#### 5.32 REFUSE

There is ample space on site for the storage of bins near properties. As Council refuse wagons will not enter a private development courtyard, bins will need to be pulled to the access at the edge of the back lane. As such, it is recommended that a condition be attached requiring details of an enclosed bin store at the entrance of the site to preserve visual amenity (condition 10-11).

- 5.33 Therefore, it is considered that the proposal accords with the NPPF and saved policy MWR28 of the UDP.

#### 5.34 ECOLOGY

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

- 5.35 The proposed development site is located approx. 250m west of the Folly Local Wildlife Site. Great crested newt have previously been confirmed as breeding

within a pond located approx. 90m south east of the proposed development site. Habitats / features located within and/or immediately adjacent the proposed development site, including the area of dense scrub/woodland located along the southern boundary, have the potential to support statutorily protected and/or priority species, including (but not limited to) terrestrial amphibians.

5.36 The site clearance, construction and operation phases of the proposed development have the potential to adversely impact and result in a net loss of biodiversity and it is therefore recommended that a biodiversity method statement be submitted prior to commencement of the development (condition 12-13).

5.37 Subject to conditions, the proposal is considered to be acceptable from an ecological point of view, in accordance with the aims and objectives of the NPPF, saved policies DC1(d), ENV46, ENV47 and ENV49 of the Council's UDP and policy CS18 of the Council's CSUCP.

#### 5.38 GROUND CONDITIONS

##### Coal Mining Legacy Issues

5.39 The Coal Authority records indicate that the site is within an area of probable shallow coal mining and the zone of influence from an off-site mine entry (shaft ref: 414562-026) extends into the north-western part of the site. The Coal Authority hold no treatment details for this mine entry and due to plotting inaccuracies, there could be some deviation by several metres from the current plotted position. This could result in the mine entry being present within the site.

5.40 The planning application is accompanied by a Desk Top Study / Phase 1 Risk Assessment / Coal Mining Risk Assessment (January 2020). One of the aims of the Report is to determine whether past mining activity may impact the re-development of this site. The Report has been informed by an appropriate range of sources of information including a site walkover survey.

5.41 Taking into account the findings of the Report, intrusive site investigations are required to be carried out on site to establish the exact situation in respect of coal mining legacy features and, where required, identify a remediation scheme to protect the development from the effects of such land instability and these can be secured via condition (conditions 14-15).

##### Contaminated Land

5.42 The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. The site has been occupied by allotment gardens since at least circa 1916.

- 5.43 As the allotment gardens have occupied part of the site for circa 100 years, it is possible that contamination is possible mainly due to imported materials used for paths, improving drainage, bonfires, ashes from coal fires being used as a fertiliser and use of pesticides and herbicides.
- 5.44 Considering the site's future sensitive land use and the potential for land contamination, a condition for a PRA and an intrusive site investigation with a Phase II Detailed Risk Assessment, and where required remediation, Monitoring and Verification Reports should be undertaken. This can be required by condition (conditions 16-21).
- 5.45 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.
- 5.46 **OPEN SPACE/PLAY PROVISION**  
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.47 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.
- 5.48 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.49 Therefore while it cannot be concluded that the appeal proposal would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for either off site open space or play provision in this case based on the above assessment.
- 5.50 **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 qualifying housing related. The site is within Residential CIL Zone C, which has a charge of £0 per sqm.
- 5.51 **OTHER MATTERS**

One objection states that they were not consulted about the application. Officers are of the opinion that the scope of the consultation was sufficient for the development proposed, whilst a site notice was also placed along Lead Road.

5.52 One objection raises concerns with regard to loss of view. This is not a material planning consideration and no weight has been afforded to it.

## 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

## 7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

The development hereby permitted in outline shall not be carried out other than in complete accordance with the plan(s) accompanying the application as listed below:

Location Plan  
Proposed Site Plan

and with such further details that shall be submitted to the Council prior to the commencement of development for the Council's approval in writing in relation to the following reserved matters, namely:

- (1) appearance
- (2) landscaping
- (3) scale

Reason

This condition is imposed pursuant to article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended) to ensure development is carried out in accordance with the approved details as submitted.

2

Application for approval of the reserved matters referred to in condition 1 shall be made to the Local Planning Authority within three years of the date of this permission.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

3

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

4

The ridge line of the proposed dwelling shall not exceed 7.6 metres in height.

Reason:

In order to protect the visual amenity of the area and in the interests of residential amenity in accordance with the NPPF, policy CS15 of the CSUCP and policies ENV3 and DC2 of the UDP.

5

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 UDP policy DC2 and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

Prior to commencement of the development hereby approved, final details of works:

- i) to improve the surface of the rear lane serving Dodsworth Terrace; and
- ii) to create the new vehicular accesses to the site including the provision of a 2.4m x 2.4m visibility splay;

shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure safe movements to and from the site in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan.

Reason for pre-commencement

To ensure that safe access and appropriate visibility can be achieved and that the splay can be taken into account in the scheme and can be delivered within an appropriate timescale.

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 details approved under condition 5 shall be implemented wholly in accordance with the approved details prior to the first occupation of the dwellinghouses.

Reason

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

8

Prior to the first occupation of the dwellings hereby permitted, final details of secure and weatherproof cycle storage for each plot shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

9

The details approved under condition 8 shall be implemented wholly in accordance with the approved details prior to the first occupation of each relevant dwelling and retained for the life of the development.

Reason

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

10

Prior to occupation of the dwellings hereby approved, final details of an enclosed bin store at the entrance to the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, scale and appearance of the bin stores.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan.

11

The details approved under condition 10 shall be implemented wholly in accordance with the approved details prior to the occupation of the dwellings hereby approved and retained for the life of the development.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan.

12

No development shall take place (including any demolition, site clearance and ground works) until an ecological method statement for protected and priority species, including terrestrial amphibians, small mammals and nesting birds, has been submitted to and approved in writing by the local planning authority.

Reason

To avoid/minimise adverse impacts on protected and priority species in accordance with the NPPF, policy CS18 of the CSUCP, and DC1(d) & ENV46 of the UDP

Reason for pre-commencement

To understand the potential impacts of the development to ensure appropriate mitigation and compensation measures are in place to avoid/minimise adverse impacts on protected and priority species

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 development hereby permitted shall not take place unless in complete accordance with the details approved under condition 12.

The approved mitigation measures shall be implemented in full at all times during the construction stage and maintained as such for the lifetime of the development.

Reason

To minimise the risk of harm and long-term adverse impacts on protected and priority species in accordance with the NPPF, saved policies DC1(d), ENV46 and ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The report of the findings of the intrusive site

investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance and the report shall include details of remediation, mitigation and monitoring measures, including timescales for implementation.

#### Reason

To ensure the safety and stability of the proposed development and in accordance with saved policy DC1(p) of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

#### Reason for pre-commencement

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

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.

15

Where the findings of the intrusive site investigations (required by the condition 14) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. This should include the submission of the approved layout plan which identifies the location of mine entry 414562-026 (if found present within the site) and the calculated zone of influence (no build exclusion zone) in order to demonstrate adequate separation between the mine shaft and built development. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

#### Reason

To ensure the safety and stability of the proposed development and in accordance with saved policy DC1(p) of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

#### Reason for pre-commencement

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and

coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework

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.

16

No development hereby approved shall commence (except for tree protection measures and vegetation clearance works) until a Preliminary Risk Assessment and, where required, a report of findings arising from Phase II intrusive site investigations and a Phase II Detailed Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. 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.

Reason for pre-commencement

To ensure adequate safety on-site during development works in terms of risks from contamination in accordance with the NPPF.

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.

17

Prior to the commencement of development hereby approved, where remediation is identified under condition 16, a detailed 'Remediation Strategy' 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 environment shall be submitted to and approved in writing by the Local Planning Authority.

The 'Remediation Strategy' (including timescales for implementation) shall detail objectives, methodology and procedures of the proposed remediation works.

Reason for 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 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.

18

The remediation works detailed in the 'Remediation Strategy' approved under Condition 17, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason for 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 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.

19

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous,

abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and 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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

20

The amended remediation and monitoring measures approved under condition 19 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) 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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

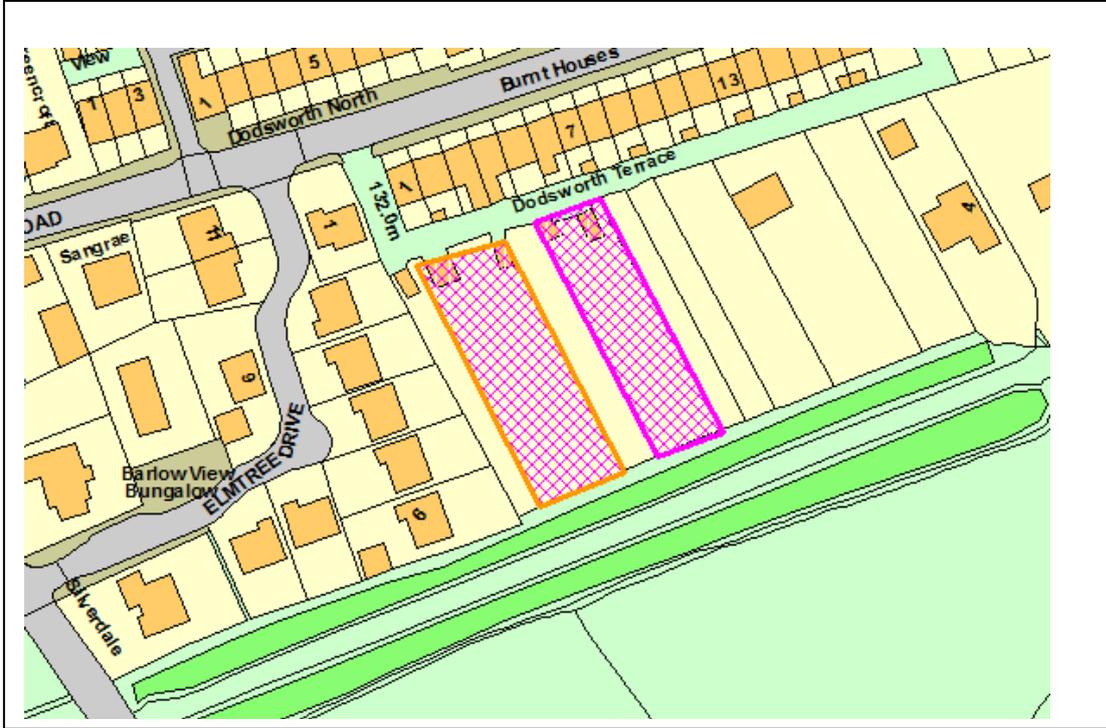
21

Where remediation is required, following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been 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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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