

**Committee Report**

<b>Application No:</b>	<b>DC/23/00138/FUL</b>
<b>Case Officer</b>	<b>Mark O'Sullivan</b>
<b>Date Application Valid</b>	<b>20 April 2023</b>
<b>Applicant</b>	<b>Mr Jacob Mains</b>
<b>Site:</b>	<b>1 Long Bank Birtley DH3 1PX</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Erection of detached house with integral garage and four bedrooms (amended 30/05/23).</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 relates to the side garden of no.1 Long Bank (a residential bungalow) located to the northeast of Newcastle Road (the A167) in Birtley. The site forms a triangular parcel of enclosed private garden some 411m<sup>2</sup> in area extending from the south of the dwelling, bordered by residential property to the east (North Dene) and south (Aged Miners Homes on Newcastle Bank). An unclassified lane bypasses the front (south) of the site, separating it from the rear of the Aged Miners bungalows.

**1.2 DESCRIPTION OF APPLICATION**

The application proposes the construction of 1no. detached 4-bed dwellinghouse with integral garage. The proposed dwelling would be of 2 storey scale with a principal elevation facing southwest towards the adjacent lane. It would be constructed at a lower ground level to its immediate neighbour ensuring the resulting ridge height is more or less equal to that of no.1 adjacent. Site access would be achieved from the adjacent lane via a new opening in the existing boundary wall/hedgerow which currently encloses the private garden of no.1.

1.3 No.1 Long Bank to the north would be entirely segregated from the site, with existing private amenity space secured to its north, east and west and separate access taken directly from Long Bank to its west. Meanwhile, the proposed dwelling would benefit from its own private amenity space extending to its south.

1.4 The new dwelling would occupy a maximum footprint of 10.6m x 10.2m, with eaves height of 5.1m and 8.7m to ridge. On its northern side where adjacent to no.1 Long Bank, a 3m wide integral garage with a dormer bedroom above would be constructed with a reduced eaves height of 2.7m and ridge of 6.5m.

1.5 The proposed dwelling would be of brick and tile construction, with UPVC windows (all details to be agreed).

1.6 **RELEVANT PLANNING HISTORY**  
There is no planning history relevant to the application site.

## **2.0 Consultation Responses:**

The Coal Authority                      Raise no objections subject to the imposition of conditions.

## **3.0 Representations:**

3.1 A site notice to publicise works was posted adjacent to the site and all immediately adjoining properties notified in writing. Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 An objection was received from Cllr Gallagher requesting the application be determined by the Planning Committee and raising concerns in relation to the following:

- Detrimental impact on the character of the area resulting from building a 2-storey dwelling house amongst bungalows.
- Loss of garden space resulting from division of the existing garden, resulting in the loss of valued and important green space.
- Loss of trees and hedgerow.
- Detrimental effect on the living conditions of neighbouring residents resulting from the overbearing nature of the development, overshadowing and loss of privacy.
- Detrimental impact of the proposed vehicle access onto a narrow road, creating access issues for residents living opposite.
- Safety concerns for residents living in the bungalows directly opposite in terms of the volume and speed of traffic using this narrow road.

3.3 8no. letters of objection have been received including a signed petition containing 10no. names of persons who reside within the Joseph Hopper Aged Miners Homes to the south of the site. A summary of the key areas of concern raised are as follows:

- Proposals would be contrary to the Council's 2030 vision statement which seeks to encourage a greener Gateshead.
- Inappropriate access to the site - Vehicles attempting to access the plot will struggle to turn into the site from the adjacent narrow road, which is

used as a rat run, and in an area where roads are already clogged with parked vehicles;

- Insufficient car parking serving the new dwelling;
- Loss of light/overshadowing to neighbouring property;
- Loss of privacy to neighbouring property;
- Detrimental impact on character of street scene resulting from constructing a 2 storey development within an area of bungalows;
- Overbearing impact of the development;
- Overdevelopment of a constrained, irregular site;
- Noise impacts on neighbouring residents;
- Adverse impact on residents living in the adjacent Aged Miners homes to the south;
- Lack of representation from empty properties in the area;
- Creation of precedent for similar garden development elsewhere;

3.4 No comments have been received from Lamesley Parish Council.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS10 Delivering New Homes

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

MSGP8 Digital Infrastructure

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

GPGSPD Gateshead Placemaking Guide SPG

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

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the development, design, residential amenity, highway safety and parking, heritage impacts, ecology, landscape impacts, ground conditions and flood risk/drainage.
- 5.2 **ENVIRONMENTAL IMPACT ASSESSMENT**  
The development does not fall within the criteria listed in schedule 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as such an Environmental Impact Assessment is not required in relation to this application.
- 5.3 **HOUSING POLICY**  
Proposals concern the erection of 1no. detached dwelling on garden land within an established residential setting. The site is located within the Birtley settlement on unallocated land. Policies CS1 and CS10 of the Core Strategy Urban Core Plan (CSUCP) seek to create and sustain communities through the development of 30,000 new homes in the plan period to 2030. This is planned to be achieved through a focus of development in existing built-up areas and sustaining villages through provision of housing. The provision of new homes within an established settlement on unallocated land would provide a small contribution to meeting these housing needs within the current plan period where the latest results of the Housing Delivery Test (HDT) show that 87% of homes required are being delivered in the Borough.

- 5.4 Policy CS11 indicates that 60% of new private housing across the plan area and within the plan period will be required to be of 3 or more bedrooms, contributing towards a range and choice of housing. Proposals would satisfy these policy requirements with a 4-bed dwelling proposed.
- 5.5 Policy CS11 also seeks to encourage the provision of Lifetime Homes and Wheelchair-Accessible Homes. Whilst there is no explicit requirement for such provision in the case of 1no. additional dwelling, officers welcome the applicant's confirmation that the dwelling would be accessible to wheelchairs.
- 5.6 Policy CS11(4) requires adequate space inside and outside the home to meet the needs of residents. Policy MSGP12 sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). The proposed dwelling would be NDSS compliant and provide for a reasonable level of private amenity space within its wider curtilage without significantly impacting the existing curtilage of the adjacent bungalow to the north.
- 5.7 The application is for fewer than 10no. dwellings, and as such, the requirements of policy MSGP40 (Providing and enhancing open space, sports and recreation facilities) do not apply in this case. Furthermore, with proposals for fewer than 15no. dwellings, there is no policy requirement to provide affordable homes under policy CS11. There would therefore be no objections in-principle to the proposals subject to the relevant material planning considerations.
- 5.8 DESIGN  
The proposed dwelling would be of 2 storey scale containing 4no. bedrooms. As explained, the dwelling would be constructed at a lower ground level ensuring it is of equal ridge height to no.1 Long Bank to its north. Furthermore, the northern section of the dwelling where closest to no.1 Long Bank would be of single storey height with living space within the roof. The proposed dwelling would be constructed from facing brickwork walls, tiled pitched roofs and external UPVC fenestration. Final details of all materials and finishes are to be controlled by condition (Condition 3).
- 5.9 The proposed 2 storey dwelling would sit amongst a mix of house types in the surrounding street scene, albeit largely screened from view from the A167 carriageway to the southwest by the intervening terrace of bungalows (the Aged Miners Homes) along its frontage. Although concerns have been raised that the proposed 2 storey scale would not fit so well with neighbouring bungalow development to the south and north west, the site does sit adjacent to two storey development to the east on North Dene, as well as there being two storey dwellings on Long Bank itself, and the site may be viewed within this context. The lower finished floor level, when compared to no.1, and reduced garage height with dormer above would also further reduce the overall massing of the development, providing a stepped appearance from adjacent single storey development to two storey development to the east.

- 5.10 In terms of development density, the proposed development is reflective in scale and form of the surrounding street scene comprising a mix of detached, semi-detached and terraced dwellings. The proposed dwelling would sit comfortably within its plot offering sufficient private amenity space to its south, whilst maintaining an acceptable separation from no.1 Long Bank to the north.
- 5.11 Boundary treatment would comprise 1.2m high hedge and post/rail fencing along the site frontage, with close boarded 1.8m fencing along the eastern boundary. Boundary treatment to the north would comprise a brick retaining wall addressing the change in ground levels, with a 1.2m high fence above. All enclosures would be seen to sympathise with the residential character of the area.
- 5.12 The design and quality of the proposed scheme is acceptable urban design within an area characterised by a mix of development types/form. Officers consider the application site is capable of accommodating a development of the scale and density proposed. Subject to control over materials and finishes (Conditions 3 and 4). The proposal would comply with the aims and requirements of the NPPF and policies CS15 and MSGP24 of the Gateshead Local Plan.
- 5.13 **RESIDENTIAL AMENITY**  
The proposed dwelling would occupy existing garden land to the south of no.1 Long Bank. Topographical information confirms the proposed dwelling to be constructed at a lower finished floor level to no.1, thereby reducing its overall scale and massing when viewed in context from the adjacent street scene.
- 5.14 The proposed dwelling would provide for sufficient internal living space in accordance with NDSS requirements. Given the availability of garden land presently serving no.1, the proposed subdivision of its wider curtilage would retain sufficient private amenity space serving no.1, albeit to the north, east and west, with the proposed dwelling to also benefit from ample private amenity space to its south.
- 5.15 Submitted plans confirm a separation of between 4m and 6m would be provided between 2no. existing, secondary ground floor windows in the south facing elevation of no.1 and the blank northern elevation of the proposed dwelling which would be positioned at a lower ground level. This would ensure that the side facing windows of no.1 overlook the blank first floor elevation of the proposed dwelling. Furthermore, with the existing dwelling of single storey height, the proposed dwelling would be designed to ensure that its northern elevation would comprise a single storey garage with dormer within the roof space, comparable in height to that of its immediate neighbour to the north. The main two storey element of the proposed dwelling would be positioned a further 3m away from this northern elevation ensuring acceptable septation is achieved.
- 5.16 To the northeast (rear), proposed ground floor windows serving a kitchen and first floor en-suite would face towards no's 7 and 9 North Dene (approximately 16m away at a higher ground level). Intervening private garden land bordered

by domestic enclosures (1.8m high close boarded fence above a retaining brick wall) would separate these plots and serve as an acceptable screen at the ground level. Furthermore, given the positioning of the new dwelling within its plot, these rear facing windows would face directly towards the gap in-between numbers 7 and 9 North Dene.

- 5.17 The proposed side (southeastern) elevation of the dwelling would face out towards the private garden space, again suitably enclosed by proposed boundary treatment, with no directly overlooking properties in this direction.
- 5.18 To the front (southwest), the proposed lounge and first floor bedrooms (3no.) would face towards the rear of Aged Miners bungalows fronting Newcastle Bank. Given the oblique siting of the proposed dwelling, sited behind the boundary hedgerow/post and rail fencing forming the southwestern site boundary, and intervening road, these windows would not directly overlook the single rear facing window of the opposing miner's bungalows in close proximity. Officers note that the rear elevation of the opposing aged miner's bungalow is predominantly blank, albeit for 1no. small, obscurely glazed window which serves a WC/bathroom space.
- 5.19 In response to concerns raised over loss of light and overshadowing of neighbouring property; on North Dene, the applicant has submitted a 'new development overshadowing analysis', prepared by T20 Engineers. This assessment utilised both architectural and topographical surveys of the site, concluding that there would be minimal impact in relation to overshadowing of existing buildings surrounding the site, from the proposed development.
- 5.20 It is considered that the proposed dwelling would achieve appropriate separation from neighbouring properties which would not result in a significant loss of light, loss of privacy, loss of outlook, overshadowing or overbearing impact. To ensure extra control in this regard, it is recommended that conditions be imposed requiring final details of boundary treatments be submitted for consideration, and implementation of the approved scheme (Conditions 5 and 6). Furthermore, that domestic Permitted Development Rights are removed so as to control any future development at the site within close proximity to neighbours (Condition 7).
- 5.21 In terms of noise and impacts of the construction phase on neighbours, it is recommended that conditions be imposed restricting hours of construction, and also a Construction Management Plan (CMP) be submitted for consideration, and implementation of the approved scheme (Conditions 8 - 10). It is also recommended that a condition be imposed requiring all windows serving bathrooms, WCs and en-suites to be obscurely glazed in the interests of privacy (Condition 11).
- 5.22 Subject to the above conditions, the proposal would comply with the aims and requirements of Paragraph 130 of the NPPF and policies CS14, MSGP17 and MSGP18 of the Gateshead Local Plan.

#### 5.23 HIGHWAY SAFETY AND PARKING

Paragraph 109 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.24 A number of objections have been received in relation to the suitability of the adjacent lane in serving an additional dwelling, existing highway safety/traffic concerns over the use of this lane and resulting vehicle parking and pedestrian safety concerns.
- 5.25 As explained, the proposed development would be accessed via a new vehicular and pedestrian access crossing onto the adjacent lane located to the rear of the Aged Miners Homes, through an approximate 6m section of the existing boundary hedgerow which presently encloses no.1 Long Bank. This would be a separate access to that serving no.1 which would continue to be accessed via Long Bank to the west.
- 5.26 The proposed driveway which would serve the development would link directly onto a road which has a 20mph speed limit, and where a 2.4m x 25m visibility splay is therefore required. The height of the surrounding hedges may limit the required visibility and would therefore need to be reduced in height where encroaching within the required splay. Such detail can be controlled under Condition 24. Submitted plans indicate a 2.4m x 25m visibility splay can be achieved on this lane, with sufficient space on the proposed driveway for parked vehicles without overhanging the carriageway, (including additional off-street garage space - as indicated on plans). Plans do not detail an access gate across the drive, which, if installed, would not allow for access without encroaching over the carriageway or restricting internal driveway movements.
- 5.27 Although the driveway is not perpendicular to the access, there would be no significant highways concerns which could justify a refusal in this instance with vehicle tracking details provided to demonstrate that a safe access/egress arrangement is achievable, and a satisfactory drive length is shown.
- 5.28 Submitted plans also detail on-site EV charging provision (details of which can be controlled by condition), and secure weatherproof cycle storage (to the rear of the site). Details of the cycle storage have been submitted with no objections raised.
- 5.29 Finally, details of refuse collection have been provided. It is confirmed that refuse lorries already access the rear of the miners' cottages opposite the site entrance, with the proposed dwelling to act as an additional stop on the existing route. Submitted plans detail ample storage space within the plot for bins with easy access to wheel them out for collection.



- 5.30 Pedestrian access to the site along the 1m footpath is substandard, however it is accepted that this an existing route for pedestrian access to adjacent properties. Submitted plans include a crossing point for pedestrians leaving the proposed property linking the pedestrian access gate, across a short, paved section adjacent to the driveway, and across the lane to the existing footpath directly opposite. This footpath is located within the acceptable visibility splay ensuring pedestrians maintain sufficient visibility when crossing the road.
- 5.31 With regards the parking of vehicles on the adjacent lane, close to the proposed site access, the applicant is advised that the Highways Authority will not be placing restrictions on parking along the adjacent road in future as a result of potential difficulties manoeuvring out of the proposal site. The applicant is aware that they are using this access at the risk of on-street parking limiting their accessibility to and from the site.
- 5.32 Subject to the above, it is considered that the proposals would not have a direct adverse impact on the adopted highway, nor would it adversely impact upon highway safety. Sufficient off-street parking can be achieved and safe access/egress from the site attainable without impacting pedestrian or highway safety. Proposals would satisfy the provisions of the NPPF and policies CS13 and MSGP15 of the Gateshead Local Plan.
- 5.33 HERITAGE IMPACTS  
The application site is not located within a Conservation Area or within close proximity to a Listed Building. Archaeology officers have assessed the application site against the Historic Environment Record and historic maps. The site was agricultural land until the 20th century when it was developed for housing. Although the Bowes Railway (Scheduled Monument 1003723) runs approximately 150m north of the site, officers consider that proposals would have no adverse impact on heritage assets, and no archaeological work is required.
- 5.34 ECOLOGY  
The application site is not located within or immediately adjacent to a designated nature conservation site or Wildlife Corridor, and no direct or indirect significant adverse impacts on such features is anticipated. The site comprises a private residential garden and habitats within the site include modified grassland, garden planting, shrubs and trees unlikely to support protected/priority species. Notwithstanding this, habitats within the site are likely to provide nesting opportunities for common and widespread nesting birds where construction activities may have the potential to impact upon nesting birds, should works be undertaken in the breeding bird season (March to August inclusive). It is therefore recommended a condition be added to any permission ensuring details of integrated bird nesting features (Conditions 14 and 15). Subject to the above, and an informative regarding nesting birds, it is considered that the proposed development can be achieved within acceptable ecological limits and in accordance with national and policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

### 5.35 LANDSCAPE IMPACTS

The site is located within a residential setting and is framed by an established hedgerow of approximately 50m length along its southwestern boundary with the adjacent lane. There are no TPO's on the site and plans confirm that there would be no trees affected by the proposals. The proposed site access to the northern extent of the plot would involve the removal of a length of this hedgerow (approximately 6m) to achieve the proposed site access, including a further area to be reduced in height to no higher than 600mm necessary to achieve the necessary highway visibility. Although the loss of a small section of the hedge is regrettable, this is not a protected hedge, with the length of hedgerow to be removed relatively minor in the context of its full length to be retained. No landscape objections are raised in this regard.

5.36 Within the site, undeveloped land would be utilised as private enclosed garden land. To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity, and in accordance with Policies CS18 and MSGP36 of the Gateshead Local Plan, landscape details are to be controlled by condition. These details shall include confirmation of all hard and soft landscaping and details of the extent of hedgerow removal and any mitigatory planting within the site (Conditions 12 and 13). Subject to the above, no objections are raised with proposals to satisfy the provisions of Policies CS15, MSGP24 and MSGP36.

### 5.37 GROUND CONDITIONS

The application site falls within the defined Development High Risk Area. Coal Authority records indicate that the site is likely to have been subject to unrecorded historic coal mining at shallow depth associated with a thick coal seam which outcropped across the site, which may have been worked in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

5.38 The planning application is supported by a Phase 1 Desk Study (March 2023), prepared by Solmek Ltd, which concludes that there is a potential risk to the development from past coal mining activity. The report recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. The findings of the intrusive site investigations should also inform any remedial measures which may be required. In the event of approval, the Coal Authority recommend the imposition of conditions to this effect.

5.39 The site has also 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. Asbestos may also be present on the site from previous/existing building materials used on-site. Officers concur with the findings of the aforementioned Phase 1 desk study report which recommends further ground investigation measures to be undertaken and implemented by the applicant. Given the site history and potential land contamination risk, any future development will require an intrusive site investigation to be undertaken with a Phase II Detailed Risk Assessment, and if proven to be required a Remediation Strategy and Remediation Verification Reports. In addition, a

Gas Monitoring Risk Assessment will need to be undertaken by the developer of the area to assess the risk from potential land gas risk on the site if redevelopment is planned.

- 5.40 Subject to the imposition of conditions (16-22), the proposal would comply with the aims and requirements of policies CS14 and MSGP20 of the Gateshead Local Plan.

5.41 FLOOD RISK AND DRAINAGE

The site is located within a Flood Zone 1 risk area, at low risk of flooding, with no concerns raised. The proposal would comply with the aims and requirements of the NPPF and policies CS17, MSGP29 and MSGP30 of the Gateshead Local Plan.

5.42 DIGITAL INFRASTRUCTURE

MSGP8 states that 'The necessary physical infrastructure to enable access to information and digital communication networks will be integrated into all appropriate new developments.' The supporting text clarifies that all proposals for new dwellings and new business premises will be required to demonstrate that engagement has taken place with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development. The application site is located within an established residential setting. In the absence of this information as part of the application, it is recommended that a relevant condition be imposed to satisfy this policy requirement (Condition 23).

5.43 OTHER MATTERS

- 5.44 Proposals would be contrary to the Council's 2030 vision statement which seeks to encourage a greener Gateshead.

The proposed development has been considered against all relevant material planning considerations and planning policy tests. It is considered that the proposed development is acceptable in principle and subject to relevant conditions, in terms of visual and residential amenity, highway safety and parking, ground conditions and ecology, would comply with the aims and objectives of the NPPF, and the Gateshead Local Plan.

- 5.45 Loss of garden space - dividing up an existing garden resulting in loss of valued and important green space.

Proposals would involve the subdivision of private residential curtilage. The land in question does not form valued open or public amenity space, nor would there result policy conflict with this approach. There would be no objection to the principle of infill residential development within an established residential setting (outside of a Conservation Area), and it has been demonstrated that the site can support such development without resulting in overdevelopment or an incongruous development form.

5.46 COMMUNITY INFRASTRUCTURE LEVY (CIL)

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This proposal has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The site is in residential CIL Zone C, which has a charge of £0 per sqm.

## 6.0 CONCLUSION

6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan comprising the Core Strategy and Urban Core Plan and Making Spaces for Growing Places. Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and subject to relevant conditions, in terms of design and residential amenity, highway safety and parking, heritage impacts, ecology, landscape impacts, ground conditions and flood risk/drainage, would comply with the aims and objectives of the NPPF, and relevant planning policies. It is recommended that planning permission be granted, subject to the following conditions.

## 7.0 Recommendation:

GRANT permission 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

Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below:

357 LP	Location Plan
357 SV	Street View
357 HD	Highways details
357 PSPc	Proposed Site Plan
357 05	Proposed Plans
357 06	Proposed Elevations
DTP/3707923/ATR001	Proposed site layout swept path analysis
large car	
Cycle Store Plans	Received 14 August 2023

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

Prior to the commencement of the development hereby approved details of all materials and external finishes shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the street scene, in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Gateshead Local Plan.

4

The materials and external finishes approved under condition 3 shall be implemented in full accordance with the approved details

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 street scene, in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Gateshead Local Plan.

5

The dwelling hereby approved shall not be occupied until final details of the appearance and siting of boundary treatments have been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing street scene in accordance with the NPPF and policies CS15 and MSGP24 of the Gateshead Local Plan.

6

The boundary treatment details approved under condition 5 shall be implemented in accordance with the approved details before the

dwelling hereby approved is occupied and retained as such for the lifetime of the development.

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 street scene in accordance with the NPPF and policies CS15 and MSGP24 of the Gateshead Local Plan.

7

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting, substituting, amending, extending, consolidating replacing or modifying that Order), no enlargements, additions, incidental buildings, within Part 1, Classes A, B and E of Schedule 1 shall be erected/installed on the land, except in the event that a further planning permission is expressly granted for that development.

Reason

To ensure the scheme would not have an unacceptable impact on the highway safety and visual and residential amenity, in accordance with the NPPF and policies CS14, CS15, MSGP15, MSGP17 and MSGP24 of the Local Plan.

8

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 1800 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, MSGP17 and MSGP18 of the Gateshead Local Plan.

9

No development hereby approved shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:

- (a) Hours of site operation
- (b) The parking of vehicles of site operatives and visitors
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel washing facilities

(e) Measures to control the emission of dust and dirt during construction

(f) Measures to control noise and vibration during construction

(g) A waste management plan for recycling/disposing of waste resulting from construction works.

Reason

In order to avoid nuisance to adjacent uses during the construction phase of the development, and to ensure safe works near to a busy highway network in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP18 of the Gateshead Local Plan.

Pre-commencement reason

To ensure that construction details can be approved prior to on-site works thereby avoiding any abortive work and preventing harm to nearby sensitive receptors due to uncontrolled construction and harm to highway safety which could otherwise occur.

10

The details approved under condition 9 shall be implemented in accordance with the approved timescales and details.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Gateshead Local Plan.

11

All windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass at a level three or greater (in accordance with the levels set by Pilkington). The obscure glazing shall be installed prior to occupation of the respective dwellings hereby approved and retained 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 street scene, and to ensure the proposal would provide an appropriate level of privacy for future occupiers, in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Gateshead Local Plan.

12

The dwelling hereby approved shall not be occupied until a fully detailed scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details of hard landscaping, all existing trees and hedges to be retained and planting plans.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with Policies CS18 and MSGP36 of the Gateshead Local Plan.

13

The details approved under condition 12 shall be implemented in accordance with the approved timescales and details.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with Policies CS18 and MSGP36 of the Gateshead Local Plan.

14

Notwithstanding the submitted information, no development above first floor level shall take place until full details including the specification and precise location (as identified on a plan and elevation drawing of the property) of the integrated bird nesting features (minimum 1no.) have been submitted to and approved in writing by the Local Planning Authority.

Reason

To provide appropriate compensation/enhancement measures for nesting birds in accordance with the NPPF and policies CS18 and MSGP37 of the Gateshead Local Plan.

15

The bird nesting features approved under condition 14 shall be provided in full and retained for the life of the development strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To provide appropriate compensation/enhancement measures for nesting birds in accordance with the NPPF and policies CS18 and MSGP37 of the Gateshead Local Plan.

16

No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have



been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

**Reason**

To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

**Reason for prior to commencement condition**

The undertaking of remedial measures, prior to the commencement of development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

17

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**Reason**

To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

18

No development shall commence until a Phase II Detailed Risk Assessment (to assess potential contamination at the site) has been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

**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 CS14 and MSGP20 of the Gateshead Local Plan.

**Reason for prior to commencement condition**

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that

an appropriate remediation scheme suitable for the sensitive end use is identified and approved prior to commencement of the development, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, from the beginning of the works.

19

Where required, the remediation and monitoring measures approved under Condition 18 shall be implemented in accordance with the details and timescales approved and in full accordance with the approved details.

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 CS14 and MSGP20 of the Gateshead Local Plan.

20

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 a Risk Assessment and, if required, 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 CS14 and MSGP20 of the Gateshead Local Plan.

21

The 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.

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 CS14 and MSGP20 of the Gateshead Local Plan.

22

Where remediation is required (under conditions 18-21) following completion of the approved remediation and monitoring measures, use of the development hereby approved shall not commence 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. Where this is carried out in phases, use of the buildings, structures or plant within the relevant phase shall not commence until a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the Local Planning Authority. The Verification report(s) shall also include cross sectional diagrams of the foundations and details of the approved gas protection measures, details of integrity testing of gas membranes and any test certificates produced.

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 CS14 and MSGP20 of the Gateshead Local Plan.

23

The dwelling hereby approved shall not be occupied until a statement explaining the outcome of engagement with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development has been submitted to and approved in writing by the Local Planning Authority.

Reason

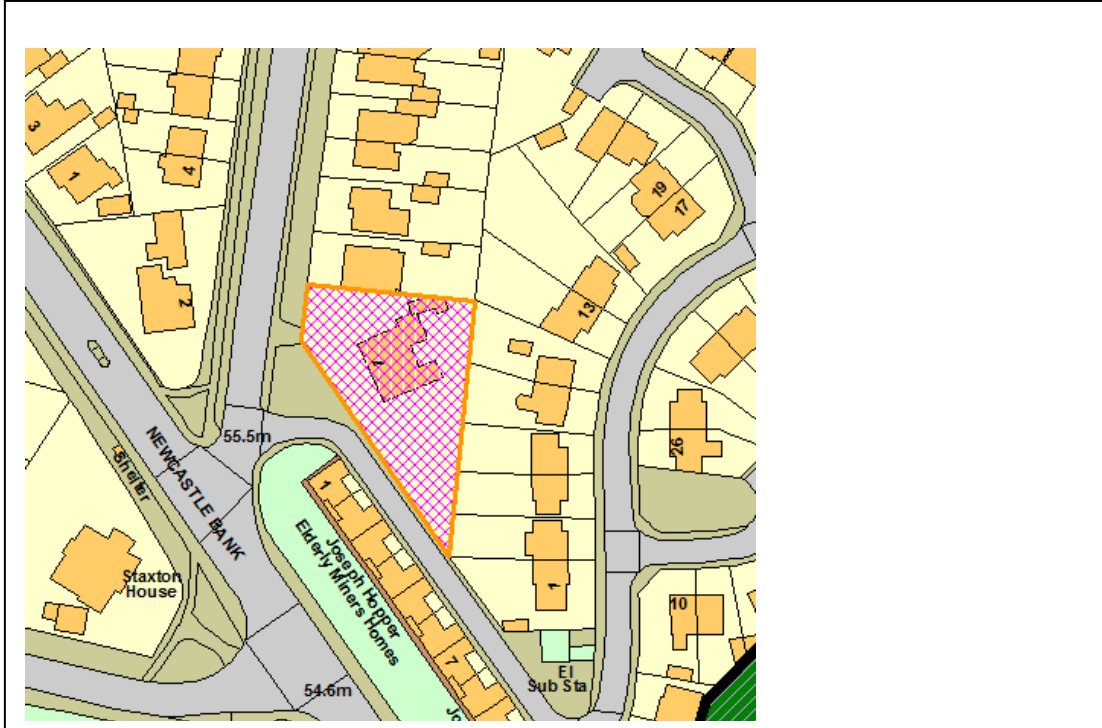
To ensure necessary physical infrastructure to enable access to information and digital communication networks at the new development, in accordance with the NPPF and policy MSGP8 of the Gateshead Local Plan.

24

Prior to first use of the approved vehicular site access, a 2.4m x 25m visibility splay shall be achieved in both directions as detailed on approved plan ref: 357 PSPc. If the adjacent hedgerow falling within the applicant's ownership obstructs this visibility splay, any planting which encroaches the splay shall be reduced in height to a maximum 600mm above ground level. The approved site visibility splay shall be maintained throughout the lifetime of the development.

Reason

To ensure the scheme would not have an unacceptable impact on highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Gateshead Local Plan.



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