

**Committee Report**

<b>Application No:</b>	<b>DC/22/00726/FUL</b>
<b>Case Officer</b>	<b>Amy Dunbar</b>
<b>Date Application Valid</b>	<b>22 June 2022</b>
<b>Applicant</b>	<b>Mr Peter Charlton</b>
<b>Site:</b>	<b>Andors Rockcliffe Way Eighton Banks Gateshead NE9 7XT</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Proposed 4-bedroom dwellinghouse (amended plans received 01.08.2022, 09.08.2022 and 05.09.2022).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is a rectangular parcel of maintained private garden currently associated with Andors, Rockcliffe Way. The site lies immediately to the northwest of this dwelling, adjacent to the common boundary with Holmside, and has an area of 395m<sup>2</sup>.

1.2 The site gently slopes from the rear boundary down to the front boundary adjacent to Rockcliffe Way.

1.3 The front (southwest facing) boundary fronts onto Rockcliffe Way with open fields beyond this, the north, south and west boundaries are shared with adjacent residential properties/ private gardens.

1.4 The site is located within Eighton Banks' defined settlement boundary within the Green Belt, it is adjacent to, but outside the boundary of the Eighton Banks Area of Special Character and it is within a designated Wildlife Corridor.

**1.5 DESCRIPTION OF APPLICATION**

The application proposes to construct a 4-bedroom detached dwellinghouse with associated vehicle access and onsite parking.

1.6 The dwelling would be a 2-storey property with habitable rooms in the loft space. Given the sloping land levels at the site, the dwelling would be built into the slope therefore when viewed from the rear elevation the dwelling would appear as single storey with accommodation in the loft space.

1.7 The proposed pallet of materials consists of red facing brickwork, partial grey render, grey concrete roof tiles and grey uPVC windows.

## 1.8 RELEVANT PLANNING HISTORY

183/88 Planning permission granted for rear extension to dwelling house to provide first floor bedroom and new pitched roof over existing kitchen at Holmside. Dated 15<sup>th</sup> March 1988.

184/90 Outline planning permission granted for erection of a dwellinghouse (use class C3) at Felside. Dated 29<sup>th</sup> March 1990.

675/90 Outline planning permission granted for erection of one bungalow (use class C3) at Andors. Dated 9<sup>th</sup> August 1990.

## 2.0 Consultation Responses:

Tyne and Wear Archaeology Officer                      No Objections

## 3.0 Representations:

3.1 Neighbour notifications were issued on 22<sup>nd</sup> July 2022 and a site notice displayed on 23<sup>rd</sup> August 2022 in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 9 letters of objection have been received from 8 different households, including one from Councillor Gallagher. These are summarised below:

- Inadequate parking
- Out of character with street scene
- Out of character with conservation area
- Loss of privacy
- Loss of light
- Overbearing
- Overdevelopment
- Impact on electrical supply
- Advertisement of application
- Increased surface runoff
- Noise
- Impact on health

3.3 One letter in support of the application has also been received.

## 4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP23 Areas of Special Character

MSGP24 Design Quality

MSGP33 Countryside and landscape protection

MSGP34 Development in settlements with the Green Belt

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP48 Waste Management Facilities - New Dev

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

5.1 The key considerations to be taken into account when considering this planning application are the principle of the development and potential impacts on visual amenity, residential amenity, highway safety, ecology and land conditions.

### **5.2 PRINCIPLE OF DEVELOPMENT- GREEN BELT**

In terms of the control of new development in the Green Belt, the relevant national policy is contained in paragraphs 147 to 151 of the National Planning Policy Framework (NPPF) and states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt (inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances).

- 5.3 Paragraphs 149 and 150 of the NPPF list a number of specific exceptions under which development within the Green Belt is considered to be appropriate. Amongst others, paragraph 149 (e) of the NPPF states that 'limited infilling in villages' can be considered as an exception.
- 5.4 The supporting text to Policy MSGP34, development in settlements within the Green Belt, states that the settlements identified in that policy (including Eighton Banks) are small settlements within the Green Belt where it is reasonable, and consistent with national policy, that infill development should be permitted within their tightly drawn envelope. The policy identifies settlement envelopes within the Green Belt where infill development will be permitted where it is in keeping with the scale and character of the settlement.
- 5.5 The site is within the settlement envelope for Eighton Banks which comprises of a variety of house types along the northern side of Rockcliffe Way which benefit from panoramic views across the open countryside. Given the site's position within the settlement envelope, it is considered to be located within the village of Eighton Banks.
- 5.6 "Infill/infilling" was defined in Gateshead Council's Unitary Development Plan as "small scale developments fitted into the existing pattern of development in the built-up area". Although this document has now been superseded, this definition, along with relevant case law, can be used to guide the LPA's view on what can constitute limited infilling.
- 5.7 Built development along Rockcliffe Way is restricted to the northern side of this road and the application site forms a gap between dwellings. The proposed dwelling would be of a similar size and scale to adjacent dwellings and would not encroach beyond the established building line of the street. By virtue of the sites position between existing dwellings, it is considered that the addition of a dwelling at this site would amount to limited infilling.
- 5.8 Planning history for this site demonstrates that outline planning permission has previously been granted for a dwelling (ref. 675/90). In this case the proposal was also considered to be infill development and acceptable in terms of its impact on the Green Belt.
- 5.9 Overall, the construction of one dwelling on at this site would constitute limited infilling within a village and would therefore not be inappropriate development within the Green Belt.
- 5.10 The proposed development is considered to be in accordance with Policies CS19 and MSGP34 of the Local Plan for Gateshead and acceptable subject to all other material planning matters being satisfied.
- 5.11 LANDSCAPE SENSITIVITY

The site is allocated as an area of Medium Landscape Sensitivity therefore development which would have a significant adverse impact on the landscape will generally be resisted.

- 5.12 Given the site context as described above, it is not considered that the proposal would have a significant adverse impact on the landscape particularly as it merges into the existing townscape and would not disrupt the skyline of the open countryside.
- 5.13 It is considered that the proposal would be in accordance with Policy MSGP33 of the Local Plan for Gateshead.
- 5.14 **HOUSING POLICY**  
Policy CS11 specifies that 60% of new private housing across the plan area should be suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms. Furthermore, Policy CS9 seeks to ensure that existing communities will be sustainable places of quality and choice. This should be achieved by, amongst other things, maintaining a range of housing types and sizes throughout the plan area.
- 5.15 The proposed development would provide a large family home with four bedrooms and outdoor space in an established residential area which accords with policy CS9 and CS11 of the Local Plan for Gateshead.
- 5.16 **RESIDENTIAL SPACE STANDARDS**  
Policy CS11(4) requires that new residential development provides adequate space inside and outside of the home to meet the needs of residents.
- 5.17 Policy MSGP12 requires new residential development to, at minimum, achieve the Nationally Described Space Standards (NDSS) in order to ensure adequate space is provided inside the home and therefore ensuring new homes are of a high standard and quality.
- 5.18 As indicated on the proposed floor plans, the dwelling would provide four bedrooms. The minimum gross internal floor area for a 4-bedroom, 2 storey dwelling with a minimum provision of 5 bed spaces is 97m<sup>2</sup> including 3m<sup>2</sup> of built-in storage. The floor plans demonstrate that an internal floor area of 223.4m<sup>2</sup> would be achieved including 3.46m<sup>2</sup> of built-in storage. The proposed dwelling would exceed the minimum space requirements for gross internal floor area and built-in storage.
- 5.19 The floor plans also demonstrate that all bedrooms would exceed the minimum width and floor area requirements necessary for accommodating a double bedroom.
- 5.20 It is considered that the proposal presents a spacious, family-sized home that would provide an adequate amount of internal living space for future occupiers which would contribute towards providing a good standard of amenity and is therefore in accordance with policies CS11 and MSGP12 of the Local Plan for Gateshead.

## 5.21 VISUAL AMENITY

The NPPF requires that, amongst other things, new development is sympathetic to local character and is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

- 5.22 The application site is located within the setting of Eighton Banks Area of Special Character therefore the design of the proposed development should maintain or enhance the unique character of the area. Gateshead Council's Placemaking Supplementary Planning Document identifies properties along Rockcliffe Way as varying in terms of age and style but states that the panoramic views across open countryside afforded to these houses contribute greatly to the character of the area.
- 5.23 Andors is part of a pair of semi-detached properties that date back to the post war period, featuring a hipped roof form and matching bay windows therefore taking on a uniform design. The adjacent dwelling, Holmside, is a detached dwelling featuring a prominent front facing gable elevation and varying roof forms.
- 5.24 The proposed dwelling incorporates complementary design features such as the front facing gables which would tie in with the architecture of Holmside. The proposed dwelling would have a similar massing to the adjacent dwellings and would not project beyond the established building line of this section of housing. In terms of scale, the ridge height of the dwelling would closely match that of Holmside and Andors, 40cm higher and 25cm lower respectively. The ground floor of the dwelling would be dug into the slope of the land however this would ensure that the dwelling appears proportionate in terms of height and scale when viewed within the context of the street scene.
- 5.25 The dwelling would be constructed from red facing brickwork to match that of the adjacent dwellings and includes a section of grey render beyond first floor level which is intended to minimise the massing of brickwork and blend in with the colour of the roof tiles. Overall, it is considered that the design of the dwelling is sympathetic to the appearance of the street scene and the dwelling would be afforded panoramic views across the open countryside thereby respecting the identified special character of the area.
- 5.26 To ensure the proposed materials would be in keeping with the character of the surrounding area, a condition has been attached relating to the proposed materials (condition 3).
- 5.27 The development would also incorporate a mix of hard and soft landscaping to provide a sufficient level of garden space as well as a permeable driveway surface.
- 5.28 In terms of landscaping, the development would feature areas of grassed garden space and some hardstanding to support the driveway and space for storing bins. The existing hedgerow along the common boundary with Holmside would be retained while a new hedge would be added along the front boundary. The addition of grassed garden space and the hedge would

contribute towards softening the appearance of the plot therefore a condition has been attached to ensure the soft landscaping scheme proposed on the site layout plan is implemented to protect the visual amenity of the site (condition 4).

- 5.29 The design of the development in terms of its layout, form and materials would ensure a good architectural design, therefore it is considered that the development would not have a harmful impact on the character and appearance of the wider street scene in accordance with policies CS15, MSGP23 and MSGP24 of the Local Plan for Gateshead.
- 5.30 **RESIDENTIAL AMENITY**  
Paragraph 130 of the NPPF requires that planning policies and decisions should ensure that development will achieve a high standard of amenity for existing and future users. This is reflected in local policy CS14 of the CSUCP which requires that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity.
- 5.31 Policy MSGP17 recognises amongst other things, that existing residential areas are vulnerable to amenity issues where building density is increased as a result of the sub-division of curtilages to create new building plots particularly as a result of a loss of privacy and reasonable levels of outlook.
- 5.32 The proposed dwelling would be situated within 5 metres of the side (southeast facing) elevation of Holmside which features a ground floor habitable room window serving a living room. There are also two windows located on the rear extension at Holmside (granted under reference 183/88) which serve a first-floor bedroom and ground floor kitchen. All of these windows are secondary windows with the rooms that they serve having an alternative source of light and outlook.
- 5.33 The proposed side elevation of the new dwelling facing onto Holmside features three small obscurely glazed windows which would serve non habitable rooms. Given this arrangement there would be no scope for overlooking of either property. A condition has been attached which requires these windows to be fitted with obscure glazing at all times (condition 5).
- 5.34 Objections have been raised with regard to the impact the proposed dwelling would have on the living room window located on the side elevation of Holmside, specifically concerning a loss of light, outlook and privacy. Taking into consideration the movement of the sun throughout the day in relation to the position of Holmside and the proposed dwelling, it is accepted that this window will receive less natural light up until approximately midday however given that this is a secondary window, with another window serving this room being located on the front elevation of Holmside, it is not anticipated that the proposed dwelling would result in a loss of natural light entering the living room of Holmside to an unacceptable degree.

- 5.35 Outlook has been assessed in a similar way to the provision of light. The two facing elevations would have a separation distance of approximately 5 metres and given that this is a secondary window it is not considered that the outlook from this habitable room would be affected to an unacceptable degree. There would be a loss of an open view of the existing garden however the planning system cannot protect an individual's right to a view.
- 5.36 In terms of privacy, objectors have raised concerns that future residents would be afforded direct views into the living room of Holmside (via the existing side window) while using the proposed step access to the rear garden. It is not considered that this arrangement would have any further impact on privacy given that the existing site serves a private garden associated with Andors where residents would be able to make use of this space and the occupiers of Holmside be exposed to a similar level of overlooking.
- 5.37 Overall, it is considered that the position, size, and scale of the proposed dwelling in relation to Holmside would not result in an unacceptable degree of harm to the amenity of residents occupying this property.
- 5.38 The proposed dwelling would be situated within 5 metres of the side (northwest) elevation of Andors which features a ground floor kitchen window and two first floor windows serving a landing and bathroom. The kitchen window is a secondary window with an alternative window being located at the rear of Andors and the first-floor windows both serve non habitable rooms. The side elevation of the proposed dwelling facing onto Andors would feature one obscurely glazed window.
- 5.39 Overall, it is not considered that the proposed dwelling would have an unacceptable impact on the provision of light or loss of outlook from habitable rooms belonging to Andors given the existing window arrangement.
- 5.40 Objections have also been raised regarding the potential for overlooking from the rear elevation of the dwelling into the private garden of Holmside. This garden also shares a common boundary with Andors and Ronedá, both of which feature habitable room windows on their rear elevations. The rear elevation of the proposed dwelling would be located 13.3 metres away from the boundary with Holmside which is similar to the distance afforded between Andors/ Ronedá and the same boundary. It is considered that 13.3 metres is an acceptable distance to ensure that any overlooking of this garden space is not to an unacceptable degree and would be similar to the existing site arrangement at neighbouring properties.
- 5.41 The site is located within a residential setting therefore there is likely to be an increase in noise disturbance to nearby residents during the construction phase. Should planning permission be granted it would be necessary to condition the hours of construction (condition 6).
- 5.42 It is considered that the proposed development would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook and privacy. Therefore, it is considered that the proposal is in



accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

5.43 TRANSPORT/ HIGHWAY SAFETY

With regard to the new vehicle access off Rockcliffe Way, Highways Officers have assessed this arrangement and are of the view that a satisfactory level of visibility would be provided to drivers and pedestrians and a new vehicle access at this location would not create a highway safety concern.

5.44 To ensure that pedestrian and driver visibility is provided, a condition has been attached which requires that no structure or erection over 1 metre in height is constructed within the visibility splays serving both vehicle accesses demonstrated on the submitted layout plan (condition 7).

5.45 In terms of parking, the MSGP sets out minimum car parking requirements for all use classes. In this case, a premises falling under use class C3 would require a minimum provision of one car parking space per dwelling. Furthermore, at least one cycle parking space must be provided.

5.46 The development would provide at least two onsite car parking spaces, one within the garage, as well as a secure internal cycle storage facility which satisfies the maximum parking provision for new residential development. In order to encourage the use of sustainable transport, a condition has been attached to ensure that the cycle storage is implemented on site (condition 8).

5.47 Objections have been raised with regard to increased parking on Rockcliffe Way. Given that the proposal would satisfy the maximum requirement for onsite parking it is not anticipated that the site would generate a demand for parking that would result in excessive or unsafe parking along Rockcliffe Way. It is noted that Rockcliffe Way is an unrestricted road therefore any concerns regarding indiscriminate parking are outside of the control of Development Management.

5.48 It is not considered that the proposed residential development would have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

5.49 ECOLOGY

The application has been assessed by the Council's Ecologist. Based upon the information submitted, there has been no requirement for an ecological survey to be undertaken at this site however it is recognised that the development has the potential to have a minor adverse impact on biodiversity particularly given its location within a designated Wildlife Corridor. To minimise this harm, relevant conditions regarding ecology have been attached (conditions 8-12).

5.50 Subject to compliance with conditions, the proposal is considered to be in accordance with policies CS18 and MSGP37 of the Local Plan for Gateshead.

#### 5.51 WASTE MANAGEMENT

It is considered that the plot is of ample size in which to store wheeled bins and the site has sufficient access to the existing road for emptying therefore the proposal is in accordance with policy MSGP48 of the Local Plan for Gateshead.

#### 5.52 LAND CONDITIONS- CONTAMINATED LAND

The applicant proposes a sensitive end use of the site therefore a Phase 1 Preliminary Contamination Risk Assessment (PRA) has been submitted and the application site has been assessed and inspected as part of the Council's Contaminated Land Strategy.

5.53 The site has been identified as being previously occupied by agricultural land and then garden space associated with Andors. Based upon its historic use the risk of significant contamination being present on this site is low.

5.54 The submitted PRA states that despite the low risk at this site, its end use will be sensitive therefore confirmatory ground contamination testing and appropriate risk assessments must be undertaken to determine whether the soil deposits present can remain on site without presenting a potential risk to future end-users. Officers concur with the conclusion of this report therefore a Phase II Intrusive Investigation and Risk Assessment will be required to establish whether any remediation measures will be necessary to ensure the safe use of the site.

5.55 Subject to compliance with conditions, the proposal is considered to be in accordance with policies CS14 and MSGP20 of the Local Plan for Gateshead.

#### 5.56 LAND STABILITY

The application site is not situated within an area defined by The Coal Authority as being a 'Development High Risk Area' therefore it is not anticipated that coal mining legacy issues would pose a risk to the proposed development. It is not considered necessary to condition that a Coal Mining Risk Assessment is carried out at this site and the proposal is in accordance with policies CS14 and MSGP20 of the Local Plan for Gateshead.

#### 5.57 OTHER MATTERS

Objections have been put forward which concerns matters that are not considered material planning issues. These are:

- loss of an open view
- health implications of development
- impact on electrical supply to nearby housing

Consequently, these matters have not been considered as part of this assessment.

#### 5.58 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017, Gateshead Council became a CIL charging Local Authority. This proposal has been assessed against the Council's CIL charging schedule and this development would be CIL chargeable. CIL is charged on all new developments which create more than 100m<sup>2</sup> of floor space and on developments which create 1 or more new dwellings, even where the floor space is less than 100m<sup>2</sup>.

- 5.59 The development is located within Residential Zone A and would therefore be subject to a charge of £60/sqm.

## **6.0 CONCLUSION**

- 6.1 Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport 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 -

NB22\_25/01 Site Location Plan

NB22\_25/02B Existing and Proposed Site Plan

NB22\_25/04B Proposed Elevations

NB22\_25/03D Proposed Floor Plans

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

Reason

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

2

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

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number 'NB22\_25/04B Proposed Elevations'.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and Policies CS15, MSGP23 and MSGP24 and the Local Plan for Gateshead.

4

The landscaping scheme demonstrated in plan no. 'NB22\_25/02B Existing and Proposed Site Plan ' shall be implemented in accordance with the approved details within the first available planting season (October to March) and 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 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 and Policies CS15, MSGP24 and MSGP36 the Local Plan for Gateshead.

5

The windows located on the north west elevation of the dwelling serving a bathroom and the south east elevation serving a gym/cinema room and bathrooms shall be obscurely glazed at a level three or greater (in accordance with the levels set by Pilkington). The glazing shall be installed prior to the dwelling being occupied and shall be permanently retained in that condition thereafter.

Reason

To protect the privacy of neighbours and future occupiers of the dwelling in the interests of residential amenity in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

6

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 and Policies CS14 and MSGP17 of the Local Plan for Gateshead.

7

No structure or erections exceeding 1 metre in height shall be placed within the visibility splay shown on plan number 'NB22\_25/02B Existing and Proposed Site Plan'.

Reason

In the interests of highways safety in accordance with Policies CS13 and MSGP15 of the Local Plan for Gateshead.

8

Prior to the first occupation of the dwelling, secure and weatherproof cycle storage, capable of storing at least one bicycle, shall be provided and thereafter permanently retained.

Reason

In order to ensure adequate provision for cyclists and in compliance with Policies CS13 and MSGP15 of the Local Plan for Gateshead.

9

Prior to the installation of any new external lighting associated with the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent harm to foraging and commuting bats, in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan for Gateshead.

10

The external lighting approved under Condition 9 shall be installed in full accordance with the approved details.

Reason

To prevent harm to foraging and commuting bats, in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan for Gateshead.

11

The development hereby approved shall not be constructed beyond damp proof course level until information detailing the provision of a minimum of 1no. bat box and 1no. bird box has been submitted to and approved in writing by the Local Planning Authority. Information should detail the type/specification, precise location, installation method and maintenance of the bat box.

Reason

To safeguard bat foraging and commuting habitat and bird nesting in accordance with the National Planning Policy Framework and policies CS18 and MSGP37 of the Local Plan for Gateshead.

12

The bat and bird boxes approved under Condition 11 shall be installed prior to the construction of the development beyond damp proof course level and retained as such thereafter.

Reason

To safeguard bat foraging and commuting habitat in accordance with the National Planning Policy Framework and policies CS18 and MSGP37 of the Local Plan for Gateshead.

13

Prior to the commencement of the development, a Phase 2 Intrusive Investigation and Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

The site investigation should collect and analyse soil samples throughout made ground and natural ground strata to maximum planned excavation depths and include an assessment to test for the presence and likelihood of ground gas emissions.

The site investigation will identify potential contamination and possible areas, which may require remedial works in order to make the site suitable for its proposed end use. 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.

Reason

To ensure that risks from land contamination to the future users of the site 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 and policies CS14 and MSGP20 of the Local Plan for Gateshead.

Reason for pre-commencement condition

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use.

14

Unless otherwise approved in writing by the Local Planning Authority and prior to the commencement of the development, 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 environment must be

prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**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 and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

**Reason for pre-commencement condition**

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use.

15

Unless otherwise approved in writing by the Local Planning Authority and prior to the commencement of the development, the contaminated land remediation measures shall be implemented in complete accordance with the details approved under Condition 14.

**Reason**

To ensure that risks from land contamination to the future users of the site 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 and policies CS14 and MSGP20 of the Local Plan for Gateshead.

**Reason for pre-commencement condition**

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use.

16

If land contamination remediation measures are deemed necessary, following the completion of the approved remediation measures and prior to the first use of the development, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority for written approval.

**Reason**

To ensure that risks from land contamination to the future users of the site 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 and policies CS14 and MSGP20 of the Local Plan for Gateshead.

17

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. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

#### 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 CS14 and MSGP20 of the Local Plan for Gateshead.





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